

3/09/1061/FP – Retention of existing nursery, together with the erection of 149 new residential dwellings with parking, amenity and infrastructure at Land adjacent to London Road, Buntingford for TJW Grange, The Sons of Devine Providence and Barratt Homes North London

Date of Receipt: 17.07.09

Type: Full

Parish: BUNTINGFORD

Ward: BUNTINGFORD

Reason for report: Major application

RECOMMENDATION

That subject to the applicants entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters all with trigger points to be agreed:-

1. The provision of 40% affordable housing comprising 75% rented and 25% intermediate market housing;
2. A financial contribution of £49,985 towards the improvement of existing Parks and Public Gardens;
3. A financial contribution of £3,126 towards improvement of existing Children and Young People open space provision;
4. A financial contribution of £272,856 towards First Tier Education;
5. A financial contribution of £262,212 towards Middle Tier Education;
6. A financial contribution of £192,811 towards Upper Tier Education;
7. A financial contribution of £50,521 towards Nursery Education;
8. A financial contribution of £19,626 towards Childcare provision ;
9. A financial contribution of £5,806 towards Youth services provision;
10. A financial contribution of £24,653 towards Library service provision;
11. A financial contribution of £288,000 towards public transport services and infrastructure improvements, as well as other sustainable transport schemes and measures in the vicinity of the site;

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12. Provision of fire hydrants.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Levels (2E05)
4. Play areas (2E06)
5. Boundary walls and fences (2E07)
6. Materials of construction (2E11)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no further windows, doors or openings of any kind shall be inserted in the flank elevations of the development hereby permitted specified on the attached schedule, without the written permission of the Local Planning Authority.

Reason: To safeguard the privacy of occupiers of the adjoining properties in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

8. Withdrawal of P.D. (Unspecified)
Insert 'Part 1, Class B'
9. Lighting Details (2E27)
10. Bats (2E41)
11. Sight Lines (3V08)
Insert '2.4 metres x 120 metres'
12. Completion of roads (3V13)
13. Gates/Carriageway (3V14)
14. Retention of parking space (3V20)
15. Hard Surfacing (3V21)

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16. Wheel washing facilities (3V25)
17. No development above ground shall take place until such time that detailed plans of the proposed traffic calming 'Village Gateway' feature on London Road have been submitted to and approved in writing by the Local Planning Authority, and no dwelling shall be occupied until the approved plans have been implemented.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard appropriate to the development.

18. Prior to the commencement of the development, details of the operation, control and maintenance in perpetuity of the service and emergency vehicle access between the estate roads shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented and maintained in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard appropriate to the development.

19. Prior to the first occupation of the development hereby approved, the estate roads shall be constructed in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard appropriate to the development.

20. Tree Retention and Protection (4P05)
21. Hedge Retention and Protection (4P06)
22. Tree/natural feature protection: fencing (4P07)
23. Tree Protection: restriction on burning (4P08)
24. Tree Protection: excavations (4P09)
25. Tree Protection: earthworks (4P10)
26. Landscape Design Proposals (4P12)
Delete (a), (b), (c), (d), (e), (f), (g), (h)
27. Landscape maintenance (4P17)
28. Trees: protection from foundations (4P20)

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29. Retention of landscaping (4P21)
30. Vehicular use of garage (5U10)
31. Prior to the commencement of the development hereby approved, a drainage strategy detailing on and off site drainage works and foul and surface water drainage measures shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme.

Reason: To prevent the risk of flooding and to ensure that no pollution of groundwater occurs, in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007.

32. No site clearance shall take place within the bird breeding season (1 March - 31 August), unless otherwise agreed in writing by the Local Planning Authority. If breeding birds are found during site clearance, work must stop immediately and a statutory authority or suitably qualified ecologist informed.

Reason: To protect the habitats of breeding birds under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16.

33. Prior to the commencement of the development, details of acoustic screening to the site and noise insulation measures for the dwellings in accordance with the findings of the submitted PPG24 Noise Survey and Assessment Report (Ref. RP01-09214) shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with Policy ENV25 of the East Herts Local Plan Second Review April 2007.

34. Construction hours of working – plant and machinery (6N07)
35. Prior to the commencement of the development, a scheme for the remediation of the land in accordance with the findings of the Desk Study and Interpretative Site Investigation Report dated July 2008, shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented in accordance with the agreed scheme.

Reason: To ensure adequate protection of human health, the environment and water courses is maintained, in accordance with policy SD5 and ENV20 of the East Herts Local Plan Second Review April 2007.

36. Prior to the commencement of development, a scheme for the implementation of energy efficiency measures within the development to secure at least 10% of the energy supply of the development from decentralized and renewable or low-carbon sources, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme.

Reason: To ensure the development assists in reducing climate change emissions in accordance with policy ENG1 of the East of England Plan May 2008 and policy SD1 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. Planning Obligation (08PO)
4. Street Naming and Numbering (19SN)
5. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD1, SD2, SD3, HSG2, HSG3, HSG4, HSG6, TR1, TR3, TR7, TR8, TR14, TR18, ENV1, ENV2, ENV3, ENV11, ENV16, ENV17, ENV20, ENV21, ENV25, LRC3, LRC11, BUN1, BUN2, BUN3, IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract, and is located on the southern edge of the settlement of Buntingford. The application site is presently open land which is bounded to the east by London Road, the south and west by open land and to the north by the existing residential development of Fairfield. The application site also surrounds the existing residential development of St. Francis Close which is accessed from London Road. The application site is some 3.34 hectares in size. The northern part of the site is covered by an area Tree Preservation Order (TPO) which was agreed in 1994, and there are existing mature tree screens on the eastern, western and northern boundaries of the site.
- 1.2 This application seeks permission for the erection of 149 dwellings on the site with associated parking, amenity space and infrastructure. Permission is sought for the following mix of dwellings:

Affordable Dwellings

- 20 x 2-bed rented;
- 21 x 3-bed rented;
- 3 x 4-bed rented;
- 15 x 2-bed shared equity.

Private Dwellings

- 21 x 2-bed;
- 45 x 3-bed;
- 18 x 4-bed;
- 6 x 5-bed

The dwellings are proposed to be predominantly 2 and 2 and a half storey, with only 7 x 3 storey dwellings proposed. The application also proposes a 3 storey apartment block to accommodate 27 x 2-bed units.

- 1.3 The Buntings Nursery is currently sited in the north –eastern corner of the site, and this application proposes to retain the nursery in its current position and provide for a more formalised area of parking for 7 parking spaces for the nursery. It is also proposed to convey an area of land to the rear of the existing building to the nursery for their use. The application also proposes to provide a Local Equipped Area for Play (LEAP) and Local Area for Play (LAP) within the site.

2.0 Site History

2.1 The application site is formed of two Housing Site Allocations (sites 82 and 85) in the Local Plan (policies BUN2 and BUN3). These sites were allocated in the Local Plan Review in 2007. There is no other specific planning history which is relevant to the consideration of this application.

3.0 Consultation Responses

3.1 Natural England have commented that they do not wish to object to the proposed development. They comment that following the capture and translocation of slow worms and the subsequent search and site clearance it would appear unlikely that the application site currently provides a suitable habitat for native reptiles. In respect of bats and badgers they comment that updated information should be sought as to the location of any new setts within the application site or its boundaries and evidence of foraging behaviour and access routes.

3.2 Thames Water have commented following initial investigations they have identified an inability of the existing waste water infrastructure to accommodate the needs of the development, and therefore recommend that if permission is to be granted it should be subject to a condition which requires a drainage strategy detailing on and/or off site drainage works to be submitted and approved by the Local Planning Authority. They have also commented that the development is located in close proximity to Thames Water's Buntingford Sewage Treatment Works, and due to the proximity of the proposed development Thames Water requests an odour net survey is undertaken to determine that the development would not be subject to an annoyance in excess of 2.0 odour units. If the survey concludes that it is then either the site should only contain development appropriate to its locality or the developer would fund odour mitigation works at the sewage works to ensure the development is not affected by odour in excess of 2 odour units.

3.3 Herts and Middlesex Wildlife Trust have commented that the Biodiversity and Ecology Statement submitted as part of the application indicates that the development will involve the removal of forty-four trees (or groups of trees) on site. Ivy covered trees and those with splits and cracks in them have the potential to provide roosting opportunities for bats, and they therefore recommend that an inspection of the trees is undertaken by a specialist in order to determine if bats are using the trees. If any trees to be felled support bats, mitigation measures will need to be proposed. The

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Trust therefore requests that conditions relating to the submission of a bat mitigation scheme; the provision of bat boxes, submission of lighting, clearance of the site and submission of a landscaping plan shall be submitted to and approved by the Local Planning Authority.

- 3.4 Herts Biological Records Centre have commented that if planning permission is granted conditions relating to the clearance of the site and breeding birds shall be attached.
- 3.5 Environmental Health have commented that any permission which the Planning Authority may give shall include conditions relating to the provision of noise control measures; construction hours of working (plant and machinery); dust and reclamation of the site in accordance with the submitted Desk Study and Interpretative Site Investigation Report.
- 3.6 Planning Policy have commented that the application is for the development of 149 dwellings at Land between London Road and the A10 bypass (Site 82 part) and at Land to the West of St. Francis Close (Site 85), both of which are allocated for housing development in the East Herts Local Plan Second Review 2007. Thus the principle for residential development on these sites has already been established. In accordance with policy HSG2, there is no objection to both sites coming forward for development together. Policy Bun1 of the Local Plan estimates that 82 dwellings can be accommodated on these two sites. The Housing Capacity Assessment technical study 2007 recommends that a density of 40 dwellings per hectare is achievable across East Herts. Thus there is no policy objection to increasing the number of dwellings to 149, subject to considerations regarding design, character and amenity of both proposed and neighbouring occupiers, and the need to achieve a mix of housing types and sizes to contribute to the achievement of a sustainable community. Consideration should also be given to Policies BUN2 and BUN3 of the Local Plan to ensure that all policy requirements are met and that any S106 agreements fulfil the requirements of the Council's Planning Obligations Supplementary Planning Document. Attention is also drawn to policy ENG1 of the East of England Plan.
- 3.7 The Police County Architectural Liaison Officer has commented that the plans show at least four 'under-crofts' on the site, and these locations are known crime drivers and are a constant source of conflict between the youths who will congregate in them and the occupiers who live above. They also raise concerns about the possible fire risk from the location of refuse bins within the under-crofts, and comment that although the structure could be made fire retardant, the fumes from burning dustbins may still enter an open bedroom window. If under-crofts cannot be designed out, then they should be made as narrow as possible. The Officer also raises a concern in

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relation to the open car ports proposed to some dwellings, as these also raise the possibility for conflict. Furthermore, they comment that there appears to be a number of homes that have gable ends without any type of window, and this misses the opportunity of extra natural surveillance. The plans for the central play area shows a number of 'tunnels', and whilst the officer acknowledges the play value of such features, they are concerned about how they may be misused by older children. Finally, they recommend that all housing be built to Secured by Design standards.

- 3.8 Planning Obligations. HCC have commented that as the application is for 149 residential dwellings it falls above the current threshold where financial contributions are sought to minimise the impact of development on Hertfordshire County Council services for the local communities. The figures below have been calculated using the amounts and approach set out within the Planning Obligations Guidance – Toolkit for Hertfordshire document:

Financial Contributions

First Tier Education	£272,856
Middle Tier Education	£262,212
Upper Tier Education	£192,811
Nursery Education	£50,521
Childcare	£19,626
Youth	£5,806
Libraries	£24,653

All calculations are based on PUBSEC index 175 and will be subject to indexation.

Provision

Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.

They comment further that the draft Heads of Terms also proposes that payment should be made on occupation of the 80th and 149th dwelling, and whilst HCC's policy is to seek payment of financial contributions prior to the commencement of development, given the current economic pressures later triggers will be considered provided they are shown to be necessary by an agreed viability assessment.

- 3.9 The Environment Agency have commented that planning permission should only be granted subject to the following conditions relating to the submission of a surface water drainage scheme; submission of an amendment to the

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remediation strategy if land contamination not previously identified is found to be present; the use of piling or any other foundation designs using penetrative methods and the submission of a scheme to dispose of foul and surface water.

- 3.10 The Historic Environment Unit, HCC have commented that the area of the development was the subject of an archaeological desk-based assessment and geophysical survey in 2007, which identified that the site had the potential to contain archaeological remains and it was evaluated further via trial trenches in February and November 2008. The evaluation identified a concentration of archaeological features including pits and postholes in the south-eastern part of the site, in particular. These features are undated but relate to settlement activity perhaps of Roman date. It is therefore recommended that an appropriately worded condition is placed on any planning permission which requires the implementation of a programme of archaeological work prior to the commencement of the development.
- 3.11 The Council's Housing Development Manager has commented that the development falls in line with planning policies which require an affordable provision of up to 40%. They have commented that the site is not one which would attract a specialist lettings policy because Buntingford is considered to be one of the five main settlements in the District and any development is expected to meet the housing needs of the District as a whole. As such the affordable housing will be allocated through the Choice Based Letting process, and the properties will be allocated to applicants with the greatest need.

The application indicates that 15 of the smaller units (2 bedroom 3 person flats) will be shared ownership, representing 25% of the affordable housing provision – in line with the Council's policies. Thus 75% of the affordable housing provision will be for rent – again in line with East Herts policies. The proposed mix of dwellings is found to be acceptable to the Housing Section as it will go somewhat towards meeting the needs of the District. In particular the Housing Section welcomes the larger units, which will help to redress the balance of the large number of one and two bedroom flats that have been provided on new schemes in the last two or three years.

It is also acceptable to the Housing Section that the affordable housing is sited in 'one location' and not scattered throughout the development. This is for the following reasons:

- It is understood the site would not be developed in the current economic climate if the affordable housing was built across the site;
- The need for the affordable housing is so great it is felt an acceptable compromise to support the 'one location' provision on this site in the current economic circumstances;
- When the affordable provision is considered in relation to the whole community at this geographical point in Buntingford, the proposed 'one location' blends in with the neighbourhood overall.

3.12 The Council's Landscape Officer has commented that the submission is compliant with BS 5837:2005 – Trees in relation to construction, and the site layout accommodates the retention of significant existing boundary, and some other trees, with the selection of trees to be removed being in accordance with the standard. The Officer comments that the proposed development is reasonably well screened by trees, and the site although sharing common boundaries with St. Francis Close, has separate access and can be regarded for all intent and purpose as being detached. The Officer comments further that the design and layout of the new houses needs to be considered in visual, functional and social terms. To combine amenity and practical requirements in a sensible layout of attractive buildings and spaces between them needs imagination, and the landscaped setting of units 112-139 in particular appears to be compromised by the need for parking provision. In this regard the Officer comments that the proposal falls short of the highest level of design that we should expect from housing proposals. On these grounds the Officer therefore recommends refusal of the application, but comments that there are some positive aspects to this scheme and layout, and the proposals mitigate some of the negative impacts in a reasonable way. However the Officer has stated that on balance they exercise caution in their recommendation, and state that an amended scheme would better address some of their concerns.

3.13 County Highways have commented that in terms of traffic movements, capacity and impact on the surrounding network the Transport Assessment accurately predicts that the proposed access arrangements will cope with the peak demands from the development and that the overall impact on the surrounding highway network will not be significant. They note that the Applicant is suggesting the provision of a 'Village Gateway' feature on London Road approaching the site from the south, and they consider that such a feature would be advantageous.

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With regard to public transport, Highways have commented that the site is not that well served by bus and the linkages with nearby rail stations is limited. In this respect the County's Passenger Transport Unit have identified that improvements to the existing services are necessary, in particular to provide an hourly service between Hertford and Buntingford. The Developer has been informed of the likely cost of such improvements together with the costs associated with improvements to the closest bus stops and has agreed to contribute £208,000 as part of a S106 obligation.

Turning to the site layout they comment that the scheme indicated on the DHA architecture plan 5912/BAR-NL/01 is generally acceptable in a highway context as they follow the principles of Manual for Streets and have been designed to maintain low vehicle speeds. The extent of adoption of the estate roads within the site will be determined as part of subsequent Highways Act S38 agreement between the Developer and the Highway Authority, but it is considered that the main spine roads with footways will be deemed appropriate for adoption with the shared surfaces, culs-de-sac and parking courts remaining private.

County Highways note that the submitted plan indicates a link between the two spine roads exclusively for refuse and emergency service vehicles rather being a general purpose vehicular link. In a highway context they are content with this arrangement as it provides a convenient foot/cycle link between the roads whilst maintaining a safe, traffic free route to the proposed play area. However they do have concerns with the proposed gates on the driveways closest to the junction of the southern access road with London Road which are considered to be unacceptable. Having spoken with the Applicant's highway consultant Highways understand that these are 'dummy gates' provided as a design feature rather than functional gates, and Highways therefore recommended the inclusion of a condition to ensure that that is the case or that the gates are set back a minimum of 5m from the edge of the carriageway.

The Applicant has also agreed in respect of the S106 agreement to the provision of a further £80,000 towards improvements to other sustainable transport measures required to facilitate the movement of residents and visitors between the site and local facilities including schools and the town centre.

In conclusion, Highways have commented that the principle of a residential development on this site is acceptable subject to S106 contributions of £288,000 toward sustainable transport and conditions relating to completion of the access and junction arrangements; provision of visibility splays; provision of the village gateway feature; provision of a temporary turning

space; areas for parking and storage and delivery of materials associated with the development; wheel washing facilities, set back of gates; use of garages to house private motor vehicles and the submission of details of the operation, control and maintenance of the service and emergency vehicle access.

4.0 Town/Parish Council Representations

4.1 Buntingford Town Council have discussed the application and the following objections and concerns were unanimously agreed:

- SPD Affordable Housing & Lifetime Homes paragraph 6.20 states that affordable housing should be distributed across the site rather than in one single parcel, this facilitates an integrated and sustainable community. The proposals clearly disregard this requirement and effectively create two separate developments. As there are clear reasons for the requirement, any other reasons submitted by the Developer, such as convenience, should be disregarded. It would be of considerable detriment to all occupants of the new dwellings should the affordable and private homes be segregated;
- The Town Council understand that the allocation of affordable homes is being dealt with by the Network Housing Group to which Riversmead Housing Association is affiliated to. It is to be trusted that any affordable and low cost housing will be offered primarily to local people who are keen to remain in the town;
- PPS3 (Housing) (16) states that new developments should be easily accessible and well connected to public transport and the applicant states that the development complies with this requirement. Page 14 of the Transport Assessment states that two bus services are available and Royston and Stevenage Rail Stations are accessible by public transport. The summary concludes with the statement that “it is clear that the application site is well located to take advantage of sustainable travel opportunities”. The Town Council challenge this statement and the claims included in the Transport Assessment which outlines how many trains run to London per hour and how the station is connected to bus routes. Inspection of the timetables demonstrate that there is one bus to Royston Station at 6.51am, this is the only service that would facilitate peak hour commuting to London. Similarly, the only bus returning to Buntingford from Royston in the evening is at 7.20pm. There may well be six trains per hour to London but the connection with those trains does not exist. There is a similar scenario for Stevenage and the service to Ware does not

connect at all. To summarise the Town Council challenges the statement that the application site is well located to take advantage of sustainable travel opportunities - it is not;

- The Town Council were somewhat concerned to note that the applicant proposes the construction of 149 dwellings. The Town Council considers this to be over development. The proposals aim to achieve 43 dwellings per hectare and it is considered that 40 should be the absolute maximum;
- The construction of a three storey apartment block is considered to be out of character not only with the development but with the town as a whole. In addition such a large three storey building would be overbearing and detrimental to the street scene and contrary to Policy ENV1 of the East Herts Local Plan;
- The Transport Assessment para 7.7 states that the proposed level of car parking provision is appropriate for the development given its proximity to the town centre, local services, cycle routes and public transport services. The Town Council would once again challenge this statement on public transport services. In addition we would question the availability of cycle routes. The developer may be proposing to incorporate cycle routes within the development but there are no further cycle routes within the town. This brings them to the conclusion that residents would be reliant on the motor vehicle, despite statements to the contrary. The provision of 265 spaces for 149 dwellings is inadequate and does not equate to parking space guidelines as laid down by East Herts District Council and will give rise to parking on London Road causing hazards to pedestrians and motorists alike;
- The Town Council note that traffic distribution has been considered within the transport survey, but would point out concerns with regard to the close proximity of the access roads to the childrens nursery. This appears to warrant substantial traffic calming measures;
- The Town Council is the sole provider of recreation and play facilities in the town. They note that there are proposals to provide a LEAP and LAP within the development. Further investigations note that maintenance will be the responsibility of the Management Company, this to include safety inspections, litter picking and repairs. The Town Council appreciate that planning policy requires open spaces within new developments, however, would expect that the provision of a fourth play area within the town is discussed with the Town Council to ascertain whether or not this is necessary and if it is, then would they be expected to take on the responsibility of these areas and if so,

what would the arrangements for a Service Level Agreement be. It is appreciated that these may be details to be arranged after construction, but they are issues of concern to the Council and the local tax payers;

- The development will be the subject of extensive planning obligations. A development of this magnitude will have a huge impact on the town, and they seek assurances that any financial contributions secured are used to alleviate the impact of the development on the town and its residents. Furthermore, it is felt that as the tier of government closest to the electorate, the Town Council should be included in any discussions on how the funds are allocated. Of particular concern is the expected £158,250 transport contribution. It is felt that given the developer is promoting the fact that local buses connect to nearby rail stations, consideration should be given to a dedicated direct route commuter bus, linking the town with rail facilities during the period that commuters would need the service;
- There is much concern amongst residents regarding the future of established and not so established trees on the site. The Developer has commissioned an extensive tree survey but it is felt that the District Arboriculturalist should undertake a further independent survey prior to any building works taking place. Trees that are the subject of Preservation Orders should be protected at all cost;
- The Town Council is committed to sustainability, and they seek assurances that every possible effort is made to ensure that all dwellings, not just the affordable housing, is built to operate on a maximum sustainable specification taking into account, insulation, heating etc. In addition, it is felt that to achieve the claims within the Developers Sustainability Statement it is imperative that the transport facilities linking the town are drastically improved. At this time with the facilities available, emission levels, fuel consumption and air quality will deteriorate because there is a lack of facilities to achieve sustainable patterns of movement;
- Finally, taking into account the close proximity of the properties in Fairfield and St Francis Close, they seek assurances that adequate screening will be in place to protect the privacy of both the established residents and the new residents;
- The Town Council appreciate that Government and Regional demands make it necessary to create large scale developments within the District to facilitate the targets laid down. However, it is crucial that the character and environment of Buntingford is maintained.

4.2 Westmill Parish Council have commented that they are concerned that flash flooding from the additional roofs, tarmac and concrete areas proposed will put a number of Westmill houses at risk. They therefore ask that any substantial further housing development in Buntingford, including this one, to strictly conditioned to require a catch pit to 'buffer' surface water flash flooding.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 36 letters of representation have been received from 24 properties within Fairfield, St. Francis Close, London Road, Layston Meadow, Windmill Hill and Wyddial Road which can be summarised as follows:-

- The close proximity of the proposed properties to dwellings in Fairfield;
- The northern entrance to the site would be likely to turn the area into a race track or bolt hole;
- Concern that the northern access will go through to Aspenden Road;
- The proposed pathway to the rear of the properties backing onto Fairfield would be a potential route for burglars;
- The current landscaping to the rear of properties in Fairfield will not be sufficient to screen the proposed development, especially in winter months when the foliage is not full, and this planting was planted by Grange Builders following a previous application;
- The current wildlife found on the site (wrens, finches, magpies, thrushes, pheasants, deers and other animals (including slowworms));
- 149 units and therefore 500/600 population is far to high a density for a small town to absorb, the development would be a gross overdevelopment of a small market town;
- The proposed affordable housing will not go to local people;
- The development would be occupied by people from London who would be stranded in a country town commuting back to London;
- The development would create an edge of town dysfunctional estate that has the potential to be a social mess;
- Impact on outlook, overlooking and privacy of properties in St. Francis Close due to proximity of the proposed dwellings;
- Loss of existing mature trees and screening to properties in St. Francis Close;
- The development is not accompanied by new schools, health facilities and transport which the new residents would rely on, and there is barely enough provision for the current population;

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- If permitted would this development allow other land surrounding the site to be development for more housing;
- What steps will be taken to improve and make London Road safer? The extra vehicles on this road is of concern and would cause further noise and pollution on what is already an incredibly busy and noisy road affecting people living in the area and wildlife;
- The extra flow of traffic on the A10 will increase the amount of accidents that occur on the Westmill section, which is already an accident black-spot;
- The affordable dwellings will not be affordable for the general populous of Buntingford;
- The affordable housing is planned to be adjacent to the 'highly sought after' Fairfield estate which comprises of semi-detached and detached three and four bedroom houses thus changing the existing character of the settlement;
- The affordable housing is being built as an entirely separate estate with its own access road, and there is a clear delineation which discourages movement between the affordable housing and the other residential area;
- The harm to or loss of trees on the site would be detrimental to the visual amenities of the local landscape;
- The proximity of the proposed dwellings to properties in Fairfield will result in the loss of light, sunlight and air space, and would change the view from properties in Fairfield, resulting in an unacceptable impact on the quality of life of those residents and the value of their properties;
- Prime trees will need to be removed from the site around the proposed northern access;
- Instead of a field local residents will have to look at 149 houses squashed in;
- The development would result in cars parking on London Road causing further visual and traffic problems;
- There is no train station and a very limited bus service so most people will need a car to get to work/shop/leisure activities and to the town itself;
- There are no provisions within Buntingford to provide further people with leisure activities for teenagers/adults alike in Buntingford;
- Jobs are becoming far harder to find yet more developments are given the go ahead without any thought as to the effect on the people in this area currently unemployed;
- Greenbelt land should be protected;
- No more development should take place in Buntingford until such time as money is invested and new facilities are built;
- The proposed number of dwellings exceeds the number set out in the Local Plan;

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- Due to changes in land levels the buildings would stand higher than the properties in Fairfield, and due also to the size of the gardens the proposed properties will look very imposing;
- The development would result in the loss of trees which are covered by TPOs;
- People will be able to work on their cars at whatever time they like in the parking areas proposed along the boundary with Fairfield;
- 43 dwellings per hectare is against legislation which rules that 40 dwellings per hectare is recommended;
- The proposed houses are going to be close to the busy and often noisy A10 by-pass, the industrial area, the public waste dump and the sewage farm which are not aesthetically pleasing;
- The position of the LEAP within the site is such that it makes 'natural surveillance' of it very difficult, and it should be located in a more central point within the development;
- The construction of a three storey apartment block is out of character with the area and overbearing on the streetscene;
- The parking allocation is totally unrealistic especially given the extremely poor transport links in Buntingford;
- The accesses to the site would be unsafe for all local road users;
- There is no indication that the new dwellings would be built in line with government targets of sustainability;
- Concern about overlooking from the LEAP to properties in St. Francis Close, and about the noise levels generated by children playing on the LEAP;
- The development should be more suitable to the existing needs of the population of Buntingford;
- There is a lack of space and air between the proposed dwellings;
- There is very little amenity land in the part of the development in which the affordable houses are proposed;
- There should be more play areas located at appropriate points across the development;
- There is little space for a 'buffer zone' between what already exists at Fairfield and St. Francis Close, and the plans offer no protection from an invasion of privacy to the south and north of St. Francis Close and to the south of Fairfield;
- The three storey housing proposed in the middle of the site causing the disturbance to the outlook from the houses in St. Francis Close;
- The planned period of building, over 3 years, is very long, and the disruption, construction traffic and noise to the neighbourhood will be high and a considerable burden to residents;
- The proposed development would result in an increase in 19% of the number of dwellings in Buntingford and another 390 residents (19%);

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- The proposed development fails to meet all the criteria of sustainable development;
- Various protocols of the European Convention on Human Rights have been ignored;
- Concern about the physical lack of a boundary between the site and St. Francis Close;
- The isolation of the affordable housing from the rest of the development will mean that there is less chance of a good social mix developing and an increased chance of social issues (such as anti-social behaviour), and it would be contrary to the Affordable Housing and Lifetime Homes SPD;
- Noise levels due to the proximity of the development to properties in Fairfield will impact on peoples quality of life;
- The car park areas along the boundary with properties in Fairfield are secluded and could become a gathering place for groups and antisocial behaviour;
- Adequate screening (e.g. a suitable high brick wall) should be provided between the proposed development and Fairfield to protect privacy and the security of residents;
- The information submitted with the application is misleading in a number of ways in particular in relation to motor vehicles and transport generally – walking will not be the main mode of transport; parking space in the centre of Buntingford is already a problem; the available bus services and their utility have been exaggerated; the assumptions on car ownership are incorrect as they are based on the 2001 census which is out of date and this will lead to unplanned parking on the site in unsuitable locations;
- The proposed development appears to be at odds with existing residential developments in Buntingford and it will not blend with the towns existing features;
- The density of development proposed would be out of keeping with the current estates that are currently within Buntingford;
- The proposed development will cause congestion along London Road and will cause the potential for accidents given the proximity of the development entrances to the A10 and the nursery;
- Should the number of homes within the town be increased by 149 when Buntingford doesn't even have a fully operational police station? This would have very serious consequences;
- There is not a great need for further 1 and 2 bed properties in this area;
- The proposed development does not follow guidance in PPS1;
- The density of the development proposed is likely to lead to a lack of integration of residents living in the development into the existing community;
- The development lacks character;

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- In recent years Buntingford has absorbed a disproportionately large amount of residential development, and that further development should be accommodated by the other main five settlements towns as these towns are all served by rail transport links;
- There are other sites within Buntingford that are more suitable for residential development;
- The development will contribute towards the appearance of urban sprawl at the southern end of the town;
- The development due to light pollution and the site being elevated will appear as a significant blot on the landscape during times of darkness;
- The proposed development is lacking and deficient in respect of sustainable and renewable energy technologies;
- Only the Housing Association dwellings are proposed to be constructed to Level 3 of the Code for Sustainable homes;
- The nature of the market town of Buntingford is being changed for the worse.

5.3 Buntingford Civic Society have commented on the application and object to the proposal and ask that the application be refused for the following reasons:

- The proposed density of housing is too high and it is contrary to PPS3 and the Local Plan;
- There is inadequate provision for parking and the numbers proposed do not accord with the guidelines set out in the Vehicle Parking Provision in New development SPD;
- The affordable housing should be more evenly distributed across the site and the proposed layout is contrary to the Affordable housing and Lifetime Homes SPD.

5.4 The Civic Society have also commented that the application contains inaccuracies in relation to the claim that the site is well served by public transport and that the disused railway line on the site boundary is a public footway, which the Society state that it is not. They also state that it is not clear that the proposal is in line with the East Herts Climate Change Strategy and that there has been no community involvement in the preparation of the proposal.

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

- | | |
|-----|--------------------------|
| SD1 | Sustainability Statement |
| SD2 | Settlement Hierarchy |

SD3	Renewable Energy
HSG2	Phased Release of Housing
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
TR1	Traffic Reduction in New Developments
TR3	Transport Assessment
TR7	Car Parking – Standards
TR8	Car Parking – Accessibility Contributions
TR14	Cycling – Facilities Provision (Residential)
TR18	Home Zones
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Developments
ENV11	Protection of Existing Hedgerows
ENV16	Protected Species
ENV17	Wildlife Habitats
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV25	Noise Sensitive Development
LRC3	Recreational Requirements in new Residential Development
LRC11	Retention of Community Facilities
BUN1	Housing Allocations – Buntingford
BUN2	Land west of St Francis Close
BUN3	Land between London Road and A10 bypass
IMP1	Planning Conditions and Obligations

7.0 Considerations

7.1 The principle of residential development on this site has been established by the allocation of the site as a Housing Site Allocations in the Local Plan. The application site is allocated as two separate sites in the Local Plan (Land west of St. Francis Close site ref 85 and Land between London Road and A10 bypass site ref. 82). Policies BUN2 and BUN3 of the Local Plan are the site specific policies and they require:

- Provision of up to 40% affordable housing;
- Provision of open space;
- Retention of as many of the mature trees as possible;
- Substantial tree planting to the south and west of the site to enhance existing screening;
- Careful consideration of the boundary of the two allocated sites to ensure a comprehensively planned and integrated development;

- Provision of non-vehicular access should be provided to the footpath running on the former railway lines; and
- Retention of the pre-school or similar operation within the site.

7.2 As the principle of residential development on the site has therefore been established by the allocation of the sites in the Local Plan, in determining this application is necessary only to consider the detailed aspects of the proposed development including the following:

- Density of development and site layout;
- Design;
- Landscaping;
- Impact on amenities of local residents;
- Access/Traffic/Parking;
- Planning Obligations.

Density of development and site layout

7.3 This application seeks planning permission for the erection of 149 dwellings on the site, which would be at a density of 43 dwellings per hectare. Policy BUN1 outlines that the estimated number of dwellings that could be provided on the two allocated sites is 82 dwellings. This estimated number was however calculated at a density of 30 dwellings per hectare (as were all the estimated number of dwellings on all allocated sites), and since then the Council has undertaken a Housing Capacity Assessment (October 2007) which concluded that a density of 40 dwellings per hectare can be achieved on housing developments across the District. Members will be aware that PPS3 states that using land efficiently is a key consideration in planning for housing and that 30 dwellings per hectare should be used as a national indicative minimum to guide decision-making. It should also be noted that in response to the Government's desire to increase the delivery of houses, the Regional Spatial Strategy (RSS) which was adopted in May 2008, sets out a housing requirement for East Herts of 12,000 additional dwellings between 2001 and 2021, which is an increase on the figure that was set out in the adopted Local Plan. Therefore since the adoption of the Local Plan in April 2007, the adoption of the RSS has meant that there is greater pressure on the Council to provide for housing provision.

7.4 Taking into account the above comments, and in accordance with the comments of Planning Policy, there is no policy objection to the density of the development or the number of dwellings proposed. The concerns of the Town Council and local residents in respect of the proposed density of development have been noted, however there is no objection in principle to

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a density of development as proposed, provided that it results in a development which demonstrates compatibility with the structure and layout of the surrounding area and that would be of a high standard of design and layout, reflecting local distinctiveness.

- 7.5 The Applicant has responded individually to a number of concerns that have been raised about the density of the development. In their responses the Applicant has stated that they are aware that the Commission for Architecture and the Built Environment (CABE) has for some time been calling on local authorities to be much more flexible in their approach to considering densities. They comment that there is a growing realisation that this method discriminates against smaller dwellings in that a 1 bedroom or 2 bedroom flat makes an equal contribution to density as a 5 bedroom 8 person house. This method of calculation therefore does not provide an accurate guide to the number of people proposed to be accommodated on a site. The Applicant comments that using previously accepted methods of ascertaining density the site is a very reasonable 17 dwellings per acre or 72 habitable rooms per acre. They also comment that the application proposes 40% of dwellings (56 dwellings) which are 2 bedroom accommodation or less, which is a high proportion of smaller accommodation with an equivalent floor area of just 28 family houses.
- 7.6 Concern has also been expressed that the number of dwellings proposed will result in an increase in population which is far too high for the Town to absorb. The Planning Obligations Supplementary Planning Document provides an occupancy rate calculator tool which is based on the East Herts Housing Needs Survey 2004 which indicated the occupancy rates of houses within the District by number of bedrooms. Using this, it is calculated that approximately 260 people would be accommodated within the development, representing an approximate 5% increase in the population of Buntingford. In considering the proposed allocated sites in the Local Plan Review, the Inspector commented that some development in Buntingford would be appropriate to maintain the vitality of the area and provide for the necessary needs of present and future generations, and such developments would improve sustainability and help to enhance the amenities and facilities within the Town. Officers are satisfied therefore that the resultant increase in population would not result in an unacceptable impact on the Town. It is acknowledged however that the proposed development will result in some pressure on existing services, such as education, and these considerations can be found later in the report in the section headed 'Planning Obligations'.
- 7.7 Turning then to the compatibility of the development with the surrounding area, it is noted that residential development within Buntingford is of varying densities and styles. To the north of the application site is the residential estate of Fairfield, which is a 1970s estate of predominantly semi-detached

properties. To the east of the application site, and located between the two allocated sites is St. Francis Close, which is a collection of 14 dwellings (9 in a converted building and 5 large detached dwellings) which were constructed in the late 1990s. The Council's Landscape Officer has stated that the grain of the proposed development and open space pattern for the layout of the development does not reflect the characteristics of existing nearby housing areas i.e. St. Francis Close, where plot sizes and individual dwellings are appreciably larger in scale. Although it is acknowledged that existing nearby developments are of differing densities and character, these are very much characteristic of their time of construction, and having regard to Government guidance on new residential development are very unlikely to be replicated again (the development at St. Francis Close is at an approximate density of 11 dwellings per hectare). Therefore, whilst the grain of development proposed may be different to that of the surrounding area, it is considered that there isn't a predominant character, pattern or layout that the proposed development should respect, and as such the development would not result in unacceptable harm to the character of the local area. Furthermore, it should also be noted that the Landscape Officer has acknowledged that the development can be regarded for landscape purposes as being detached from surrounding developments.

- 7.8 In general it is considered that the proposed layout of the development is acceptable. The development proposes a mix of dwellings (2, 3, 4 and 5 bed houses), which accords with the demand identified in the Housing Needs Survey. The Applicant has explained in the submitted Design and Access Statement that the development establishes within the site a number of clearly defined townscape forms, ranging from lower density two storey detached housing set in wider more generous plots, to higher density smaller starter homes. The density of development is lower on the southern and western boundaries of the site, which respects the relationship of the site to the surrounding rural area. Higher density development is proposed within the centre of the site, which due to its siting would have a limited impact on the character of the surrounding area. This is also considered to be the same for the 3 storey apartment block and limited number of 3 storey dwellings that are proposed. Their location within the central parts of the site means that their scale would have a limited impact on the character and appearance of the surrounding area.
- 7.9 The site layout proposes that the majority of the dwellings will front onto the access roads and footways throughout the development, providing active frontages and a strong presence on the street. This is also advantageous in terms of crime prevention, providing natural surveillance over the street. Furthermore, where parking courts are proposed, these are in the majority of cases well overlooked by dwellings. It should be noted that the Architectural Liaison Officer has raised no objection to these elements of

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the development. The layout has also been designed to site dwellings such that they provide a focal point at junctions and to turn corners following the access roads.

7.10 The Council's Landscape Officer has raised concerns about the specific relationship between plots 112-139 (the apartment block), and the courtyard parking in the centre of this block and the parking area to the north of the block. The Officer considers that the visual dominance of these parking courtyards detracts from the external appearance of the building and the development in this area. Whilst it is acknowledged that these parking courts will impact to some degree on the outlook from some of the apartments, it is considered that with the use of good quality materials and the provision of landscaping within and surrounding these areas, their visual appearance can be improved. Furthermore, when considering the development as a whole, it is not considered that these areas unacceptably compromise the character and appearance of the overall development.

7.11 The dwellings are sited such that there are appropriate distances between properties to reduce overlooking, loss of light and unacceptable impacts on the amenities of the future occupiers of them. Where private amenity space is provided to individual dwellings, these are considered to be of an appropriate size.

7.12 Concern has been expressed by the Town Council and a number of residents that the proposed affordable housing is located in one area of the site. The Council's Affordable Housing and Lifetime Homes Supplementary Planning Document states that to achieve mixed, inclusive and sustainable communities affordable housing should on all sites be distributed across the site rather than provided in one single parcel. The purpose of a Supplementary Planning Document is to provide guidance on certain areas, in this case on the provision of affordable housing and lifetime homes in East Herts. Policies HSG3 and HSG4 of the Local Plan do not make any reference to the location of affordable housing within an application site. The Council's Housing Development Manager has commented that it is acceptable that the affordable housing is sited in 'one location' and not scattered throughout the development for the following reasons:

- It is understood the site would not be developed in the current economic climate if the affordable housing was built across the site;
- The need for the affordable housing is so great it is felt an acceptable compromise to support the 'one location' provision on this site in the current economic circumstances;

- When the affordable provision is considered in relation to the whole community at this geographical point in Buntingford, the proposed 'one location' blends in with the neighbourhood overall.

Therefore, whilst it is acknowledged that in order to achieve a mixed community it would be beneficial for the affordable housing to be distributed across the site, taking into account the comments of the Housing Development Manager and that they have raised no objection to this element of the application, it would be difficult to recommend refusal of the application on these grounds.

- 7.13 The Town Council and local residents has commented that they are concerned that affordable housing would not be available to local people, and there were some concerns circulating that it would be used to house people from outside of East Herts. The Council's Housing Development Manager has outlined that the affordable housing will be allocated through the Choice Based Lettings process, and the properties will be allocated to applicants on the housing register with the greatest need. The affordable units will therefore provide for the need for affordable housing within East Herts.
- 7.14 Policies BUN2 and BUN3 require that the development makes a provision for open space within the site. The application therefore proposes the provision of a LEAP and a LAP within the application site. Concern has been expressed however about the siting of the LEAP within the application site, and that it should be located more centrally within the site. Officers are satisfied however that the LEAP is appropriately located within the application site taking into account the distance from the properties located in the south-eastern, south-western and north-western corners of the application site. The LEAP has also been sited such that it would be adequately overlooked by plots 38, 39, 40, 41, 49, 50, 83 and 84. In respect of the future management of the LEAP and the LAP, Buntingford Town Council have expressed an interest in maintaining these facilities, as they do with other existing facilities within the Town. However, the developer has proposed that these areas, along with other amenity space within the development is maintained and management by a Management company for the development. Officers have no objection to this approach, and if in the future the Developer wishes to hand over the land to the Town Council for maintenance, then this would be a separate matter between the Developer and the Town Council.

- 7.15 In addition to the LEAP and the LAP, the application proposes as required by policies BUN2 and BUN3, pedestrian (non-vehicular) access to the footpath running on the former railway line to the west of the application site. The provision of this access would provide residents of the development with easy access to the adjacent open countryside.
- 7.16 In general it is considered that the proposed layout of the development is acceptable and would provide an acceptable environment for future occupiers. The development would not appear cramped and sufficient space has been provided for landscaping and areas of open space for the benefit of the future residents of the site. The proposed development is well screened by existing landscaping from the surrounding landscape, and Officers are satisfied that the development would not have an unacceptable impact on the character and appearance of the surrounding area.

Design

- 7.17 The dwellings have been designed in their scale and appearance to sit comfortably with the surrounding area, and the predominance of two and two and a half storey dwellings is representative of the scale of surrounding developments. The three storey apartment block has been designed to reflect the character and appearance of the refurbished school house located within the centre of St. Francis Close. Although the scale of the apartment block proposed within the application is greater than the building within St. Francis Close, it is considered that its design and character are appropriate to the character of the area. In Officer's opinion the design of the proposed dwellings are appropriate to the character of the area, and the proposed palette of materials (brick, weatherboarding, render, tiled roofs) would be representative of those found surrounding the application site, and of the local vernacular style. It is considered therefore that the proposed development would relate well to the massing and height of nearby residential buildings and the surrounding townscape, and would reflect local distinctiveness. The proposal would therefore accord with policy ENV1 of the Local Plan.

Landscaping

- 7.18 The site is presently open land, with some areas of existing landscaping within the site. The site's boundaries are depicted by existing landscaping features and a number of mature trees. The northern part of the site is covered by a blanket Tree Preservation Order (TPO). The application proposes to remove 44 trees (and groups of trees) to facilitate the development, 27 of which are contained within the area covered by the TPO. Of these 27 trees, 8 are R category trees which are in a poor

condition and should be removed as a matter of good arboricultural practice. A further 11 are C category trees which following British Standard recommendations should not present a constraint to effective development of the site. The remaining trees to be removed within the TPO area are 1 A category tree and 7 B category trees, which should be considered for retention. The Applicant has however commented that these trees must be removed to allow this scheme to be delivered.

- 7.19 The Council's Landscape Officer has not raised any objection to the proposed removal of these trees. The Officer has acknowledged that particularly in relation to those trees proposed to be removed which are close to the northern boundary of the site, that they have group value and offer a useful screening effect to the properties in Fairfield. However, they have commented that due to their size and position within the rear gardens of the proposed dwellings, they are likely to be resented by future occupiers which may result in their future removal. The Officer has commented that to ensure the long term viability of a tree and provision of a screen along this section of the boundary, replacement tree planting is a more sustainable and long term solution.
- 7.20 Policy ENV2 of the Local Plan states that development proposals will be expected to retain and enhance existing landscape features. It goes on to state however that where losses are unavoidable, compensatory planting or habitat creation will be sought within or outside the development site. The site specific policies BUN2 and BUN3, seem to have recognised that it was inevitable that some of the existing landscaping would be required to be removed, as the policies state that any development would be expected to retain as many of the mature trees as possible. Therefore, whilst it is regrettable that some of the existing landscaping on the site is proposed to be removed to facilitate the development, it should be noted that a significant proportion of the existing landscaping, particularly along the eastern, southern and western boundaries of the site, will be retained. The application also proposes a landscaping scheme which is proposed to enhance and strengthen the existing landscaping along the boundaries, and within the site. The submitted landscaping scheme proposes to plant 201 native trees as part of the final landscaping of the site. Officers are therefore satisfied that notwithstanding the removal of existing trees, that the proposed development would not unacceptably impact upon the existing landscaping within the site, and appropriate compensatory planting has been proposed. Furthermore, Officers are satisfied that the proposal also accords with policies BUN2 and BUN3 and the application proposes sufficient enhancement of the existing tree planting to the west of the site as required by the policy.

Impact on amenities of local residents

7.21 The proposed development will clearly result in a differing impact on the residents of the surrounding area, as they currently experience an undeveloped, open outlook from their properties. However, the allocation of the site in the Local Plan as a Housing Site Allocation means that it is inevitable that some form of residential development will occur on the site, and will therefore result in a change to the outlook and view that the local residents currently benefit from. Although concern has been expressed that the proposed development would result in too many dwellings being built on the site, Officers are satisfied that the number of dwellings and the density of the development proposed would not result in a development which would cause significant harm to the character of the area, or impact unacceptably on the view that existing residents have. The main consideration therefore in relation to the impact of the development on the amenities of local residents, is the specific relationships between existing properties and the layout and siting of the dwellings within the application site.

Fairfield

7.22 The rear elevation of the terraced dwellings which are proposed to back onto the existing properties in Fairfield (nos. 66-82), are sited approximately 21 metres from their rear elevation. Such a distance is considered to exceed an acceptable back to back distance between properties, and would not result in any unacceptable impact in terms of overlooking and loss of privacy to the occupiers of the dwellings in Fairfield. Whilst it is acknowledged that the development will impact upon their outlook, taking into account the distance between the dwellings, the height of the proposed dwellings (the dwellings are proposed to be a maximum height of approximately 8.5 metres, with an eaves height of approximately 5 metres) and the provision of additional landscaping along the boundary with Fairfield, Officers are satisfied that the relationship between these properties is acceptable.

7.23 Plot 92 of the development is proposed to be sited with its flank wall facing the properties in Fairfield. This wall is proposed to be between approximately 14-16 metres from the rear elevations of nos. 88 and 90 Fairfield. The flank wall of plot 92 is proposed to be 10 metres long. The property has a hipped roof which would be pitching away from the properties in Fairfield, and would be a maximum height of approximately 8 metres, and approximately 4.7 metres to the eaves. In light of some of the initial concerns expressed by the occupiers of properties at the eastern end of Fairfield, the Applicant has amended the siting of plots 91 and 92 to set

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the flank wall of plot 92 further away from the boundary with the properties within Fairfield. Approximately a 3 metre gap is proposed between the flank wall of plot 92 and the boundary with Fairfield, and this area is proposed to be landscaped.

- 7.24 Whilst it is acknowledged that the siting of this proposed dwelling will result in a significant change to the outlook of nos. 88 and 90 Fairfield, and in particular no. 88, it is considered that having regard to the distance between the rear of the properties in Fairfield (some 14-16 metres flank to rear), the height of the proposed dwelling and the ability to provide some soft landscaping along the boundary to soften the appearance of the dwelling, that the proposed siting of the dwelling would not result in such an unacceptable impact on the amenities of the occupiers of those properties to warrant refusal of the application. Officers are also satisfied that the proposed siting of the dwellings and their size and scale would not result in any unacceptable loss of daylight or sunlight to the properties in Fairfield. The rear part of the garden of No. 88 Fairfield may experience some overshadowing in the late morning in the winter months, however the impact of this is not considered to result in significant harm to the amenities of the occupier of that property to warrant refusal of the application.
- 7.25 Some residents of Fairfield have expressed concern at the proximity of the two proposed car parking areas beyond the coach houses, in the row of terrace properties which are proposed to back onto Fairfield. These residents are concerned at the proximity of the parked cars to the rear boundary of their properties, and possible noise and disturbance associated with the cars. Whilst it is acknowledged that the siting of these parking areas would be a difference to the quiet aspect that these residents currently enjoy, Officers do not consider that due to their size, these parking areas (they make provision for 5 parking spaces, with two of them fronting the boundary with Fairfield) would result in unacceptable levels of noise and disturbance which would have a significant impact on the amenities of nearby residents. In fact, it is common for a number of cars to be parked immediately outside the front of dwellings and this may be far closer to habitable rooms within a dwellinghouse, than the distance between the car parking area and the dwellings as proposed by this application.
- 7.26 Some residents of Fairfield have also expressed concern about the siting of the affordable housing close to their properties. In considering this application however, no differentiation should be made between the impact that either private market or affordable units would have in terms of their occupiers.

7.27 Residents of both Fairfield and St. Francis Close have expressed concern about overlooking and the impact on their outlook from the proposed three storey apartment block. This block is proposed to be a maximum height of approximately 12-12.5 metres and approximately 8.1 metres to the eaves, and as stated earlier in this report has been designed to reflect the character and appearance of the central building within St. Francis Close. Taking into account the distance between the apartment block and the nearby existing dwellings (approximately 50 metres to the rear of dwellings in Fairfield and 37-40 metres to the rear of the closest dwellings in St. Francis Close), Officer do not consider that the apartment block would result in an unacceptable loss of privacy or overlooking of these properties.

St. Francis Close

7.28 The flank wall of plot 149 is proposed to face nos. 11 and 12 St. Francis Close. Following a concern expressed by the resident of no. 12 St. Francis Close about the proximity of the proposed dwellings to their boundary, the Applicant amended the layout of the scheme to remove one of the dwellings proposed to be located close to the boundary with no. 12 to allow for a 2.5 metre landscape buffer to be provided along the boundary. Plot 149 is proposed to be sited approximately 10 metres from the flank elevation of no. 12 which contains a secondary window to the lounge of this property. Whilst there will be an impact on the outlook from this window, taking into account the distance and the proposed landscaping, and that this is a smaller secondary window to the lounge of no. 12, Officers do not consider that this relationship would result in a significant impact on the amenities of the occupiers of this property to warrant refusal of the application.

7.29 The siting of plot 149 will result in some overlooking of both nos. 11 and 12 St. Francis Close. Plot 149 is however proposed to be sited parallel to the boundary with St. Francis Close, on a east-west siting which would mean that any overlooking of the gardens of nos. 11 and 12 would be at a 45 degree angle from the upstairs window of plot 149. Furthermore, both nos. 11 and 12 are sited at an angle within their plots meaning that the rear of no. 11 is facing north-east, and the rear of no. 12 is facing north-west. Taking into account the siting of the properties, the angle of outlook from the windows of plot 149 required to look into the nearest part of the garden of no. 11, the distance of the windows to the boundary with no. 11 St. Francis Close (which is approximately 6 metres when taking a 45 degree angle from the window) and that there is some 15-20 metres from the windows to the private area outside of no. 11, Officers do not consider that the degree of impact associated with the overlooking will result in significant harm to the privacy of the occupiers of no. 11. It should also be noted that the Applicant does propose a 2.5 metre wide landscape strip along the

boundary with nos. 1, 11 and 12 St. Francis Close, and this will assist to some degree in screening plot 149 from the occupiers of no. 12.

- 7.30 Again, due to the orientation of no. 12 and the siting of the proposed dwelling at plot 149, any overlooking of this property will be to the north-western most part of the garden of no. 12. There will be very limited (if any) overlooking of the private areas immediately outside of the dwelling. It should also be noted that the northern boundary of no. 12 with the application site currently benefits from a mature and fairly substantial landscaping screen, which will significantly restrict any overlooking from plot 149. Furthermore, as mentioned above the Applicant proposes to further enhance this screening.
- 7.31 The occupiers of no.13 have expressed concern at the proximity of the proposed LEAP to their property, and the impact that it will have on their privacy and amenity due to noise and disturbance associated with its use. Concern has been expressed that users of the LEAP would be able to stand on the embankment which is proposed to form part of the play feature of the LEAP, and view into the garden and property at no. 13. Officers are satisfied that the detailed design of the LEAP and the height of the proposed embankment could be dealt with as a condition of any permission, allowing for the amenities of the occupier of no. 13 to be safeguarded. Furthermore, it should be noted that the edge of the proposed embankments would be some 8 metres from the boundary of the application site with no. 13, and some 19 metres to the rear elevation of the property. The rear boundary of no. 13 also benefits from substantial and mature existing landscaping. Taking this into account, and the ability to condition the detailed design of the LEAP, Officers are satisfied that the privacy of the occupiers of no. 13 can be safeguarded such that the proposal would not result in any unacceptable impact.
- 7.32 Whilst it is acknowledged that the occupiers of no. 13, and other nearby dwellings including those within the application site may be affected by noise and disturbance from the users of the LEAP, Officers do not consider that this would be to such a degree to warrant refusal of the application. In fact, if it were proposed to site a number of dwellings to the rear of no. 13 rather than the LEAP, you may expect to be disturbed by a number of children using the gardens of these properties. Taking into account the size of the LEAP, and the number of dwellings which it is proposed to serve, Officers do not consider that the level of activity which may take place on it will be significantly different to children playing in the gardens of a number of properties.

7.33 The orientation of plot 32 will result in some overlooking of the rear garden of no. 14 St. Francis Close. The windows in the rear elevation of plot 32 (to a bedroom and an en-suite) would be approximately 10 metres to the closest part of the dwelling at no. 14, and approximately 12-13 metres from their patio area outside of the rear of the property. Taking into account this distance and that the overlooking would only occur to part of the garden of the property and not any of its habitable rooms, Officers do not consider that the overlooking which would occur would significantly affect the amenities of the occupiers of no. 14 to warrant refusal of the application.

London Road

7.34 Due to the amount of landscaping along the eastern boundary of the site with London Road, much of the development on the site will remain obscured from the residents of London Road. Nevertheless, even if this substantial landscaping did not exist, the nearest property on London Road would still be some 75-80 metres from the nearest elevation of a property within the site. The proposed development would therefore not have any immediate impact upon the amenities of the occupiers of properties within London Road. As previously acknowledged in this report, the proposed development will have an impact on the outlook from existing residential properties and the view they currently enjoy of open countryside. However, as already discussed, the site is an allocated housing site and some form of residential development will occur in the future on this site. Officers are satisfied that the number of houses proposed, and their layout and design would not result in a development which would be unacceptable in terms of the impact on the outlook of existing properties within Buntingford, or on the character of the area.

7.35 The consideration of traffic generation associated with the development and its impact on local residents can be found later in this report.

Access/Traffic/Parking

7.36 Members will note from section 3 of this report that County Highways have commented that the proposed development is acceptable in a highway context. Looking firstly at the issue of traffic generation, County Highways are satisfied that the proposed traffic generation associated with the development is such that the proposal would not result in an unacceptable impact on traffic movements, capacity and impact on the surrounding network. Whilst it is clear that the proposed development will result in a change to the existing traffic considerations which are experienced on this

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part of London Road, the level of traffic associated with the development is such that it would not have an unacceptable impact upon highway capacity or safety.

- 7.37 County Highways have raised no objections to the proposed accesses to the application site, subject to the required visibility splays being provided as a condition of any grant of permission. Officers are therefore satisfied that the proposed accesses would not result in any unacceptable impact on highway safety. It is also proposed that a gateway feature is provided at the southern end of London Road as a traffic calming measure, which will also reinforce the 40mph speed limit.
- 7.38 Concern has been expressed by the Town Council and local residents that the limited public transport facilities in Buntingford will mean that the majority of the residents of the proposed site will have to rely on the motor car. County Highways in their considerations have recognised that the site is not well served by bus, and the linkages with nearby rail stations is limited. They have therefore recommended that improvements are made to existing bus services, in particular to provide an hourly service between Buntingford and Hertford, and they request that this service improvement is funded by the Developer.
- 7.39 Although Officers acknowledge that the application site is not well connected to existing public transport facilities, this is a fact that would have been considered in the allocation of the site for housing in the Local Plan. It is considered however that the suggested improvements to the bus service would be an improvement on the existing service provision and would assist in mitigating some of the impact of the traffic generation associated with the development.
- 7.40 Turning now to the issue of parking, the application proposes a total of 272 parking spaces, of which 7 are proposed for the existing nursery on the site. Taking into account the mix of dwellings proposed on the site, the Council's Vehicle Parking Provision at New Development SPD outlines that a maximum of 313.5 parking spaces should be provided for the residential development. The application therefore proposes 84% of the maximum parking provision, or 1.78 spaces per dwelling. It is considered that the proposed provision would be acceptable for this site, and County Highways have raised no objection to this aspect of the proposal. It should also be noted that residents of the site would be able to access by foot the existing facilities/amenities found in the centre of Buntingford, and the suggested improvements to the existing bus services will enhance the existing bus service provision for the Town. In addition to the financial contribution towards improving the existing bus service provision, County Highways have also requested £80,000 to be put towards other sustainable transport

measures required to facilitate the movement of residents and visitors between the site and local facilities including schools and the town centre.

Planning Obligations

7.41 In accordance with policy IMP1 of the Local Plan, as part of development schemes, developers will be required to make appropriate provision for social, environmental and infrastructure costs associated with the development, and minimise the impact of the development. It is considered therefore that having regard to the scale and nature of the development proposed, the contributions below are required to mitigate the impact of the development, in particular in relation to the provision of infrastructure, and they would accord with the tests as set out in Circular 05/2005. It is therefore considered to be reasonable to seek financial contributions towards the following:

EHDC Contributions

- 40% affordable housing;
- £49,985 towards Parks and Gardens as the PPG17 Audit has identified that there is a deficit of provision within Buntingford;
- £3,126 towards Children and Young People open space provision. This contribution takes into account the fact that the development proposes the provision of a LEAP and LAP within the site. The maintenance of these areas are proposed to be undertaken by the developer or a subsequent management company for the development. Therefore, in this case it is not appropriate to request a maintenance charge.

HCC Contributions

- £272,856 First Tier Education;
- £262,212 Middle Tier Education;
- £192,811 Upper Tier Education;
- £50,521 Nursery Education – Although it was a policy requirement for the existing nursery to remain on the site, and the developer proposes to convey some additional land to the nursery, this does not increase the number of children places which are available. As there is currently a deficit of nursery and full daycare places in Buntingford, it is necessary to seek a financial contribution towards addressing the demand for such places which would be generated by the proposed development;
- £19,626 Childcare;
- £5,806 Youth;

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- £24,653 Libraries;
- Provision of fire hydrants;
- £288,000 towards public transport services and infrastructure improvements, and other sustainable transport schemes and measures in the vicinity of the site.

7.42 Many representations made on the application, have expressed concern about the local health and police facilities and their abilities to cope with the additional demands which would arise from the increase in population from the development. In the formulation of the Council's Planning Obligations Supplementary Planning Document, the Primary Care Trust (PCT) were unable to provide an evidence base to demonstrate that there is no existing capacity within the healthcare infrastructure to allow for a standard charge in relation to developments to be requested. Therefore the PCT without such evidence are unable to demonstrate a local need arising from the development and as such it cannot be proven that a contribution would be necessary to make the development acceptable in planning terms. It is therefore considered that without such evidence it would be unreasonable to request a financial contribution towards healthcare provision, and any contribution sought would be contrary to the tests outlined in Circular 05/2005.

7.43 In respect of the Police, the Council's Planning Obligations Supplementary Planning Document states that contributions towards the Police will be likely to apply to primarily commercial and town centre developments, and where crime prevention measures are incorporated within a development, the level of contributions may be reduced or waived altogether if the design proposals are acceptable in planning terms. As discussed earlier in this report, although the Herts Constabulary County Architectural Liaison Officer has raised some concerns in respect of the provision of undercroft areas, windowless gable ends and the detailed design of the LEAP, the Applicant has proposed amendments to these elements of the development to address the Officer's concerns. Officers are therefore satisfied that the amendments made to the development are sufficient to overcome the concerns of the Architectural Liaison Officer. Taking this into account, and that there is no detailed evidence to suggest that the development would give rise to additional crime or unacceptable pressure on the existing capacity of the Police, it would be unreasonable to request contributions towards the Police.

Other Matters

Ecology

- 7.44 A number of local residents have commented on the existing wildlife that they have seen within the application site. The application was accompanied by an ecology statement, which addressed a number of areas related to the impact of the proposed development on the ecology of the site. The statement concludes that the proposed development would not have an unacceptable impact on protected species or the flora or fauna found on the site to warrant refusal of the application. This conclusion is also supported by the wildlife bodies who commented on the application, and raised no objections to it. It must also be noted that the allocation of the site in the Local Plan as Housing Site Allocations acknowledged that the ecological value of the site was not such that would preclude its development. Officers are therefore satisfied that subject to appropriate conditions the proposed development would not have an unacceptable impact upon the ecological value of the site, and the proposal would accord with policies ENV16 and ENV17 of the Local Plan.

Westmill Parish Council comments

- 7.45 Westmill Parish Council have commented that they are concerned that flash flooding from the additional roofs, tarmac and concrete areas proposed will put a number of Westmill homes at risk. Officers have consulted with the Environment Agency in respect of these concerns who have commented that they have requested a surface water drainage condition be imposed on any grant of planning permission. This condition would require surface water run-off to be restricted to greenfield rates so the amount of run-off will be equivalent to the site with no development on it. Therefore, subject to an acceptable surface water drainage scheme being agreed, the Environment Agency have not raised any concerns in relation to the impact of the proposed development on residents of Westmill.

Thames Water comments

- 7.46 Thames Water in commenting on the application have stated that the development is located in close proximity to Thames Water's Buntingford Sewage Treatment Works, from which by the nature of the on site processes odours are emitted. Due to the proximity of the development, Thames Water have requested that an odour net survey is funded by the developer in order to determine that the residential development would not be subject to annoyance from odours. Again, it should be remembered that the application site is formed of two Housing Site Allocations within the

Local Plan, and if it was considered that at the time of allocation these site there would have been an unacceptable impact from the sewage treatment works, it is very likely that the sites would not have been allocated for housing development within the Local Plan. Furthermore, the treatment plant is located some 270 metres from the nearest dwelling on the application site. Existing residential development in Fairfield and the Luynes Rise development are closer to the treatment plant than this proposed development. Having regard therefore to the above issues, it is considered that Thames Water's request for the developers to carry out a odour net survey would in this case be unreasonable.

Sustainability

- 7.47 A number of comments have been made that the development does not appear to made appropriate provision for the use of measures to improve the sustainability of the development i.e. solar panels. Policy ENG1 of the East of England Plan requires that new development of more than 10 dwellings should secure at least 10% of their energy from decentralised and renewable or low-carbon sources. Considering this policy requirement and the Council's requirement in policy SD1 of the Local Plan for it to be demonstrated how proposed developments will achieve the sustainable use of resources such as land, water, energy, materials and waste, it is considered that it would be appropriate in this case for a condition to be placed on any grant of permission requiring a scheme for the provision of sustainability measures to be incorporated within the development to be submitted to and approved by the Council.

Noise from the A10 and impact upon the development

- 7.48 Local residents have expressed concern that the location of the development would be such that the residents of it would be affected by noise from traffic on the A10. The application was accompanied by a Noise Assessment, which has been considered by the Council's Environmental Health Section. They have raised no objection to the development on these grounds, and have advised that the mitigation measures outlined in the Noise Assessment (provision of an acoustic fence and noise insulation measures for the dwellings) should be implemented to ensure that an adequate level of amenity for residents is provided in accordance with policy ENV25 of the Local Plan.

8.0 Conclusion

- 8.1 The application site is a Housing Site Allocation in the Local Plan, and therefore the principle of residential development on the site is acceptable. The proposed development would accord with the site specific policies BUN2 and BUN3, and it is also considered that the proposal would not result in an unacceptable impact on the character and appearance of the area, the amenities of local residents, highway capacity and safety or on existing infrastructure provision to warrant refusal of the application. Taking into account all of the above considerations therefore, it is recommended that planning permission be granted subject to the Applicant entering into a Section 106 agreement.