

- 5a a) 3/13/1000/FP – Erection of 160 dwellings with associated garages, car parking, public open space, children's play area, landscaping, diversion of footpath, pumping station with associated works and new vehicular, pedestrian and cyclist accesses and the provision of allotments and the change of use of land for a cemetery with associated accesses, car parking and landscaping; and
- b) 3/13/1183/OP – Erection of 160 dwellings with associated garages, car parking, public open space, children's play area, landscaping, diversion of footpath, pumping station with associated works and new vehicular, pedestrian and cyclist accesses and the provision of allotments and the change of use of land for a cemetery with associated accesses, car parking and landscaping (Change of site area) at Land North of Hare Street Road, Buntingford for Taylor Wimpey UK Ltd
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Date of Receipt: 18.06.2013
04.07.2013

Type: a) Full - Major
b) Full – Major Outline

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

- a) That subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:
- A financial contribution towards Nursery, First/Primary, Middle, and Upper Education, Childcare, Youth and Library services in accordance with the residential type and mix to be agreed through a legal agreement and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008;
 - A financial contribution of £191,625 towards Sustainable Transport;
 - A financial contribution of £10,000 towards monitoring of the Travel Plan;
 - A financial contribution of £172,399.75 towards Outdoor Sports facilities;
 - The undertaking of highway improvement works as follows:
 - The provision of a mini-roundabout at the junction of Hare Street Road/High Street/Station Road;
 - Extension of the pedestrian footway along the northern side of

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Hare Street Road to the new access, and improving and widening the existing footpath to 2m where possible within the confines of the public highway;

- Extending street lighting along Hare Street Road;
 - Additional carriageway markings;
 - A new town gateway feature (details to be submitted and agreed);
 - The installation of a traffic island to the east of the Hare Street Road access;
 - The provision of bus shelters at the nearest bus stops on Hare Street Road.
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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;
 - The provision of a Local Equipped Area of Play (LEAP) on-site in accordance with details to be submitted and approved in writing, and where appropriate, any financial contribution that may be required towards maintenance;
 - The provision of allotments as shown on the approved plans and details of associated services, landscaping, and a scheme for future management, in accordance with details to be submitted and approved by the Local Planning Authority.
 - The provision of a cemetery as shown on the approved plans and details of associated services, landscaping, and a scheme for future management, in accordance with details to be submitted and approved by the Local Planning Authority.
 - 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;
 - The provision of a footpath link from the residential development to Layston School, in accordance with details to be submitted and approved by the Local Planning Authority;
 - Monitoring fee.

the Director of Neighbourhood Services be authorised to **GRANT** planning permission in respect of application 3/13/1000/FP subject to the following

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conditions:

1. Three year time limit (1T12)
2. Approved Plans (2E10 – 57/PL01, 57/PL02-D, AA/01-A, AA/02-A, A/01-00, A/02-A, A/03-00, AB/01-00, AB/02-A, AB/03-00, AC/01-A, AC/02-B, AC/03-A, AD/01-00, AD/02-B, AD/03-A, AE/01-A, AE/02-B, AE/03-A, AF/01-A, AF/02-B, B/01-00, B/02-A, B/03-00, C/01-00, C/02-A, C/03-00, D/01-A, D/02-B, D/03-00, D/04-00, E/01-00, E/02-A, E/03-00, F/01-00, F/02-A, F/03-00, G/01-A, G/02-B, G/03-B, G/04-00, J/01-00, J/02-A, J/03-A, J/04-00, K/01-A, K/02-B, K/03-B, K/04-00, K/05-00, K/06-00, K/07-00, L/01-A, L/02-B, L/03-B, L/04-A, L/04.1 A, L/05-A, L/05.1 A, M/01-00, M/02-A, M/03-00, N/01-00, N/02-A, N/03-00, N/04-00, P/01-A, P/02-A, P/03-00, P/04-00, R/01-00, R/02-00, R/03-00, 3882-1 Rev A, E2028/5/A, E2028/6, TWWL18027-01, TWNT18550-03, TWNT18550 30, TWNT 18550 A, TWNT18550 31 A, Figure 3, Figure 4, Figure 5, Figure 6, Figure 7, Figure 8, Figure 9, Figure 10, Figure 11, Figure 12)
3. Programme of archaeological work (2E02)
4. Materials of construction (2E11)
5. Refuse disposal facilities (2E24)
6. Lighting details (2E27)
7. Materials arising from demolition (2E32)
8. Tree/hedge retention and protection (4P05)
9. Landscape design proposals (4P12 a, b, c, d, e, l, j, k, l)
10. Landscape maintenance (4P17)
11. Construction hours of working - plant and machinery (6N07)
12. 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 (FRA) E2028-FRA Report Rev 0-JUN13 dated June 2013 and shall include a restriction in run-off rate to 26.8 litres/second and surface water storage as outline in the FRA.

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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.

13. 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:
1. A site investigation scheme, based on the details contained in the submitted Phase 1 Preliminary Contamination Assessment Report (DMB/723774/R1) 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;
 2. 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;
 3. 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.

14. The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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Reason: To protect groundwater from contamination in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and Section 11 of the National Planning Policy Framework.

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

16. The recommendations to retain and enhance the biodiversity of the site highlighted in Sections 6.0 and 7.0 of the Ecological Assessment (ACD) reference TWNT18027 Rev A dated August 2012 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.

17. Before first occupation of the approved development all access, junction, road and parking arrangements serving the development shall be completed in accordance with the approved drawings and constructed to the specification of the Highway Authority.

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

18. Prior to the commencement of development a construction management plan covering the programme and phasing of works on site, 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.

19. 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

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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.

20. Details of the proposed new public rights of way, and measures to protect users of the existing routes through the construction process, shall be submitted to and approved in writing by the Local Planning Authority. The new rights of way shall be completed and made available for use prior to first occupation of the development hereby permitted.

Reason: In the interests of public safety and good pedestrian connections.

21. The proposed window openings on the first floor east elevation of Plot 26 shall be fitted with obscured glass and shall be permanently retained in that condition.

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

22. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 1995 the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken along the eastern boundary of 11 Hare Street Road without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL1)
2. Highway Works (05FC)
3. Planning Obligation (08PO)

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4. Street Naming and Numbering (19SN)
5. Groundwater protection zone (28GP – insert 'Hare Street')
6. Unsuspected contamination (33UC)
7. Protected Species (36PS)
8. The applicant is advised that this consent gives no authority to cross Registered Common Land and a separate application under Section 38 of the Commons Act 2006 must be made to the Secretary of State for this purpose.

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 (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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the Council's housing land supply is that permission should be granted.

- b)** That subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 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;

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- The undertaking of highway improvement works as follows:
 - The provision of a mini-roundabout at the junction of Hare Street Road/High Street/Station Road;
 - Extension of the pedestrian footway along the northern side of Hare Street Road to the new access, and improving and widening the existing footpath to 2m where possible within the confines of the public highway;
 - Extending street lighting along Hare Street Road;
 - Additional carriageway markings;
 - A new town gateway feature (details to be submitted and agreed);
 - The installation of a traffic island to the east of the Hare Street Road access;
 - The provision of bus shelters at the nearest bus stops on Hare Street Road.

- The provision of 40% affordable housing - 75% to be social rented and 25% to be shared ownership;

- The provision of 15% lifetime homes;

- The provision of a Local Equipped Area of Play (LEAP) on-site in accordance with details to be submitted and approved in writing, and where appropriate, any financial contribution that may be required towards maintenance;

- The provision of allotments as shown on the approved plans and details of associated services, landscaping, and a scheme for future management, in accordance with details to be submitted and approved by the Local Planning Authority.

- The provision of a cemetery as shown on the approved plans and details of associated services, landscaping, and a scheme for future management, in accordance with details to be submitted and approved by the Local Planning Authority.

- 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;

- The provision of a footpath link from the residential development to Layston School, in accordance with details to be submitted and approved by the Local Planning Authority;

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- Monitoring fee.

the Director of Neighbourhood Services be authorised to **GRANT** outline planning permission in respect of application 3/13/1183/OP subject to the following conditions:-

1. Outline permission time limit (1T03)
2. Approved plans (2E10 – 57/OL/PL02, 57/OL/PL03, 3882-1 Rev A)
3. Details of the access, 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. The layout of the site shall be restricted such that residential development will only be permitted on the western field, and the land indicated on drawing 57/OL/PL02 to be retained for agricultural use shall be retained as such.

Reason: To minimise the landscape and visual impact of the development in accordance with policies ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007.

5. Vehicular access to the residential part of the development shall only be permitted from Hare Street Road and not from any other highway.

Reason: In the interests of highway safety and to prevent harmful traffic movements.

6. Programme of archaeological work (2E02)
7. Tree/hedge retention and protection (4P05)
8. 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 (FRA) E2028-FRA Report Rev 0-JUN13 dated June 2013 and shall include a restriction in run-off rate to 26.8 litres/second and surface water storage

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as outline in the FRA.

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.

9. 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:
 1. A site investigation scheme, based on the details contained in the submitted Phase 1 Preliminary Contamination Assessment Report (DMB/723774/R1) 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;
 2. 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;
 3. 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.

10. The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be

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implemented as approved.

Reason: To protect groundwater from contamination in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and Section 11 of the National Planning Policy Framework.

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

12. The recommendations to retain and enhance the biodiversity of the site highlighted in Sections 6.0 and 7.0 of the Ecological Assessment (ACD) reference TWNT18027 Rev A dated August 2012 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.

13. Prior to the commencement of development a construction management plan covering the programme and phasing of works on site, 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.

Directives:

1. Other Legislation (01OL1)
2. Highway Works (05FC)
3. Planning Obligation (08PO)

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4. Public Rights of Way (18FD)
5. Groundwater protection zone (28GP – insert 'Hare Street')
6. Unsuspected contamination (33UC)
7. Protected Species (36PS)
8. The applicant is advised that this consent gives no authority to cross Registered Common Land and a separate application under Section 38 of the Commons Act 2006 must be made to the Secretary of State for this purpose.

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 (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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the Council's housing land supply is that permission should be granted.

_____ (100013FP.HI)

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 (12) 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 (13).
- 1.3 Application (a) 3/13/1000/FP seeks full planning permission for 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 bed units, 41 no. 4 bed units, and

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20 no. 5 bed units with 40% of the units proposed as affordable housing. An area of open space and attenuation pond are proposed within the centre of the site, along with a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP). 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 20 allotments, and on-site car parking with vehicular access from the new residential development. A new cycleway is also proposed to connect the residential development to The Causeway. The rest of this eastern field is to remain in agricultural use.

- 1.4 Application (b) 3/13/1183/OP seeks outline planning permission for a similar form of development including 160 dwellings with associated parking, public open space, play area, allotments, cemetery and access. All matters are reserved but an indicative layout (identical to that proposed in application (a)) has been submitted. Apart from being in outline form, the main difference in this application is that the red edge site area has been extended to include an additional plot of land to the southeast corner of the site. The plans confirm that this land is to be retained for agricultural use but was included in the application boundary as an option to provide an alternative vehicular access to the cemetery. However, this access has not been shown on the plans, and following concerns raised by Officers over the visual impact of such an access track, this no longer forms part of the considerations. This is discussed in more detail below.

2.0 Site History:

- 2.1 Members will recall that planning permission was refused by Committee on 5th December 2012 for a residential development of 160 dwellings on this site (reference 3/12/1657/FP). The reasons for refusal were as follows:

1. The site lies in the Rural Area Beyond the Green Belt as defined in the East Herts Local Plan Second Review, April 2007, where development will only be allowed for certain specific purposes. The proposals do not represent an acceptable form of development in that respect and are, therefore contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007. Prior to the publication of the East Herts District Plan, Part 1: Strategy, development at this time would prejudice 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. The

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proposals are therefore contrary to the objectives set out in that respect in 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.
- 2.2 An appeal has been lodged against this refusal and an inquiry is to be held in December 2013. This is to be a joint inquiry along with outline application 3/13/0118/OP for a development of approximately 100 dwellings on land south of Hare Street Road which was refused by

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Members at Committee on 22nd May 2013 for the following reasons:

1. The site lies in the Rural Area Beyond the Green Belt as defined in the East Herts Local Plan Second Review, April 2007, where development will only be allowed for certain specific purposes. The proposals do not represent an acceptable form of development in that respect and are, therefore contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007. Prior to the publication of the East Herts District Plan, Part 1: Strategy, development at this time would prejudice 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. The proposals are therefore contrary to the objectives set out in that respect in the National Planning Policy Framework.
2. The proposed development, if permitted to proceed in advance of a full assessment of the impact of this and other potential development in the town, which may come forward through the District Plan process, will constitute an unsustainable form of development, particularly in relation to the impact and demand placed upon education, public transport, health facilities and local leisure provision. The proposal is therefore contrary to policy SD1 of the East Herts Local Plan Second Review April 2007 and the policies of the National Planning Policy Framework.

2.3 Members may recall that this outline application had been recommended for approval by Officers, and that a report was presented at the same Committee meeting advising that Officers no longer considered that reason for refusal 1 on 3/12/1657/FP would be sustained at appeal on the basis of recent appeal decisions, delays to the District Plan, and independent legal advice regarding housing land supply. Members voted to continue to pursue this reason for refusal, and refused development on land south of Hare Street Road for a similar reason. However, it was agreed that Officers, in dialogue with local Members, should continue discussions with the developers to address the remaining reasons for refusal.

2.4 Full planning application 3/13/1000/FP (a) has therefore been submitted as a result of these discussions in an attempt to overcome the previous reasons for refusal. Outline application 3/13/1183/OP was submitted later with the intention of considering an alternative vehicular access to Hare Street Road – this is discussed in more detail in the report below.

3.0 Consultation Responses:

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- 3.1 Planning Policy comment that application (a) remains an entirely residential-led development with a small play area and flood attenuation pond. The number of dwellings proposed would have an impact on local services, including educational facilities but the proposal makes an offer of financial contribution to address these impacts. The full consideration of these impacts can most satisfactorily be determined as part of a development strategy for the town as part of the District Plan.
- 3.2 In respect of application (b), this is an outline plan based on (a) yet with a larger site area. The addition of this land to the east of the original appears unnecessary. If the land is to be retained for agricultural purposes it does not need to be included in the application within the red line boundary - it should be outlined in blue as being of interest but not included for consideration in the outline proposal. If, as I assume it is intended for an alternative means of access, this is not shown, nor detailed anywhere in the application documents. Even if this is the case it is highly unlikely the access will not be surrounded by further residential development. However, as no other matters are being presented, only the principle of development can be considered using this larger site area and such a larger development would have a greater impact than (a). The principle of development in this location is the same – that the land is outside the existing built-up area of the town.
- 3.3 County Highways do not wish to restrict the grant of permission subject to conditions and the applicant entering into a legal agreement to carry out highway improvement works, along with a Sustainable Transport Contribution (£191,625 in respect of application (a), and based on the bedroom numbers and the Planning Obligations Toolkit for application (b)) . They comment that they have had discussions with the applicant's traffic consultant, and the Transport Assessment has been prepared in consultation with the Highway Authority. In terms of accessibility they comment that the site is not ideally located for passenger transport; however various community facilities are available locally within walking distance. The proximity of the proposed development in relation to facilities in Buntingford would support the view that the development could be considered to be in a reasonably sustainable location. The surrounding local roads and junctions also have a good safety record.
- 3.4 Highways have assessed the applicant's capacity analysis and comment that there will be a significant impact on the Hare Street Road/High Street/Station Road junction. A mini-roundabout is therefore proposed in mitigation, and analysis of this proposal confirms that the junctions will operate well within their theoretical capacity. The mini-roundabout proposal has been safety audited, and the Highway

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Authority is satisfied with the design. The impact of the additional traffic associated with the development would not be significant on other junctions.

- 3.5 Highways have since provided an amended response which removes its recommendation for a condition requiring extension of the 30mph speed limit. They comment that they are satisfied that the physical traffic calming measures that form part of the improvement works on Hare Street Road will deliver the required speed reduction to support the visibility splays used in the design specification.
- 3.6 County Archaeology comment that the site was the subject of pre-application archaeological investigations which identified two enclosures of late Iron Age/early Roman date, slight 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.
- 3.7 County Council Planning Obligations seek all service contributions; nursery education, first/primary education, middle education, upper education, childcare, youth and library services. They have been unable to calculate the exact figures as in application (a) the final mix of affordable housing is yet to be finalised, and application (b) is in outline form. Figures will therefore be based on the HCC Planning Obligations Toolkit. Fire hydrant provision is also sought.
- 3.8 County Council Fire Protection Unit comment that the drawings do not make provision for fire hydrants, which should comply with BS9999:2008.
- 3.9 Environmental Health recommend consent subject to conditions on construction hours of working, soil decontamination and piling works.
- 3.10 The Council's Housing Officer comments that the full application provides 40% affordable housing which is in line with policy. The scheme has a good spread of unit sizes but the number of 4 bedroom properties is generous and smaller units would be preferred to meet the needs of the Housing Needs Register. The location of the affordable units should be more dispersed across the site in accordance with the Affordable Housing and Lifetime Homes Supplementary Planning Document. The tenure split is expected to be 75% social rented and 25% shared ownership.

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- 3.11 The Environment Agency recommend consent subject to conditions related to surface water drainage, contamination and piling.
- 3.12 Thames Water raise no objection. They comment that it is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer.
- 3.13 Affinity Water comment that the site is located within the groundwater Source Protection Zone of Hare Street Pumping Station – this is a public water supply and comprises of a number of chalk boreholes operated by Affinity Water Ltd.
- 3.14 Herts Biological Records Centre raise no objection but make a number of recommendations to enhance the site for biodiversity in accordance with the submitted Ecological Assessment and surveys.
- 3.15 Herts and Middlesex Wildlife Trusts raise no objection subject to conditions to secure the mitigation measures set out in the submitted Ecological Assessment. They also recommend that a reptile mitigation method statement be submitted for approval, and that an ecological enhancements and management plan is produced.
- 3.16 The Campaign to Protect Rural England object on the grounds that the proposal falls outside the clear settlement boundary for Buntingford and would result in unacceptable urban sprawl into the countryside. They also raise concerns over the cemetery access to The Causeway and suggest that the left hand splay should be significantly greater to provide adequate visibility and this would result in substantial damage to the existing tree belt. In relation to application (a), they welcome the reconfiguration of the play areas and relocation of the balancing pond, but consider the changes to the overall site layout to be marginal and not result in any significant improvement. In relation to application (b), they are concerned that the additional land included in this outline application could come forward for development in the future should access from Hare Street Road be allowed.
- 3.17 The Council's Landscape Officer recommends consent subject to conditions on hard and soft landscaping. He comments that a Tree Report, Arboricultural Method Statement, and Arboricultural Impact Assessment have been provided to consider the access point to The Causeway. Although much of the text is generic rather than specific, where trees do need to be removed there is replacement or otherwise new planting in mitigation which is more than sufficient to compensate for this. He comments that the Landscape and Visual Impact Assessment has incorrectly embroiled the concept and models for landscape sensitivity and capacity evaluation but there are some

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positive elements to the proposal including the siting of the attenuation pond and play area providing a multifunctional focal hub to the development, and structure planting to the development as a whole. Details of the play area, attenuation pond and planting and landscape design will be required by condition.

- 3.18 The County Council Rights of Way Service comment that Footpath 12 can be diverted by East Herts as part of the planning application process and the proposed new route should be at least 2m in width with no obstructions. The east of the site borders Bridleway 13 and you should ensure that the line of this bridleway is not compromised in any way. Any works to Common Land must receive the consent of Defra under Section 38 of the Commons Act 2006 and the Planning Inspectorate deal with such applications on Defra's behalf.
- 3.19 Hertfordshire Constabulary have only commented on application (b) at the time of writing this report. They raise concerns over proposed parking courts. They comment that it is not clear where these will be but this style of parking can lead to conflict and cause further problems. They suggest that the architect contact the Police Design Service to discuss the layout and design of the site. They also raise concerns with the proposed cycle track as it appears to have a lack of natural surveillance – this can be resolved through the reserved matters stage with the inclusion of further detail.

4.0 Town/Parish Council Representations:

- 4.1 Buntingford Town Council note that in respect of application (a), whilst the original plans have been amended to take into account concerns with regard to access, design and the change of use to a cemetery, they are of the opinion that the issue of prematurity remains as a fundamental reason for refusal. They object to both applications 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;
 - The Town Council, in partnership with other significant groups in the town, has undertaken its own technical studies on the sites under assessment and proves that this site is the least suitable of all of the potential development sites in the town;
 - The adverse impacts on the town would significantly and demonstrably outweigh the benefits when assessed against the NPPF;

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- The scale of development in the context of the size of the town constitutes a significant cumulative effect when added to the large number of recent housing developments that the grant of planning permission would prejudice the District Plan process;
- The town is reliant on the motor vehicle and the site is located at the top of a hill making it difficult for people with heavy shopping, buggies or wheelchairs;
- The local bus service cannot be described as high quality and the Travel Plan measures would not significantly reduce the use of private cars;
- There are a number of inaccuracies and gaps in the information provided in the Transport Assessment, such that the impact cannot be fully assessed;
- There are a number of design issues with the proposed highway improvements works which may impact on highway safety;
- The Town Council has had no dialogue with the applicant with regard to this new application;
- The access to the cemetery crosses registered Common Land which restricts development and access;
- The Town Council has formally resolved that it does not wish to be provided with a cemetery as proposed in the application as they have identified a more suitable piece of land adjacent to the existing cemetery and is actively pursuing the acquisition of this land;
- It is unclear why cycle storage, home office space, water butts and tighter water consumption restrictions are restricted to the affordable dwellings;
- Concern over potential conflict between users of the public footpath and motorised estate traffic – the footpath would need to be diverted under S257 of the Town and Country Planning Act 1990;
- 2.5 storeys high with an overall height of 10.2m is inappropriate for a development site that climbs out of the valley and would make the development appear intrusive;
- The Town Council has been inundated with comments from concerned residents;
- Development to the east of the town would result in excessive traffic travelling through the town;
- Parked vehicles add to the congestion at the t-junction and make movements along Hare Street Road difficult – this has not been taken into account;
- Section 106 funds for infrastructure will not be released until after the development – by this time the services will be overloaded;
- Query who will maintain the open spaces, play areas and attenuation pond.

5.0 Other Representations:

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

5.2 At the time of writing this report, a total of 137 letters have been received on application 3/13/1000/FP and 94 for 3/13/1183/OP, including letters from Buntingford Action for Responsible Development (BARD). The letters can be summarised as follows:

- Development is not in line with the Local Plan, and until the District Plan is in effect development should be refused;
- Development is premature and would prejudice decisions on the location of new development in Buntingford, and the district as a whole;
- Buntingford is under siege from developers and if all new developments are approved this will double the size of the town;
- There have already been large developments in town and further building will erode the character of the town;
- Many new dwellings remain unsold;
- Additional land in the outline application could result in further inappropriate development in the town;
- No major difference from the previously refused scheme;
- The Town Council has produced a technical study which concludes that this site is the least appropriate of the 8 under consideration in the District Plan;
- Officers and Members should follow their Local Government Corporate Priorities;
- The Localism Act 2012 gives Officers and Members the right to reject the application on the grounds of a lack of local support;
- Development is not sustainable – there are no plans to increase doctors, schooling, transport or other fundamental utilities;
- Sustainable initiatives have not been incorporated into the layout or design, and residents would be dependent on their cars;
- There is no rail station, an inadequate bus service and no major employer in the town;
- Increased traffic on already congested roads;
- Development is too dense in relation to the area;
- Current sewer system is at or near capacity;
- Loss of amenity to existing neighbours;
- Loss of good agricultural land – other brownfield sites should be considered first;

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- Query who would maintain the allotments;
- Concern that residents would use The Causeway as a shortcut;
- Increased traffic risks for users of existing roads and bridleways;
- Hare Street Road is not wide enough to accommodate pedestrians and traffic;
- Poor visibility and congestion at junctions;
- No need for affordable housing in this location and concerns over anti-social behaviour;
- Local young people are unable to take advantage of affordable housing;
- Loss of open and accessible countryside;
- Impact on wildlife and habitats;
- Concern over safety of the attenuation pond for young children;
- Concern over flood risk to neighbouring properties;
- Impact of odour from the foul water pumping station;
- Affordable housing is not distributed across the site;
- House designs lack quality or architectural conviction;
- The layout fails to complement the existing pattern of development;
- Shortage of housing land does not outweigh the harm in this case;
- Concern that the submitted plans do not show the full extent of tree clearance at The Causeway access;
- The development is proposed on Common Land and should not be considered;
- Concern that traffic surveys have underestimated vehicle numbers;
- Additional traffic will increase noise impacts for existing residents;
- Concern that 160 dwellings can be served by a single vehicular access;
- Overlooking, overbearing and loss of light to 11 Hare Street Road;
- The cemetery is not wanted by local people;
- Concern that landscape viewpoints have been assessed in the summer and not in the winter when the development would be more visible;
- Diverting public footpath 12 along estate roads is unacceptable.

5.3 Buntingford Civic Society fully support the Town Council's response and point out that the development would have an unacceptable impact on the landscape setting of the eastern side of Buntingford.

6.0 Policy:

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

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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

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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”, and this is considered to be in line with the NPPF. No evidence or justification for the cemetery was submitted in the previous application 3/12/1657/FP and the application was therefore refused on this basis (reason for refusal 2). However, through further assessment and discussion with the developer it has now become clear that there is a local need for such a facility.
- 7.3 The Buntingford Town Plan ‘a guide to planning Buntingford’s future 2010 to 2031’ states that the number of burial plots currently available at the existing cemetery near Layston’s Church of St. Bartholomew is decreasing, and that demand will exceed availability. The Town Council have researched options for additional burial space and have agreed to negotiate for space within the Layston area. Officers have also seen copies of correspondence from a local Reverend confirming an urgent need for additional burial space in the town. Whilst Officers note that the Town Council no longer support a new cemetery in this location, Officers are satisfied that the proposed cemetery represents an essential use of land which meets an identified local need, and which is appropriate to the Rural Area. The proposed cemetery is therefore now considered to represent an appropriate form of development in this location in accordance with policy GBC3.
- 7.4 New allotments are also proposed, and Officers again 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 cemetery and allotments in the surrounding landscape as this formed part of previous reason for refusal 2. Landscape matters are discussed in more detail below.
- 7.5 Given that the residential development of the site 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

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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 the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

- 7.7 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 previous planning application on this site. 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.
- 7.8 The latest housing supply figures are set out in 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. This is less than the required 5 years plus 5% buffer set out in the NPPF, and the need for additional housing in the district must therefore weigh heavily in the balance of considerations.
- 7.9 Future housing allocations and a full 5 year's supply of housing land will be determined through the District Plan, which is to replace the 2007 Local Plan. However, to date it has not been possible to produce a draft of the District Plan, and the District Plan Panel in February 2013 received a report which set out the reasons for the delay. It is now anticipated that a draft of the Plan will be made available to Members later this year, followed by public consultation.
- 7.10 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:

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- 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).”

7.11 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.

7.12 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.”

7.13 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 these proposals are for only 160 dwellings, Officers do not consider that the District Plan housing allocations process would be prejudiced. It is acknowledged that there are other planning applications at various stages in and around Buntingford; however each case must be considered on its own merits. Recent major planning applications for residential development in the town are listed below for Members’ information:

Reference	Site	Development	Stage
3/12/1417/RP	Land off Longmead	26 dwellings – details following approval of 3/10/2040/OP	At appeal – nondetermination

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3/12/1657/FP	Land north of Hare Street Road	160 dwellings, allotments and cemetery	Refused – at appeal
3/13/0118/OP	Land south of Hare Street Road	Approx 100 dwellings	Refused – at appeal
3/13/0813/OP	Land north of Park Farm Industrial Estate	13 dwellings, car parking, landscaping	Approve subject to Section 106
3/13/1000/FP	Land north of Hare Street Road	160 dwellings, allotments and cemetery	Current application
3/13/1183/OP	Land north of Hare Street Road	160 dwellings, allotments and cemetery	Current application
3/13/1375/OP	Land north of Park Farm Industrial Estate	180 dwellings, school playing fields and 50-60 bed care home	Current application
3/13/1399/OP	Land east of Aspenden Road	Up to 56 dwellings	Current application

7.14 In the case of this application, the numbers are not considered to be so significant to harm the infrastructure of the town, and suitable mitigation can be achieved through Section 106 contributions towards education, childcare, library and youth services, along with sustainable transport contributions. The Local Authority has no evidence of any deficiency in local healthcare provision, and there is no statutory requirement to consult the local Primary Care Trust. Further, even the cumulative amount of development proposed in and around Buntingford is considered to be broadly in line with the figures being proposed through the District Plan process.

7.15 It has been suggested by a number of third parties that other sites in Buntingford would be preferable for a development of this scale and that the application should be refused on this basis. Members will be aware that there is no sequential process for assessing residential proposals within the planning application process; each site must be considered on its own merits. A more detailed comparison of each site and its merits/constraints is carried out through the District Plan allocation process. It is also noted that a study has been prepared by the Town Council in respect of potential development sites in and around Buntingford; however little weight can be given to this document as it has not been formally adopted as a Neighbourhood Plan.

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- 7.16 Overall, 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.”
- 7.17 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 granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.18 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 previously been sought in relation to this site, 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.
- 7.19 On the basis of the above factors, Members are therefore advised that these applications again warrant 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

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outweigh the benefits, then Officers consider that a residential development of this site should be considered acceptable in principle.

- 7.20 The Council is aware that there is an area of Registered Common Land adjacent to The Causeway within the application site, and the vehicular access to the cemetery is proposed to cross this Common Land. This can be a material consideration in determining a planning application. Section 38 of the Commons Act 2006 specifies 'restricted works' that will require consent from the Secretary of State (this is currently dealt with through the Planning Inspectorate) and the construction of a new access is a form of 'restricted work' requiring such consent. The developer is aware of this process and Officers are satisfied that this can take place through a separate process as no objection has been received from the owner of the Common Land and that this would not compromise the proposed development. There is an alternative option for access to the cemetery through the development from Hare Street Road. It is therefore not a reason to refuse planning consent but the developer is aware that separate consent must be obtained.
- 7.21 Finally, Members may recall that the previous application 3/12/1657/FP included a plot of land in the northwest corner of the site for Layston First School. It was originally intended that this would assist in future expansion plans for the school. However, HCC confirmed that the additional land was not required, and that financial contributions were needed instead in order to provide for additional spaces. This aspect of the proposal has therefore been removed.

Highway Impacts

- 7.22 Vehicular access for the residential development is again proposed to be provided from Hare Street Road with one main access and two additional private accesses to plots 157-158 and 159-160. Access to the allotments will be achieved through the new residential development, whilst access to the new cemetery is again proposed from The Causeway to the north. The application is accompanied by an updated Transport Assessment and Interim Travel Plan which aims to reduce the dependence of future residents on private vehicles.
- 7.23 The previous application was refused on the grounds of a lack of agreement on the scope and details of highway mitigation measures (reason for refusal 3). The applicant and their highway consultants have had further discussions with County Highways to inform this revised scheme, and Highways no longer wish to restrict the grant of permission. They consider that although the site is not ideally located for passenger transport, there are various community facilities within

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walking distance, and that the site is in a reasonably sustainable location. They also comment that the junctions will operate well within capacity, and the impact of the additional traffic would not be significant.

- 7.24 The main issues to be addressed following the previous refusal related to the need for HCC to undertake a review of the Stage 1 Road Safety Audit and the subsequent amendments to the scheme, further consideration of extending the 30mph speed limit west of the site, and details of the proposed mitigation measures.
- 7.25 The applications therefore again make 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 pedestrian footway to the new access, improving and widening the existing footpath to 2m where possible within the confines of the public highway, relocating the 30mph speed limit approximately 50m further east of the access, additional carriageway markings, a new town gateway feature, the installation of a traffic island, and providing bus shelters at the nearest bus stops on Hare Street Road.
- 7.26 County Highways have confirmed acceptability of these works, and Officers now consider that the proposed highway works will be acceptable in mitigating against the impact of the development, and will improve access to the town centre and public transport facilities for existing and future residents. It should be noted, however, that County Highways have amended their initial comments to remove the need to relocate the 30mph restriction. The applicant is proposing to move the speed limit 50m east of its existing position; however Highways have confirmed that this is not necessary in order to achieve satisfactory access to the development. They consider that the other highway improvement works put forward, namely the traffic island, gateway feature and additional road markings will be sufficient to satisfactorily reduce speed limits. This is therefore no longer required as part of the package of highway improvement measures.
- 7.27 In terms of the gateway feature, whilst a drawing has been submitted, limited information has been provided and Officers are concerned over the size of the gateways proposed, and consider that further discussions should be held with the Town Council. It is therefore recommended that further detail be submitted for approval through the legal agreement.
- 7.28 Concerns have again been raised that Hare Street Road is not wide enough to accommodate an improved pedestrian footway whilst still

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allowing for large vehicles to pass. However, Officers are satisfied that given the detailed highways assessment that has been carried out, the drawings submitted, and through consultation with County Highways, that the highway works can be achieved. A number of concerns have also been raised over road safety and congestion in this part of town; however Officers are satisfied that this has been properly considered by County Highways.

- 7.29 Finally, concerns have also been raised that The Causeway would be used as a short cut. This would not occur because the vehicular access to The Causeway will only serve the cemetery, and traffic volumes associated with this use will be minimal. However it would be necessary on the outline application (b) to restrict access to the residential development because use of The Causeway in connection with the residential development would be unacceptable from a highway, visual and landscape perspective. Access to the residential aspect of the development will only be acceptable from the access indicated on Hare Street Road and a condition is therefore recommended.
- 7.30 In terms of travel, the site is located within walking distance of shops and services in Buntingford High Street and is in fact closer to the High Street than many existing developments in and around Buntingford. 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 Section 106 Agreement. Further, it is noted that local bus services could be improved and a sustainable transport contribution has been requested by County Highways to mitigate against the impact of this development.
- 7.31 A draft Travel Plan has also been submitted which sets out a package of measures to encourage sustainable travel to and from the site. This includes information for new residents on walking and cycling routes in the area, location of public transport facilities and timetables. It is also proposed that residents could set up travel groups upon occupation of the development. Officers are satisfied with the detail provided in this Travel Plan, but recommend that a final version be agreed and implemented through condition.
- 7.32 In relation to the outline application (b), additional land has been included within the site boundary to the southeast of the site. The Transport Assessment proposes that this is in order to achieve an alternative vehicular access to the cemetery from Hare Street Road. This is due to potential issues regarding access to the cemetery over

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Common Land at The Causeway. However, the indicative layout drawing did not identify this potential new access as is required in Article 4(5) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, and the provision of an additional access to Hare Street Road has therefore not been considered by County Highways.

- 7.33 Additionally, Officers have advised the applicant that the proposed access, along with its necessary length of track across the retained agricultural field, would appear unnecessary and harmful to the surrounding open landscape. Should issues arise regarding access over Registered Common Land at The Causeway, the applicant would have an option through the outline application (b) to provide vehicular access to the cemetery through the new development (using the main new access onto Hare Street Road). Whilst it is not ideal for cemetery traffic to move through a residential area, Officers are satisfied that this would not be unacceptable and therefore remains as an option. A number of concerns have been raised over potential development of this additional plot of land; however the submitted plans clearly state that this land is to be retained for agricultural purposes and this can be readily controlled by condition.
- 7.34 In terms of parking, the layout plan in respect of application (a) indicates a total of 367 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 383 spaces. The proposal is therefore in accordance with the Council's maximum parking standards and policy TR7. Concerns were raised in the previous application over the number of triple length driveways/garages but the number of these has been significantly reduced. Officers therefore raise no objection to the proposed parking provision. In respect of outline application (b), full details would need to be provided through a reserved matters application.
- 7.35 12 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.
- 7.36 There is an existing public footpath that crosses the site from Hare Street Road to the rear of Layston First School. The proposed layout requires diversion of this footpath and it is proposed to follow footpaths within the new development. It is also proposed to hard surface the existing length of footpath and provide a new gated pedestrian access to Layston First School. Officers are satisfied that subject to conditions

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to protect users of this right of way during construction, and to agree details of the new footpath and school access, that no harm would arise as a result of this diversion in accordance with policy LRC9. Bridleway 13 will remain unaffected by the development.

- 7.37 A new footpath/cycleway is also proposed from the residential development to The Causeway, to the west of the allotments and cemetery. This will provide good connections for existing and future residents and again is considered to be acceptable subject to the agreement of further detail.

Landscape and Visual Impacts

- 7.38 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 therefore has the potential to impact on the existing landscape character of the site and surrounding area.
- 7.39 An updated Landscape and Visual Impact Assessment has been submitted with the application to assess the impact of the proposal on the surrounding landscape. This again concludes that the visual impact of the development will be minor/moderate adverse. The residential development will be positioned on the lower part of the site, adjacent to existing built development, and the existing boundary vegetation is to be retained and enhanced. The existing line of trees and hedgerow which divides the two existing fields will serve as a natural buffer to the proposed residential development, and the allotment access will make use of an existing gap in this screening.
- 7.40 Although a number of concerns have again been raised over the landscape impact of this development, it is important to note that the landscape impact of the residential aspect of the development did not amount to a previous reason for refusal. Although the landscape character will be changed by the residential development, Officers are satisfied that the impact would not be harmful given the topography of the site, its location adjacent to existing development, and the presence of boundary screening. The landscape and visual impact of the residential aspect of the proposal is therefore again considered to be acceptable.

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- 7.41 Officers were previously concerned over the landscape impact of the cemetery and allotments given that these land uses were proposed on higher land levels and adjacent to a public bridleway and agricultural fields with no boundary screening. This therefore formed part of previous reason for refusal 3. The revised plans have relocated this part of the development further west away from the bridleway, and on lower land levels. An improved landscaping scheme has also been submitted which will assist in screening these land uses from the surrounding rural area, and provide an improved buffer between them. The Council's Landscape Officer is now satisfied that the proposed development will be satisfactorily accommodated in the landscape in accordance with policy GBC14 and Officers therefore recommend that reason for refusal 3 has been overcome.
- 7.42 In terms of trees, this revised application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement, which identify tree protection measures, appropriate construction methods, and the extent of tree works at the access to The Causeway. A full tree survey and tree constraints plan have also been submitted which indicate that 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. 3 no. B category trees are to be removed to enable access to the development from Hare Street Road, but these are unprotected and not of significant amenity value. Their removal will also be mitigated for by way of replacement planting as part of the landscape proposals. No objection is therefore raised to the loss of these trees.
- 7.43 There is also a group of protected trees which line The Causeway to the north of the site where access is proposed to the cemetery (Tree Preservation Order no. 152). Insufficient information had been submitted on the previous application to enable the Local Authority to properly determine the impact of the new access on these trees, and this amounted to reason for refusal 7. The amended plans indicate that only one small tree adjacent to the new access will need to be removed. Some tree pruning works are also proposed but are not considered to be excessive or harmful to the rural character and appearance of The Causeway. The Landscape Officer has confirmed that he is satisfied with the additional information provided, and that vehicular access to the cemetery can be satisfactorily achieved.
- 7.44 Third parties have raised concerns that the access and visibility splays cannot be achieved without further loss of tree screening. However, both the Highway Authority and Landscape Officer have confirmed

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agreement with the details in respect of this access and the Local Authority can ensure protection of the remaining trees by requiring the works to be carried out in accordance with the submitted documents. Officers therefore consider that previous reason for refusal 7 has been overcome and that the proposal is now in accordance with the NPPF and Local Plan policies ENV2 and ENV11.

Design and Layout

- 7.45 The residential development has again been designed with one main vehicular access which then loops round the development with various cul-de-sacs. The most significant change in the layout of the residential part of the development is the relocation of the attenuation pond and amenity area towards the centre of the site. The previous scheme included an attenuation pond backing onto neighbouring properties against the western boundary of the site. This space was considered to be poorly sited and lacking in natural surveillance. The amended layout has been significantly improved by providing a central 'green hub' with good natural surveillance, and the addition of amenity green space and play areas. This creates a focal point to the development and results a more legible form of development. A low level retaining wall is proposed to extend along the western side of the attenuation pond and will sit adjacent to an estate road, but subject to the use of good quality materials Officers are satisfied that this will be acceptable.
- 7.46 It is noted that few other significant changes have been made to the layout of the residential development; however, the relocation of the attenuation pond and associated green space and play space is considered to be sufficient to address previous Officer concerns. Additional green corners and a green road island are also proposed with specimen trees that will help create a sense of identity for the estate. Further, the dwellings are set back a sufficient distance from the roads to provide for a planted buffer and appropriate street frontage.
- 7.47 In terms of density, the development is proposed at approximately 26.4 dwellings per hectare. This is not considered to be unduly cramped or out of keeping with the density of neighbouring developments which appear to vary from approximately 24 to 33 dwellings per hectare. The more dense parts of the development are situated adjacent to existing development whilst the development is proposed to be more spacious towards the eastern, more rural, part of the site.
- 7.48 A foul water pump station is again indicated on the plans and a detailed layout drawing has been submitted. This confirms that the only structure visible above ground is a kiosk that will measure 2m by 0.75m

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and 1.75m in height. The pump station is to be screened by 1.8m high fencing and some additional planting. The pump station will be located at least 13m from any proposed dwellings and although it will be visible from the public footpath, Officers consider that subject to adequate screening, its impact would not be harmful.

- 7.49 Officers had also previously raised concerns over the proximity of dwellings proposed along Hare Street Road. Plots 1, 7 and 8 have been positioned further back from the street to provide a more appropriate buffer to this more rural part of Hare Street Road and to better respect the existing building lines. The layout of this part of the site therefore provides for an improved transition between rural and urban with a softer landscaped frontage.
- 7.50 In terms of detailed design, a number of amendments have been made. A number of dwellings were previously proposed with two storey flank walls that would appear visible in the street and of poor design. Additional windows have been provided in these elevations in order to address this issue.
- 7.51 The scale of the residential development remains similar to that previously proposed, predominantly 2 storey in height with some 2½ storey, and was not raised as an issue in application 3/12/1657/FP. The external elevations comprise a mix of styles and materials and are similar to those previously proposed although minor changes have been made to the elevational treatment. Elements of local character have again been incorporated into the design and the mix of materials is again considered to be broadly acceptable; full details would need to be agreed by condition.
- 7.52 It is also proposed that sustainable initiatives be incorporated into the design including high levels of energy efficiency, improved insulation, boiler efficiency, low carbon technologies, water saving devices and energy saving light fittings. It is proposed that the development will exceed Building Regulations Part L standards and the use of solar photovoltaic panels is recommended if the working drawings show that a renewable technology is required to meet emission rates. The affordable dwellings will comply with Code for Sustainable Homes Level 4. Officers consider the proposal to comply with policy ENV1 in this respect.
- 7.53 In terms of the parking layout, all market units are proposed with garages and driveways. The affordable units are proposed with frontage parking courts which enables differentiation between market and affordable units but is not considered to be a reason to refuse consent. In some areas there is still extensive hard surfacing to the

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front of the dwellings, but this has been reduced since the previous refusal and additional planting proposed. A range of single and double garages are proposed to serve the dwellings, and the number of lengthy driveways with tandem parking space for 3 vehicles has been reduced.

- 7.54 Detailed drawings of the garages have been submitted with this application, and the garages are again proposed to 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, Officers continue to consider that this is guidance only and should not amount to a reason for refusal.
- 7.55 Herts Constabulary have raised some concerns over the provision of parking courts but there are none proposed in this application. All parking areas are well located in relation to the dwellings and will benefit from natural surveillance. No other detailed comments have been received from Herts Constabulary at the time of writing this report. Overall Officers are of the opinion that the design and layout of the site complies with policy ENV3 in reducing opportunities for crime. It would not be reasonable, in terms of policy, to require the development to seek Secured By Design accreditation.
- 7.56 The layout of the cemetery and allotments has changed more significantly to better respect the topography of the site and the open character of the landscape. The land uses have been re-positioned further away from the bridleway with enhanced landscape screening and an improved juxtaposition between the proposed land uses. The cemetery is proposed in two parts – a formal burial ground to the southwest, and a wildflower meadow grassland to the northeast to provide an opportunity for natural burial. This will assist in mitigating the impact of this land use in the landscape. Further, the car park associated with the cemetery has been re-designed to better respect its rural setting, and the previously proposed walled boundaries have been replaced with native hedging.
- 7.57 A new footway/cycleway is also now proposed to connect the residential development to The Causeway and will be sited in-between the residential development and the allotments/cemetery. A swale is proposed adjacent to the cycleway which is to be planted with a wetland wildflower mix, and additional planting is proposed on the Landscape Masterplan. Subject to further detail in respect of the landscaping, Officers consider the amended layout to be acceptable.

Impact on Residential Amenity

- 7.58 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. It is acknowledged that some of the garden areas associated with the affordable flats (house type A) are small and cramped; however overall the layout is considered to be generally acceptable.
- 7.59 Overlooking between units was previously listed as a reason for refusal on 3/12/1657/FP due to the unsatisfactory relationships between certain plots. The developer has made a number of changes to the scheme in this respect and Officers are now satisfied that this revised scheme will result in no harmful overlooking between units. There is a close relationship between the first floor flank windows on plots 25 and 26, but this can be controlled through a condition requiring the first floor east elevation windows on plot 26 to be obscure glazed. Officers had also raised concerns regarding the relationship between plots 31 and 32 but the developer has amended the drawings to remove a Juliet balcony from plot 32 and remove the first floor flank windows from plot 31.
- 7.60 Overlooking to No. 11 Hare Street Road also formed part of previous reason for refusal 5 as it is located in close proximity to the proposed development. The layout has been amended to provide an increased buffer between the north facing habitable windows of No. 11 Hare Street Road and the rear of plots 108-111 – the distance has increased from approximately 16m to 20m and the trees along the boundary are to be retained. Whilst Officers acknowledge that this will change the outlook from No. 11 and result in some overlooking, the result is no longer considered to be harmful such as to warrant refusal of the application.
- 7.61 Further, the east facing habitable room windows of No. 11 Hare Street Road were previously within 13m of the rear of a proposed dwelling. Plot 160 is now proposed to face this east flank elevation but at a distance of some 15m. Officers consider that this amended layout provides a more satisfactory relationship with No. 11 and whilst there will be some overlooking, it is not considered to be harmful.
- 7.62 Again it is noted that 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

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immediately in front of this window, and the initial drawings also proposed a double garage in this location. The provision of high fencing and a garage in this location would reduce the light within this room and unacceptably impact on living conditions. The plans have therefore been amended to re-position the garage further forward on the plot and away from this ground floor window. The neighbour has been re-consulted on these plans and Members will be updated at Committee. A condition is also recommended to withdraw permitted development rights for fencing, walls and means of enclosure along this boundary in order to prevent harmful loss of light in the future. This is considered to be reasonable and necessary in accordance with Circular 11/95.

- 7.63 Concerns have been raised over potential noise disturbance from the additional traffic associated with the development. Officers are satisfied that a noise survey is not necessary in this case and that the development will not have a significant impact in this respect. No objection has been raised by Environmental Health.

Affordable Housing

- 7.64 The detailed planning application (a) again makes provision for 64 affordable units, representing 40% affordable housing in accordance with policy HSG3. This will comprise of 18 no. 1 bed flats, 1 no. 2 bed flat over garage, 15 no. 2 bed houses, 22 no. 3 bed houses, and 8 no. 4 bed houses. The Council's Housing Manager has again commented that the number of 4 bed units is generous and she would prefer additional smaller units. The developer has therefore amended the housing mix to change 2 of the 4 bed units to 3 bed units – resulting in the above mix. Officers consider the overall housing mix to be acceptable and better than the previous application which was not refused on any affordable housing issue. The tenure mix is proposed as 75% social rented, and 25% shared ownership in accordance with the Council's Affordable Housing SPD. A similar provision is proposed in outline application (b) and can be controlled through legal agreement and reserved matters. The proposal is therefore considered to comply with policies HSG3 and HSG4 of the Local Plan.
- 7.65 In terms of layout, the Council's Affordable Housing SPD states that on 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 affordable housing – 25 units to the southeast corner of the site, and 39 units to the north and northwest of the site. The Council's Housing Development Manager

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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. Many of the units will sit adjacent to market dwellings rather than as an isolated cluster, and would 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.

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

Open Space Provision

- 7.67 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.
- 7.68 The detailed layout now proposes a central attenuation pond for drainage purposes along with amenity green space, a Local Area of Play (LAP), and a Local Equipped Area of Play (LEAP). Additional landscaped amenity land is proposed near the entrance of the site, and on street corners, along with the new allotments and a cemetery – both of which are defined in the SPD as open space.
- 7.69 Play provision previously amounted to a reason for refusal on application 3/12/1657/FP as the two play areas were poorly located and of insufficient size to fulfil their purpose. This revised scheme proposes a large central LEAP and LAP with a total area of approximately 500m². The play area is considered to be well located in relation to the proposed residential dwellings and will make a positive contribution to the development and surrounding area.
- 7.70 The proposed layout for the play area appears to comply with the Fields in Trust standards (set out in Appendix B of the Open Space SPD) and a satisfactory distance is retained between the activity area and neighbouring windows. Safety fencing is proposed to surround the activity area, and the facility is located beyond the maximum water level for the attenuation pond. Overall Officers consider that the proposed play provision complies with the requirements of policy LRC3 of the Local Plan. Further, the proposal will go some way to alleviating the

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current deficit of play provision for children and young people in Buntingford as identified in the Council's Open Space SPD.

- 7.71 In terms of parks and gardens, the SPD highlights a 7.02 hectare deficit in the Buntingford area. These applications propose no contribution towards this deficit on site; however it is material to note that the applications propose 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.
- 7.72 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. Officers 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 that requires new allotments to be a minimum of 0.5 hectares in area. Provision and future maintenance of the allotments can be controlled through the legal agreement.

Flood Risk and Drainage

- 7.73 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.
- 7.74 A Sustainable Urban Drainage (SUDs) system is proposed, including a surface attenuation pond proposed more centrally within the

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development. This is a welcome amendment to the previous scheme in that it combines sustainable drainage with amenity space to create a focal 'green hub' to the development. Overall Officers are satisfied that the proposed drainage system is acceptable in principle in accordance with policy ENV21 – further detail would be required through planning condition. Concerns have been raised over maintenance of the attenuation pond – this responsibility would fall to the developer unless an agreement is made for it to be adopted by the Council. This can be dealt with through conditions and a legal agreement.

- 7.75 Foul water drainage is to be pumped into the existing Thames Water sewer system in Hare Street Road with a new pumping station building proposed on site. No objection has been raised by Thames Water.

Ecological Matters

- 7.76 There are two Sites of Special Scientific Interest (SSSIs) located 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.
- 7.77 An Ecological Assessment has been submitted with both applications and has been updated since the previous application to include further survey results. The report again 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 have been carried out and no evidence of protected species has been found. No objection has been raised by Herts Biological Records Centre or the Herts and Middlesex Wildlife Trusts subject to conditions to implement ecological protection and mitigation measures.

Heritage Assets

- 7.78 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.
- 7.79 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

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a programme of archaeological work to be undertaken in accordance with policies BH2 and BH3.

Financial Contributions and Obligations

- 7.80 Given the scale of development proposed, the proposal triggers a range of contributions and Section 106 requirements. Herts County Council have requested contributions for all service provisions, however the exact figures have not been calculated awaiting the final breakdown of 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.
- 7.81 Given the proximity of the proposed development to Layston First School, Officers have previously 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. Financial contributions will therefore mitigate against the increased pressure on education facilities.

8.0 Conclusion:

- 8.1 As with the consideration of the recent proposals on land south of Hare Street Road, these applications raise 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 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 is also again 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-

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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 have some impact on 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 Officers also consider that the detailed scheme has been satisfactorily amended in its layout, design, play provision and information submitted to overcome the previous reasons for refusal. It is therefore considered that all the previous reasons for refusal in application 3/12/1657/FP have been overcome and both applications are therefore recommended for approval subject to the planning obligations and conditions set out above.