

5a 3/13/1375/OP – Full permission for the erection of 180 homes, amenity land for community uses, the creation of one new access onto the A10 and closure of an existing access onto the A10 north of the site, creation of four new accesses onto Ermine Street and the upgrading of one access onto Ermine Street, and the provision of amenity space and associated infrastructure, and in outline with all matters reserved a 50-60 bed care home and sheltered accommodation at Land north of the Park Farm Industrial Estate and the Freman College, Ermine Street, Buntingford for Pigeon Land Ltd

Date of Receipt: 07.08.2013

Type: Major – Part Full, Part Outline

Parish: BUNTINGFORD / COTTERED

Ward: BUNTINGFORD / MUNDENS AND COTTERED

RECOMMENDATION:

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:

1. Financial contributions towards Nursery, Primary, and Secondary Education, Childcare, Youth and Library services in respect of the residential development, and Library services only in respect of the care home and sheltered housing, in accordance with the residential type and mix to be agreed through the legal agreement and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008;
2. A financial contribution of £194,750 index linked towards Sustainable Transport in Buntingford;
3. A financial contribution of £10,000 towards monitoring of the Travel Plan;
4. The provision of 40% affordable housing - 75% to be social rented and 25% to be shared ownership;
5. The provision of 15% lifetime homes;
6. The provision of Open Space on-site as follows:
 - a) A Local Equipped Area of Play (LEAP) and two Local Areas of Play (LAPs) in accordance with details to be submitted and approved in writing, and where appropriate, any financial contribution that may be required towards future maintenance;

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- b) Park/garden space on land to the west of the site in accordance with details to be submitted and approved in writing, including details of landscaping, public access, and any financial contribution that may be required towards future maintenance;
 - c) Outdoor sports facilities on land to the west of the site in accordance with details to be submitted and approved in writing, including details of the laying out of sports facilities, landscaping, public access, a timetable of works, and any financial contribution that may be required towards future maintenance;
 - d) A detailed management scheme for the future maintenance of the proposed attenuation ponds, and where appropriate, any financial contribution that may be required towards future maintenance.
7. Details of amenity land to the west of the site to be transferred to Buntingford Town Council at nil cost and to be retained for use by Freman College as and when required in the future to facilitate future expansion of the college.
8. Monitoring fee.

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

Conditions related to the detailed matters:

1. Excluding the care home and sheltered housing scheme shaded red on drawing 012-038-006, the development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Prior to any building works being commenced (excluding the care home and sheltered housing scheme shaded red on drawing 012-038-006), the external materials of construction for the building hereby permitted shall be approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

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3. Prior to the commencement of development hereby approved (excluding the care home and sheltered housing scheme shaded red on drawing 012-038-006), details of facilities to be provided for the storage and removal of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. Details of any external lighting proposed in connection with the development (excluding the care home and sheltered housing scheme shaded red on drawing 012-038-006), shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of development (excluding the care home and sheltered housing scheme shaded red on drawing 012-038-006), full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours and ridge heights (b) Car parking layouts (c) Other vehicle and pedestrian access and circulation areas (d) Hard surfacing materials (e) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (f) Planting plans (g) Written specifications (including cultivation and other operations associated with plant and grass establishment) (h) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (i) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

6. A schedule of landscape maintenance for a minimum period of five years for the site (excluding the care home and sheltered housing scheme shaded red on drawing 012-038-006) shall be submitted to and approved by the Local Planning Authority and shall include details of the

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arrangements for its implementation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

7. Prior to the commencement of development (excluding the care home and sheltered housing scheme shaded red on drawing 012-038-006), detailed drawings showing the closure of the existing access off the A10, measures to prohibit vehicular traffic from this access, and details of soft landscaping to reinstate the highway verge all be submitted to and approved in writing by the Local Planning Authority. Works shall not commence until a Traffic Regulation Order for the above works has been promoted and obtained by the Highway Authority.

Reason: In the interests of free and safe flow of traffic.

8. No part of the development shall commence (excluding the care home and sheltered housing scheme shaded red on drawing 012-038-006) until detailed plans showing the new access with the A10 are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure the access is constructed to current standards and the Highway Authority's satisfaction.

9. Prior to occupation of the 90th dwelling, the internal bus stops, turning facility and other bus-related infrastructure, as well as the Ermine Street footway link and cycleway provision, traffic calming measures and gateway feature, shall be completed in accordance with details to be submitted and approved in writing by the Local Planning Authority and made fully operational.

Reason: To ensure suitable sustainable transport facilities are in place for residents

10. Details of the proposed new public rights of way, and measures to protect users of the existing footpath 035 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.

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

11. The dead ash tree located to the south of the existing access on Ermine Street and identified in Figure 1 of the submitted Ecology Report dated 28 September 2012 shall be surveyed for the presence of bats by a suitably qualified ecologist prior to its removal, or the commencement of development, whichever comes sooner, and a report detailing the findings and any mitigation measures shall be submitted for written approval by the Local Planning Authority.

Reason: In the interests of protected species in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

Conditions related to the outline matters

12. In respect of the care home and sheltered housing scheme shaded red on drawing 012-038-006 (a) Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 3 years commencing on the date of this notice. (b) The development to which this permission relates shall be begun by not later than the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

13. In respect of the care home and sheltered housing scheme shaded red on drawing 012-038-006 details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins on that part of the site, 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.

Conditions related to the whole development

14. Approved Plans (2E10 – 012-038-001 B, 012-038-002 B, 012-038-003 B, 012-038-004 A, 012-038-005 A, 012-038-006, 012-038-007, 012-

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038-008, 012-038-009 A, 012-038-010 A, 012-038-011 B, 012-038-021, 012-038-022, 012-038-023, 012-038-024, 012-038-025, 012-038-026, 012-038-027, 012-038-028, 012-038-029, 012-038-030, 012-038-031, 012-038-032, 012-038-033, 012-038-034, 012-038-035, 012-038-036, 012-038-037, 012-038-038, 012-038-039, 012-038-051, 3531-D-1 A, 3531-D-2 A, 1500/01 D)

15. Programme of archaeological work (2E02)
16. Tree/hedge retention and protection (4P05)
17. Development shall not commence until a drainage strategy detailing any on and/or off site foul water drainage works, has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public sewer until the drainage works referred to in the strategy have been completed.

Reason: To ensure sufficient drainage capacity to cope with new development and to avoid adverse environmental impacts in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Section 11 of the National Planning Policy Framework.

18. 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 (report reference 1303-33/FRA/01 dated July 2013) and subsequent email from Transport Planning Associates dated 11 September 2013. The scheme shall include a restriction in run-off and surface water storage on site as outlined 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.

19. The development hereby permitted shall not begin until a scheme to deal with contamination 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:

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1. A site investigation scheme, based on the details in the submitted Delta-Simons Phase 1 Environmental Assessment Report (project no. 13-0458.01) 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 policy ENV20 of the East Herts Local Plan Second Review April 2007 and Section 11 of the National Planning Policy Framework.

20. 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.

Reason: To protect groundwater from contamination in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Section 11 of the National Planning Policy Framework.

21. No infiltration of surface water drainage into the ground at this site is 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 controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater from contamination in accordance with

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policy ENV20 of the East Herts Local Plan Second Review April 2007 and Section 11 of the National Planning Policy Framework.

22. 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.

23. The recommendations to retain and enhance the biodiversity of the site highlighted in paragraph 4.2 of the submitted Ecology Report dated 28 September 2012 shall be implemented prior to first occupation of the development 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.

24. No part of the development shall be occupied until the access, junction, road and parking arrangements serving that part of the development have been completed in accordance with the approved drawings and constructed to the specification of the Highway Authority.

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

25. Detailed Travel Plans shall be submitted for written approval by the Local Planning Authority prior to first occupation of the part of the development to which they relate. The Travel Plans shall make provision for relevant surveys, review and monitoring mechanisms, targets, additional mitigation measures, timescales, phasing programme and on-site management responsibilities. The plans shall be implemented and subject to regular review in accordance with the above approved details.

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

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26. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of:
- a. Phasing of the development – including internal access junctions from the public highway, off-site highway infrastructure improvements (roads, footpaths and cycleways), and the delivery of on-site and off-site public transport infrastructure)
 - b. A programme of works on site
 - c. Areas of construction vehicle parking, storage and delivery of materials within the site
 - d. Construction vehicle wheel washing facilities
 - e. Details of construction vehicle routing to and from the site.
 - f. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise impact of construction process on the local environment and local highway network.

27. Construction hours of working - plant and machinery (6N07)
28. Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be taken in the design and construction of the development to; re-use existing materials within the new development; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.

Reason: To accord with Hertfordshire Waste Core Strategy and Development Management Policies DPD 2012.

Directives:

1. Other Legislation (01OL1)
2. Highway Works (05FC)
3. Planning Obligation (08PO)
4. Public Rights of Way (18FD)

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5. Street Naming and Numbering (19SN)
6. Unsuspected contamination (33UC)
7. Protected Species (36PS)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (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.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract and comprises of agricultural fields located to the north of Buntingford in the Rural Area Beyond the Green Belt. To the east of the site lies Ermine Street, and to the west lies the A10. To the south lies No. 7 Ermine Street with Park Farm Industrial Estate beyond, and Freman College to the southwest. To the north of the site is further agricultural land with some residential properties fronting Ermine Street.
- 1.2 The application is in hybrid form – full planning permission is sought for a development of 180 dwellings with associated amenity space, parking and access, and outline planning permission is sought for a 50-60 bed care home with sheltered housing on the southern part of the site. All matters are reserved on the outline proposal. The majority of the site lies in Cottered Parish, whilst the area proposed for the care home to the south of the site lies within Buntingford Town Council's jurisdiction. The plans also identify a 'potential future country house hotel' but this does not form part of this application.
- 1.3 The residential development will comprise of 23 no. 1 bed units, 42 no. 2 bed, 63 no. 3 bed, 37 no. 4 bed, and 15 no. 5 bed units, including a mix of detached, semi-detached, terraced, apartments and bungalows. The application also makes provision for 40% affordable housing. The residential development will be located along the eastern part of the

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site, with land to the west being retained as open space adjacent to the A10. The care home is proposed to the south of the site, adjacent to No. 7 Ermine Street and the industrial estate.

- 1.4 The application has been amended during the course of the application to address a number of issues raised during the consultation process. The developer has also held further meetings with Freman College, the Town Council, Buntingford Action for Responsible Development (BARD), the Civic Society, and the Highway Authority. Additional information has now been submitted in respect of archaeology, following the carrying out of trial trench site excavations. Further highway and transport information has been submitted in order to address issues raised by the Highway Authority. It is still proposed to create a new access onto the A10; however the application now makes provision to close an existing access between Ermine Street and the A10 (located approximately 500m north of the site).
- 1.5 The application has also taken on board objections raised by Freman College. It is no longer proposed to provide sports playing pitches for the college, but amenity space instead which it is proposed will be transferred to the Town Council to determine how it will be used and when it will be required. The original proposal to route buses through the college site has also been amended and it is now proposed to provide a vehicle turning area within the application site and adjacent to the college boundary. Finally, amendments have been made to the layout of the scheme, including a widening of the housing development by 6-8m to provide a larger play space, and enhanced planting along the western boundary of the site.

2.0 Site History:

- 2.1 There is no recent planning history related to the site. An application was refused for a residential development of 70 dwellings in 1965 (reference 3/65/1861) on the southern part of the site. This was refused on the grounds of a lack of justification for development in the Rural Area. An application was also refused for the same reason for a single dwelling on land to the northwest of the site in 1962 (reference 3/62/2074).

3.0 Consultation Responses:

- 3.1 The Highway Authority originally objected to the scheme on the grounds that the new access to the A10 would be contrary to HCC's primary route policy which does not permit new access onto the primary route network unless 'exceptional circumstances' can be demonstrated. The

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submitted Transport Assessment referred to the benefits of providing a new junction but did not adequately demonstrate 'exceptional circumstances'. Further, inadequate information had been provided on affordable housing and the proposed use of the play areas and likely trip generation. Existing bus service provision is very poor and existing services fall outside the 400m accessibility target, and there is no railway station in Buntingford. No provision had been made to improve accessibility to the site for non-car modes and no mitigation measures had been identified to manage the impact of the development on the town. They also raised concerns over a failure to identify schemes or measures to improve pedestrian and cycle links to the town centre and key local amenities. Access/junction designs had not been submitted in sufficient detail to permit a Stage 1 Safety Audit, and no speed data had been submitted to confirm existing speeds on the road to justify the level of vehicle speed reduction required to comply with the proposed 30mph speed limit.

- 3.2 Further information has now been submitted however, and Highways now recommend approval subject to conditions and a sustainable transport contribution. They comment that access onto the Primary Route Network (PRN) is now acceptable in principle, subject to the closure of the existing access. Proposed changes to the No. 331 bus route including provision of a bus turning facility and other infrastructure has been proposed (and is subject to agreement). The majority of traffic is determined to head south on the A10; the provision of an enhanced access will provide a more safe access onto the PRN. An Ermine Street footway link will connect the development to the High Street, and provide opportunity for the street scene of Buntingford to be extended, with traffic calming and the extension of the 30mph to suit.
- 3.3 The Environment Agency initially objected to the scheme on the grounds that the surface water flood risk assessment was unacceptable. They have now removed their objection and recommend consent subject to a number of conditions in order to secure sustainable drainage systems, and to deal with any contamination on site.
- 3.4 Planning Policy comment that given that multiple proposals have been formally submitted to the Council, it is appropriate to consider each scheme and the scale of development proposed in the light of the other proposals around the town. The cumulative impacts of each individual scheme in conjunction with others cannot be fully tested through the planning application process – this is the role of the District Plan. Without a full evaluation of the impacts, development is premature and has an impact on the ability to plan properly for the future growth of Buntingford. They comment that the proposal has responded to

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concerns raised at the pre-application stage over the distribution of affordable units and the location of the care home and sheltered housing. The land made available for the school is welcomed. However, this site is beyond the built-up area of Buntingford and would extend the town northwards along Ermine Street away from the High Street. In isolation there are potential benefits from this scheme.

- 3.5 The Council's Landscape Officer has provided a lengthy consultation response including his own Landscape Sensitivity and Capacity survey. In summary they recommend refusal on the grounds that the proposed development site is not suitable for the type and extent of development proposed - in effect for a ribbon development contained only by the A10 link road. They comment that the development site can reasonably be assessed as high or moderate to high landscape sensitivity, and of moderate landscape value, which gives a low landscape capacity rating for the type of development proposed. The development compromises the transition between the settled and rural landscape that currently exists and removes the quality of that transition. They further comment that the development comprises residential use in place of a rural agricultural landscape that does not respect the setting for the grazed parkland of Corney Bury, and that the development is not comparable in terms of scale with the grain and pattern of historic development along Ermine Street. The development will remain prominent in the landscape even with screen planting due to the elevated levels and sloping topography of the site, and the planting proposals intended to screen the development will not have the stated effect within the 10 year time frame suggested in the Landscape and Visual Impact Assessment (LVIA). They therefore conclude that the scale and mass of this new development will dominate the setting to the north of Buntingford, causing the loss of rural character in this location. Their response is discussed in more detail in the report below.
- 3.6 In response to a rebuttal submitted by the applicant's landscape consultant, the Landscape Officer confirms that his previous comments still stand and that the LVIA fails to recognise the harm caused by the loss of existing open and rural agricultural landscape, and that the site currently contributes significantly to the local distinctiveness of the area and landscape character on the urban fringe of this part of town.
- 3.7 The County Historic Environment Unit originally recommended refusal of the application on the grounds that the site had significant archaeological potential and would contain heritage assets of archaeological interest. They therefore recommended that a non-intrusive geophysical survey of the site be undertaken and trial trench investigations carried out and the results submitted prior to the

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determination of the application. Pre-determination archaeological evaluation work has now been carried out and archaeological features have been found in over half of the trial trenches showing evidence of early settlement activity of local and perhaps regional significance. Further archaeological investigations will therefore be necessary but it is likely that this can be carried out via an archaeological condition placed on any planning consent for the scheme. They therefore recommend permission subject to a condition to secure a programme of archaeological work.

- 3.8 County Planning Obligations confirm that they would seek financial contributions towards Nursery Education, Primary Education, Secondary Education, Childcare, Youth and Library services as set out in the 'Planning Obligations Guidance – a Toolkit for Hertfordshire' (January 2008). Fire hydrant provision is also sought. With regard to the care home and sheltered accommodation, they would not seek contributions towards education services, but would seek contributions towards library services and the provision of fire hydrants.
- 3.9 The County Council Property and Technology team comment that although Freman College may not wish to acquire the additional land to the north for future playing fields, Herts County Council would wish this land to be safeguarded for any future expansion of the school. Usually this would involve the land being transferred to HCC as the local education authority. In this case it is understood that the land is being transferred to Buntingford Town Council via a legal agreement. HCC would not object to this arrangement as long as it is made clear that in the event that this land is needed to enable Freman College to expand, it is made available by the Town Council for this purpose. The usual arrangement would be for the land to be made available for 7 hours a week during term time for use as a detached school playing field.
- 3.10 The Council's Environment Manager comments that the scheme appears well balanced in terms of play and open space provision. The main Local Equipped Area of Play (LEAP) is centrally located to make it easily accessible to residents and is served by good natural surveillance from nearby properties, although it is difficult to assess the size of the space. The recommended minimum activity zone is 400m² and there should be a minimum of 20m between the façade of the nearest property and the activity zone. The LEAP should ensure sufficient play opportunities for the upper age range. The Local Area of Play (LAP) at the northern end of the site will need to be separated adequately from the potential body of water.
- 3.11 Environmental Health recommend consent subject to conditions on

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construction hours of working, air quality, contamination, and piling works.

- 3.12 Thames Water comment that they have been unable to determine the waste water infrastructure needs of this development and that the development may lead to sewage flooding. They therefore recommend a condition requiring a detailed drainage strategy to be submitted and approved. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant ensures that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- 3.13 Engineers comment that the site is located in floodzone 1 and away from floodzones 2 and 3 but part of the development along the existing watercourse would be affected by surface water flows. There are no records of historical flood incidents for this area. The existing site is almost completely permeable whereas the new site consists of a larger extent of impermeable areas. To take account of this change a number of high quality sustainable urban drainage systems (SuDS) features will be incorporated into the infrastructure design, including retention/detention ponds, swales, harvesting water butts and permeable paving. This will provide opportunities to reduce flood risk, increase biodiversity and improve water quality.
- 3.14 The Housing Manager notes that the scheme includes 72 affordable dwelling which accords with the Local Plan to provide 40% affordable housing and an appropriate mix is proposed. The applicant has confirmed that they will be providing 75% social rented and 25% shared ownership on site. The inclusion of bungalows is welcomed as there is a growing demand for this form of accommodation.
- 3.15 The County Minerals and Waste team comment that the policies contained in the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan form part of the development plan for the purposes of determining planning applications. Regard should therefore be had to the re-use of unavoidable waste, and the use of recycled materials where appropriate in construction.
- 3.16 Hertfordshire Ecology comment that they do not have any biological data for the site but they do have records of major bat roosts in the immediate area, and of badgers. The submitted Ecology Report concludes that the site is of minimal ecological value but a number of recommendations are made to conserve and enhance wildlife.

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Conditions are therefore recommended.

- 3.17 Natural England advise that the proposal is unlikely to affect any statutorily protected sites, landscapes, or bats. They recommend that the Council secures measures to enhance the biodiversity of the site, and landscape enhancements.
- 3.18 The Herts and Middlesex Wildlife Trusts comment that there are no statutory or non-statutory nature conservation sites within or adjacent to the application site. The site is likely to be of limited ecological interest, although may provide some opportunities for protected and other notable species. They have no ecological grounds for objecting to the application and recommend conditions to secure the recommendations and mitigation measures set out in the submitted Ecology Report.
- 3.19 The Campaign to Protect Rural England (CPRE) do not support this proposal on the grounds that the site is outside the settlement boundary of Buntingford and should be refused as it is contrary to the principles of the National Planning Policy Framework (NPPF) and the East Herts Local Plan. This development, together with the others also making the same argument would lead to a cumulative impact on Buntingford which would be profound. Development needs to be considered in a structured manner, taking into account the ability of economic, social and structural infrastructure to support it. The appropriate mechanism for that is through the on-going review of the Local Plan, and in that context the application is premature. They also raise concerns over the loss of good quality agricultural land, a lack of employment opportunities, and a reliance on the private car which is unlikely to be addressed by a framework Travel Plan. The new connection to the A10 would be contrary to policies regarding access to primary routes.
- 3.20 The Ramblers Association object on the grounds that Right of Way no. 35 cannot be seen on any of the development plans – they would expect it to be separated from any estate roads and at least 3m wide with a grass surface.
- 3.21 Sport England initially raised concerns that the outdoor sports needs generated by the new development would not be met by extending the college's playing fields. In response to the amended plans, they comment that the proposed transfer of the playing fields to Buntingford Town Council is welcomed and would address the main concerns previously raised. However, just transferring the land at nil cost presents some issues and challenges if it is to be used as a playing field at a later date. To be fit for purpose, the open space needs to be constructed as a playing field from the outset (i.e. levelled with

appropriate drainage and maintenance). A decision should therefore be made about whether the site needs to be suitable for playing pitches as it would be inappropriate to invest in preparing the site for this use if it were subsequently to be used for other open space types.

Conversely, if the application did not make provision for the open space to be prepared as a playing field, the Town Council would have to bear the costs of preparing the site. Further, if the site is to be used as a community playing field, appropriate ancillary facilities (such as changing facilities and car parking) would need to be provided. The costs of providing these facilities can be quite significant, and long term management and maintenance costs should also be considered. Finally, if the school wish to use the open space, adequate pedestrian access should be provided; the design of the boundary therefore requires consideration.

- 3.22 Sport England also comment that a sports pitch feasibility study should be submitted to include a ground conditions assessment, and a related sports pitch specification to comply with Sport England's guidance note 'Natural Turf for Sport' (2011). In terms of phasing they comment that the playing fields should be made available when needed and may take about 18 months to prepare. Details of phasing should therefore be required by condition. Finally, they comment that the development would create additional demand for indoor sports facilities and that no provision for this has been made in the current application; a financial contribution is therefore recommended.

4.0 Town/Parish Council Representations:

- 4.1 Buntingford Town Council object to the application and comment that this is one of nine sites that are currently under assessment for potential suitability for housing through the District Plan. The site lies outside the settlement boundary and represents inappropriate development in the rural area, and fails to comply with a number of other Local Plan policies. Development of the town should be considered as a whole through the District Plan process, and granting permission would distort the balance and not necessarily achieve the benefits claimed by the applicant. Notwithstanding, the Town Council, in partnership with other groups, has undertaken its own technical study which shows that this site is one of the more suitable and sustainable of the potential development sites in the town – it is consistent with the valley setting of the town, has effective boundaries to contain urban sprawl, has good accessibility to local services and local transport and minimal impact on the local road network and Conservation Area.
- 4.2 Buntingford Town Council comment on the following technical points:

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- They consider the new link with the A10 to be essential to create sustainability of the site;
- The link with Freman College should be fully investigated as it is a unique opportunity to resolve a significant issue in the town;
- It is essential that adequate parking is provided on site as any overflow parking in Ermine Street will cause disruption to the traffic flow;
- They query whether the foul water drainage system is capable of coping with this new development;
- Concern that the infrastructure implications of the development will be borne by Buntingford when the residential site lies in Cottered Parish, and Buntingford will not receive the New Homes Bonus or benefit from changes to the tax base. They therefore recommend a boundary change to bring the whole development within the Parish of Buntingford.

4.3 In response to the amendments, Buntingford Town Council comment that the Section 106 should be worded such that there will be no obligation on the Town Council for maintenance or any other liability other than the right to agree future use of the playing fields land. They also are disappointed that there will be no route through Freman College for school buses to alleviate congestion on Bowling Green Lane, but note that an alternative turning facility has been provided and that there is the opportunity to create a through route at a later date. The Town Council are also disappointed that Highways require an existing access to the A10 to be closed – they believe both accesses are necessary. Finally they comment that any new gateway feature on Ermine Street should be of a noticeable design and not just white painted lines on the carriageway.

4.4 Cottered Parish Council have no objection to the proposal.

4.5 Anstey Parish Council oppose the application on the grounds of poor transport services in Buntingford, and that the town is reliant on the private car for travel. The town's road infrastructure cannot cope with the planned increase in traffic and no consideration has been given to improvements to the road links into the town and the services it provides. The infrastructure of schools and doctors needs to be considered before any development of this size can be approved in the area of Buntingford. Anstey Parish Council rely on these services for their parishioners and stress that a full review of all the infrastructure be made prior to approval of this site.

5.0 Other Representations:

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

5.2 8 no. letters of representation have been received from local residents which can be summarised as follows:

- Development would be premature and would render the District Plan useless if large scale developments are allowed before the Plan is agreed;
- The proposal does not reflect the presentation given by the developer during the consultation process;
- However, if the plan does allow for development in Buntingford then this site is preferable to the recent applications at Hare Street Road;
- Affordable housing should be integrated with the private housing and not in clusters;
- Bungalows should be built on higher ground and houses on the lower level;
- Homes are required in the area but more employment opportunities are also required to prevent Buntingford becoming a dormitory town;
- The separation distance between the care home and No. 7 Ermine Street is welcomed and should be maintained in any detailed proposals, and the landscaped buffer is an important element for the future layout;
- Increased traffic through the High Street and lack of improvement to local amenities;
- Development would add to the sprawl of the town, not contain it, extending the town boundary ½ mile to the north;
- Development would not be within the valley setting of the town – it would be a blight with visual impact for many miles around;
- Drainage and water supply problem which might not be overcome due to the elevated position of the land;
- Housing and care home would be divided from the town by the industrial estate;
- Concern that the new link road to the A10 would increase traffic through the historic High Street;
- Lack of public transport in town, and limited employment opportunities;
- Concerns over the developer's public consultation process;
- Concern over recent power cuts in Buntingford and internet connections;

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- Any sports facilities should be provided to the town and managed by the town;
- 40% affordable housing is inappropriate as the homes will not be marketed to local people and will not reflect the cheap cost of land supply;
- The bus link to Freman Collage is welcomed and will ease traffic flows in Bowling Green Lane;
- The mixed nature of the development and 40% affordable housing is also welcomed as Buntingford needs affordable homes;
- The hedgerow and ditch on the northern edge of the site is on private land and there is no mention of a fence to prevent rubbish filling the ditch and safeguarding children. Planting along this boundary should be of a suitable density to screen the development.

5.3 Freman College do not support the proposal. They comment that extending the road through the College is quite impractical as there is insufficient space given the location of the new sports hall, it would result in the loss of staff car parking, and a new access would be a security and safety concern. In terms of the new playing fields, they comment that they have sufficient playing fields and no need to expand further as they are currently in the process of adding an additional six classrooms and a sports hall. The land that has been identified for playing fields is wholly unsuitable as the land rises significantly and works would require extensive re-grading which would be costly. No comment has been received on the amended proposals.

5.4 Buntingford Civic Society consider the application to be premature and request that East Herts Council defers any decision on this application until such time as the Council has determined and consulted on its proposals for housing development in Buntingford for the period to 2031. Planning permission has already been granted for approximately 200 dwellings in Buntingford over and above those planned in the 2007 Local Plan, and any further large scale development in town should be the result of proper technical study and consultation. The Civic Society has collaborated with the Town Council, BARD and the Buntingford Chamber of Commerce to assess the merits of the nine proposed development sites for the town and the result to date is that this site is one of the more suitable sites for housing – it would not significantly affect the valley setting of the town or impact on the Conservation Area, it would have less impact on the town roads network provided direct access to the A10 is provided, and the developer has listened to and acted on feedback received. However it is their view that development should not be allowed on these sites until such time as the

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infrastructure, landscape and sustainability implications of development have been properly assessed and preferences justified.

- 5.5 In response to the amended plans, the Civic Society consider that the new A10 junction should be allowed without restricting the existing junctions – this would minimise the need for Park Farm Industrial Estate traffic to traverse the new development. They also raise concerns over the Landscape Officer’s comments, and that the same concerns should have been raised for developments to the east of the town (north and south of Hare Street Road). Finally they comment that the site offers relatively easy access to the local road network which cannot be said of any of the other sites proposed for development in Buntingford.
- 5.6 Buntingford Action for Responsible Development (BARD) action group object on the grounds that the site lies in the Rural Area and the application is premature pending the preparation of the District Plan and if permitted could prejudice decisions on the scale and location of development for Buntingford, and the District as a whole due to the cumulative impact of the developments currently proposed. Permission should not be granted unless and until it can be demonstrated through technical study and consultation that it is necessary and preferable to other sites under consideration. BARD, together with the Town Council and Civic Society have produced a technical study which considers the merits of the nine sites put forward for allocation in the District Plan. The results to date show that this site, along with the former Sainsbury’s distribution depot, is one of the most suitable sites for development – there would be no significant affect on the valley setting of the town and the A10 and Ermine Street provide defensible boundaries to prevent future urban sprawl. They raise concerns over the lack of employment opportunities on site given its location adjacent to the Park Farm Industrial Estate. Further concerns are raised over overflow parking onto Ermine Street, the Travel Plan is unlikely to have any meaningful effect, and buildings up to 12m in height fronting Ermine Street are not in-keeping with the edge of town setting. On a positive they welcome the care home in principle, the new road link to the A10, and the link to Freman College but consider these issues to be addressed through the Local Plan. They also comment that the developer has held a number of in-depth consultations and seems to have listened and acted on much of the feedback received.
- 5.7 In response to the amended plans, BARD comment that the open space should remain as green space for community use. They are disappointed that there will be no route through Freman College, and consider that both vehicular accesses to the A10 should be made available. They also raise concerns over a lack of consistency in the

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Landscape Officer's comments regarding sites to the east of the town.

- 5.8 Councillor Nicholas Wilson (Kingsmead Ward, Hertford but residing in Buntingford) urges East Herts Council not to allow any substantial development of this nature on prime agricultural land until after a District Plan has been approved. There are many developers putting forward unreasonable numbers of housing schemes in Buntingford that would turn this small local conurbation into an urban sprawl without thought to infrastructure and services.
- 5.9 Councillor Jim Ranger (Mundens and Cottered Ward) supports this application as a number of Cottered children attend Freman College and the plan to extend the playing fields and provide an easier access are welcomed. The site is the most suitable area for housing around Buntingford.

6.0 Policy:

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC14	Landscape Character
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking – Standards
TR12	Cycle Routes – New Developments
TR14	Cycling – Facilities Provision (Residential)
TR17	Traffic Calming
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV20	Groundwater Protection

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ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
LRC1	Sport and Recreation Facilities
LRC3	Recreational Requirements in New Residential Developments
LRC9	Public Rights of Way
IMP1	Planning Conditions and Obligations

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

7.0 Considerations:

Principle of Development

7.1 The site lies in the Rural Area Beyond the Green Belt wherein Policy GBC3 of the adopted Local Plan states that permission will not be given for the construction of new buildings or for changes of use for purposes other than those specified, which does not include new residential developments. The proposed residential development and care home therefore represent inappropriate development in principle contrary to policy GBC3. One of the determining issues in this case is whether there are any overriding material considerations to outweigh this in principle policy objection.

7.2 In terms of national planning policy, the National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. It goes on to state that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

7.3 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. That period of 12 months has 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

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recognised deficiency in that the Local Plan does not identify adequate land to enable a five year supply of land for housing development.

- 7.4 The latest detailed housing supply figures are set out in the Annual Monitoring Report (AMR) 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. An updated AMR for 2012/13 is expected to be released shortly but it is anticipated that this will demonstrate an even more significant housing shortfall of only around 3 years supply. Members are also advised that even if the sites at Hare Street Road (up to 260 dwellings discussed in more detail below) are allowed at appeal, there will still be a significant deficit in housing supply in the district.
- 7.5 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. Members will be aware that a draft version of the District Plan was presented to the District Planning Executive Panel Committee meeting on 16th January 2014 but will now be subject to a public consultation process. The site that forms the subject of this application is partly identified in that draft Plan as a site for a residential-led mixed-use development (policy BUNT3) to include approximately 180 homes after 2021. The site identified in the draft Plan does not extend as far to the northern boundary as this current application but still sets out a provision of 180 dwellings along with employment/education uses. This would result in a higher density development that may not retain an adequate buffer to the A10 and Ermine Street in order to mitigate the visual and landscape impacts of developing this site.
- 7.6 The wording of the draft policy is set out below:

BUNT3 North of Buntingford

- I. Land between Ermine Street and the A10 to the north of the town is allocated as a residential-led mixed-use site, to include approximately 180 homes after 2021.
- II. The development of the site is expected to be subject to a development brief or masterplan prepared by or approved by the District Council. The development is expected to address the following provisions and issues:

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- (a) the key design and layout principles of development, which should include a visual transition from rural to urban where it fronts onto Ermine Street, acting as a gateway to the town from the north.
- (b) the need to protect the historic landscape of Corneybury in accordance with Policy HA2 (Non-Designated Heritage Assets) and Policy HA7 (Listed Buildings);
- (c) the need to set aside a proportion of land for employment and education uses and to facilitate improvements to Freman College;
- (d) a range of dwelling type and mix, in accordance with the provisions of Policy HOU1 (Type and Mix of Housing);
- (e) Affordable Housing in accordance with Policy HOU3 (Affordable Housing);
- (f) quality local green infrastructure through the site including opportunities for preserving and enhancing on-site assets, maximising opportunities to link into existing assets and enhance biodiversity;
- (g) necessary new utilities infrastructure, such as a new sewer to link from the development to existing infrastructure in the town;
- (h) sustainable urban drainage and provision for flood mitigation;
- (i) access arrangements and wider strategic and local highways mitigation measures including access serving Freman College;
- (j) sustainable transport measures including the encouragement of walking and cycling, and enhanced passenger transport services;
- (k) social infrastructure including contributions towards education and other community facilities;
- (l) financial viability and the delivery of all necessary infrastructure;
- (m) planning obligations including on and off-site developer contributions; and
- (n) other policy provisions of the District Plan and relevant matters, as appropriate.

7.7 Overall Officers are satisfied that the development proposal meets the

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above draft criteria, and a number of these issues will be discussed in further detail below. Whilst a development brief or masterplan has not been prepared by the Council to inform the development approach, Officers have been involved in pre-application discussions and the developer has made a number of amendments to the scheme to accommodate Officer concerns.

7.8 Officers also acknowledge that whilst a number of objections have been received to this application, the site is one of the Town Council and local action group's preferred sites for future residential development around the town, and this has been reflected in the draft District Plan. An independent study has been prepared by Buntingford Town Council, Buntingford Civic Society, BARD and Buntingford Chamber of Commerce in respect of potential development sites in and around Buntingford which identifies this site as one of the preferred options; however little weight can be given to this document as it has not been formally adopted as a Neighbourhood Plan.

7.9 In terms of the weight that can be afforded to the District Plan, whilst a draft has now been produced and preliminary sites identified to meet housing supply demand, only limited weight can be afforded to the Plan and policy BUNT3, and the proposed site boundary, given its current stage of preparation. The ability to afford weight to the emerging Plan is addressed in paragraph 216 of the NPPF, which states that:

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

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

7.10 Given that the Council's District Plan is still at an early stage of preparation, and has not yet gone through public consultation, Officers consider that little weight can be given to its content.

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

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“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.”

- 7.12 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. This proposal is for 180 dwellings and a care home, which in itself is not considered to be of a scale that would prejudice the District Plan housing allocations process. 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	Allowed at appeal 07-Oct-2013
3/13/0813/OP	Land north of Park Farm Industrial Estate	13 dwellings, car parking, landscaping	Approved subject to Section 106
3/12/1657/FP	Land north of Hare Street Road	160 dwellings, allotments and cemetery	Refused 05-Dec-2012 Appeal withdrawn
3/13/0118/OP	Land south of Hare Street Road	Approx 100 dwellings	Refused 22-May-2013 – public inquiry held Dec-2013 (decision awaited)
3/13/1000/FP	Land north of Hare Street Road	160 dwellings, allotments and cemetery	Refused 11-Sep-2013 – public inquiry held Dec-2013 (decision awaited)

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3/13/1183/OP	Land north of Hare Street Road	160 dwellings, allotments and cemetery	Refused 11-Sep-2013 – public inquiry held Dec-2013 (decision awaited)
3/13/1399/OP	Land east of Aspenden Road	Up to 56 dwellings	Current application Deferred 08-Jan-2014
3/13/1925/OP	Former Sainsbury's Distribution Depot, London Road	328 dwellings, small business units (Class B1), and up to 65 bed care home (Class C2)	Current application

- 7.13 In terms of the Hare Street Road appeals, Officers are aware that Members may be taking a decision on this application prior to publication of the appeal decision (now expected by the 14th February 2014). However, Officers consider that the Inspector's decision would not have significant implications for the determination of this application. Should the appeals be allowed then there will be an additional cumulative impact on the infrastructure of the town; however as discussed below, Officers are satisfied that the cumulative effect would not be harmful and that suitable mitigation could be achieved through planning conditions and obligations. Further, should the appeals be allowed then the additional 260 dwellings will have limited impact on the Council's current housing supply – there will still be a significant shortfall. Should the appeals be dismissed, however, then there will be a greater need for additional housing in the district.
- 7.14 In terms of cumulative impacts, should the appeals be allowed for development at Hare Street Road, the potential cumulative increase in dwellings could be 180, plus 260, plus potentially a further 328 at the former Sainsbury's site, and 56 at Aspenden Road. This totals an additional 824 dwellings. Whilst this is a substantial number of dwellings for Buntingford, Officers are satisfied from the work produced to inform the District Plan process that the numbers are not so significant as to harm the infrastructure of the town, and that suitable mitigation can be achieved through Section 106 contributions towards education, childcare, library and youth services, along with sustainable transport contributions.
- 7.15 In terms of education, draft Chapter 6 of the District Plan discussed the capacity of the system to accommodate new development in town. This stated that at primary level if Layston First School expanded by one

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form of entry (1FE) and Millfield First School expanded by 0.5FE this would equate to approximately 750 dwellings in the town. But this would depend on the provision of new buildings and playing fields, requiring the acquisition of additional land. Additional land was offered to HCC by Taylor Wimpey in the initial planning application for land north of Hare Street Road but this was declined by HCC as it was deemed unnecessary.

- 7.16 At Middle school level Edwinstree Middle School has the potential to expand by 1.3FE which equates to 650 dwellings but there is a current deficit of 0.5FE which equates to approximately 250 dwellings. Therefore if the school were expanded to a full 5FE this would only support 400 additional dwellings, but this would require major improvements to the school. There is also the Ralph Sadler Middle School in Puckeridge which falls within the Buntingford School Planning Area, and whilst it is not ideal to transport students out of town, this has the capacity to expand by 2FE to accommodate approximately 1000 dwellings subject to new buildings and highway improvements.
- 7.17 Finally, at upper level, Freman College has a current deficit of 2FE, but this is due to the current admissions policy which accepts pupils from Stevenage and Royston where there is current and forecast capacity. Therefore overall Officers consider that should the appeals be allowed at Hare Street Road, and some residential development be permitted on the former Sainsbury's site, the education system would still be able to cope with the number of children subject to improvements that would be facilitated by Section 106 contributions, and a potential review of the schools' admissions policies.
- 7.18 In terms of the highway network, work carried out by Diamond Modelling to inform the District Plan indicates that development of around 500 dwellings could be accommodated in Buntingford within the existing highway network with some local improvement required. Should all potential development proposals be permitted around Buntingford, then this would exceed 500. However, this application proposes major highway works including a new access to the A10, and has demonstrated that the majority of the traffic would use the A10 rather than local roads. Officers therefore do not consider that the cumulative impact would be harmful to the highway network.
- 7.19 In terms of other infrastructure, further sewage works may be required and can be controlled by condition, and in terms of healthcare 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.

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- 7.20 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.”
- 7.21 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 for this development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.22 A number of planning appeal and legal decisions made elsewhere have tested issues which are similar to those again 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.
- 7.23 On the basis of the above factors, Members are therefore advised that this application again warrants a complex balance of considerations. It is acknowledged that although this site has been put forward as a future development site in the draft District Plan, little weight can be given to this document given its current status. The application therefore preempts the District Plan and continues to lie within the Rural Area beyond the Green Belt. 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. Therefore, provided that there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits, then Officers consider that a residential development of this site should now be considered acceptable in principle.

Highways

- 7.24 Vehicular access is proposed from 4 new accesses to Ermine Street,

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with a fifth one being upgraded, and one new access to the A10. The application is accompanied by a Transport Assessment and additional Technical Notes and Travel Plans that were submitted in response to an initial objection by the Highway Authority.

- 7.25 The Highway Authority initially objected to the new access to the A10 as it would be contrary to HCC's Primary Route Policy, which does not permit new access onto the primary route network unless 'exceptional circumstances' can be demonstrated. Further discussions were therefore held and amendments made to include closure of an existing A10 access as part of the application. This existing access is located some 850m north of the new access and currently allows traffic to join the A10 from Ermine Street, as well as allowing traffic to join Ermine Street from a northerly direction on the A10 only. Any southbound traffic wishing to join Ermine Street from the A10 use a one-way slip road located even further north that will remain open.
- 7.26 Highways now support the new access to the A10, subject to the closure of this existing access. They consider that this will provide better circulation opportunities for vehicles to and from the development, and Buntingford at large. It has also been demonstrated that there would be no delay caused to through traffic travelling along the A10 due to the inclusion of a right turn bay. However, full details of the road closure and new access will need to be submitted and approved prior to the commencement of development, and a condition is recommended to this effect.
- 7.27 The closure of the existing access will have some implications for local residents in Ermine Street who will have to travel south and through the development to the new A10 junction, rather than joining the A10 at the existing junction. The dwelling furthest north to be affected is Arcadia, where the amended highway layout will necessitate a journey of approximately 1,700m instead of 270m to head north on the A10. This will clearly have an impact on the residents' way of life, and should be taken into account in the determination of the application, although no objection has been received.
- 7.28 Officers note that Buntingford Town Council, Buntingford Civic Society and Buntingford Action for Responsible Development (BARD) consider that the new junction to the A10 should be allowed without the closure of any existing access. Whilst it is acknowledged that the provision of both accesses would serve some benefit to local residents and avoid the need for heavy traffic from Park Farm Industrial Estate to move through the new development to reach the A10, Officers consider that the harm to the highway network and highway safety would otherwise

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outweigh these benefits. No exceptional circumstances have been demonstrated in this case to justify the new access without closure of an existing one.

- 7.29 Draft plans have been submitted to indicate how the highway layout would be amended. The existing A10 access to the north of the site would be closed with a turning head provided and a sign indicating a no through road. A condition would be required to ensure that the carriageway beyond is properly removed and planted with appropriate vegetation to maintain the existing highway verge. The southern A10 slip road would remain open and would gain priority at the junction with the turning head. It is proposed to extend the 30mph speed limit to the northernmost A10 slip road and retain this speed along Ermine Street into Buntingford. The speed limit is currently 60mph down Ermine Street, from the A10 to just outside No. 7 Ermine Street. Existing traffic islands provide for some traffic calming, but further traffic calming measures are proposed including contrasting surface treatments, landscaping and street lighting. A 30mph speed limit would also apply to the new A10 access into the development.
- 7.30 In terms of the care home and sheltered housing scheme, the indicative layout plans show vehicular access to be obtained from a new estate road rather than from Ermine Street. Access is a reserved matter and therefore it is important to consider at this stage whether the location of this access should be controlled by condition. Officers consider that whilst it would be preferable to provide access as proposed on this indicative plan, the provision of a separate access to Ermine Street would not be unacceptable provided adequate visibility could be achieved. There are a number of accesses existing and proposed along Ermine Street, and the estimated volumes of traffic would not be significant. It is therefore not considered reasonable to restrict the access by condition.
- 7.31 In terms of traffic generation the development has been assessed using the TRICS 2013 database, with revised figures prepared following the initial objection by Highways. This estimates that the residential development will generate some 43 vehicle trips in, and 116 out from the site in the morning peak, with 119 trips in, and 66 trips out during the evening peak. The care home has been assessed as likely to produce 5 trips in, and 7 trips out in the morning peak and 6 trips in, and 7 trips out in the evening. Total trips therefore amount to 171 in the morning peak and 198 trips in the evening peak. The Highway Authority consider this level of movement to be appropriate for the proposed development.

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- 7.32 In terms of the impact of the development on the highway network, the majority of the traffic would be expected to join the A10 through the development site (87% of the residential traffic and 75% of the care home traffic), rather than exit onto Ermine Street and south through the High Street. Limited harm would therefore arise to the local highway network. Traffic will of course increase along the A10 but the Technical Notes demonstrate that existing junctions will continue to operate well within capacity.
- 7.33 The Highway Authority have also confirmed that adequate visibility can be achieved to provide for safe junctions. Stage 1 Road Safety Audits have also been carried out and conclude that there are no substantial safety issues with the operation of the junctions. Finally, in terms of cumulative traffic effects, regard is had to other sites in the planning process including land north and south of Hare Street Road, and the former Sainsbury's distribution depot. However, given that these sites are located at some distance from the application site, and do not currently benefit from a planning approval, it is not considered necessary to include this additional traffic in assessing local impact. The Highway Authority have agreed to this approach in assessing the impact of this development.
- 7.34 In terms of travel, although the northern most part of the site appears to be located at some distance from the town centre, the site is within walking distance of shops and services in Buntingford High Street. The furthest walking distance is approximately 1km to the most northern part of the High Street. New pedestrian footways and cycleways are proposed along Ermine Street to encourage walking and cycling, and this will benefit other residents in the vicinity of the site. There is an existing footway along the eastern side of Ermine Street which will be upgraded to serve as a shared footway/cycleway, but full details of the extent of this cycleway will need to be agreed. A new shared footway/cycleway is also proposed within the application site along the western side of Ermine Street.
- 7.35 Public transport is currently limited within the vicinity of the site. There is no existing bus service along Ermine Street, and although there are bus services along the A10, there are no bus stops within the vicinity of the site. Further, there is no railway station in Buntingford. Residents are therefore likely to be highly dependent on the private vehicle. The developer is therefore proposing to provide improved bus services including an amended route for bus 331 which provides a regular link between Royston and Hertford, through Buntingford. The developer has had discussions with the local bus operator and has submitted various options for the bus route to enter the site from the new A10

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junction, and turn at the new Freman College turning facility. A sustainable transport contribution has been requested by the Highway Authority and will be partly used to facilitate this bus route alteration for a period of 5 years, including a proposed increase in bus frequency from an hourly service to half hourly.

- 7.36 Overall, whilst the site is located away from existing public transport facilities, Officers consider that suitable bus route connections can be provided and secured through a legal agreement to improve the sustainability of the site. Further, given the location of the site within walking distance of the town centre Officers consider the proposal to represent a sustainable form of development.
- 7.37 Draft Travel Plans have also been submitted for both the residential and non-residential parts of the site. These set out a package of measures to encourage sustainable travel to and from the site. This includes improving facilities and provision for pedestrians and cyclists including secure cycle parking, walking and cycling maps and an investigation of potential links with a local cycle retailer/repairer for resident discounts. Measures to promote and facilitate public transport are also proposed including the provision of up to date information and timetables, and an investigation of bus taster tickets through discussion with local operators. It is also proposed to provide resident 'welcome packs', personalised travel planning, broadband access within all properties, a Travel Plan noticeboard at the care home, and a car sharing database and initiative for residents and care home staff. Officers consider these initial Travel Plans to be acceptable, but recommend that final versions be agreed and implemented through condition, along with a financial contribution of £10,000 to monitor the implementation of these measures.
- 7.38 The application also originally made provision for a new bus route through Freman College to provide access for school buses without the need to return down Bowling Green Lane which is heavily congested at times. However, following an objection from Freman College raising concerns over insufficient space, security concerns, and loss of staff car parking to accommodate this access, the through route has been removed from the application. Instead it is now proposed to provide a bus turning facility adjacent to the college in the southern part of the site, where buses can drop off and collect students without the need to use Bowling Green Lane. A turning head is therefore proposed up to the school boundary in order to allow a through route if and when the college chooses. A pedestrian connection is envisaged and although access may be at the discretion of the college, this is an existing public right of way.

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- 7.39 Officers are aware that school access issues are an important local concern due to the congestion caused on Bowling Green Lane in connection with both Edwinstree Middle School and Freman College. The proposal to provide a bus turning facility within the site is therefore welcomed and represents a benefit to the delivery of this site; however it is disappointing that it has not proved possible to agree a through route with the college.
- 7.40 There is an existing public footpath (Buntingford 035) that runs along the south of the site on land owned by Freman College, which then heads south past Freman College to Bowling Green Lane and Edwinstree Middle School. This footpath will be unaffected by the proposal but a physical connection will be possible adjacent to the bus turning area. The developer is offering to improve this existing public right of way, and the Highway Authority have suggested that these improvements be funded by the sustainable transport contribution. This is necessary in order to improve connectivity between the site, the schools, and the town centre.
- 7.41 In terms of parking, the application states that a total of 462 spaces are proposed; however it is not clear whether this includes the care home. Officers have calculated from the layout plans that the residential development includes a parking provision of at least 414 spaces, but there would be capacity for additional tandem parking on a number of sites. Based on the Council's adopted maximum parking standards, the residential development would require a maximum provision of 389 spaces. The proposal therefore exceeds the Council's maximum parking standards and policy TR7, but Officers do not consider that this compromises the design of the scheme (see layout and design section below). Officers also acknowledge that Buntingford is heavily dependent on the private vehicle given its lack of a railway station, and although excessive parking may encourage greater use of cars rather than public transport, Officers are satisfied that the proposed Travel Plan and sustainable transport contributions including improvements to the local bus network will assist in mitigating this impact.
- 7.42 It is not clear what parking provision is proposed for the care home and sheltered housing, but Officers are satisfied that there is sufficient space on site to accommodate an adequate parking provision in accordance with the Council's parking standards. The Council's standards specify a maximum of 0.25 spaces per bed for nursing homes, and 0.5-1 space per sheltered housing unit. Full details of this parking provision and layout will be dealt with through a reserved matters application.

Landscape and Visual Impacts

- 7.43 The site is located on the northern edge of Buntingford and is currently of an open character with extensive views from both Ermine Street to the east, the A10 to the west, and the public footpath to the southwest. The site is divided into three fields and the landform falls gently from approximately 114.5m above ordnance datum (AOD) in the northwest corner, to approximately 98.0m AOD in the southeast corner of the site. The adjacent urban fringe land use is mixed including Park Farm Industrial Estate, residential dwellings, Freman College, and the A10. The application site therefore provides for a distinct transition from urban fringe to rural landscape character.
- 7.44 The site lies in Landscape Character Area 142 High Rib Valley as set out in the Council's Landscape Character Assessment SPD. This area is described as representing "the last section of the River Rib that retains a distinctive valley form and associated land uses... The area is effectively divided into two sub areas by Buntingford which initially developed along the Ermine Street corridor, but in the 20th century has spread up the valley sides." In terms of visual and sensory perception, the SPD concludes that the valley landscape is fairly unusual in the county, and that the villages of Westmill and Aspenden and the riverside parkland at Corney Bury are the most distinctive features. The report also identifies a number of visual impacts in the area – the most extensive of which come from adjacent residential developments that in some cases lie adjacent and unscreened, e.g. the northern edge of Buntingford overlooking Corney Bury. The SPD therefore concludes that Area 142 is of moderate condition and moderate strength of character, which should be improved and conserved.
- 7.45 A Landscape and Visual Impact Assessment (LVIA) has been carried out by Liz Lake Associates and submitted with the application to assess the impact of the proposal on the surrounding landscape. This concludes that the development will result in a 'moderate-slight adverse' effect on the landscape, which will become a 'slight beneficial' effect once the landscape scheme has established. The visual effect of the development is assessed as being 'moderate-slight adverse' upon completion, reducing to 'negligible or neutral' as the scheme matures. The LVIA considers the site to make a limited contribution to the local landscape character, and to offer fair visual amenity, and considers that several incongruous elements, such as the A10, Freman College and new sports hall, and power lines, detract from the local landscape character.
- 7.46 However, the Council's Landscape Officer has recommended refusal of

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the application on the grounds of its landscape and visual impact. He has carried out his own Landscape Sensitivity and Capacity assessment and considers that the site is not suitable for the nature and scope of the proposed development for the following reasons:

- The proposed development will cause significant harm to the visually cohesive field system around the northern urban fringe of Buntingford;
- Is incompatible with the rural and agricultural setting and will not blend well with Corney Bury;
- Takes little account of the contribution the site makes to local landscape character and distinctiveness;
- Is not in line with the guidelines for the High Rib Valley Landscape Character Area;
- Results in a fundamental change to the existing landscape resource by the introduction of a major new housing development within the rural landscape;
- The existing character of the site and its attributes such as landform and agricultural land use representative of the rib valley landscape will be lost, and the introduction of a large housing development will detract from the local landscape character;
- The potential extension of the town settlement to the north in the form of a large housing estate in this location is not in keeping with the small scale and ad hoc historic settlement pattern of the Upper Rib Valley;
- The extension of the settlement in this manner i.e. size and scale will result in the loss of the defined northern edge to Buntingford;
- The plateau and sloping/undulating landform will be lost to built form and broken ridge lines;
- The perceived sense of tranquility will be undermined;
- The rural and landscape character on this northern edge of Buntingford will lose its cohesion if a major development goes ahead in this location;

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- This site has low landscape capacity to accommodate the proposed development and the proposed nature and scope of change cannot be absorbed without the loss of key characteristics.
- The direct effect to the site in the proposed change in landscape character to residential development and associated infrastructure on the scale proposed will represent a moderate to high adverse effect for which screen planting proposed will not significantly mitigate in the suggested 10 year time frame suggested.

- 7.47 The Landscape Officer therefore disagrees with a number of the conclusions and assessments carried out in the LVIA, including the extent of visual effects identified at a number of viewpoints. He considers that the site makes a significant contribution to the local landscape character and distinctiveness, and that the effect of mitigation planting within 10 years is unreasonably optimistic. He therefore concludes that the development site is not suitable for the type and extent of development proposed, and that the site can be reasonably assessed as 'high' or 'moderate to high' landscape sensitivity, and of 'moderate' landscape value, which gives a 'low' landscape capacity rating for the type of development proposed. However, he does highlight a number of positive aspects of the landscape masterplan including well-landscaped streets, a central open space and play area, and surface water attenuation features.
- 7.48 This objection has led to the submission of additional landscape reports and rebuttals by the applicant. They contest that the development will respect the setting of Corney Bury, respond well to its topography and valley setting, and that the mitigation strategy will ensure successful integration of the development into the surrounding landscape (the proposed planting scheme is anticipated to provide good mitigation by year 10). Amended plans were also received which increase the screen planting along the A10 corridor, along with woodland block and parkland trees adjacent to the amenity space to improve the transition from rural to urban. In response to these amended plans, the Landscape Officer maintains his objection and comments that the LVIA fails to recognise the harm caused by the loss of existing open and rural agricultural landscape and that it currently contributes significantly to the local distinctiveness of the area and landscape character on the urban fringe of this part of town.
- 7.49 There therefore continues to be some disagreement between the professional opinions of landscape experts in this case. Officers have therefore had regard to the issues raised, and are of the opinion that the development will clearly have a landscape impact and particularly in the

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short term whilst the new planting matures, this will result in harm to the landscape character of the surrounding area, which is currently open and exposed agricultural land, with open views from both the A10, Ermine Street and public footpath 035. There is also limited existing built development on adjacent sites to form a backdrop to the site and mitigate this impact. Further, the development will result in light pollution in an area that is currently lacking in external lighting. Officers therefore agree that the development will result in harm and this must be weighed against the benefits of the proposal.

- 7.50 The applicant has also provided Landscape Sensitivity and Capacity assessments for three other sites in and around the town (land north of Hare Street Road, land south of Hare Street Road, and the former Sainsbury's distribution depot); however it is not relevant to conduct a comparison of other sites in the determination of this application. The District Plan is the more appropriate arena for this type of comparison work.
- 7.51 Officers also note that although limited weight can be afforded to the draft District Plan, this site has been put forward as a potential site for residential development through the housing allocations process, and is indeed one of the preferred sites of the Town Council and local groups for residential development given its location in the valley setting of the town, rather than on the edges and plateaus to the east and west. However draft Chapter 6 of the District Plan stated that "The landscape to the north of the town is considered valuable as a barrier and transition between urban and rural and in preserving the local distinctiveness of the Corney Bury grounds. A balanced judgement will be necessary to determine whether the potential benefits that could be realised from the site outweigh the potential impacts on a sensitive landscape which is a key part of the character of Buntingford." As set out at the outset of this report it is therefore necessary to carry out a balancing exercise to weigh the harm against the benefits.
- 7.52 In terms of trees, there are a number of existing trees along the field and road boundaries, including 21 individual trees, 4 groups of trees, 10 areas of trees and 2 hedges. A full tree survey has been carried out and identifies that there are no Category A (high quality) trees/features, 11 no. Category B trees/features (moderate quality), 17 no. Category C trees/features (low quality), 7 no. Category C/U (will require removal), and 2 no. Category U trees (unsuitable for retention). 8 no. poor quality trees and landscape features will need to be removed to accommodate the development, along with sections from 5 areas of trees. These trees are not considered to be significant, and their removal will be mitigated for by way of extensive replacement planting as part of the

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landscape proposals. No objection is therefore raised to the loss of these trees.

- 7.53 No new foundations are proposed within the Root Protection Areas (RPAs) of trees to be retained. One new access and boundary wall will transgress a small section of the RPA of two trees to be retained, but will not cause harm due to some linear root pruning. Protective fencing is proposed to be installed and retained during construction and can be secured by condition. Further, the new dwellings are proposed to be located at a sufficient distance from existing trees so as to prevent any shading that may cause future pressure for their removal. No objection has been received from the Landscape Officer in respect of trees, and the proposal is therefore considered to be in accordance with Local Plan policies ENV2 and ENV11.

Design and Layout of the Residential Development

- 7.54 The residential development is proposed in detail form and comprises 180 units across the eastern part of the site – a strip of at least 90m will be retained along the western side of the site adjacent to the A10 for landscaping and amenity purposes. The housing comprises a mix of sizes and tenure including an appropriate mix of detached, semi-detached and terraced houses to create a good community. The overall density of the residential development is proposed at approximately 24 dwellings per hectare, which is considered to be appropriately low for this site to form a transition between the town and countryside.
- 7.55 The scale of the residential development is proposed to comprise a range of building heights including bungalows to the more rural northern boundary, two storey with some two and a half storeys throughout the site, and a three storey block in the southeast corner. Officers consider this scale to be acceptable, and although the three storey corner block with gable features will appear prominent in the street, it will be seen in the context of an urban extension, and adjacent to the proposed three storey care home, and two storey dwellings approved on land at No. 7 Ermine Street. The building will also be set back some 20m from Ermine Street with a landscaped buffer. The corner block has been designed to provide a focal point with good quality design features and architectural detail, including attractive gables, bay windows and brick soldier courses/arches above windows.
- 7.56 The elevations along Ermine Street will be two storey with some second floor accommodation with dormer windows to provide interest and variation in the scale and design along this frontage. The development will be set back from Ermine Street by at least 10m in the form of three

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gentle curves, with a well-landscaped buffer to minimise the visual impact of the development in the street, and to assist in the transition from urban to rural. Development at the northern end of the site is set back even further from Ermine Street to enable a more generous landscaped buffer and to preserve the setting of listed buildings and parkland at Corney Bury. A footway/cycleway is proposed to meander along this frontage, providing accessibility to the town centre.

- 7.57 Throughout the site the buildings are proposed to front onto public spaces with well-contained private rear gardens. A well-landscaped street is proposed along the western side of the site facing the proposed open amenity space, and potential future school playing pitches. The dwellings are also proposed with adequate front garden space to provide good quality streets and green infrastructure. Green spaces are proposed across the site including a central village green and play area, and additional smaller play areas to the north and south of the site. Tree-lined avenues are proposed throughout the site and will create a green and well-landscaped development.
- 7.58 No details have been provided of refuse and recycling bin storage and removal, but Officers consider that adequate space is available to accommodate bins without compromising the design. Full details will be required by condition.
- 7.59 A condition is also recommended to require further detail on external lighting. Given the location of the site on the fringe of town and adjacent to open countryside, and given that new tree planting will take some time to screen the development, it will be important to minimise the extent of light spillage.
- 7.60 In terms of parking, a range of single and double garages are proposed to serve the dwellings, along with driveway spaces, some frontage parking, and some limited courtyard parking. Detailed drawings of the garages have been submitted, and indicate that the garages would have internal clear dimensions of at least 2.5m by 5.8m. This is in accordance with Annex C of the Council's adopted Parking SPD which 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. Officers consider that the mix of parking across the site is acceptable and will provide for a well-designed scheme. Where courtyard parking is proposed it will benefit from natural surveillance from adjacent residential units, and where frontage parking is proposed, space is retained for soft landscaping such that frontages will not become dominated by hard-standing. It is unfortunate that a number of the garages are set back so far from the dwellings with long paved

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driveways that will increase the amount of hard-standing on site; however this is not considered to justify refusal of the application on design grounds. In terms of cycle storage, secure storage facilities are proposed throughout the site in accordance with policy TR14.

- 7.61 The external elevations comprise a mix of styles and materials. Elements of local character have been incorporated into the design including bay windows, gable features, chimneys, casement windows, and sympathetic dormer windows. The indicative mix of materials is considered to be broadly acceptable; full details would need to be agreed by condition.
- 7.62 It is also proposed that sustainable initiatives be incorporated into the design including renewable energy systems for heat and power and solar photovoltaic (PV) roof panels. PV panels have been identified on some elevation drawings and are considered to be well sited and contributing to a good quality design whilst not compromising the appearance of the development. It is also proposed to incorporate high efficiency lighting, insulation and high thermal mass construction materials. There is also an opportunity to heat dwellings by heat pumps or by individual wood pellet boilers, or to incorporate ground source and air source heat pumps. The developer will carry out a pre-construction Code for Sustainable Homes assessment; however given the Council's current policy context it is not considered reasonable or necessary to require this by condition.
- 7.63 No response has been received from Herts Constabulary but overall Officers are of the opinion that the design and layout of the site complies with policy ENV3 in reducing opportunities for crime.
- 7.64 Overall Officers consider that the proposed residential scheme provides a good layout and design that will provide a sense of place and community. Officers therefore consider the proposal to comply with Local Plan policy ENV1 and Section 7 of the NPPF.

Care Home and Sheltered Housing

- 7.65 The application proposes a 50-60 bed care home with sheltered housing accommodation in outline form. This is to be located at the southern end of the site and therefore within closer proximity to the town centre. It is acknowledged that there is an increased demand for accommodation for older people within the district, and that the Council's Strategic Housing Market Assessment (January 2010) states that future housing requirements will include a need for extra-care housing for older people as a consequence of the demographic trend of

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the ageing population. Further, accommodation suited to older people will increase choice for older people and assist in the release of larger family housing into the market. The proportion of older people is forecast to increase significantly over the next few years with increased demand for older people with medical and support needs. Therefore although the site lies in the Rural Area, Officers consider that there is adequate justification for this aspect of the proposal, and that the care home and sheltered housing contribute to providing a good quality social mix and community on site.

- 7.66 The care home is proposed to provide full personal and medical care for older people, but full details would form part of a reserved matters application. The buildings are proposed to be three floors (with the third being in the roofspace), with 50-60 bedrooms and ancillary accommodation and offices, and external garden space and parking. It is proposed that the site would provide employment for up to 30 full-time and 10 part-time staff. This would provide an employment benefit for the town and is considered to be beneficial in this respect.
- 7.67 Sheltered housing is proposed in the outline form of 30 no. 2 bed bungalows and will provide accommodation for more independent elderly people with communal facilities and a warden/service manager. The applicant proposes that the care home and sheltered housing be run by the same management regime with communal facilities and hot meals service etc. The quantum of development is only indicative at this stage, and the number of units may differ depending on the needs of the Council and likely operators.
- 7.68 Given that this aspect of the proposal is in outline form with all matters reserved, only an indicative layout drawing has been submitted. This indicates that the scale of development proposed (i.e. 50-60 bed care home and 30 no. bungalows) could satisfactorily be accommodated on this part of the site with appropriate space retained for car parking and landscaping, including an appropriate buffer to Ermine Street, and land to the south of the site. The indicative siting and height of the buildings are considered to be appropriate – full details would be required through a reserved matters application.

Impact on Residential Amenity

- 7.69 The development is located at an adequate distance from existing residential dwellings in order to prevent any harm by way of overlooking, overbearing or loss of light. The nearest dwellings are Park View located over 30m to the east, Suncrest over 70m to the west, Toreen located approximately 80m to the north, and 7 Ermine Street located

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approximately 100m to the south. Officers have also had regard to the recent outline permission granted for up to 7 dwellings on the site of No. 7 Ermine Street (reference 3/13/1294/OP). However, given the distances involved to these neighbours, and the mature boundary treatment existing, no harm will arise to neighbouring occupiers. Full details of the care home scale and impact will also be considered through a reserved matters application.

- 7.70 Within the development the units appear to be designed to minimise overlooking and overbearing, and Officers therefore consider the internal relationship to be satisfactory. Further, the units appear to offer an adequate level of amenity for future residents in terms of room and garden sizes. It is acknowledged that there is a mix of plot sizes with some detached market houses having generous external amenity space, whilst some terraced affordable houses have more restricted amenity space. However, the overall layout and relationship between plots is considered to be generally acceptable.

Affordable Housing

- 7.71 The detailed residential development makes provision for 72 no. affordable units, representing 40% affordable housing in accordance with policy HSG3. This will comprise of 15 no. 1 bed units, 5 no. 2 bed apartments, 17 no. 2 bed houses, 23 no. 3 bed houses, 8 no. 1 bed bungalows, and 4 no. 2 bed bungalows. The Council's Housing Manager has raised no objection to the proposed mix subject to a tenure mix of 75% social rented, and 25% shared ownership to be secured through a legal agreement in accordance with the Council's Affordable Housing SPD. The proposal is therefore considered to comply with policies HSG3 and HSG4 of the Local Plan.
- 7.72 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 27 units, hence 25 is the figure to be used. The proposed layout includes clusters of affordable housing throughout the site but with no more than 18 units in one location. Officers are therefore satisfied that the layout of the affordable housing is acceptable and in accordance with the Council's SPD.
- 7.73 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

- 7.74 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. Based on this SPD, the overall open space requirement for this development is approximately 1.7 hectares, whereas 6.08 hectares are proposed.
- 7.75 The detailed layout proposes amenity green space throughout the site, including 2 Local Areas of Play (LAPs), and a Local Equipped Area of Play (LEAP). The play areas are considered to be well located in relation to the proposed residential dwellings and will benefit from good natural surveillance. The LEAP is proposed to be located centrally within the development and will provide a 'village green' feature which represents good quality design.
- 7.76 The Council's Open Spaces Manager has raised no objection to the proposal but comments that it may not be possible to achieve the desired 400m² activity zone for the LEAP, whilst retaining a 20m buffer from each nearest residential façade. Amended drawings have since been received and provide increased space in this area. Officers have now assessed that a 400m² activity zone is achievable.
- 7.77 The LAPs are proposed to be located to the north and south of the site and will provide opportunities for basic play for younger children. Full details of the play areas will be required and secured through a planning obligation and will need to include appropriate boundary protection, particularly taking into account the proposed surface water attenuation features. Overall Officers consider that the proposed play provision complies with the requirements of policy LRC3 of the Local Plan.
- 7.78 In terms of parks and gardens, the SPD highlights a 7.02 hectare deficit in the Buntingford area, with the only existing public garden facility in Buntingford understood to be Layston Court Gardens (located some 750m to the south of the application site). This application proposes an extensive area of parkland amenity space to the west of the site adjacent to the A10 which far exceeds the 0.17 hectare requirement set out in the SPD for this development. No further contributions are therefore required in this respect.
- 7.79 In terms of outdoor sports facilities, the SPD highlights a surplus of provision in Buntingford. However, the Council commissioned a Playing

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Pitch Strategy and Outdoor Sports Audit in 2010 which identified issues around the quality of provision and access. The application had originally proposed to provide two new sports pitches along the western boundary of the site for Freman College with the intention that should the school wish to expand in the future then it could use its existing playing pitches (located closer to the school buildings) for development and then make use of the new playing pitches proposed. However, the college objected to the proposals on the grounds that they have no further need to expand, and that the land identified for playing fields is unsuitable as the land rises significantly and extensive re-grading works would be required.

- 7.80 Following further discussions with the college, the developer has therefore removed the proposal for the playing pitches and instead proposes that the land be used for amenity purposes and transferred to Buntingford Town Council at nil cost to be allocated for uses as required. Herts County Council have confirmed that although the college may not have need for any additional land, the County would wish to see the land safeguarded for any future expansion of the school. Officers therefore consider it reasonable that this be secured through a legal agreement.
- 7.81 However, given the scale of development proposed, it will be necessary for the developer to provide outdoor sports facilities on this land in accordance with the SPD. The land is proposed to be used for community purposes and should therefore provide sports facilities for residents of the new development, which could then be used by Freman College if and when required in the future. It is therefore recommended that a scheme for the provision and laying out of this space be required through the legal agreement, including a financial contribution towards future maintenance if the land is transferred.
- 7.82 An objection has been raised by Sport England who consider that the playing pitches should be laid out and fit for purpose from the outset, with suitable ancillary facilities provided for community use, and access for future use by the college. Whilst it is acknowledged that ancillary facilities would be required for a large-scale sports use of this site, Officers consider that this goes beyond what is reasonable and necessary for a development of this scale, bearing in mind the requirements of the SPD. They also request contributions towards indoor sports facilities, but there is no such requirement for this in the adopted SPD.

Flood Risk, Drainage and Contamination

- 7.83 The site lies in Floodzone 1; the lowest level of potential flood risk. The Environment Agency initially raised an objection in the absence of an acceptable surface water flood risk assessment. However, the developer carried out further work and has submitted further information to address these concerns. The EA now recommend consent subject to a number of conditions which would be considered reasonable and necessary to mitigate the impacts of the proposed development on the ground and water environment.
- 7.84 A high quality Sustainable Urban Drainage (SuDS) system is proposed, including surface water attenuation ponds to the north and south of the site, rainwater harvesting butts and permeable paving. The Council's Engineers have raised no objection to the proposal and comment that the scheme will provide opportunities to reduce flood risk for the development, increase biodiversity and improve water quality. Officers are therefore satisfied that the proposed drainage system is acceptable in principle in accordance with policy ENV21, subject to detailed drainage design being secured by condition.
- 7.85 In terms of foul water drainage, the applicant's submitted Flood Risk Assessment and Surface Water Management Plan report proposes that foul water from the north of the site will be discharged via a gravity sewer to an existing public foul sewer crossing Ermine Street approximately 30m north of the site, and that foul water from the middle and southern parts of the site will discharge via a gravity sewer to an existing sewer on Ermine Street approximately 20m south of the site. The report states that Thames Water will need to assess the capacity of the existing system, and if there is not enough capacity then the developer will need to liaise with Thames Water to identify the extent of reinforcement required.
- 7.86 Thames Water have commented that they have been unable to determine the waste water infrastructure needs of the development and that it may lead to sewage flooding. They have therefore recommended a condition to require a detailed drainage strategy to be submitted and approved. Officers also note that consideration of this site through the District Plan process identified a potential need to enhance waste water services. Full details of potential enhancements to the waste water network will therefore be required by condition, and Officers consider this to be both reasonable and necessary in accordance with Circular 11/95.
- 7.87 In respect of ground contamination, a Phase 1 Environmental

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Assessment has been carried out and concludes that the site has historically been used for agricultural purposes and no significant potential sources of contamination have therefore been identified. However, the potential for localised contamination arising from the use of pesticides/herbicides and fuels associated with spillages from agricultural machinery cannot be completely discounted. The Environment Agency and Council Environmental Health team have therefore recommended a condition to require the submission of more detailed contamination assessments.

Ecological Matters

- 7.88 There are no statutory or non-statutory nature conservation sites within or adjacent to the application site to be affected by the proposed development. The site is currently intensively farmed and is therefore of limited ecological interest. An Ecology Report has been submitted with the application and concludes that the site is of low biodiversity and nature conservation value.
- 7.89 The greatest biodiversity interest is provided by the field boundaries and existing trees which the report recommends be retained and enhanced. The report identifies the two most significant trees being mature Oaks – one located at the western end of the existing roadway (Tree Survey T005), and one located on the southern boundary of the site (T003). T003 is to be retained, but T005 is proposed to be removed as it conflicts with the layout of the sports pitches. Whilst this is unfortunate, the tree has not been identified as providing a habitat for any protected species, and Officers note that an extensive compensatory planting scheme is proposed across the site.
- 7.90 It is also proposed to remove a mature standing dead Ash tree located on the eastern side of the site which has been identified as a feature of ecological interest and a potential roost site for bats. The tree has been surveyed by the applicant's ecologists and no obvious evidence of bats has been identified; however it is recommended that a more detailed survey be carried out prior to the commencement of development, or prior to removal of this tree, whichever comes sooner.
- 7.91 In terms of protected species, initial surveys have been carried out and no evidence of protected species has been found. The only evidence of animal species identified on site were rabbits along the field boundaries and hornets nesting in a dead tree – neither of these are protected species. It is noted that there is a pond located at the Corneybury estate approximately 240m east of the site but Ermine Street would provide a barrier for any newts that inhabit this pond.

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- 7.92 No objection has been raised by Hertfordshire Ecology, Natural England, or the Herts and Middlesex Wildlife Trusts subject to conditions to implement ecological protection and mitigation measures, and to retain the mature Ash tree and survey it for roosting bats at a later date.

Heritage Assets

- 7.93 There are a range of listed buildings located at Corney Bury Farm, approximately 120m east of the site boundary. This includes the Grade II* listed Corney Bury farmhouse, and Grade II listed Coach House, Stable Block, and Big Barn. Corney Bury is also registered as a locally important Historic Park and Garden in the Council's Historic Parks and Gardens SPD, but this does not provide any formal designation or statutory protection. The SPD describes the park as follows:

A red bricked 'E' shaped house with mullion and transom windows, the manor of Corney Bury was one of the principal estates in the area in Anglo-Saxon and Norman times and comprises post-medieval or earlier informal parklands including a number of fine mature trees. Old hedge banks by Corney Bury Park are home to rare species of mollusc.

- 7.94 The boundary to the parkland along Ermine Street is generally open with scattered trees and only a picket fence adjacent to the footway. There are therefore clear views into the parkland which forms an attractive setting for the listed buildings. Whilst this site is clearly of historic and architectural importance, Officers are satisfied that an adequate distance would be retained between the development site and historic site to prevent any harm to its setting or heritage significance. The eastern boundary of the development site has been designed to be set back from Ermine Street with extensive planting to provide a buffer to the street and minimise the visual impact of the development in Ermine Street. Officers are therefore satisfied that the proposed development will cause no harm to the setting of any listed buildings or parkland.
- 7.95 There are no Scheduled Ancient Monuments within the vicinity of the site, and the Buntingford Conservation Area is located at least 360m to the south of the site - no harm will therefore result to its character or appearance.
- 7.96 The site is not located in an Area of Archaeological Significance and an initial Assessment of Archaeological Significance report submitted by the applicant concluded that there is little evidence of archaeological significance in the area. However, the County Council Historic

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Environment Unit considered that as a result of archaeological finds on sites to the east and west of Buntingford, that there was potential for the site to contain heritage assets of archaeological interest. More detailed site investigations were therefore carried out, including trial trenches.

- 7.97 The site investigations identified archaeological features in over half of the trial trenches. This provides evidence of early settlement activity which is of local, and perhaps even regional, significance. Further archaeological investigations will therefore be necessary but the County Historic Environment Unit are satisfied that this can be controlled through a condition requiring a further programme of archaeological work. Subject to this condition, Officers are satisfied that the proposed development is in accordance with Local Plan policies BH2 and BH3.
- 7.98 Overall Officers are therefore satisfied that, subject to a condition to control archaeological excavations at the site, the proposal will cause no harm to heritage assets in accordance with Section 12 of the National Planning Policy Framework.

Financial Contributions and Obligations

- 7.99 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 for the residential part of the development, however the exact figures have not been calculated awaiting the final breakdown of housing units and tenure, which would need to be agreed. HCC have also requested library contributions for the care home and sheltered housing scheme; the exact figures would need to be calculated in a reserved matters application. 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.

Other Matters

- 7.100 The proposal will result in the loss of arable farmland, graded partly as Grade 2 and partly as Grade 3. Paragraph 112 of the NPPF requires that Local Authorities seek to use areas of poorer quality land in preference to that of higher quality. There is a considerable amount of Grade 2 arable land around Buntingford, and development on any site outside the town boundaries will therefore result in the loss of such land. It is therefore not considered that there are sites of lower quality agricultural land that would be preferable to develop. Overall, Officers do not consider the loss of some Grade 2 farmland to weigh heavily in

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the balance of considerations, and did not form a reason for refusal for development on Grade 2 agricultural land north and south of Hare Street Road.

- 7.101 The Environmental Health team have recommended a condition to require the submission of an air quality report to indicate whether the development would breach Air Quality Objectives, in order to protect the amenity of neighbouring occupiers. The site does not lie in a designated Air Quality Management Area and the level of pollution arising from the development is not considered to be significant. Further, the site lies at an adequate distance from existing neighbouring properties. Such a condition has not been attached to any other residential developments in the area and is not considered to be necessary to make the development acceptable in planning terms. Such a condition would therefore not meet the tests set out in Circular 11/95.

8.0 Conclusions:

- 8.1 As with the consideration of proposals on land north and south of Hare Street Road, this application raises a complex consideration of issues. The site lies outside the settlement boundary of Buntingford and within the Rural Area Beyond the Green Belt wherein policy GBC3 states that permission will not normally be granted for new residential developments. The proposal also pre-empts the District Plan process of determining the quantum of housing development and necessary infrastructure for the town. It would therefore be preferable for such a development to be considered strategically and cumulatively with regards to its impact on the town.
- 8.2 However, the Council is in a position where it is currently unable to demonstrate a 5 year housing land supply, plus 5%, as required in the NPPF. The need for additional housing in East Herts must therefore weigh positively in the balance of considerations. Further, the existing 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.
- 8.3 Finally, the requirements of the NPPF must be taken into account, and the test for determination of this application is 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.*
- 8.4 In terms of adverse impacts, some harm has been identified to the landscape character of the site and surrounding area – the extent of this

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harm is subjective and has been the subject of differing professional opinions. The development will also result in increased traffic flows on the local highway network, and the closure of the existing A10 access to the north of the site will inconvenience local residents. It is also acknowledged that the development will add pressure to existing services and infrastructure, particularly if the appeals for development north and south of Hare Street Road are allowed; however it is considered that this impact can be satisfactorily mitigated through planning obligations and financial contributions.

- 8.5 In terms of benefits, the development will deliver much needed housing including 40% affordable, a care home which will provide social benefits as well as local employment, a bus turning space for Freman College to relieve pressure on Bowling Green Lane, as well as additional land to be safeguarded for potential future expansion of the college. Officers also consider that the detailed layout and design of the residential scheme provides for a high quality development.
- 8.6 Overall given the weight that must be attached the Council's housing deficit and the requirements of the NPPF, Officers do not consider that the adverse impacts of the development, including its impact on the local landscape, would *significantly and demonstrably outweigh the benefits*.
- 8.7 The application is therefore recommended for approval subject to the planning obligations and conditions set out above.