

DEVELOPMENT MANAGEMENT COMMITTEE – 19 JUNE 2019

Application Number	3/18/2457/FUL
Proposal	Erection of 65 residential dwellings and associated works including internal road network and associated highway works, landscaping utilities and drainage infrastructure, car and cycle parking and waste storage
Location	Land to the East of Aspenden Road, Buntingford
Parish	Buntingford Town Centre
Ward	Buntingford

Date of Registration of Application	7 November 2018
Target Determination Date	6 February 2019
Reason for Committee Report	Major Application
Case Officer	Jill Shingler

RECOMMENDATION

That planning permission be **GRANTED**, subject to the satisfactory completion a legal agreement and the conditions set out at the end of this report.

That delegated Authority be granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions.

1.0 Summary of Proposal and Main Issues

- 1.1 Outline planning permission already exists on this site for the erection of up to 56 dwellings. This consent was given on appeal in May 2016 as the Secretary of State agreed with the appellants that the proposal would not give rise to significant changes in the character of the road and the amount or type of traffic using Aspenden Road, that subject to condition would provide satisfactory living conditions for future occupiers and that the Council cannot demonstrate a five-years supply of deliverable housing land;

appearance, landscaping, layout and scale were reserved matters, only access was agreed.

- 1.2 The consent was given prior to the adoption of the new District Plan 2018 at a time when the lack of a demonstrable 5 years housing land supply, weighed significantly in favour of the development.
- 1.3 However the site forms part of the development strategy in the East Herts District Plan 2018 as detailed in Policies DPS1 and DPS2 and Buntingford Policy BUNT1. Policy BUNT 1 states that Buntingford will accommodate a minimum of 1,074 homes which includes “around 56 homes” on this site. The site lies within the Village Boundary as defined by the 2018 Plan.
- 1.4 The application is a full application for the development of 64 dwellings plus associated access, landscaping, parking and private amenity space, open space and footpaths. The proposals include works to Aspenden Road to improve pedestrian safety.
- 1.5 The application followed pre-application discussions with Officers including the Policy and Implementation team, through which it was agreed that the proposed increase of 9 dwellings over the previously approved 56 dwellings would not be excessive in principle and accords with the policy that seeks “around” 56 dwellings to be developed at the site and a minimum of 1,074 homes in Buntingford within the Plan period.
- 1.6 The main considerations in the determination of the application are:
 - Layout and design;
 - Housing and affordable housing provision;
 - Highway impact, mitigation and parking provision;
 - Ensuring healthy and safe communities;
 - Flood risk and sustainable drainage;
 - Land contamination and pollution;
 - Impact on the natural environment
 - Heritage impact;
 - Education, and

- Infrastructure delivery.

1.7 Members will need to consider the overall planning balance and whether the proposal will result in a sustainable form of development having regard to the above material considerations.

2.0 Site Description

2.1 The site comprises open land located at the southern edge of Buntingford, bounded to the south by the A10 and to the west by Aspenden Road. There is residential development to the east and a small area of scrubland to the north.

2.2 Opposite the site on the other side of Aspenden Road is an industrial area.

2.3 The River Rib runs through the south western corner of the site and there is a row of mature trees running inside the eastern boundary along the route of the disused railway line. There is a substantial bund and trees to the south of the site between the site and the A10. There is existing footpath access into the site from the south under the A10.

3.0 Planning History

3.1 3/13/1399/OP Outline application for Residential development (up to 56 dwellings) and open space, including vehicular/cycle/pedestrian access to Aspenden Road, alterations to levels, footpath / cycleway, landscaping and related works. Refused by EHDC in March 2014 but allowed by the Secretary of State on appeal (Ref.: APP/J1915/A/14/2224660) in May 2016.

4.0 Main Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the East Herts District Plan 2018 (DP). And the Buntingford Community Area Neighbourhood Plan 2014-2031(BCANP).

Main Issue	NPPF	DP Policies	BCANP
Principle	Section 5	INT1 DPS1 DPS2 DPS3	HD1
Design and layout	Section 12	DES1 DES3 DES4	HD2, HD4
Housing and affordable housing	Section 5	HOU1 HOU2 HOU7	HD7
Highways and parking	Section 9	TRA1 TRA2 TRA3	T1, T2, T3, T4, T6
Healthy and safe communities	Section 8	DES5 CFLR1 CFLR7 CFLR9 CFLR10	
Flood risk management, including climate change, water efficiency and quality	Section 14	WAT1 WAT2 WAT3 WAT4 WAT5 WAT6 CC1 CC2	ES2
Contamination and pollution		EQ1 EQ2 EQ3 EQ4	
Natural environment	Section 15	DES2 NE1 NE2 NE3 NE4	ES5, ES7

Heritage	Section 16	HA1 HA3	
Education		CFLR10	
Infrastructure delivery and planning obligations	Section 2 Section 4	DEL1 DEL2	INFRA2, INFRA4
Overall sustainability	Section 2	Chapter 1 INT1	

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority raises no objection to the proposal following revisions to improve pedestrian safety along Aspenden Road and subject to recommended conditions, a Section 278 agreement and a Section 106 agreement.
- 5.2 Lead Local Flood Authority does not wish to restrict the grant of permission, subject to recommended conditions.
- 5.3 Environment Agency comments that following additional information they have no objection to the proposals subject to recommended conditions relating to flood mitigation and ecology.
- 5.4 EHDC Engineering Advisor advises that adequate SuDS can be provided on site and raises no concerns.
- 5.5 Thames Water advises that a recommended condition should be attached to address potential issues of odour from the adjacent Sewage Asset.
- 5.6 EHDC Housing Development Advisor notes the provision of affordable housing and whilst querying the split between affordable rent and shared ownership properties, raises no objection to the proposals.

- 5.7 EHDC Conservation and Urban Design Advisor comments that amendments have addressed earlier issues and recommends grant subject to recommended conditions.
- 5.8 EHDC Landscape Advisor does not wish to restrict the grant of permission subject to recommended landscape conditions.
- 5.9 Herts and Essex Wildlife Trust Raises no objection to the proposals following the amendments to include an area of habitat improvement and subject to recommended conditions.
- 5.10 HCC Environment and Infrastructure request financial planning obligations towards nursery education, child care, primary education, secondary education, youth provision, library provision and the provision of fire hydrants as detailed in the report.
- 5.11 EHDC Environmental Health Advisor advises that following the submission of additional information there is no objection to the grant of permission, subject to recommended conditions.
- 5.12 Herts Police Crime Prevention Advisor Congratulates developers on incorporating a large selection of the current design guidance but disappointed that they have not demonstrated their intent to seek the Police recommended Secured by Design.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations

- 6.1 Buntingford Town Council comments following receipt of amended plans are summarised as:
- 6.2 The increase in number of units at 16.07% is significant and beyond that agreed for the site in the District Plan. Concern over parking provision being below that in the Neighbourhood plan. The transport assessment has significant shortcomings. Concern over

pedestrian safety not overcome by the crossing points proposed. Since last approval there have been changes which have resulted in traffic increases and in addition the District now has 5 years housing land supply. As such applications for 56 or 65 dwellings here should be refused.

6.3 Comments from Aspenden Parish Council, with regard to the initial plans (prior to amendment) are summarised as:

6.4 Objection. Serious concerns over highway safety as Aspenden Road and pavement are too narrow. The narrow stopping zone adjacent to the bridge often floods making it impassable. Increased traffic, access and egress from the village will be impeded. The increase in density from 55 to 65 dwellings is not justified and conflicts with the District Plan. The concentration of affordable units adjacent to the A10 conflicts with policy. An inadequate number of parking spaces are provided (below the standard in the Neighbourhood Plan). Contributions towards maintenance of the village green and the associated recreation facilities should be levied via Section 106 and play equipment should be provided within the scheme. A noise impact assessment is needed.

6.5 No further comments have been received from APC following the submission of amendments and additional information.

6.6 The full comments of the Parish and Town Council are attached as **Essential Reference Paper 'A'**.

7.0 **Summary of Other Representations**

7.1 89 responses have been received objecting to the proposals on the grounds summarised as:

- Buntingford has already been excessively developed in recent years.
- Aspenden Road is completely inadequate and unsafe for any increase in traffic, particularly for pedestrians. Unsuitable also for construction traffic.

- There is inadequate infrastructure of all kinds for the number of houses being proposed. Schools are full, doctors cannot cope, drainage and sewerage systems cannot cope, water pressure is low, internet provision is inadequate, Police cannot cope, shops and facilities in Buntingford inadequate for number of people, inadequate public transport provision.
- Detrimental to air quality.
- Harmful to ecology of area, particularly nesting birds
- Loss of trees, particularly those providing screening to properties in Olega Drive.
- Loss of farmland.
- Houses will suffer from constant noise and fumes from the A10
- Will increase flooding in an area that already suffers from flooding.
- Harm to the character of the village from excessive development.
- Loss of privacy to neighbours in Olega Drive.
- Will increase traffic congestion on surrounding roads.
- Concerned that occupants will take shortcut on foot through fence in Olega Drive to walk into Buntingford.
- There is ongoing/continuous disruption to the people of Buntingford from development.
- Loss of Buffer between A10 and Buntingford.
- Unsustainable location.
- 5 years housing land supply has now been identified so no longer need to develop here.
- Inadequate parking provision proposed.
- Apartments are out of keeping with the rural setting.
- Conservation Area will be compromised by joining Buntingford and Aspenden.
- There are already parking problems in Buntingford.
- Proposals not in accordance with Buntingford Community Area Neighbourhood Plan.
- Poorly designed and ill thought out.
- Construction Method statement is needed including hours of construction.
- No details of fencing have been provided.
- The safety audit and transport assessment are flawed.

A single expression of support has been received on the grounds that more houses and infrastructure are required to meet housing need.

8.0 Consideration of Issues

Principle

- 8.1 The objections of residents and Town Council to the principle of the development are noted. However, although not originally identified as a site for allocation in the draft plan, planning permission was granted on appeal here for 56 dwellings and the site subsequently became part of the development strategy in the District Plan as detailed in Policies DPS1, DPS2 and DPS3 and Buntingford Policy BUNT1. It falls within the identified settlement boundary and is to accommodate about 56 dwellings as part of the minimum of 1056 dwellings to be provided within Buntingford during the plan period.
- 8.2 The existing outline consent for 56 dwellings remains extant and is a material consideration here.
- 8.3 The proposal would deliver 65 dwellings which amounts to a 16% increase.
- 8.4 Whilst the increase is noted, unless there is any particular harm that can be identified as a result of the uplift, it is not considered that it should be resisted on that basis. Having regard to the characteristics of the site and the resulting density of development of approximately 22 dph the amount of development proposed is considered to be acceptable.
- 8.5 The principle of the development is therefore established in the District Plan development strategy and this should be attributed significant positive weight.

8.6 Design and layout

- 8.7 The proposed vehicular access to the site from Aspenden Road was agreed in the original outline application and this has informed the proposed layout which is similar to the illustrative layout that was considered at appeal. The proposal avoids development of the lowest lying area of the site to the western side, which is within Flood Zones 2 and 3. This area would be retained as open space, and to provide for sustainable drainage.
- 8.8 The layout is based around a main loop road off which there are cul-de-sacs. A small Local Area for Play (LAP) is proposed at the southern side of the site adjacent to the pedestrian access under the A10. The proposals include a new pedestrian access from south of the A10 from Aspenden Road over the River Rib to link to the existing footway under the A10, and new footpaths within the site to improve connectivity.
- 8.9 The proposed layout results in properties close to the southern boundary, which raised concerns regarding noise from the adjacent A10 and amenity, light and outlook given the proximity of the highway bund and vegetation which lies immediately to the south and outside the applicants ownership or control.
- 8.10 However, in response to these concerns the applicant has provided a noise assessment that indicates that appropriate noise levels (below those which the Inspector previously considered acceptable) can be achieved for the dwellings, through the inclusion of a 2.5m high acoustic fence on the highway land to the south, and the use of appropriate soundproofing within the dwellings. These matters can be required by condition and Legal Agreement.
- 8.11 The development therefore complies with Policy EQ2 of the District Plan and Para 127(f) of the NPPF.
- 8.12 The proposals have been amended in the course of the application to improve the layout to reduce the over dominance of parking within the streetscene.

- 8.13 The proposed dwellings are predominantly 2 storey with single storey garages and whilst an apartment block of 8 units is proposed in the south eastern corner of the site, which has a 3 storey element, this is well designed and located such that it fits appropriately within the development and will not be over dominant.
- 8.14 The introduction of a small orchard area at the entrance to the site, retention of a significant element of open space adjacent to the River Rib and the maintenance of the existing substantial tree screen along the eastern boundary help to create an attractive environment in accordance with the District Plan and policy HD4 of the BCANP and Paras 127 and 130 of the NPPF.
- 8.15 The proposed Local Area of Play (which is for children under 5) is located adjacent to the main footpath through the site and will provide a mounded slide to enable supervised play. Two properties overlook this play area to provide a level of surveillance to deter antisocial behaviour.
- 8.16 The proposed dwellings are of traditional external design and appearance reflective of the predominant traditional architecture found in the area. The house designs provide variety and their external appearance would be of good quality. A sustainability Statement submitted with the application demonstrates that carbon emissions will be reduced predominantly by high standards of insulation and the use of energy efficient boilers.

8.17 Housing and Affordable Housing

Market housing

Type	Number	% Provided	SHMA %	Difference
One bed flat	0	0	6	-2
Two bed flat	0	0	7	-2
Two bed house	6	18.4	12	+1
Three bed house	19	48.7	46	-
Four bed house	14	35.8	23	+5
Five bed house	0	0	6	-2
Total	39			

Affordable housing

Type	Number	% Provided	SHMA %	Difference
One bed flat	6	28.8	19	+2
Two bed flat	2	10.5	11	-1
Two bed house	9	34.6	29	+1
Three bed house	8	30.7	34	-1
Four bed plus house	1	3.8	7	-1
Total	26			

- 8.18 40% affordable housing provision is proposed (26 Units), of which 73% is to be rented and 27% Intermediate tenure. The amended plans show the proposed affordable units will be satisfactorily distributed within the development. Whilst the rental to intermediate mix provides a lower % rental number than suggested in the District Plan it accords with the NPPF requirement for 10% of all new dwellings to be available for affordable home ownership.
- 8.19 The provision of housing and affordable housing on this site is in accordance with the District Plan development strategy and is necessary to ensure that housing land supply is maintained. This should be attributed significant positive weight. Failure to deliver

housing within identified sites could result in renewed pressure for further sites in the locality

Highways and parking

- 8.20 The access to the site off Aspenden Road has been a cause for concern to neighbours, the Parish Council, the District Council and the County Council, due to the narrowness of the road, and its configuration. The road is in places too narrow for two larger vehicles to pass and this can result in HGV's mounting the pavement to avoid collision.
- 8.21 At the previous appeal however the Inspector, and subsequently the Secretary of State considered that safe and suitable access to the site can be gained for all modes of transport.
- 8.22 Since that decision there have been further changes in the locality, including an increase in commercial development in the locality and increases in residential development around Buntingford, with a potential knock on impact on traffic in the locality. In addition there have been changes to policy, which place greater emphasis on pedestrian safety.
- 8.23 The County Council, as Highway Authority initially objected to the scheme, owing to concerns about pedestrian safety. As a result, the developers have worked with the Highway Authority to incorporate road safety improvements along the stretch of Aspenden Road adjacent to the site, these include the introduction of three pedestrian crossing points, and two pinch points where the road narrows to a single carriageway and traffic has to give way.
- 8.24 This has the advantage of slowing traffic as vehicles will have to give way to oncoming traffic. This does not mean that vehicles will not still need to pass each other and the existing issue where two HGV vehicles meet will not be solved, but slower speeds will give all road users more time to react and therefore improve safety. Additionally it provides safer crossing points for pedestrians that link to proposed and existing footpath routes. The road is being widened

in part to 5.5m, but it is not within the applicants' ability to widen the remainder of the road as they do not own adjoining land.

- 8.25 The footway adjacent to the highway is to be made more evident, safer and usable by cutting back vegetation and improving the safety barriers between the footway and the river.
- 8.26 In addition the proposals include improvements to the existing public right of way which runs from the western side of Aspenden Road to the Town Centre, through the industrial estate, to encourage pedestrians to use this safer alternate route rather than walk along the Lane. One of the proposed crossing points ties in with that route and with appropriate signposting it is hoped that this will be better used. The cost of the improvements can be secured by legal agreement.
- 8.27 Policy TRA1 of the District Plan notes that development should ensure that a range of sustainable transport options are available to occupants or users, which may involve the improvement of pedestrian links, cycle paths , passenger transport networks etc. As well as the proposed highway and crossing improvements the scheme also includes provision of linking footpaths through the site and footbridges over the river Rib which will improve pedestrian connectivity in the area. Space is also retained within the site such that if possible in the future a footpath link can be provided between this site and the adjacent residential development.
- 8.28 The Highway Authority has as a result of the proposed safety improvements, withdrawn their original objection to the proposal. It is noted that there have been no injury accidents reported in the locality.
- 8.29 The fact that there is extant outline consent for 56 dwellings on the site is a significant material consideration. It is not considered that in this busy location an additional 9 units will have a significant additional impact on traffic and pedestrian movements in the locality.

- 8.30 Overall the proposed scheme provides better pedestrian facilities for all users of Aspenden Road, which weighs in favour of the development.
- 8.31 With regard to parking, 156 spaces in total are proposed and this meets the 100% of the maximum level required by the current parking standards referred to in the District Plan. Whilst initially a lower level was proposed, it was considered that in this location where it is acknowledged that pedestrian routes and access to public transport are not ideal the possible 25% reduction in parking allowed in Zone 4 should not be applied.
- 8.32 The Neighbourhood Plan sets out higher standards for this area, which would mean that a minimum of 184 spaces would be required. (Including 4 spaces for each 4 bed house). Whilst these standards are material and carry weight, a balance does need to be drawn. The site is not isolated or remote and there is access to shops and facilities and to public transport within walking distance. The 3 and 4 bed houses proposed are not large and it is considered that in this location it is not appropriate to insist on essentially 1 space for every bedroom. It should also be taken into account that the Government is seeking to encourage walking and cycling in the interests of health and wellbeing and that there is a growing recognition that to prevent problems of congestion and air quality in the future there should be less reliance on the car.
- 8.33 The spaces proposed are well related to the properties that they are to serve and do not result in an over visual dominance of parking within the streetscene. The need to minimise visual dominance of parking has resulted in a preponderance of tandem parking, which the neighbourhood Plan seeks to avoid, but it is considered that the number and configuration of spaces is sufficient to prevent excessive on street parking. In addition the road is of sufficient width to enable on street visitor parking without causing obstruction. A condition is however required to secure the retention of garages and parking spaces so that problems do not arise in the future.

8.34 Cycle parking facilities are available for every dwelling.

Healthy and safe communities

8.35 The Herts Police Crime Prevention Advisor has no specific concerns about the development although has expressed disappointment that the developers have not chosen to seek Secure by Design accreditation. It is however considered that the proposal complies with DES5.

8.36 The proposals provide for a substantive level of open space provision including an informal play area, and public open space. These provisions are regarded as positive benefits of the proposal.

Flood risk

8.37 The built elements of the proposed scheme have been located outside of flood zones 2 and 3 and the proposals incorporate sustainable drainage in accordance with policy such that the development will not be at risk of flooding, nor will it increase the risk of flooding elsewhere.

8.38 The Lead Local Flood Authority and the Environment Agency raise no concerns subject to conditions.

Contamination and pollution

8.39 EHDC Environmental Health advises that mitigation is required with regard to noise from the A10 and possibly from nearby commercial premise. There may also be a requirement for mitigation with regard to odour from the adjacent Sewage facility, but these issues can be satisfactorily addressed by conditions.

Natural Environment

8.40 The site contains a significant element of Green Infrastructure which is the continuous stretch of trees along the line of the disused railway track that links to a Local Green Space to the south and an

area of scrubland to the north. In summer this provides a continuous canopy which also links to the verge side woodland along the A10 and on to the vegetation along the River Rib. This important tree line is to be retained.

- 8.41 Additionally a significant area of land adjacent to the river is retained as open space and provides for flood attenuation. This area will be maintained for recreation and the scheme includes proposals to maintain and enhance biodiversity through the use of native and ecologically valuable planting and the introduction of bird boxes, and log piles.
- 8.42 The applicants propose to provide further ecological enhancements within an additional area of land within their ownership, to the immediate south of the A10, this together with the on-site enhancements will result in a net gain in ecological value as required by policy, and this can be secured by condition and legal agreement.
- 8.43 Whilst initially raising objection, the Environment Agency and the Wildlife Trust are now satisfied with the Ecological Appraisal submitted and raise no objection subject to conditions to secure landscape and ecological enhancements and maintenance.

Heritage

- 8.44 The site lies adjacent to the Grade II Listed Aspenden Bridge; however, given the retention of the significant hedgerow adjacent to the road it is not considered that the development would have any adverse impact on the setting of the bridge.

9.0 Infrastructure/Planning obligations

- 9.1 HCC have requested financial contributions required to offset the impact of the development on Education, Libraries and Youth Services, and for the provision of fire hydrants.

- 9.2 The Highway Authority requests the provision of £72,750 towards sustainable transport provision, to improve walking and cycling facilities. This will include the proposed improvements to the Public Right of Way through the adjacent industrial estate.
- 9.3 The Neighbourhood plan policy requires contributions towards the provision of bus services and as such a contribution towards the Buntingford Community Area Transport is required in the interests of promoting sustainable transport.
- 9.4 The Local Plan Planning obligations SPD dates from 2008. A replacement Open Space, Sport and Recreation SPD is still to be prepared following the adoption of the District Plan. In respect of this application Officers have taken into account the provision of public amenity space within the site. It is recommended that contributions be sought in respect of community/village hall provision amounting to £16,154, open space for children and young people £17,154 and for outdoor sport provision, £151,965 (all Index linked) using the existing contributions calculator.

10.0 Planning Balance and Conclusion

- 10.1 The proposal will deliver 65 dwellings as part of the District Plan development strategy, including (40%) affordable units. This carries significant positive weight.
- 10.2 Overall, it is considered that the design of the layout and buildings is of good quality, such that it complies with policy. The drainage strategy provides for the use of good quality SuDS. Overall the design characteristics of the development carry positive weight.
- 10.3 The proposal provides satisfactory access to the development, an appropriate level of parking provision and the required highway mitigation measures. The residual cumulative impact on the road network is unlikely to be severe. The highway impacts of the development are therefore considered to be neutral.

- 10.4 Subject to conditions the contamination and pollution impacts of the development are regarded as neutral.
- 10.5 The proposals will provide a net increase in ecological value in the area as required by policy.
- 10.6 The housing mix is considered to be acceptable.
- 10.7 The proposal delivers appropriate levels of financial contribution towards infrastructure and provides good quality public amenity space on-site. This is assigned positive weight.
- 10.8 The proposal delivers improvements to connectivity through and around the site in accordance with policy.
- 10.9 Overall, on the balance of considerations the scheme is considered to be of good design quality and a sustainable form of development.

RECOMMENDATION

That planning permission be **GRANTED**, subject to the satisfactory completion of a legal agreement and the conditions set out at the end of this report.

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement, the contributions to be contained therein and conditions.

Legal Agreement

- The provision of 26 units of affordable housing (73% affordable rent and 27% shared ownership) and retained in perpetuity ;
- HCC Contribution towards new First School in Buntingford (TBC)
- HCC Contribution towards Nursery provision at new school in Buntingford (TBC)
- HCC Expansion of Edwinstreet Middle School (£91,362)
- HCC Expansion of Freeman College (93,811)

- HCC Reconfiguration of adult lending area at Buntingford Library (£10,865)
- HCC Reconfiguration of the youth lounge at the Buntingford Young Peoples Centre (£2,683)
- Provision of Fire Hydrants
- HCC Sustainable transport £72,750
- Arrangements for the future maintenance and stewardship of the public realm/highways/bridges/Suds, public open space and play equipment.
- Contribution towards Buntingford Community Area Transport £26,780
- EHDC (subject to the identification of projects and compliance with CIL Regulations)

Community/village halls	£16,154
Outdoor Sports Facilities	£151,965
Open Space maintenance (Children and Young People)	£17,154.85
Recycling Facilities	£4,680

Conditions

1. Three year time limit (1T12)
2. Approved plans (2E10) (amended to include approved documents and reports)
3. Samples of materials (2E12)
4. Details of external lighting (2E26)
5. Prior to commencement of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number ITL14234-GA-007 Rev C. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

6. Prior to the commencement of the development, a visibility splay measuring 2.4m x 43m shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

7. Prior to final occupation, the scheme to widen the highway to 5.5m on Aspenden Road, including associated pedestrian safety improvements and priority working scheme, as illustrated on approved in principle drawing number ITL14234-GA-007 Rev C shall be provided and maintained thereafter.

Reason: In the interests of highway and pedestrian safety.

8. Prior to the first occupation, vehicular and pedestrian access to and egress from the adjoining highway shall be limited to the access shown on drawing number ITL14234-GA-007 Rev C only. Any other access or egress shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety and amenity.

9. No development shall commence until full details (in the form of scaled plans and / or written specifications), have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

I. Roads, footways, cycleways, foul and on-site water drainage; II. Roads and footway; III. Visibility splays; IV. Access arrangements,

including refuse vehicle tracking; V. Parking provision in accordance with adopted standard; VI. Loading areas; and VII. Turning areas.

Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

10. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

Three months prior to first occupation the applicant shall submit a Travel Plan for highway/planning authority approval with the aim to promote alternative modes of transport to car.

Reason: To promote sustainable modes of transport.

11. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved Flood risk assessment and Drainage Strategy carried out by Jubb Consulting Engineers reference 18274-FRA-01 v4 dated 17 January 2019 and the following mitigation measures: 1. Limiting the surface water run-off to a maximum of 7.4l/s during all events up to and including the 1 in 100 year plus 40% for climate change event. 2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year plus climate change (40%) event. 3. Implement drainage strategy based on discharge of surface water into the Main River utilising permeable paving, swales and attenuation basin.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

- To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
- To reduce the risk of flooding to the proposed development and future occupants.

12. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted approved Flood risk assessment and Drainage Strategy carried out by Jubb Consulting Engineers reference 18274-FRA-01 v4 dated 17 January 2019. The scheme shall also include:

The surface water drainage scheme should include:

1. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features. If areas are to be designated for informal flooding, these should also be shown on a detailed site plan.
2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. All corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
3. Ensure the outfall into the Main River is available for discharge as a minimum up until the 1 in 30 year event.
4. Detailed infiltration testing in accordance with BRE Digest 365 at the proposed location of permeable paving. Where infiltration is not feasible the permeable paving should connect back into the wider site system.

5. Ensure that the finished floor levels are set no lower than 85.02m above Ordnance Datum.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent the increased risk of flooding, both on and off site.

13. No development shall take place until a landscape and ecological management plan, including long-term design objectives and mitigation actions shall be submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details of any new habitat created on site
- details of treatment of buffers around water bodies, including lighting schemes.
- the Biodiversity value of a site, determined by applying a locally approved Biodiversity Metric where appropriate.
- details of invasive species management plan.

Reason(s): To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with National Planning policy framework paragraph 170, 175 and East Herts Local Plan policy NE3 Species and Habitats

14. No occupation of the development shall take place until a suitable scheme, based on up to date odour impact assessment for protecting the proposed residential dwellings from odour from the sewage treatment works has been submitted to and approved in writing by the local Planning Authority in consultation with Thames Water) No dwelling identified as likely to be affected by odour shall

be occupied until the scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Reason: To ensure an adequate level of amenity for residents of the new dwellings in accordance with Policy EQ4 of the adopted East Herts District Plan 2018.

15. No development approved by this permission shall take place until a Phase 3 Remediation Strategy, to address the contamination risks identified in the previously submitted GEA Desk Study and Ground Investigation report dated May 2013 (RefJ13107), has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged as complete and arrangements for contingency action.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with the NPPF, in order to protect human health and the environment in accordance with Policy EQ1 of the adopted East Herts District Plan 2018.

16. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with the NPPF, in order to protect human health and the environment in accordance with Policy EQ1 of the adopted East Herts District Plan 2018.

17. The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be

brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with the NPPF, in order to protect human health and the environment in accordance with Policy EQ1 of the adopted East Herts District Plan 2018.

18. Prior to the first occupation of the development hereby approved, measures to facilitate the provision of high speed broadband internet connections to the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each residential unit. The details shall thereafter be implemented in accordance with the approved details and made available for use prior to first occupation of the residential unit to which it relates.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with Policies DES4 of the East Herts District Plan 2018.

19. The garage(s) hereby approved shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and shall not be used as additional living accommodation or for any commercial activity.

Reason: To ensure the continued provision of off-street parking facilities and to protect neighbour amenity in accordance with Policies TRA3 and EQ2 of the East Herts District Plan 2018

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, the areas shown for parking on the approved plan(s) shall be retained for such use.

Reason: In the interests of highway safety in accordance with Policy TRA3 of the East Herts District Plan 2018.

21. The footpath linkages through the site shown on the approved plans shall be completed prior to the first occupation of any of the dwellings hereby approved and thereafter retained free of obstruction.

Reason: In the interests of promoting sustainable transport options in accordance with Policy TRA1 of the East Herts District Plan 2018.

22. Prior to first occupation of the development hereby approved 1 electric vehicle charging point shall be provided for each dwelling with a garage or allocated parking space.

Reason: To help support improvements in air quality and in accordance with Policy TRA3 and CC2 of the East Herts District Plan 2018

23. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no means of enclosure of any height shall be erected or constructed adjacent to a highway used by vehicular traffic without the prior written approval of the Local Planning Authority.

Reason: To maintain the open and verdant character of the estate in accordance with the design concept in the interests of design and visual amenity and to ensure that adequate space is maintained for the manoeuvring of larger vehicles including refuse vehicles in accordance with Policies DS4 and TR2 of the East Herts District Plan 2019

Informatives

1. Other legislation (01OL)
2. Street naming and numbering (19SN)

3. Highway works (06FC2)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

KEY DATA**Residential Development**

Residential density	Approximately 22 units/Ha	
	Bed Rooms	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	6
	2	2
	3	
Number of new house units	1	0
	2	15
	3	27
	4+	15
Total		65

Affordable Housing

Number of units	Percentage
26	40

Residential Vehicle Parking Provision**District Plan Parking Standards**

Parking Zone	Zone 4	
Residential unit size (bedrooms)	Spaces per unit	Spaces required
1	1.50	9
2	2.00	34
3	2.50	67.5
4+	3.00	45
Total required		156 (rounded up)
Accessibility		

reduction	N/A	
Resulting requirement		
Proposed provision		156