

6a 3/13/0118/OP – Outline application for approximately 100 houses. All matters reserved except for access at Land south of Hare Street Road, Buntingford for Wheatley Homes Ltd.

Date of Receipt: 11.02.2013

Type: Full - Major

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

That subject to the applicant or successor in title entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

- A financial contribution towards Nursery, Primary and Secondary Education, Childcare, Youth and Library services to Hertfordshire County Council in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008;
- A financial contribution towards Sustainable Transport to Hertfordshire County Council in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008;
- A financial contribution towards Outdoor Sports facilities to East Herts Council in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Supplementary Planning Document 2008;
- The undertaking of highway improvement works as follows:
 - Relocation of the southbound bus stop on Station Road;
 - Upgrading of the northbound and southbound bus stops on Station Road to become Disability Discrimination Act (DDA) compliant;
 - The provision of a pedestrian crossing over Station Road;
 - Removal of the stepped access on footpath 21 to Hare Street Road, or the construction of an alternative level public right of way for all users;
 - Hard-surfacing to footpath 21 adjacent to the development site until it joins the existing hard-surfaced section to the north of the site, and widening of the hard-surfaced path to 2m with a total minimum width of 3m.

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- The provision of 40% affordable housing - 75% to be social rented and 25% to be shared ownership;
- The provision of 15% lifetime homes;
- A detailed management scheme for the future maintenance of the proposed open space and attenuation ponds, and where appropriate, any financial contribution that may be required towards this maintenance;
- Either the provision of a Local Equipped Area of Play (LEAP) on-site, or the provision of a Local Area of Play (LAP) combined with a financial contribution towards improving the existing Hare Street Road Recreation Ground play facility, and where appropriate, any financial contribution that may be required towards maintenance.
- Monitoring fee.

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

1. Outline permission time limit (1T03)
2. Approved plans (2E10 – 16700/1005, 16700/1007, C-207128/SK09 rev P2)
3. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

4. Programme of archaeological work (2E02)
5. Prior to the commencement of development, a detailed surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority and the approved scheme shall be implemented prior to first occupation of the development. The scheme shall be based on the submitted Flood Risk Assessment C-207128/10 dated January 2013 and shall include a restriction in run-off rate to 3.5 litres/second/hectare, surface water storage as outline in the FRA, and

pollution prevention measures.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007.

6. The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted to and approved in writing by the Local Planning Authority, and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:
- A site investigation scheme, based on the details contained in the submitted desk study report reference J12193-2 dated December 2012, shall be carried out to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in Section 11 of the National Planning Policy Framework.

7. Piling or any other foundation design using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater from contamination in accordance with

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policy ENV21 of the East Herts Local Plan Second Review April 2007 and Section 11 of the National Planning Policy Framework.

8. Before first occupation of the approved development all access and junction arrangements serving the development shall be completed in accordance with the approved in principle plan, drawing number C-207128/SK09 rev P2, to the standards outlined in Roads in Herts, and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

9. Prior to the commencement of development a construction management plan covering delivery and storage of materials, on-site parking during construction, wheel washing facilities and construction vehicle routing and access shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: To minimise the impact of construction vehicles on the local road network.

10. Prior to the commencement of development, additional scale layout plans showing the arrangements to be implemented at the intersection of the site entrance with public footpath 21, along with details of temporary fencing/signing to protect the alignment of the footpath, shall be submitted to and approved in writing by the Local Planning Authority in accordance with Hertfordshire County Council's Rights of Way Good Practice Guide.

Reason: To ensure that the safety and convenience of users of the public right of way are not significantly compromised by vehicles entering and exiting the development site.

11. A Green Travel Plan, with the object of reducing travel to and from the development by private car, shall be submitted with the submission of any subsequent Reserved Matters application for approval by the Local Planning Authority and the proposed measures shall be implemented to an agreed timetable.

Reason: To promote the use of non car modes of transport in accordance Policy TR4 of East Herts Local Plan Second Review April 2007.

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12. Tree/hedge retention and protection (4P05)
13. The recommendations to retain and enhance the biodiversity of the site highlighted in Section 7.3 of the Ecological Appraisal and Protected Species report dated January 2013 shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the habitats of protected species in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL1)
2. Highway Works (05FC)
3. Planning Obligation (08PO)
4. Public Rights of Way (18FD)
5. Unsuspected contamination (33UC)
6. Protected Species (36PS)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD1, SD2, HSG1, HSG3, HSG4, HSG6, GBC3, GBC14, TR1, TR2, TR3, TR4, TR7, TR12, TR14, TR17, TR20, ENV1, ENV2, ENV3, ENV11, ENV16, ENV20, ENV21, BH1, BH2, BH3, LRC1, LRC3, LRC9 and IMP1); and the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the Council's housing land supply 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 comprises

approximately 5 hectares of agricultural land located on the southeast fringe of Buntingford. To the west are existing residential dwellings, and to the north is the Hare Street Road Recreation Ground with play area and former allotments beyond a line of mature trees. The eastern and southern boundaries are open with additional agricultural land beyond. Owles Lane is located approximately 200m to the south of the site. There is an existing public right of way, footpath 21, which runs along the western boundary of the site connecting to Hare Street Road to the northwest, and to Owles Lane to the southeast.

- 1.2 The application proposes approximately 100 dwellings and is in outline form with all matters reserved, except for access. Vehicular access is proposed from Snells Mead, an existing cul-de-sac development comprising of 95 semi-detached and detached dwellings.

2.0 Site History:

- 2.1 There is no planning history for this site.
- 2.2 Members may recall that an application for 160 dwellings on land north of Hare Street Road (reference 3/12/1657/FP) was refused by Committee on 5th December 2012 and an appeal has now been lodged against this refusal. An update on this site is the subject of a separate report on this agenda.

3.0 Consultation Responses:

- 3.1 Planning Policy recommend refusal. They comment that the proposal is on greenfield land outside the settlement boundary to the east of Buntingford, in the Rural Area beyond the Green Belt where residential development is inappropriate and contrary to saved policies GBC2 and GBC3 of the East Herts Local Plan 2007. 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' recommendations that Area 9: Buntingford East Sub-area B (which includes land in this proposal) has been assessed as 'marginal pass' to be carried forward to the next stage of sieving.
- 3.2 The final strategy for Buntingford including the quantum of housing development and necessary associated infrastructure (e.g. schools) 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. The Council intends to take its draft District Plan to the District Plan Executive Panel in the latter half of 2013 for twelve weeks public consultation.

- 3.3 The final strategy for the whole district and indeed for Buntingford cannot be finalised without key technical evidence on education planning and highway capacity. With development pressure surrounding the entire town it would be irresponsible to develop in a piecemeal fashion without a proper and comprehensive assessment of the cumulative impacts of development on the education and community infrastructure within the town. Each application may not by itself result in the requirement for an additional form of entry at primary level, but the combination of two or more development sites each of over 100 dwellings would create a demand which none of the developments would deal with adequately.
- 3.4 Local planning authorities are required to demonstrate a continuous five year supply of housing land to meet their objectively assessed housing needs. The issue of housing supply is complicated because of the absence of a definitive housing requirement. Previously, the district requirement was set by the Structure Plan and then the Regional Plan (660 per annum for the period 2006-2031). The draft Review to the East of England Plan proposed a district requirement of 550 per annum (i.e. Option 1 figure). In light of the abolition of the East of England Plan on 3rd January 2013, it is now the responsibility of East Herts Council to determine what it considers to be an appropriate housing requirement for the district, taking into account the NPPF. I also draw your attention to the Written Ministerial Statement from Baroness Hanham dated 25th July 2012:
- “Local authorities can also bring forward proposals (for example on housing targets) which have a local interpretation to them in their plans, based on their own sound evidence base where that is justified by the local circumstances. That evidence base is likely to be more up to date than that included in the Regional Strategies. Each case will depend on its particular facts.”
- 3.5 Thus, in terms of determining whether East Herts Council has a five year supply is dependent upon which housing requirement is used. On 4th April 2012, East Herts Council agreed that the appropriate housing requirement for the period 2011-2031 was between 10,000 and 17,000 dwellings (500-850 per annum), which would be subject to further testing to assess the feasibility and implications of such a requirement against national planning policy requirements and the physical and environmental capacity of the district. This work is still ongoing.

- 3.6 The 2011/2012 Annual Monitoring Report (AMR) was presented to Members on 21st February 2013. In the absence of regional housing targets, guidance to Councils indicates that they can use their 'Option 1' figures to monitor housing supply (550 additional dwellings per annum for East Herts). Therefore this has been calculated in Table 6 of Appendix B of the AMR. Once an allowance is made for windfall sites and the new requirement to make an additional buffer of 5%, a housing land supply equivalent to 4.5 years is calculated.
- 3.7 Initial assessments undertaken for the plan preparation process have indicated that development could theoretically occur in this location for a significant number of dwellings. The urban form assessment presented to Members on 28th November 2012 suggested that this area could be well integrated to the existing built-up area using access to Hare Street Road, Snells Mead, Layston Gardens and Owles Lane. Access from Hare Street Road may contradict the topographical context of the area, but the eastward continuation of existing accesses would create the most coherent structure in addition to a north-south route mirroring London Road. Further assessment indicates that access to Owles Lane would not be appropriate.
- 3.8 This proposal is for 100 dwellings off a single access (Snells Mead). Although the submitted layout plan is indicative only with all matters bar access reserved, the current form of development would prejudice the opportunity to extend this development site in the future should the proposed development strategy for the town suggest a greater level of development could be achievable in this area of search. A grid-like structure with more than one access would facilitate a clearer integration with the existing built form and better permeability throughout the site, and would possibly alleviate concerns relating to the reliance on one access.
- 3.9 The provision of 40% affordable housing proposed is in accordance with saved Policy HSG3, although it is noted that the tenure split is still to be agreed. The integration of the affordable units within the proposal rather than on a separate adjacent development with separate access is also recommended. In terms of dwelling size, a diverse mix of units has been proposed.
- 3.10 Hertfordshire County Council (HCC) has confirmed that there is a small capacity at primary level in the two primary schools in the town. Further technical investigations will be required but indications are that there are potential expansion opportunities at each school but this would depend upon land not in County Council ownership. This level of

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development would be possible to accommodate at a primary level. However, the cumulative impacts of several development sites would result in the need for additional capacity at a primary level.

- 3.11 The County Council also confirms that at Middle and Secondary school level, the town is currently suffering from a deficit of 1 form of entry at middle and 1.5 forms of entry at secondary level. This application does not appear to make any mention of this deficit apart from stating an appropriate contribution to education services would be made via the Section 106 process. Planning Policy Officers would argue that without a comprehensive strategy for the town, a piecemeal development approach would not be able to consider the cumulative impacts of the proposal and would therefore exacerbate existing problems.
- 3.12 The Council has adopted an Open Space, Sport and Recreation Supplementary Planning Document (SPD) that sets out the hectare standard of provision for various types of open space per 1,000 population. In respect of Buntingford, there is a 7.02ha deficit in parks and public gardens and a 1.30ha deficit in provision for children and young people. The application makes no provision for open space apart from the flood attenuation ponds. The site adjoins an existing open space with play facilities; however, this application does not take the obvious opportunity to increase the size of this facility. An off-site contribution for improvements to existing facilities would not address the increase in deficit this application would create.
- 3.13 In summary, Planning Policy Officers are of the view that this proposal does little to address what are key concerns for the town. The indicative design relies on a loose grid form with one point of access. However, this grid is enclosed by properties and prejudices the opportunity to integrate with existing and future developments which could open further points of access. The proposal does not adequately address matters of increased demand for services such as education and community facilities. To plan without consideration of the cumulative impacts of the proposal, particularly in the full knowledge of similar proposals on all sides of the town in advance of a comprehensive strategy for Buntingford would be premature.
- 3.14 County Highways recommend consent subject to a number of conditions and directives, and a S106 legal agreement to secure the following:
- 1) Off-site highway works as follows:
 - Relocation of the southbound bus stop on Station Road to be

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- closer to the Snells Mead junction;
 - Upgrading of both the northbound and southbound bus stops on Station Road to become Disability Discrimination Act (DDA) compliant;
 - The provision of a pedestrian crossing over Station Road, close to the Snells Mead junction;
 - Removal of the stepped access to public footpath 21 to Hare Street Road, or the construction of an alternative level public right of way for all users to Hare Street Road;
 - Hard-surfacing to footpath 21 adjacent to the development site until it joins the existing hard-surfaced section to the north of the site, and widening of the hard-surfaced path to 2m with a total minimum width of 3m.
- 2) The provision of a Green Travel Plan to the satisfaction of the Highway Authority.
- 3) Financial contributions towards the design and construction of highway improvement works, traffic management schemes, traffic studies, improvements to public transport, and/or measures as will encourage users of the development to travel to and from the development by means of transport other than the private car. The contributions are determined by the number of units (only outline at this stage) based on: £625 per 1 bed unit, £750 per 2 bed unit, £1125 per 3 bed unit, and £1500 per 4 bed unit.
- 3.15 Highways comment that this application has been the subject of pre-application discussions with the Highway Authority. Snells Mead is a local access road consisting of a set of relatively quiet cul-de-sacs in total serving 95 dwellings. Connection to the wider highway network is onto Station Road, a C classified local distributor road subject to a 40mph speed limit. The methodology in the Transport Assessment (TA) has been checked and appears to be robust. Alongside this, traffic counts were undertaken at the Snells Mead / Station Road junction and from this, the actual trip generation from the existing 95 dwellings along Snells Mead was established. The Highway Authority is content that the trip generation figures outlined in the TA are accurate.
- 3.16 The geographical extent of junction capacity analysis was agreed at pre-application stage and includes an analysis of the following junctions: Snells Mead / Station Road; Station Road / Hare Street Road; and the A10 / London Road roundabout. The applicant has used standard, nationally approved software for these checks, and the traffic generation as part of the proposals to develop the Sainsbury's distribution depot to the south of this site have been incorporated within

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the calculations. There are no other committed developments within the vicinity of the site.

- 3.17 Roads in Herts recommends a maximum of 200 dwellings to be served from a single point of access onto the wider highway network. As Snells Mead currently consists of 95 dwellings, the proposed development accords with this recommendation. The main spine/entry road of Snells Mead is double width with footways on both sides. The specific point of entry into the development site is acceptable, although further plans will be required to show greater detail of the intersection of the site entrance with footpath 21, and any measures necessary to ensure this is safe. Furthermore, the proposed development is larger than the number of dwellings served from the carriageway leading to house numbers 43 to 123. Therefore, the Highway Authority requested at the pre-application stage that consideration be given to changing the priority of traffic at this location, so that those exiting the development have right of way. The applicant has included a plan of this within the TA which is acceptable in principle, although this may have to be subject to a stage 1 safety audit.
- 3.18 In determining the suitability of the Snells Mead / Station Road junction to serve this development, the junction capacity tests, as outlined above, are a key indicator. In addition, visibility at this junction is good in all directions and meets the current standards. Accident history has been examined and revealed that there have been no recorded accidents at this junction within the past 5 years. A recorded accident has taken place within the past 5 years at a distance of approximately 100m north of this junction, and another approximately 100m to the south. Neither of these have an association with traffic from Snells Mead.
- 3.19 The Highway Authority is of the opinion that the originally submitted information considerably overstated the sustainability of the site from a highways aspect. Quotes within the Planning Statement along the lines that the site is “extremely close to existing shops”, and within the Design and Access Statement that the site benefits from “several bus stops located within 400 metres”, are misleading and inaccurate. In addition, the sustainability statement contains a number of illogical and presumptuous comments, in particular, that “private transport will soon be provided by battery-driven cars”. Even if true, this does nothing to tackle the county-wide problem of traffic congestion.
- 3.20 The Transport Assessment provides a more measured analysis of site sustainability, but even this maintains that all key bus stops are located within 400m (the government’s recommended accessibility distance).

This is true as the crow flies, but walking from the site to these bus stops on the ground is a different matter. The nearest southbound bus stop along Station Road is over a 400m walk from the more northern parts of the site. The northbound stop, although located directly opposite the Snells Mead / Station Road junction, does not have a suitable crossing facility close by. When accessed via the nearest crossing point (close to the Hare Street Road / Station Road junction), the distance of this bus stop from the site is at least 600m. It is therefore difficult to see how the development accords with paragraph 35 of the NPPF which states that "developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities". Similarly paragraph 32 of the NPPF states that "decisions should take account of whether safe and suitable access to the site can be achieved for all people".

- 3.21 As such, the Highway Authority considers that a range of works (as listed above) are necessary to make the site acceptable from a sustainability aspect. Subsequent discussions with the transport consultant acting on behalf of the applicant have proved positive, and the applicant has given their unconditional agreement to all of these works, and indicative plans have been submitted to demonstrate their broad feasibility.
- 3.22 The Highway Authority acknowledges that this is an outline application, and the internal layout plan is for indicative purposes only. However, the applicant is advised that all internal roads should be built to adoptable standards, parking levels and layouts should be in accordance with East Herts Council standards, and should ensure that there is no significant increase to roadside parking outside of the site, and the site should provide sufficient turning space for all vehicles, including service vehicles, to ensure that entry and exit onto any parts of the public highway is in forward gear.
- 3.23 Rights of Way comment that the line of Footpath 21 is correctly delineated across the arable field and they have ensured that the route has been way-marked for the avoidance of doubt.
- 3.24 The Council's Housing Development Manager notes that the scheme is for 100 houses of which 41 are affordable therefore providing 40% in line with policy. They appreciate the mix of sizes offered on the scheme but would prefer to see the 2 bed units as houses rather than flats if possible. The scheme would also need to take account of the 'pepper-potting' policy and would expect the tenure split to be 75% rent and 25% shared ownership. They would be interested to know if any units

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would be built to Lifetime Homes standards and if there would be any provision of any wheelchair units.

- 3.25 The Landscape Officer recommends refusal. He comments that the SuDS features are located to the rear of existing housing and to the western edge of the proposed development, and in these locations they are not readily visible or accessible and receive less natural surveillance than in a more central location within the development. If there is to be a phase 2 proposed to the south then the attenuation pond should be suitably located within the context of the overall development. He also comments that the Design and Access Statement talks about creating public space yet these are not included on the illustrative Masterplan. The Landscape and Visual Impact Assessment (LVIA) recognises that, overall, due to the relative elevation and open character of the site there are extensive views, and as a result the area is sensitive to changes in built form. The Landscape Strategy drawing 11/205 fig. 13 shows the existing contours outside the development site, but not how the indicative layout responds to the local topography. He also comments that although there is good connectivity between the existing and proposed housing, it may make sense if there was an alternative vehicular access from Hare Street Road. Finally, there will be no impact on existing trees except to make way for the access road at the end of Snells Mead.
- 3.26 The Environment Agency welcome the applicant's intentions to restrict runoff from the site to Greenfield rate, incorporate swales, ponds and attenuation features, and provide attenuation up to the 100 year storm event, including 30% allowance for climate change. In order to secure these aspects and to deal with contamination on site, they recommend that the proposed development will only be acceptable subject to conditions requiring details of surface water drainage, a contamination scheme, and piling works.
- 3.27 Environmental Health raise no objection subject to conditions on construction hours of working, soil decontamination, and piling works.
- 3.28 County Council Minerals and Waste Team comment that regard should be had to the sustainable management of waste in accordance with policies 1, 1a, 2 and 12 of the Waste Core Strategy and Development Management Policies Development Document 2012.
- 3.29 Hertfordshire Constabulary raise concerns over the access from Snells Mead as this would create an extended cul-de-sac – they have forwarded the application to the Traffic Management Unit for their comments. They are disappointed that there is no mention in the

Design and Access Statement of how the applicant intends to comply with national planning policy around creating safe and secure environments, especially as they are proposing a footpath and right of way through the estate which will legitimise offenders being on the estate and thus lead to a rise in crime. The application fails to address policy ENV3 and to date there has been no consultation between the architect and the Police Design Service. They therefore request a condition that the development achieves full Secured by Design accreditation.

- 3.30 Thames Water raise no objection with regard to sewerage infrastructure. With regard to surface water drainage they comment that it is the responsibility of the developer to make proper provision for drainage. The applicant should ensure that storm flows are attenuated or regulated into the public network through on or off site storage. With regard to water supply this comes within the area covered by Affinity Water Company.
- 3.31 Herts Biological Records Centre confirm that they do not hold any known biological records for the proposal site or the immediate surrounding area. They are satisfied that an appropriate survey methodology, evaluation and analysis has been carried out, the habitats within the site are of insufficient quality to object on ecological grounds, the proposal will not impact on any statutory or non-statutory site of conservation importance, and protected species will not be impacted by the development. They recommend that the species rich hedgerow along the northern boundary be protected during development, planting should use species of local provenance and the recommendations highlighted in the ecological report should be implemented.
- 3.32 Herts and Middlesex Wildlife Trusts comment that the site is of limited ecological value at present and development of the site could result in a net biodiversity gain if suitable ecological mitigation and enhancement is implemented. Suitable conditions are therefore recommended to ensure that construction works do not result in harm to protected and priority species, and also to secure a landscaping scheme which makes a positive contribution to the local ecological network.
- 3.33 Natural England comment that the protected species survey has identified that bats may be affected by this proposal but have used their standing advice to accept the findings of the ecological report.
- 3.34 The Ramblers Association comment that it is assumed there will be no modification or diversion to existing footpaths and bridleways; there is no statement within the planning application regarding the status of the

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rights of way during the building work. Drainage from the development should not impact on the rights of way either during or post development. Post development, the footpaths should have a minimum width of 2m and the bridleway should have a minimum width of 3m. It is also expected that the new footpaths will be dedicated as public rights of way and appear on the definitive map.

- 3.35 Planning Obligations comment that financial contributions would be sought towards nursery education, primary education, secondary education, childcare, youth and library services as set out in Table 2 of the 'Planning Obligations Guidance Toolkit for Hertfordshire January 2008'. Fire hydrant provision is also sought to ensure adequate water supplies for fire fighting. When applications are made in outline, the County Council's approach is to request that Table 2 is referred to and included in any S106 agreement.
- 3.36 County Archaeology comment that the site forms less than half the overall area that was the subject of an archaeological evaluation via geophysical survey and a programme of eighteen trial trenches in November and early December 2012. The two phases of investigation identified evidence of an enclosure, which is likely to date to the prehistoric, late Iron Age or Romano-British periods, and an area that contained the remains of structures and buildings that are believed to be associated with a Second World War Royal Army Ordnance factory. The position of the proposed development is therefore such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. Furthermore, though the results of the evaluation of the remainder of the field (via a further twelve trenches) are not included in the report, I am aware from the two monitoring visits I made to the site that archaeological remains of probable Roman date were identified within the area.
- 3.37 The report on the archaeological evaluation submitted in support of this application for outline planning consent therefore provides only a partial record of the archaeological investigation carried out and its results. This has the unfortunate consequence that the full archaeological context on which the advice provided by this office with regard to the current application should be based is lacking. Given this, should the application be approved, additional archaeological evaluation will therefore be required before the design of all of the areas that will impact on archaeological remains can be finalised. A condition is therefore recommended.
- 3.38 Campaign to Protect Rural England object to this application as it is contrary to the principles of the NPPF and the Local Plan. The

development is outside the settlement boundary which should be respected until it is formally amended by the Council. It is worth recounting that at the time of the Inquiry into the current Local Plan, 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 the surrounding countryside. The proposal would result in unacceptable urban sprawl into the countryside contrary to paragraph 17 of the NPPF that planning should recognise “the intrinsic character and beauty of the countryside.” The proposal is also contrary to policy HSG5 as the proposal is outside the settlement boundary and local housing need has not been demonstrated. Even if the Council cannot demonstrate a five year housing supply, the Council has resolved that the policies in the Local Plan should continue to be given due weight in accordance with paragraph 215 of the NPPF. Development that conflicts with the Local Plan should therefore be refused unless other material considerations indicate otherwise, which in their view do not. Further, there is no demonstration that the traffic growth scenarios would be acceptable in terms of capacity.

- 3.39 Council Engineers confirm that the site lies in Floodzone 1 and is away from overland surface water flows although an area of surface water inundation runs through part of the site. There are no historical flood incidents shown at the site although there are adjacent historic incidents recorded in 1993 for Snells Mead. The development appears to be suitable for above ground type sustainable drainage systems (SuDS) and the two detention basins and a longitudinal swale would be valuable assets for the new development and assist in flood risk reduction in Buntingford as well as providing useful additional biodiversity and shared amenity spaces.

4.0 Town/Parish Council Representations:

- 4.1 Buntingford Town Council object to the proposal for the following summarised reasons:

- Permission should not be granted unless and until it can be demonstrated through technical study and consultation that it is necessary and preferable to other sites under consideration;
- Development of the town should be considered as a whole;
- Proposal does not comply with the Local Plan and amounts to inappropriate development in the Rural Area beyond the Green Belt;
- Poor level of public transport in Buntingford, no guarantees that bus services will improve, and no cycle routes on the main networks;

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- There is little local employment and very few people can commute to work without the means of a private motor vehicle, partly due to the lack of a railway station;
- Concern that the developer would request an additional larger scheme if permission were granted;
- Concern over child safety with open space in close proximity to the attenuation basin;
- The bottom of Snells Mead at the junction with London Road floods on a regular basis;
- Concern over maintenance of the drainage system which could overflow to existing residential properties to the west;
- There are no cycle paths from the development to the secondary school, and no cycle path on the south bound section of Station Road as stated;
- TRICS data can only be relevant if compared with areas similar to Buntingford, i.e. those without a rail link.

4.2 Anstey Parish Council are not opposed to the application itself but are concerned that the infrastructure of Buntingford is unable to sustain these types of development. Permission should not be granted until the needs and services of the area are considered and assured.

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 615 letters of representation have been received, including a letter from Buntingford Action for Responsible Development (BARD), plus a further 16 with incomplete addresses, which can be summarised as follows:

- Proposal is outside the settlement boundary and contrary to Local Plan policies;
- Proposal would prejudice future housing allocations in Buntingford;
- Major decisions should be delayed until proper planning is in place;
- The application has only been submitted in response to Taylor Wimpey's proposals and is a 'knee-jerk' reaction;
- Poor bus services and no rail service – the development is unsustainable;
- Development will increase traffic flows in Buntingford on an already congested highway network;
- Loss of amenity and increased noise to existing dwellings;
- Would extend the built-up part of the town into the countryside;
- Concern over future development on the wider site;

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- Snells Mead was never designed for additional traffic flows;
- Concern over pedestrian safety issues, especially school children;
- Traffic priority changes would lead to dangerous junctions;
- Concern over access for emergency service vehicles during construction;
- Lack of facilities for children and young people;
- Harm to wildlife including slow worms, newts, dormice, hedgehogs, rabbits, deer, badgers, foxes, birds, protected orchids and bats;
- Inadequate education and healthcare facilities;
- Poor parking provision and shopping facilities in town;
- Proposal is out of keeping with its surroundings and will be visible from a distance due to rising ground;
- There are other more suitable sites for development – development in Buntingford should continue north to enable traffic to join the bypass;
- There is a footpath crossing the site that is frequently used;
- Affordable housing is clustered contrary to policy and should not be located bordering existing properties;
- Dwellings are not designed for the 'maturing older profile' of Buntingford;
- Inadequate landscaping and screening – harm to landscape character;
- Existing dwellings are not selling in Buntingford - indicates a lack of demand for housing in this location;
- Impact on property values;
- Failure to address drainage solutions – the existing drainage system in Snells Mead is private and there are existing problems with surface water at the end of the road;
- Lack of employment opportunities in town – development will create more of a commuter town;
- Transport Statement is unclear about traffic flows from the distribution centre and presents unbelievable results;
- Current rate of building in Buntingford is already unacceptable and unjustified;
- Existing recreation ground will suffer even more anti-social behaviour;
- Loss of agricultural land;
- Concern over maintenance responsibilities for the SuDS;
- Concern over damage to existing sewerage system which have recently been relined;
- The proposal will create a large cul-de-sac which will make effective policing difficult;
- Traffic survey was carried out on a fine summer's day, the day before schools broke up where traffic levels were reduced;
- Query over implementation of technologies proposed in

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statements;

- Inadequacies, errors and omissions in the submitted statements;
- New developments should be put on hold until the 2011 Census data is published and fully analysed.

5.2 Buntingford Civic Society request that the application be refused for the following reasons:

- Inappropriate development on greenfield land outside the town boundary;
- Planning permission should not be granted until the draft District Plan has been issued and the results of consultation taken into account;
- Extension of the town to the east is detrimental to the setting of Buntingford in the local landscape – a view supported by the Inspector at the time of the inquiry into the 2007 Local Plan. There are other more suitable sites for development to the north of the town and within the confines of the A10 bypass to the west;
- Several statements in the supporting documents are either wrong or greatly exaggerated.

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

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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 also a consideration in determining this application.

7.0 Considerations:

Principle of Development and Housing Need

- 7.1 The site lies outside the settlement boundary of Buntingford and within the Rural Area beyond the Green Belt wherein policy GBC3 states that permission will not normally be granted for residential developments. Therefore in respect of the 2007 Local Plan, the proposal represents inappropriate development in principle and regard must be had to national planning policy and whether there are any overriding material considerations.
- 7.2 Members may recall that a previous application for 160 dwellings on land to the north of Hare Street Road was refused by Committee on 5th December 2012 for 7 reasons (reference 3/12/1657/FP). The first reason for refusal related to the development being inappropriate in the Rural Area, and 'prejudicial to the assessment process currently underway which will lead to the identification of land and the preferred strategy for residential and other development across the district'. Members are made aware of a separate update report on this agenda regarding this site and the issue of prematurity.
- 7.3 The context of the commentary set out in that previous report included the expectation that the new District Plan Issues and Options document would be available in a draft form in February of this year and that the Council's acknowledged housing land supply shortfall would be addressed as a result of this. However, it has not been possible to

produce a draft of the District Plan to date, and the District Plan Panel in February 2013 received a report which set out the reasons for the delay. It is now anticipated that it will be possible to make a draft of the Plan available later this year, but no specific date can yet be identified.

- 7.4 The District Plan panel also received and endorsed the Annual Monitoring Report for the 2011/12 year. This set out that, depending on the base line figures used, the Council could establish a housing land supply figure of between 3.6 and 4.5 years. Although the applicant's agent has queried the calculations and suggests that the figure is closer to 3.1-3.3 years, Officers still acknowledge that the figure is less than the required five years plus 5% buffer. The need for additional housing in the district must therefore weigh heavily in the balance of considerations.
- 7.5 It is also important to have regard to the policy guidance set out in the National Planning Policy Framework (NPPF). The NPPF was published in March 2012 and, for a period of 12 months after its production, it set out that decision makers may continue to give full weight to relevant policies adopted since 2004. This enabled full weight to be given to the policies of the existing East Herts Local Plan 2007 in determining the planning application on land North of Hare Street Road. However, that period of 12 months has now expired, and the NPPF now requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. Whilst the policies in the 2007 Local Plan are considered largely to be consistent with the NPPF, there is a recognised deficiency in that the Local Plan does not identify adequate land to enable a five year supply of land for housing development.
- 7.6 At the heart of the NPPF is a presumption in favour of sustainable development 'which should be seen as a golden thread running through plan-making and decision-taking'. The issue of sustainability is discussed in more detail below, but for decision-taking this means 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 this Framework indicate development should be restricted."
- 7.7 In the case of the East Herts Local Plan, the adopted housing allocations and settlement boundaries relate to housing growth figures and allocations up to 2011, and are now considered to be out of date. Therefore in respect of the NPPF, planning permission should be

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granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.8 The ability to afford weight to the emerging District Plan is also addressed in the NPPF at paragraph 216, which states that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

7.9 Given that the Council’s District Plan is at an early stage of preparation, and has been subject to further delays, Officers consider that little weight can be given to its content.

7.10 Further guidance in respect of prematurity is provided in paragraphs 17-19 of The Planning System: General Principles (2005). This states that:

“In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category.”

7.11 Proposals which only impact upon a small area would therefore rarely justify refusal of planning permission on the grounds of prematurity, and where planning permission is refused on the grounds of prematurity, it will be necessary to clearly demonstrate how the granting of planning permission would prejudice the outcome of the District Plan process. As this proposal is for only 100 dwellings, Officers do not consider that the District Plan housing allocations process would be prejudiced.

7.12 A number of planning appeal and legal decisions made elsewhere have

tested issues which are similar to those now faced by the Council. Decision making is indicating that, where a development proposal by itself is not of such a scale that it is likely to prejudice significantly the outcome of local planning policy formulation, and the stage reached in that planning policy formulation is an early one, then proposals for development are being supported through these appeal and legal decisions. As a result of this, independent legal advice has been sought in relation to the circumstances of the land North of Hare Street Road case, and that advice has confirmed that the context that now prevails is such that a decision not to support residential development in principle is not one that is likely to be supported at appeal and, indeed, may be seen as one which is unreasonable and subject to an award of costs.

- 7.13 The recommendation from the Planning Policy team that this application be refused is acknowledged; however this response was received prior to the seeking of independent legal advice on the issue of prematurity. Whilst it would of course be preferable to await the outcome of the District Plan consultation and the preparation of a long term strategy for the town, this process has been further delayed and is considered to carry little weight in the balance of considerations.
- 7.14 Policy Officers also raise concerns with regards to the cumulative effect of ad-hoc developments on the services and infrastructure of Buntingford. Whilst it is acknowledged that additional work on the District Plan will identify the quantum and broad locations of housing for Buntingford, it is not considered that the provision of 100 dwellings in this location will prejudice this process. Each case must be considered on its own merits, and in this case, Officers do not consider the proposal to be of such a scale as to compromise the future development of the town. Nonetheless, in terms of education facilities, consultation with education services at Hertfordshire County Council have confirmed that this development, when combined with 160 dwellings on land to the north of Hare Street Road, would result in a demand for approximately 0.5FE of school places, but no objection has been raised.
- 7.15 On the basis of the above factors, Members are therefore advised that this application warrants a complex balance of considerations. It is acknowledged that this application preempts the housing allocations process in Buntingford and lies within the Rural Area and outside the defined settlement boundary. However, considerable weight must be given to the Council's lack of a five year housing supply, the current status of the District Plan and delays in its preparation, and the requirements of the NPPF. The legal advice sought by the Council, and

the number of developments being granted at appeal or by the High Court are also indicative that a decision not to support this proposal on the grounds of prematurity is not one which is likely to be supported at appeal. Therefore, provided that there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits, then Officers consider that a residential development of this site should be considered acceptable in principle.

- 7.16 Finally it is noted that the planning application makes several references to the possible provision of a cemetery or sports field on adjacent land under the applicant's ownership, but this does not form part of this application and will be subject to further discussions with the local community.

Highway Impacts

- 7.17 Details of the proposed access arrangements are to be considered in full under this application; all other matters are reserved. Vehicular access is proposed from Snells Mead, an existing cul-de-sac located to the west of the site. There is an existing turning head located at this point opposite Nos. 62-64 Snells Mead with pedestrian footways on both sides. At its western end, Snells Mead connects to Station Road/London Road.
- 7.18 The vehicular access from Station Road currently serves 95 dwellings in Snells Mead, and it is proposed to add a further 100 dwellings to existing traffic volumes. This is considered to be acceptable in principle as Roads in Herts recommends a maximum of 200 dwellings to be served from a single point of access into the wider highway network. However, it is important to consider the impact of the development on traffic flows at the junction with Station Road, and the wider highway network.
- 7.19 Traffic counts and TRICS (national Trip Rate Information Computer System) data analysis have been carried out to determine the impact of the development on the existing highway network. Local traffic counts have also been carried out, with additional counts requested by the Highway Authority as the initial work was carried out when some schools had already finished for the summer. The revised models indicate that all junctions will fall well below the maximum 85th percentile and will therefore continue to operate within capacity. The submitted reports have been found to be robust. The development has been shown to marginally increase queue lengths and waiting times at each of the three junctions modelled; however the Highway Authority do not consider this to be significant to recommend refusal.

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- 7.20 There have been six recorded accidents within the vicinity of the site between December 2008 and November 2011; however these were at various different junctions and do not indicate an accident hotspot in the vicinity of the site.
- 7.21 The speed limit along Station Road at the access point is 40mph and the applicant has demonstrated that adequate visibility splays are achievable at this junction.
- 7.22 In order to ensure the safe passage of vehicles, it is proposed that the current internal junction of Snells Mead be altered so that priority will go to east-west movements instead of north-south movements. Vehicles heading north-south down Snells Mead will therefore have to give way to vehicles entering and exiting the new development.
- 7.23 There is an existing public footpath along the western boundary of the site (No. 21) which connects to Hare Street Road to the north, and Owles Lane to the southwest. This is to be retained and enhanced as part of this application. It is noted that the vehicular access will cross this footpath, and a condition is therefore recommended to require further detail in respect of this intersection to ensure continued safe use of the right of way. No objection has been raised by the Rights of Way team.
- 7.24 The nearest bus stops are located on Station Road and Hare Street Road. These services provide a regular service to Royston and Hertford (approximately hourly), with more limited services to Letchworth, Stevenage, Hatfield, Bishop's Stortford and Stansted Airport (approximately two hourly), and even more limited services to Harlow (Saturdays only), and Cambridge (Fridays only). None of the existing bus stops benefit from shelters or raised kerbing.
- 7.25 The Highway Authority have requested that both the northbound and southbound bus stops on Station Road be upgraded to Disability Discrimination Act (DDA) standards. They also require the southbound bus stop on Station Road to be relocated closer to the junction with Snells Mead. This also has the benefit that it will bring this stop more in line with the one on the opposite side of the road and does not unduly affect residents who currently live very close this bus stop. A pedestrian crossing is also required close to the junction of Snells Mead with Station Road so that users of the site can easily access the northbound stop rather than undertake an onerous walk northwards to the existing crossing, and then back southwards to the bus stop. Indicative plans have been submitted to prove feasibility of these works and considered

acceptable by the Highway Authority.

- 7.26 In addition, the applicant acknowledges that the stepped access of footpath 21 onto Hare Street Road is problematic. This is a key route to access bus stops along Hare Street Road and it is therefore considered reasonable to require that this stepped part of the footpath be removed and made suitable for all users.
- 7.27 Finally, as part of the package of highway improvement works, it is proposed to upgrade footpath 21 which is currently grassed and very muddy at times, and would do little to encourage residents of the site to make use of the wider rights of way network. It is therefore recommended that the stretch of footpath running alongside the entire western boundary of the site should be hard-surfaced to join with the existing hard-surfaced section to the north of the site. A minimum hard-surfaced path width of 2m, and a total minimum width of 3m (excluding the swale) is required.
- 7.28 An Interim Travel Plan has also been submitted in order to encourage greater use of more sustainable modes of travel. The developer proposes a package of measures to promote the Travel Plan including a welcome pack for new residents, details of walking and cycling routes, car sharing, and public transport details. The Highway Authority have requested that a Green Travel Plan be submitted and approved; a condition is therefore recommended.
- 7.29 Parking is not shown in detail yet; exact figures would be determined at the reserved matters stage in accordance with the Council's adopted maximum parking standards.

Landscape and Visual Impacts

- 7.30 From a landscape perspective, due to the relative elevation and open character of the site, there are extensive views of the site, and 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 Council's Landscape Character Assessment Supplementary Planning Document (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. However, in this case, the development site is located in an area of lower topography than the surrounding plateau, and would be seen within the backdrop of existing built developments.

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- 7.31 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 although there would be a change to the landscape character of the area, the landscape has the capacity to accommodate the proposed development, and that the completed development would result in a less well-defined urban edge than currently exists through the integration of green infrastructure and a more landscaped edge to the urban fringe of Buntingford. Officers consider that given the topography of the site and its proximity to existing built form, the proposed development will not result in significant harm to the surrounding landscape, subject to landscape mitigation measures which can be secured through a reserved matters application.
- 7.32 In terms of trees, there are a number of existing mature trees along the northern boundary of the site which are to be retained. There are also scattered trees and hedgerows along the western boundary which are to be retained and enhanced. The indicative layout also proposes extensive planting along the eastern and southern boundaries of the site, which, over time, will serve to screen and soften the visual impact of the development in the landscape.
- 7.33 The recommendation for refusal by the Council's Landscape Officer is noted. However, this relates to the layout of the site and how it responds to local topography, the location of the attenuation ponds and the creation of public spaces. These are detailed matters that would be subject to determination at the reserved matters stage, and are discussed in more detail below.

Layout and Design

- 7.34 A layout drawing has been submitted as part of the application, but is only indicative at this stage as the application is in outline form. It is noted that since 31st January 2013, it is no longer necessary for applicants to submit the approximate location of buildings, routes and open spaces where layout is reserved, or for upper and lower limits for the height, width and length of each building where scale is a reserved matter; however this application was submitted prior to 31st January 2013.
- 7.35 The indicative layout incorporates an overall housing density of 20 dwellings per hectare which is considered to be low in relation to the surrounding area but appropriate to the context of the site given its location adjacent to open countryside. The proposal includes extensive planting and amenity space to create a transition between the urban

fringe and adjacent rural land. It is proposed that over 20% of the site be laid out as accessible green infrastructure. The Design and Access Statement makes reference to a Local Area of Play (LAP); however this is not identified on the layout drawing.

- 7.36 The housing is proposed as a mix of 2, 3, 4 and 5 bed dwellings including a provision of 40% affordable housing. Although the layout is only indicative at this stage, Officers consider the general layout to be acceptable with dwellings arranged in blocks with rear gardens backing each other, and dwellings facing out over all boundaries to provide natural surveillance for footpaths and public open space. Further, the built development is proposed to be set back from the western boundary with reinforced landscaping to create a buffer between existing and proposed built forms.
- 7.37 The overall layout is considered to be well-connected with existing and proposed footpaths to encourage walking and cycling through the site. The route of the existing footpath 21 will be incorporated into the layout of the site and will be enhanced to connect to the existing recreational land to the north, and to bus stops on Hare Street Road.
- 7.38 Although only one vehicular access is proposed, this is considered to be acceptable with respect of the number of dwellings proposed. Suggestions to incorporate a second access to Hare Street Road are noted; however this would raise a number of other highway issues and is not considered to be in-keeping with the topography of the site. It is also noted that the site forms part of a wider development site that has been put forward for development in the District Plan, and Policy Officers have raised concerns that the indicative layout could prejudice the opportunity to extend the development in the future should the strategy for the town suggest that a greater level of development could be achieved in this area. The layout is of course only indicative at this stage, but does make provision for connections to the east and south of the site.
- 7.39 The main issue with regards to the indicative layout relates to the location of the attenuation ponds as these are located on the periphery of the development, adjacent to existing built developments, and not incorporated within the development site. In accordance with Sustainable Urban Drainage System (SuDS) principles, surface water attenuation ponds have the potential to provide a multi-functional space for amenity and biodiversity, and should be located more centrally within development sites to create a 'village green'. However, as the application is only in outline form at this stage, Officers consider that this issue can be addressed through a reserved matters application and

therefore does not amount to a reason for refusing this application.

- 7.40 In terms of scale, the buildings are proposed to be generally two storeys in height with the occasional opportunity to rise to 2.5 storeys within the centre of the site. Indicative building heights of 7.2m to 10.5m are proposed and are considered to be generally acceptable in relation to the site and the scale of existing built developments. The Design and Access Statement makes reference to existing architectural styles in the area and proposes that the dwellings respect local distinctiveness. Detailed scale, design and appearance of the dwellings will of course be considered through a reserved matters application.
- 7.41 In terms of sustainability, Officers consider that subject to the carrying out of necessary highway improvement works, the site is well-located in relation to bus services and is within walking distance of a range of town centre shops and services. The indicative layout also proposes good connections for pedestrians and cyclists. The new dwellings are proposed to be built to sustainable construction standards, and details of the dwellings, layout, orientation and use of materials will be considered through a reserved matters application.

Impact on Residential Amenity

- 7.42 The application site is located to the rear of existing dwellings in Snells Mead, and to the side of No. 64 which sits gable end to the site. Given the presence of existing rear gardens, and that the indicative layout shows a significant landscaped buffer between these existing dwellings and the new development, there would be limited harm to residential amenity by way of overlooking, overbearing or loss of light. Harm to a private view is not a material planning consideration.
- 7.43 The detailed design of the new dwellings will be considered through a reserved matters application to ensure that no significant harm would arise to existing or future residents.

Affordable Housing

- 7.44 Although only in outline form, the application indicates that provision will be made for 40% affordable housing. This will comprise 4 no. 1 bed flats, 8 no. 2 bed flats, 12 no. 2 bed houses, 14 no. 3 bed houses and 3 no. 4 bed houses. The Council's Housing Manager has indicated that she would prefer to see all the 2 bed units as houses rather than flats as they will house families. 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

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with policies HSG3 and HSG4 of the Local Plan.

- 7.45 In terms of layout, the Council's Affordable Housing SPD requires that 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. The indicative layout does not distinguish between affordable and market dwellings at this stage and this is therefore a matter for determination through a reserved matters application.
- 7.46 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

- 7.47 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. The indicative layout indicates the provision of extensive green amenity space, and the submitted documents make reference to the provision of a LAP.
- 7.48 There is an existing play facility (Hare Street Road Recreation Ground) located immediately to the north of the site which is run by the Town Council. Although there is no immediate need to improve this facility, it is considered that given the proximity of the site, it may be suitable to request a financial contribution towards the future improvement/enhancement of this play facility instead of providing a LEAP on the development site. It is not considered suitable to increase the size of this facility onto the development site due to the presence of mature tree screening in-between. Officers therefore recommend that either provision is made for a LEAP on-site in a reserved matters application, or a contribution paid towards enhancement of the existing play facility, with a LAP provided on-site.
- 7.49 In terms of parks and gardens, the SPD highlights a 7.02 hectare deficit in the Buntingford area, with the only existing public garden facility in Buntingford understood to be Layston Court Gardens (located approximately 300m northwest of the application site, to the rear of the High Street). Whilst a deficit has been identified in the local area, Officers do not have any evidence to demonstrate how any additional financial contributions could be reasonably allocated in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. Officers also acknowledge that the indicative layout makes provision

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for extensive informal green space which can be secured through a reserved matters application. It is therefore not considered reasonable or necessary to require either on-site or off-site parks and gardens provision in this case.

- 7.50 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.

Flood Risk and Drainage

- 7.51 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 in accordance with policy ENV20 of the Local Plan. The site has been assessed as having a low risk of significant contamination; however ground investigations will be required to test for a selection of common contaminants. No objection has been raised by Environmental Health, subject to conditions.
- 7.52 A Sustainable Urban Drainage system (SuDS) is proposed, including surface water attenuation ponds to be located in the northwest and southwest corners of the site, along with a longitudinal swale along the western boundary. This green infrastructure is considered to be a valuable resource for the new residential area and will assist in flood risk reduction in accordance with policy ENV21; however further detail will be required through condition. No objection has been raised by the Council Engineers although they comment that it would be useful to discuss the detailed design, and adoption, of the drainage system with the developer.
- 7.53 Foul water drainage is to be drained by gravity to the existing sewer in Station Road, or to a transferred sewer in Snells Mead if preferred by Thames Water. No objection has been raised by Thames Water.

Ecological Matters

- 7.54 The site is not located within, or adjacent to, any Wildlife Site and currently comprises arable land. An Ecological Appraisal and Protected Species assessment has been undertaken and submitted, and concludes that the site is of poor ecological value, and any biodiversity

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interest is confined to the boundaries where trees and hedgerows provide some bird nesting and feeding opportunities. No evidence of protected species have been found on site. Statutory consultees agree with these conclusions and raise no objection to the proposal subject to conditions. The proposal is therefore considered to be in accordance with the NPPF and policy ENV16 of the Local Plan.

- 7.55 There are no statutorily designated sites within 1km of the site. There are two local Wildlife Sites within a 1km radius of the site, and a further two which straddle the 1km boundary, but no harm will arise to these sites as a result of the development.

Heritage Assets

- 7.56 There are no listed buildings within the vicinity of the site, and no Scheduled Ancient Monuments. Buntingford Conservation Area is located approximately 80m to northwest of the site at its closest point; however given the topography of the site and the presence of intervening built development, there will be limited views of the development from the Conservation Area. Officers therefore do not consider any harm to arise to the special character and appearance of the area in accordance with Section 12 of the NPPF. The design and choice of materials of construction will require further consideration through a reserved matters application.
- 7.57 The site is not identified as an Area of Archaeological Significance, but an Archaeological Evaluation Report has been undertaken and submitted. This indicates that extensive archaeological investigations have been undertaken, including the digging of 5 trial trenches within the application site boundary.
- 7.58 Evidence of an undated enclosure has been identified on site and confirmed by trial trench, which could be pre-historic or Romano-British in date and could be of local or regional significance. However, it is not considered to be of sufficient importance to justify a refusal of this application on historic environment grounds, and the County Archaeologist agrees with this conclusion.
- 7.59 Wider archaeological evaluations have also been carried out on land to the south of the development site which has been put forward for residential development under the District Plan call for sites. A total of 19 trial trenches have been dug which identify the presence of additional boundary ditches indicative of a field or enclosure system of late Iron Age/early Roman date, along with finds of pottery and animal bone suggesting occupation within this area. However, again, these

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archaeological finds are not considered to be of sufficient importance to justify refusal of this application.

- 7.60 The County Archaeologist raises no objection to the proposal subject to a condition to secure a programme of further archaeological work. The proposal is therefore in accordance with the NPPF, and policies BH1, BH2 and BH3 of the Local Plan.

Financial Contributions and Obligations

- 7.61 Given the scale of development proposed, the proposal triggers a range of contributions and S106 requirements. This includes contributions towards nursery, primary and secondary education, childcare, youth and library services. A sustainable transport contribution has also been requested by the Highway Authority which is necessary to mitigate the impact of the development on the transport network, in accordance with the Council's adopted Planning Obligations SPD.
- 7.62 Further contributions are also requested from East Herts Council with respect to outdoor sports facilities as discussed above. Overall these financial contributions are considered to be reasonable and necessary in connection with the proposed development in accordance with the Community Infrastructure Levy (CIL) Regulations 2010. However the exact figures cannot be calculated as the application is in outline form. It is recommended that a legal agreement be worded with reference to the housing and tenure mix set out in the Planning Obligations Guidance – Toolkit for Hertfordshire 2008, and East Herts Planning Obligations SPD 2008.

8.0 Conclusions:

- 8.1 Overall this application raises a complex consideration of issues. The site lies outside the settlement boundary of Buntingford and within the Rural Area Beyond the Green Belt wherein policy GBC3 states that permission will not normally be granted for new residential developments. The proposal also pre-empts the District Plan process of determining the quantum of housing development and necessary infrastructure for the town. It would therefore be preferable for such a development to be considered strategically and cumulatively with regards to its impact on the town.
- 8.2 However, the Council is in a position where it is currently unable to demonstrate a 5 year housing land supply, plus 5%, as required in the NPPF. The need for additional housing in East Herts must therefore weigh positively in the balance of considerations. Further, the existing

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settlement boundaries and housing allocation policies in the East Herts Local Plan Second Review April 2007 related to housing growth figures up to 2011, and are now considered to be out of date. Weight must also be given to the independent legal advice sought by the Council in respect of prematurity which confirms that the Council would be unlikely to present a reasonable case for refusing such an application on in-principle grounds.

- 8.3 Finally, the requirements of the NPPF must also now be taken fully into account and this states that where a Local 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. Although the proposal will result in a material change to the landscape character of the area, and result in increased traffic flows on the local highway network, Officers do not consider these impacts to significantly and demonstrably outweigh the benefits of housing provision. It is also acknowledged that the development will add some pressure to existing services and infrastructure; however it is considered that this impact can be satisfactorily mitigated by planning obligations and financial contributions, and that overall, the proposal will not compromise the future development of the town.
- 8.4 The application is therefore recommended for approval subject to the planning obligations and conditions set out above.