

5a 3/12/1657/FP – Erection of 160 dwellings with associated garages, car parking, public open space, play areas, landscaping, reserve land for school expansion and new vehicular and pedestrian accesses; and the provision of allotments and the change of use of land for a cemetery with associated accesses, car parking and landscaping at Land North of Hare Street Road, Buntingford for Taylor Wimpey UK Ltd

Date of Receipt: 23.04.2011

Type: Full – Major

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

That planning permission be **REFUSED** for the following reasons:

1. The site lies within the Rural Area Beyond the Green Belt, as defined in the East Hertfordshire Local Plan, where development will only be allowed for certain specific purposes. Prior to publication of the East Herts Core Strategy (part of the LDF), development at this time would prejudice the assessment process currently underway leading to the identification of land for residential development across the district. The proposal is thereby contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007. In addition, approval of this development would conflict with the process leading to the identification of the preferred strategy to meet development needs across the district to be achieved through the Core Strategy as required by the National Planning Policy Framework.
2. There is insufficient justification for the proposed cemetery which amounts to inappropriate development in the Rural Area, and in combination with the proposed allotments will appear visually intrusive and out of keeping with the character and appearance of the surrounding landscape contrary to policies GBC2, GBC3 and GBC14 of the East Herts Local Plan Second Review April 2007.
3. The proposed development will generate additional trips on an already congested local highway network, and in the absence of an agreement on the scope and details of the mitigation measures required, the proposal will be contrary to policy TR20 of the East Herts Local Plan Second Review April 2007.
4. The proposed development fails to achieve a high standard of layout and design to respond to the context of the site and surrounding area, or to reflect local distinctiveness. The development would therefore be

unacceptably harmful to the character and appearance of the site and surrounding area contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. The proposed development would result in an unacceptable degree of overlooking and loss of privacy to residents of 11 Hare Street Road, and between plots 13 and 14, 25 and 26, 90 and 91, and 150 and 151 contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
6. The proposed development fails to make adequate provision for children's play facilities on site contrary to policy LRC3 of the East Herts Local Plan Second Review April 2007 and the Open Space, Sport and Recreation Supplementary Planning Document 2009.
7. Insufficient information has been submitted to enable the Local Planning Authority to determine the impact of the proposed cemetery access on protected trees. The proposal is thereby contrary to policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.
8. Insufficient information has been submitted to enable to Local Planning Authority to properly assess the impact of the development on European Protected Species, namely bats and dormice.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It comprises 8.6 hectares of agricultural land, including two fields divided by a tree belt. The site is located to the east of Buntingford, and within the Rural Area Beyond the Green Belt. The site is bordered by Hare Street Road to the south, The Causeway and Layston First School to the north, agricultural fields to the east, and the existing residential developments of Paddock Road, Archers, and Sunny Hill to the west.
- 1.2 A public footpath runs diagonally across the western field from Hare Street Road to the rear of Layston First School, whilst the eastern field is bordered by a public bridleway.
- 1.3 The application proposes a development of 160 dwellings on the western field of 6.06ha, which equates to 26.4 dwellings per hectare. Vehicular access is proposed onto Hare Street Road to the south. The units include a mix of 16 no. 1 bed units, 22 no. 2 bed units, 61 no. 3

3/12/1657/FP

bed units, 41 no. 4 bed units, and 20 no. 5 bed units with 40% of the units proposed as affordable housing.

- 1.4 An area of open space with balancing pond is proposed to the western boundary, along with 2 LAPs (Local Areas of Play) within the site. In the northwest corner of the site, an area of land measuring approximately 10m by 13m is allocated as future expansion land for Layston First School.
- 1.5 To the north of the eastern field it is proposed to construct a new 1 hectare cemetery with vehicular access from The Causeway and on-site car parking. To the south of the cemetery is proposed a new 0.6 hectare allotment site with on-site car parking and vehicular access from the new residential development. The rest of this eastern field is to remain in agricultural use.

2.0 Site History:

- 2.1 There is no relevant planning history for this site.

3.0 Consultation Responses:

- 3.1 County Highways recommend that permission be refused on the grounds of the absence of an agreement on the requirements for mitigating the impacts of the development on the local highway network. They comment that the proposed development will mean all generated trips on the local road network are additional. The local road network is already congested and the highway authority has not reached agreement with the developer on the scope and detail of the mitigating measures required.
- 3.2 County Archaeology comment that the site was the subject of preliminary archaeological investigations at pre-application stage which identified two enclosures of late Iron Age/early Roman date, remnants of medieval ridge and furrow cultivation, and some evidence of post-medieval activity at the site. The proposed development should therefore be regarded as likely to have an impact on heritage assets of archaeological interest and a planning condition is therefore recommended.
- 3.3 County Council Planning Obligations seek all service contributions; primary education, secondary education, nursery schools, childcare, youth facilities and library facilities. They have been unable to calculate the figures as the final mix of affordable housing is yet to be finalised. Figures are therefore based on the HCC Planning Obligations Toolkit.

Fire hydrant provision is also sought.

- 3.4 County Council Children's Services comment that the reserve land for the future expansion of Layston First School is not required and the developer has been advised of this. HCC have assessed the capacity of the school and concluded that the site is of a sufficient size to enable it to expand from 1FE to 2FE if and when required. Contributions towards expansion of schools are therefore required rather than land. With regard to the footpath link, the gate needs to be provided in the school boundary prior to the commencement of development. What is not clear is if the developer is proposing to provide the footpath on the school site.
- 3.5 Planning Policy comment that the proposal is contrary to saved policies GBC2 and GBC3. Notwithstanding this, East Herts Council is currently preparing its replacement to the Local Plan: the District Plan which will guide development across East Herts to 2031. As part of the preparatory work, a number of broad locations around Buntingford have been assessed and sieved using a 'stepped approach'. Members have endorsed Officers' recommendation that this site has been assessed as a 'marginal pass', but it should be stressed that this does not infer that Officers consider the site to be suitable for development, rather that the area should remain in the plan-making process and be subject to further testing. Further, the final strategy for Buntingford including the quantum of housing development and necessary associated infrastructure has not yet been determined. As such, at the very least until the Council publishes its preferred strategy in respect of Buntingford, development of this site is considered premature, acknowledging paragraph 216 of the NPPF.
- 3.6 In terms of housing supply, East Herts Council is required to maintain a continuous five year supply of housing land. Previously, the district housing requirement of 660 per annum was set by the East of England Plan regional strategy. In light of the impending abolition of the East of England Plan, it is the responsibility of East Herts Council to determine its own housing requirement in the emerging District Plan, based on an assessment of objectively assessed housing needs. Although the housing requirement for the emerging District Plan has not yet been finalised, as part of the technical work for the District Plan, East Herts Council has agreed a broad range of between 500 and 850 dwellings per annum to be subject to further testing in respect of the physical and environmental capacity of the District. In the absence of an agreed defined target, it is considered reasonable to continue to use the East of England Plan target of 660 per annum since this is broadly halfway between the lower and upper limits of the agreed range.

3/12/1657/FP

- 3.7 The Council's latest monitoring and trajectory information therefore suggests that it can demonstrate the equivalent of approximately 4 years worth of supply. However, this is considered to be an interim position as shortly the Council will be publishing its draft District Plan: Part 1 in February 2013 for public consultation in the Spring. It will be at this time that the Council will be able to include broad locations within its housing trajectory, and thus demonstrate a full five years worth of housing supply. Such broad locations are likely to include land at Buntingford. However, as of November 2012, uncertainties still remain as to the total quantum and location of growth at Buntingford.
- 3.8 The Council's Environment Manager comments that East Herts Council have no play responsibilities in Buntingford. He has checked the annual inspection report for play equipment at the Town Council's Hare Street Recreation Ground and comments that the general condition of the play area is fine. He comments that there is sufficient room within the proposed layout to accommodate a LEAP in the open space adjacent to the pond. Whilst it is not always advisable to locate play facilities next to water, this appears to be a SUDS feature which is likely to have gentle slopes and be relatively shallow. It would not be too difficult for a landscape architect to design a play area that works with this feature.
- 3.9 The two proposed LAPs would provide far less play value than one LEAP and would not on their own meet any reasonable criteria for meaningful play. The LEAP should be provided in the northern quarter of the proposed development adjacent to the school playing field and to minimise impact on adjacent properties. An additional well designed play area which increases the network of play areas is still far better than simply contributing money towards a play area that is already adequate. He therefore suggests that the proposal should include a new LEAP combined with the LAPs rather than a financial contribution toward nearby facilities. It would not be in the best interests of residents to simply improve the existing Hare Street play area as it is located at the edge of the built area and less able to serve the wider community.
- 3.10 The Environment Agency considers that the proposed development will only be acceptable subject to conditions that the development is carried out in accordance with the Flood Risk Assessment and mitigation measures; a surface water drainage scheme for the cemetery; consideration of contamination risks; a remediation and verification report, and for no piling or other foundation design using penetrative methods to be used. This is due to the site being located in a Source Protection Zone 3 where any contaminants that enter the groundwater will ultimately reach a public water abstraction point.

3/12/1657/FP

- 3.11 Herts Biological Records Centre comment that the Phase 1 survey was conducted over 4 years ago and its content should be regarded as out of date. The site was re-surveyed in August 2012 and the report states that species surveys are underway for commuting bats, dormice and reptiles. The results of these surveys have not been submitted and the LPA cannot make a fully informed planning decision without this information. If bats or dormice are found to be present on site the LPA will need to apply the 'three stage test' prior to making a planning decision.
- 3.12 Herts and Middlesex Wildlife Trusts comment that further surveys are required for bats, reptiles and dormice, before the LPA can grant consent, and mitigation measures should be secured by way of condition.
- 3.13 Environmental Health raise no objection subject to conditions on construction hours of working, land and water contamination, and piling works.
- 3.14 The Housing Officer comments that the scheme provides 40% affordable housing which is in line with policy, and the scheme has a spread of unit sizes to accommodate different family needs. The 2 bed houses should be for 4 persons (i.e. 2 double bedrooms) and the 3 beds for 6 persons where possible. The number of 4 beds appears to be generous; they would prefer to have a lower number with more 2 or 3 beds as this is the size in greatest demand.
- 3.15 Housing would also expect the affordable units to be 'pepper-potted' through the site and not clustered. The Affordable Housing and Lifetime Homes SPD seeks to pepper-pot units and therefore they advise that the applicant may need to revisit this aspect. They would expect the tenure split to be 75% rent and 25% shared ownership, and would be interested to know if any of the units would be built to Lifetime Homes and if there would be provision of any Wheelchair Accessible Units.
- 3.16 The Landscape Officer recommends refusal on the grounds that he is unable to conclude how many of the protected trees along The Causeway will be lost due to the proposed cemetery access as it will depend upon visibility splays. This should have been analysed in an arboricultural implications assessment in addition to, or as part of, the tree report.
- 3.17 He also comments that despite the existing boundary vegetation and screening, there is an open character to the site with extensive views, due to the relative elevation of the landscape, and as a result the site is

3/12/1657/FP

visually sensitive to the introduction of or changes to built form. Further, the layout fails to recognise the topography of the site, and the residential development fails to integrate with or connect to the existing built development. The proposed open space is located where no significant overlooking would take place, with no access to or from the existing built development to the west. The housing appears cramped and of higher density in comparison to the surrounding grain and pattern of development. Finally, he would not advocate allotments adjacent to a cemetery as these are difference and diverse land uses with opposing landscape characteristics that do not complement each other in close proximity.

- 3.18 Thames Water raise no objection. They comment that the developer should seek to drain foul waste from the whole site, or at least the majority of the site, by gravity to the existing foul sewer in Hare Street Road. This will minimise any potential problems in the existing system as a result of surge flows due to pumping. If this is not possible then surge suppression at the discharge of the proposed rising main may have to be considered.
- 3.19 Affinity Water (formerly Veolia Water) comment that the site lies in the groundwater Source Protection Zone of the Causeway Pumping Station.
- 3.20 The Campaign to Protect Rural England object on the grounds that the Council has a five year housing supply and is currently in the process of refining its housing allocations in the light of the intended revocation of the East of England Plan. The Local Plan is therefore not absent or out of date; it provides a clear settlement boundary for Buntingford and this proposal falls outside this boundary. At the time of the Local Plan inquiry, the Inspector held that development to the east of Buntingford would extend the built form out of the valley to the detriment of the town and surrounding countryside. The proposal is therefore contrary to policies GBC2 and GBC3, and HSG5. Concerns are also raised over the layout, single access and traffic movements having a significant effect on the local environment and rural character of the road.
- 3.21 Hertfordshire Fire and Rescue comment that access for fire fighting should be in accordance with the Building Regulations and fire hydrants should be provided.
- 3.22 The Council's Engineers confirm that the site is located in flood zone 1 with no individual records of flooding. The development will consist of a substantial increase to the impermeable area. The layout proposes an above ground balancing pond; this could be used for multifunction amenity/biodiversity purposes and is one of the recommendations of the

Council's Strategic Flood Risk Assessment (SFRA). The design shows a reasonably dense layout for new residences and this could make the introduction of linked sustainable urban drainage systems (SuDs) difficult. It is suggested that some consideration be given to the feasibility of creating swales running parallel with the road network and ultimately with the balancing pond, or where this is not feasible, with a secondary SuDs pond. Similarly it may be possible to create swales as additional flood storage in/along boundary lines between back gardens. The introduction of green roofs could be possible for some structures, rainwater harvesting water butts for all properties would help reduce reliance on mains water, and it is also possible to use permeable hard surfacing.

4.0 Town/Parish Council Representations:

4.1 Buntingford Town Council object to the application on the following grounds:

- The site is one of 8 currently being assessed for suitability through the District Plan - it should be proven to be more suitable than other sites;
- Based on a figure of 550 dwellings per annum the Council can demonstrate a 5.3 year housing supply;
- Proposal is premature and the granting of permission, along with other sites, would prejudice the outcome of the DPD process;
- The site lies outside Buntingford's settlement limits – the proposal is therefore inappropriate development;
- The local transport system is not high quality as claimed;
- The site access is at the top of a hill making it difficult for people to carry heavy shopping or push buggies/wheelchairs;
- There are no local sports shops to take up the developer's offer of 10% discount off walking shoes;
- The Travel Plan will not significantly reduce the use of private cars;
- Concern that the balancing pond could cause flood risk to new and existing properties to the west;
- Safety fencing would be required round the balancing pond to make it safe for families to use the open space;
- Concern that the parking layouts are unworkable with an overreliance on tandem parking and limited visibility and turning movements;
- Concern over the unusually low number of predicted vehicle movements and that the applicant has used unrepresentative towns as the basis for prediction;
- Traffic counts have been taken at a position that would have failed to include movements from the Layston School, Paddock Road,

and Sunny Hill areas via Hare Street Road to Station Road, and no assessment has been carried out of the impact of rat-running traffic between Hare Street Road and Wyddial Road;

- Access to the cemetery should only be via The Causeway and not changed at any time;
- The Town Council has not agreed to administer the new allotments – they were under the impression that the developer would contribute to undertake this task;
- Concern over groundwater contamination from burials at the cemetery;
- Access to the cemetery crosses Registered Common Land and they expect consent to be withheld for the proposed tree clearance;
- Potential conflict for users of the existing public right of way with motorised traffic. The eastern section of the footpath will need to be diverted around the attenuation pond;
- Development to the east of the town would result in excessive traffic travelling through the town to access the main routes;
- Query over who will maintain the open spaces and reserve land for the school.

4.2 Braughing Parish Council object on the grounds of impact on the B1368. There would be a substantial increase in the level of heavy vehicle movements during construction, and once completed an increase in movements along this B road causing difficult access for properties. Traffic would be combined with movements from Anstey Quarry, Barkway Golf Club remodelling and the Nuthampstead Shooting Ground bunding project. There are numerous pot holes which will worsen with increased traffic usage. The road is narrow and with narrow footways and it is virtually impossible to cycle the roads safely due to the amount of road the heavy goods vehicles take up. There are no rail links in Buntingford and commuting by bus is not viable. The new housing is therefore unsustainable because there would be an over-reliance on private vehicles for transport.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 At the time of writing this report, 812 no. letters of objection have been received, including a letter from Buntingford Action for Responsible Development (BARD), which can be summarised as follows:

- No need for another large development in Buntingford;
- Land is outside the built-up area;

3/12/1657/FP

- Proposal fails to comply with Local Plan policies;
- Inadequate jobs, services and infrastructure in town;
- Increased traffic, congestion and unsuitable access roads to the site;
- Hare Street Road is too narrow and has a blind bend near the access;
- Poor visibility splays proposed;
- Insufficient space to increase the width of the footpath;
- Bus services are poor and there is no railway station;
- Traffic surveys were not properly carried out, omitting traffic from neighbouring roads;
- Loss of views and countryside;
- Impact on wildlife and habitats – particularly on the allotments;
- Loss of Grade 2/3 agricultural land;
- Houses already being marketed are not selling easily;
- Application is premature - other sites in Buntingford are more suitable, and the results of the District Plan should be published before any decision is made;
- Cemetery is not needed on this site and could be provided elsewhere if really necessary;
- Loss of character and Common Land for the tree-lined Causeway;
- Development could set a precedent for other sites;
- The layout is out of character and fails to integrate with the area;
- Query why the developer would only build 35 dwellings per year;
- Access to cemetery is through a Tree Preservation Order;
- No facilities for teenagers;
- Loss of privacy to existing residential dwellings;
- Question how the sewers will cope;
- Lack of a 5 year housing supply would not render all policies in the Local Plan redundant;
- Development is urban sprawl and will erode the town boundary;
- Buntingford has a limited range of services so development is not sustainable;
- Lack of information on garages and proposed foul water pumping station;
- Design lacks architectural identity or sense of place;
- Affordable housing is not evenly distributed across the site;
- BARD has collected a petition against the proposal with 2,176 names so far (around 40% of the population);
- Taylor Wimpey is seeking to avoid the proper development plan preparation process;
- Unacceptable impact on landscape setting and character of the eastern side of Buntingford;
- Impact of boundary and other fencing requirements for the allotment and burial ground site is unclear but suggest that these

3/12/1657/FP

- sites will introduce an urban character to the countryside;
 - Surface water attenuation pond is not compatible for public access as open space during times of excessive rainfall;
 - Tandem parking would be unworkable;
 - Concern that emergency vehicles will not be able to access all dwellings due to impractical parking;
 - Number of houses is unsustainable in the absence of potential for appropriate employment opportunities;
 - Concerns over anti-social behaviour.
- 5.3 The Buntingford Civic Society confirm that they fully concur with the objections raised by the Town Council and BARD (Buntingford Action for Responsible Development). Approval should not be given in the absence of a fully consulted and approved District Plan.
- 5.4 In addition, copies of a further 141 letters of objection sent to the developer in April 2012 in response to their public consultation have been received.

6.0 Policy:

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

- SD1 Making Development More Sustainable
- SD2 Settlement Hierarchy
- HSG1 Assessment of Sites not Allocated in this Plan
- HSG3 Affordable Housing
- HSG4 Affordable Housing Criteria
- HSG6 Lifetime Homes
- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt
- GBC14 Landscape Character
- TR1 Traffic Reduction in New Developments
- TR2 Access to New Developments
- TR3 Transport Assessments
- TR4 Travel Plans
- TR7 Car Parking – Standards
- TR12 Cycle Routes – New Developments
- TR14 Cycling – Facilities Provision (Residential)
- TR17 Traffic Calming
- TR20 Development Generating Traffic on Rural Roads
- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV3 Planning Out Crime – New Development

- ENV11 Protection of Existing Hedgerows and Trees
- ENV16 Protected Species
- ENV20 Groundwater Protection
- ENV21 Surface Water Drainage
- BH1 Archaeology and New Development
- BH2 Archaeological Evaluations and Assessments
- BH3 Archaeological Conditions and Agreements
- LRC1 Sport and Recreation Facilities
- LRC3 Recreational Requirements in New Residential Developments
- LRC9 Public Rights of Way
- IMP1 Planning Conditions and Obligations

6.2 In addition to the above the National Planning Policy Framework is a material consideration in determining this application.

7.0 Considerations:

Principle of Development

- 7.1 The site lies in the Rural Area Beyond the Green Belt wherein Policy GBC3 of the adopted Local Plan states that permission will not be given for the construction of new buildings or for changes of use for purposes other than those specified, which does not include new residential developments. The proposed construction of 160 new dwellings with associated garages, car parking, play areas, and new vehicular and pedestrian access therefore represents inappropriate development in principle contrary to policy GBC3.
- 7.2 In terms of the proposed new cemetery, this is not listed as an appropriate form of development in Policy GBC3; however the policy does make provision for “other essential small scale facilities, services or uses of land which meet a local need, are appropriate to a rural area and which assist in rural diversification.” It may therefore be possible to justify the appropriateness of a small scale cemetery subject to evidence of local demand. No such evidence has been submitted and Officers therefore consider the cemetery to also represent inappropriate development in the Rural Area.
- 7.3 New allotments are also proposed, and Officers consider this to be acceptable in principle as a form of agriculture in the Rural Area in accordance with policy GBC3. However, it is still important to consider the visual impact of the allotments in the surrounding landscape.
- 7.4 Finally, the proposal also makes provision for an area of land for the future expansion of Layston First School. School developments are not listed in policy GBC3 as an appropriate form of development, and Herts

County Council have confirmed that this land is not necessary at this stage. However, although the intended use of this land is not apparent from the submissions, no new buildings are proposed on the land and Officers do not consider this aspect of the scheme to conflict with the purposes of policy GBC3.

- 7.5 Given that the majority of the proposal represents inappropriate development in the Rural Area Beyond the Green Belt, one of the determining issues in this case is whether there are any overriding material considerations to outweigh this in principle policy objection.
- 7.6 In terms of national planning policy, the National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. It goes on to state that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
- 7.7 In the case of the East Herts Local Plan Second Review April 2007, the saved policies are considered to be in accordance with national policy and should continue to be given full weight in the determination of planning applications. Planning law still requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Land Allocation and Housing Need

- 7.8 The site remains under consideration for allocation in the District Plan, which will guide developments in the district to 2031. A number of sites in the Buntingford area have already been assessed and sieved using a 'stepped approach'. This site, which forms part of the wider Area 8: Buntingford Northeast Sub-Area B, has been assessed as 'marginal pass' to be carried forward to the next stage of sieving. However, this initial pass does not imply that Officers consider the land suitable for development; the area should remain in the plan-making process and be subject to further testing.
- 7.9 The land was previously put forward for development in the 2007 Local Plan, but was not chosen for development because there were other sites where more modest development could occur without intrusion into the open countryside. The Inspector stated that "It would not be just a rounding off but would involve a significant intrusion into open

countryside, albeit below the skyline where it would not interrupt long views.”

- 7.10 Paragraph 216 of the NPPF states that decision-makers may also give weight, in determining planning applications, to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the relevant policies in the emerging plan to the Framework. In the case of East Herts there is an emerging District Plan which will identify land allocations for residential developments in the Buntingford area.
- 7.11 The Council will be publishing its draft District Plan: Part 1 in February 2013 for public consultation in April 2013. It will be at this time that the Council will be able to include broad locations within its housing trajectory, most likely including land at Buntingford. This strategic planning process is important as it will consider the capacity for additional housing in Buntingford, the capacity of local infrastructure to support new housing, and the most suitable sites to accommodate new development. On the basis of this on-going work and the forthcoming timetable, Officers consider the proposal to develop this land as premature. This is further exacerbated by proposals for residential development on other unallocated sites in Buntingford that Officers are aware of coming forward in response to this early submission. There is also strong local opposition to this proposal, apparent from the number of objection letters received.
- 7.12 In terms of housing requirements, the National Planning Policy Framework, having replaced PPS3, requires that Local Authorities maintain a continuous 5 year supply of housing land plus a 5% buffer. Previously, the district housing requirement of 660 per annum was set by the East of England Plan Regional Spatial Strategy. However, in light of the impending abolition of the East of England Plan, it is the responsibility of East Herts Council to determine its own housing requirement in the emerging District Plan, based on an assessment of objectively assessed housing needs.
- 7.13 The housing requirement for the emerging District Plan has not yet been finalised. However, as part of the technical work for the District Plan, East Herts Council has agreed a broad range of between 500 and 850 dwellings per annum to be subject to further testing in respect of the physical and environmental capacity of the District. Therefore, in the absence of an agreed defined target, it is considered reasonable to continue to use the East of England Plan target of 660 per annum since this is broadly halfway between the lower and upper limits of the agreed

range.

- 7.14 In terms of calculating the five year supply, the Council's latest assessment suggests that it can demonstrate the equivalent of approximately 4 years worth of supply. Whilst it is acknowledged that this falls below the five year requirement, this is likely to change in the very near future when the draft District Plan is published in February 2013.
- 7.15 Officers note that the site would certainly make a contribution to housing supply for the district, to which weight should be attached in determining this application. However, it is considered that this application is premature as the District Plan housing trajectory and allocations process is the appropriate means for determining the suitability of this site for residential development. Overall it is considered that the harm associated with a premature approval of development on this site is not outweighed by the benefits resulting from potential housing delivery.
- 7.16 In terms of the proposed cemetery and allotments, Officers are not aware of any confirmed need for additional facilities, and no evidence is provided in the Town Council's consultation response. Whilst the principle of providing such facilities would normally be welcome, their location in the Rural Area and in a prominent location in the landscape requires further justification.

Highway Impacts

- 7.17 Vehicular access is to be provided from Hare Street Road with one main access and two additional private accesses to units 121-123 and 124-125. Access to the allotments will be achieved through the new residential development, whilst access to the new cemetery will be provided from The Causeway to the north. The application is accompanied by a Transport Assessment and Interim Travel Plan which aims to reduce the dependence of future residents on private vehicles.
- 7.18 The application also makes provision for a range of highway improvement works to accommodate the development, including a mini-roundabout at the junction of Hare Street Road/High Street/Station Road, extension of the roadside pedestrian footpath to the new access, improving and widening the existing footpath to 2m where possible within the confines of the public highway, a raised table at the junction of Hare Street/Sunny Hill, and relocating the 30mph speed limit approximately 100m further east to reduce the speed of traffic at the entrance to the site. New town gateway signs are also proposed along with a speed table and additional carriageway markings.

3/12/1657/FP

- 7.19 County Highways have recommended refusal of the application on the grounds of the absence of an agreement on the requirements for mitigating the impacts of the development on the local highway network. The proposed development will mean that all generated trips on the local road network are additional. Highways have confirmed that the local road network is already congested and they have not reached agreement with the developer on the scope and detail of the mitigating measures required for the development. The proposal is therefore in conflict with policy TR20.
- 7.20 In terms of parking, the layout plan indicates a total of 402 spaces to serve the 160 residential units. Based on the Council's adopted maximum parking standards, the residential development would require a maximum provision of 373 spaces. The proposal therefore slightly exceeds the Council's parking standards; however, Officers do not consider this excess provision to be harmful, and the provision of inconvenient three space tandem driveways is also noted in the design section below. Officers therefore raise no objection to the proposed parking provision.
- 7.21 10 parking spaces are also proposed to serve the allotments, with a further 8 spaces plus 2 hearse spaces for the cemetery. There are no adopted parking standards for allotments or cemeteries; however Officers consider this provision to be acceptable.
- 7.22 There is an existing public footpath that crosses the site from Hare Street Road northwest to the rear of Layston First School. The proposed layout incorporates this footpath; however it may need to be diverted slightly as it appears to cross through the foul water pump station and balancing pond. This would need to be discussed with the Rights of Ways Officer who has not yet responded on this application, but is not a reason to refuse the application.
- 7.23 In terms of travel, the site is located within walking distance of shops and services in Buntingford High Street; however public transport within the vicinity of the site has limited potential. There are existing bus stops located on Hare Street Road on both sides of the carriageway, approximately 250m west of the proposed access. Although no bus shelters are currently in place, these have been offered to be delivered through a S106 Agreement. Further, it is noted that local bus services could be improved and a public transport contribution would most likely be requested by County Highways to mitigate the impact of this development.

Landscape and Visual Impacts

- 7.24 From a landscape perspective, despite the existing boundary vegetation and screening, there is an open character to the site with extensive views. As a result the site is visually sensitive to the introduction of, or changes to built form. The site lies in Landscape Character Area 143 'Wyddial Plateau' which is described as "an elevated arable landscape with extensive views over a gently undulating plateau." The SPD states that some of the residential developments on the fringe of Buntingford town are unscreened and prominent e.g. the eastern edge of town. The proposed development, particularly the allotments and cemetery, will therefore add to this prominence from Hare Street Road and the surrounding rural area.
- 7.25 A Landscape and Visual Impact Assessment has been submitted with the application to assess the impact of the proposal on the surrounding landscape. This concludes that the visual impact of the development will be minor/moderate adverse. Officers consider that given the topography of the site and the extensive views of the site, the proposed development will appear visually prominent and harmful to the landscape character of the area. In particular it is noted that although allotments constitute an agricultural use of the land, the associated sheds, and water butts etc. can create a cluttered and visually intrusive form of development. This is juxtaposed with the proposed cemetery which is more formal in its landscape character with boundary walls proposed on the layout plan. The result is considered to be harmful to the character and appearance of the surrounding rural area and landscape.
- 7.26 In terms of trees, there are a number of existing trees along the boundaries of the site which are proposed to be retained and enhanced with native boundary hedging. However, there are a group of protected trees which line The Causeway to the north of the site where a new vehicular access is proposed to the cemetery (TPO no. 152). These trees are considered to contribute to the character of the area and the Council's Landscape Officer comments that he has been unable to conclude how many of these trees will be lost due to the new access as it depends upon visibility splays. This should have been analysed as part of the tree report and the application is therefore considered to conflict with Local Plan policies ENV2 and ENV11.

Design and Layout

- 7.27 The residential development has been designed with one main vehicular access which then loops round the development with various cul-de-sacs. This results in a poor integration with the existing built form

and generates an illegible 'estate style' layout. There is no sense of being led through the development, and the use of cul-de-sacs with apparent change of surfacing, suggest private enclaves rather than public realm. The development also appears cramped when compared with the surrounding pattern of development. The layout also provides poor pedestrian and cycle connections, particularly to the southwest corner of the site, and to the cemetery and The Causeway.

- 7.28 Sustainable Urban Drainage is proposed in the form of a balancing pond located on the western boundary of the site. Open space is proposed around this pond, but would appear not to be usable when the pond is at high level. The open space would be better located centrally within the development as a core feature with good natural surveillance. A foul water pump station is indicated on the plans adjacent to the pond, but no drawings or additional information have been submitted in respect of this building. Officers are satisfied that this could be controlled by condition.
- 7.29 Plots 1, 122, 123 and 125 are located in close proximity to Hare Street Road. Officers consider this siting to be unrepresentative of the layout and relationship of existing dwellings in the vicinity of the site to Hare Street Road. Although it is noted that some existing dwellings further west are located close to the road, this site will form an entry to the town and should represent a transition between rural and urban with a softer landscaped frontage to Hare Street Road.
- 7.30 In terms of detailed design, there are a number of deficiencies in the application. Houses D and G have been designed with no interest to the rear elevations, resulting in two storey flank walls that are extremely poor in appearance. Whilst this is not always an issue where the building backs onto a neighbour, plots 5, 16, 154, and 159 will be visible from the street.
- 7.31 Two LAPs are proposed, with one located directly in front of plot 16. This represents poor design and is likely to result in tension between uses, contrary to the recommendations of Building for Life 12 – a recently published industry standard for well-designed homes and neighbourhoods. This LAP is also located on a road junction, whilst the other LAP is proposed as a chicane within the road; both locations raise concern over safety for the users of these play areas.
- 7.32 The external elevations comprise a mix of styles and materials. Although lacking in any clear identity, it appears that elements of local character have been incorporated into the design. The mix of materials appears to be broadly acceptable; however full details would need to be agreed by condition.

3/12/1657/FP

- 7.33 In terms of the parking layout, all market units are proposed with garages and driveways. The affordable units are proposed with frontage parking courts. This creates a dominance of hard-surfacing to the front of the dwellings and also renders the affordable units easily identifiable from the market housing contrary to the recommendations in Building for Life 12.
- 7.34 A range of single and double garages are proposed to serve the dwellings, many set back from the principal elevation with lengthy driveways resulting in tandem parking for 3 vehicles. This creates excessive hard surfacing with the garages sitting behind the rear elevations and within the gardens. Further, due to the inconvenience caused by tandem parking, it is unlikely that three vehicles would actually be accommodated on these sites. However, it is noted that the actual parking provision shown on the plans exceeds the maximum parking standards. When a third tandem space is discounted, the parking provision falls to 371 and therefore within the maximum standards. The garage for plot 90 is considered to result in a poor termination of view.
- 7.35 It is noted that garage plans were not originally submitted with the application but some have since been received. However, there are still no plans to show the hipped roof garages and triple garages identified on the site layout plan. It is my Officer opinion that this could be readily controlled by condition. In terms of size, all garages have internal clear dimensions of 2.4m by 5.2m. Annex C of the Council's adopted Parking SPD sets out minimum internal clear dimensions of 2.6m by 5.6m in order to ensure that garages can be used for parking as well as storage. Although the proposal does not technically comply with these measurements, it is your Officers' opinion that this is guidance only and should not amount to a reason for refusal, but it nonetheless highlights the design flaws of this proposal. Further, there appears to be a lack of storage (garages or sheds) for the affordable units.
- 7.36 In terms of the cemetery, this is proposed with excessive hard-standing in the parking area. Walls are also proposed on plan but no information has been provided. Officers consider this boundary treatment and hard surfacing to be of poor design and unduly prominent in the surrounding agricultural landscape.
- 7.37 Finally, an area of land measuring some 10m by 13m is identified on the plans to be allocated to Layston First School; however Herts County Council have confirmed that this land is not required to enable the school to expand. Nonetheless, the anticipated use for this parcel of land is unclear from the submissions and it is considered to be poorly located in relation to the school and its playing fields.

Impact on Residential Amenity

- 7.38 In terms of residential amenity, the units appear to offer an adequate level of amenity for future residents in terms of room and garden sizes. However, the development will result in harmful overlooking between several units including plots 13 and 14, 25 and 26, 90 and 91, and 150 and 151. Overlooking will also result to No. 11 Hare Street Road which is located in close proximity to the proposed development. The north facing habitable first floor windows of No. 11 Hare Street Road will be within 16m of the rear windows of plots 106-109, whilst the east facing habitable room windows will be within 13m of the rear of plot 124. Although there is no acceptable back-to-back distance specified in Local Plan policy, Officers consider that these distances are unacceptable and would result in harm to the amenities of No. 11 in this case.
- 7.39 Further, there is a primary ground floor bedroom window within the east elevation of No. 11 which currently faces onto the allotments. The proposed development will result in a boundary fence immediately in front of this window which will reduce the light within this bedroom. Whilst this will impact on the amenities of No. 11, Officers note that a 2m high fence could be constructed along this boundary at any time under permitted development rights and therefore consider this issue to carry little weight.

Affordable Housing

- 7.40 The application makes provision for 64 affordable units, representing 40% affordable housing. This will comprise of 16 no. 1 bed maisonettes, 1 no. 2 bed flat over garage, 17 no. 2 bed houses, 18 no. 3 bed houses, and 12 no. 4 bed houses. The Council's Housing Manager has indicated that she would prefer a greater proportion of 2 and 3 bed units rather than 4 bed units; however she has raised no objection to the proposal subject to the mix being provided as 75% social rented, and 25% shared ownership. The proposal is therefore considered to comply with policies HSG3 and HSG4 of the Local Plan.
- 7.41 In terms of layout, the Council's Affordable Housing SPD states that in sites incorporating 30 or more residential units, affordable housing should be provided in groups of no more than 15% of the total number of units or 25 units, whichever is the lesser. In this case, 15% of the total amounts to 24 units, hence 24 is the figure to be used. The proposed layout includes two main clusters of 25 units of affordable housing to the northwest and southwest of the site, with a further group of 8 units slightly further north and 6 units positioned centrally in the site. The Council's Housing Development Manager would prefer the affordable

units to be 'pepper potted' throughout the site and better integrated with the development. Whilst it is acknowledged that this would be the preferred approach, Officers do not consider the clusters to be excessive or harmful in the context of the Council's housing guidance. Further, it is noted that many of these clusters of affordable units apparent from the layout plan will in fact be approached from different access roads on site. Overall, the provision of 40% affordable housing is appreciated, and given due weight in assessing this application.

- 7.42 Policy HSG6 requires that 15% of new dwellings are constructed to Lifetime Homes standards. This can be secured through a planning obligation.

Open Space Provision

- 7.43 Given the scale of development proposed, the Council's adopted Open Space, Sport and Recreation Supplementary Planning Document (SPD) requires that parks, gardens, amenity green space, Local Areas of Play (LAPs) and a Local Equipped Area of Play (LEAP) be provided on site.
- 7.44 The layout indicates the provision of an area of amenity green space to the west of the site, along with additional landscaped amenity land near the entrance of the site, and two triangular shaped LAPs, along with the new allotments and a cemetery – both of which are defined in the SPD as open space.
- 7.45 The two play areas are considered to be poorly located, within close proximity to residential properties and bordered on two sides by roads. They are small in size and will only be able to accommodate limited natural play equipment such as boulders and logs. The play areas measure approximately 80m² each which fails to comply with the Fields in Trust standards (set out in Appendix B of the Open Space SPD) which require a minimum activity area of 100m². Further, based on the scale of development proposed, a total area of 628m² would be required for children and young people; this application proposes only 160m². The SPD indicates an existing deficit of 1.3ha of provision for children and young people in Buntingford; this development will therefore exacerbate the deficit.
- 7.46 Further, given the nature of the proposed units as predominantly family dwellings, Officers consider it important to provide appropriate play facilities. The Council's Environment Manager has confirmed that a LEAP, combined with the two LAPs would be the preferred option for the site. There is no need to improve the existing play facilities at Hare Street Road, currently managed by the Town Council, and therefore a new equipped play area should be provided on site within the proposed

area of open space. Officers therefore consider the proposed development to conflict with the requirements of policy LRC3 of the Local Plan.

- 7.47 In terms of parks and gardens, the SPD highlights a 7.02 hectare deficit in the Buntingford area. This application proposes no contribution towards this deficit on site; however it is material to note that the application proposes additional allotment land and a cemetery, both of which are included within the definition of Open Space, and given the extent of these proposed facilities Officers do not consider it reasonable to request additional contributions in respect of parks and gardens. In terms of outdoor sports facilities, the SPD highlights a surplus of provision in Buntingford. However, the Council commissioned a Playing Pitch Strategy and Outdoor Sports Audit in 2010 which identified issues around the quality of provision and access. A financial contribution towards outdoor sports facilities is therefore considered to be reasonable and necessary for a development of this scale.
- 7.48 The development will result in the loss of the existing allotments adjacent to No. 11 Hare Street Road which currently comprise an area of approximately 0.19 hectares. Policy LRC1 states that proposals resulting in the loss of open space facilities will be refused unless suitable alternative facilities are provided on site or in the locality which are at least equivalent in terms of quantity, quality and accessibility to the ones that would be lost. In this case a new 0.6 hectare allotment is proposed to the east of the residential development on land which is already in arable use. Although this will not be as easily accessible, the site area will be greater, and parking facilities are also proposed. I therefore consider the proposal to comply with policy LRC1 in terms of the loss of the allotment. The proposal also complies with the Council's Open Space SPD which requires that new allotments are a minimum of 0.5 hectares in area.

Flood Risk and Drainage

- 7.49 The site lies in Floodzone 1; the lowest level of potential flood risk. No objection has been raised by the Environment Agency subject to a number of conditions which would be considered reasonable and necessary to mitigate the impacts of the proposed development. The recommended conditions also seek to protect groundwater from contamination, particularly arising from the proposed burial ground in accordance with policy ENV20 of the Local Plan.
- 7.50 A Sustainable Urban Drainage (SUDs) system is proposed, including a surface attenuation pond proposed near the western boundary of the site, and this is considered to be in accordance with policy ENV21. Foul

3/12/1657/FP

water drainage is to be pumped into the existing Thames Water sewer system in Hare Street Road with a new pumping station building proposed adjacent to the attenuation pond. No objection has been raised by Thames Water.

Ecological Matters

- 7.51 There are two Sites of Special Scientific Interest (SSSIs) within 5km of the site – Great Hornead Park SSSI located 4.9km east and Moor Hall Meadows located 4.9km southwest. This proposed development will have no impact on either of these designated SSSIs. There are also a number of non-statutory designated nature conservation sites within 2km of the site; however no harm will arise.
- 7.52 An Ecological Assessment has been submitted with the application to assess the impact of the development on local ecology. The report identifies that the boundary hedges and trees are the site's key ecological features and should be retained, protected and managed. In terms of protected species, surveys for bats, dormice and reptiles are still underway. Herts Biological Records Centre has therefore recommended refusal of the application on the grounds that the Local Planning Authority cannot make an informed decision without this information, particularly with regards to bats and dormice which are European Protected Species. No evidence of badgers or Great Crested Newts were found on site.

Heritage Assets

- 7.53 There are no listed buildings within the vicinity of the site, and no Scheduled Ancient Monuments. Buntingford Conservation Area is located over 100m to the west of the site and no harm will result to its character or appearance. The proposal therefore complies with Section 12 of the National Planning Policy Framework.
- 7.54 Although the site is not located in an Area of Archaeological Significance, some initial archaeological investigations have been undertaken which identify remains of archaeological interest. The Historic Environment Unit have therefore recommended a condition for a programme of archaeological work to be undertaken in accordance with policies BH2 and BH3.

Financial Contributions and Obligations

- 7.55 Given the scale of development proposed, the proposal triggers a range of contributions and S106 requirements. Herts County Council have requested contributions for all service provisions, however the exact figures have not been calculated awaiting the final breakdown of

affordable housing units and tenure. Officers consider the requirement for service contributions to be reasonable and necessary in connection with the proposed development in accordance with the Community Infrastructure Levy (CIL) Regulations 2010.

- 7.56 Given the proximity of the proposed development to Layston First School, Officers have consulted with HCC on the need for future expansion of the school. They have confirmed that Layston First School can expand within its current site to accommodate the proposed development, and that no additional land is currently required. Although the proposal includes a small parcel of land for the school, the developer has been advised that this is not required and that financial contributions would be required instead.

8.0 Conclusions:

- 8.1 Overall the proposal amounts to inappropriate development in the Rural Area beyond the Green Belt where new residential developments will not normally be permitted. The proposed cemetery is also considered to be inappropriate due to a lack of justified need. Whilst Officers acknowledge that East Herts Council is currently unable to demonstrate a five year housing supply, this is likely to change in the near future when the draft District Plan is published. The proposed development is therefore considered to be premature, and its approval would prejudice the identification of preferred sites to meet development needs across the district.
- 8.2 The harm to the Rural Area is exacerbated by the visual impact and prominence of the proposed development in the surrounding landscape. The scheme is also unacceptable in its poor layout and design, unacceptable highway impacts, inadequate play facilities, harm to residential amenity, and potential harm to protected trees along The Causeway, and to European Protected Species.
- 8.3 It is acknowledged that the proposal does have its benefits, including housing delivery and the provision of affordable housing and open space facilities. However, on balance, Officers do not consider that the benefits of the scheme outweigh the harm associated with a premature approval of development on this site.
- 8.4 The application is therefore recommended for refusal for the reasons set out above.