

5a 3/13/1399/OP – Residential development (up to 56 dwellings) and open space, including vehicular/cycle/pedestrian access to Aspenden Road, alterations to levels, footpath/cycleway, landscaping and related works at Land East of Aspenden Road, Buntingford, Herts for Wattsdown Limited

Date of Receipt: 31.07.2013

Type: Major – Outline

Parish: BUNTINGFORD / ASPENDEN

Ward: BUNTINGFORD / MUNDENS AND COTTERED

RECOMMENDATION:

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

- A financial contribution towards Nursery, Primary and Secondary Education, Childcare, Youth and Library services to Hertfordshire County Council in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008;
- A financial contribution towards Sustainable Transport Measures to be used within the vicinity of the site, to Hertfordshire County Council in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008;
- A financial contribution towards Outdoor Sports facilities to East Herts Council in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Supplementary Planning Document 2008;
- The provision of 40% affordable housing - 75% to be social rented and 25% to be shared ownership;
- The provision of 15% lifetime homes;
- A detailed management scheme for the future maintenance of the proposed open space, and where appropriate, any financial contribution that may be required towards this maintenance;
- The provision of a footbridge across the river Rib to provide access to the western area of Open Space;

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- The provision of a Local Area of Play (LAP) on site and where appropriate, any financial contribution that may be required towards future maintenance;
- Monitoring fee of £300 per clause.

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

1. Outline permission time limit (1T03)
2. Approved plans (2E10 – 100 rev A, 101 rev A, 102 rev A, 104 rev C, 106 rev C, 107 rev B, 3260-D-1, 3260-D-2, G402 rev B, 46381022/1/001 rev C, PP/2900/WATTSDOWN/2011/1/F2, PP/2900/WATTSDOWN/2011/2/F2)
3. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

4. Programme of archaeological work (2E02)
5. Prior to the commencement of development, a detailed surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority and the approved scheme shall be implemented prior to first occupation of the development. The scheme shall be based on the submitted Flood Risk Assessment (Jubb Consulting Engineers report no. P9633/G201/D May 2013) and shall include a restriction in run-off rate and surface water storage as outlined.

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

6. The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted to and approved in writing by the Local Planning Authority, and until the

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measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A site investigation scheme, based on the Desk Study and Ground Investigation Report (GEA, May 2013) shall be carried out to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

7. No infiltration of surface water drainage into the ground, or the use of piling or any other foundation design using penetrative methods shall 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.

8. Before first occupation of the approved development all access and junction arrangements serving the development shall be completed in accordance with the approved in principle plan, drawing number 46381022/1/001 rev C to the standards outlined in Roads in Herts, and constructed to the specification of the Local Planning Authority.

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

9. Prior to the commencement of development a construction

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

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

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

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

11. Tree/hedge retention and protection (4P05)

12. Prior to the commencement of development, Aspenden Road shall be widened to 4.8m kerbed carriageway on either side of the site access in accordance with indicative drawing 46381022/1/001 rev C and to the satisfaction of the Local Planning Authority.

Reason: To ensure that the carriageway width is adequate for a heavy goods vehicle and car to pass one another in the interests of highway safety.

13. Construction hours of working- plant and machinery (6N07)

14. The dwellings hereby approved shall be fitted with whole house ventilation systems and an acoustic through frame vent prior to occupation.

Reason: In the interests of the amenity of future residents to minimise noise disturbance from the A10 in accordance with policy ENV25 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

15. Prior to the commencement of development an updated badger survey shall be undertaken by a suitably qualified ecologist and a report submitted to and approved in writing by the Local Planning Authority. The report shall include a Method Statement to minimise the risk to

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badgers during development, and appropriate mitigation measures. The development shall be carried out in accordance with the approved report.

Reason: To conserve protected species and their habitats in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

16. The development shall be carried out in accordance with the recommendations of the submitted Phase 1 Habitat Survey, Otter and Vole Survey, Reptile Survey, Bird Survey, and Bat Activity Survey unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected species and their habitats in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

17. Prior to the commencement of development, a detailed Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority, and shall include details of no dig constructions, and foundation designs within root protection areas. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing.

Reason: To minimise the impact of the development on trees in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL1)
2. Highway Works (05FC)
3. Planning Obligation (08PO)
4. Unsuspected contamination (33UC)
5. 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

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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 Members will recall that this application was deferred at January 8th Development Management Committee for further information to be submitted in respect of highways, drainage, flooding, contamination, and ecology. Further discussions have been held with the applicant and consultees, and additional information submitted for consultation. The additional information received will be set out below, but for the planning history, representations, policy background and considerations of the application, please refer to the original committee report which is attached at **Essential Reference Paper 'A'**.

2.0 Consultation Responses:

2.1 The Environment Agency are satisfied that the conditions and informatives previously recommended are still appropriate. They note concerns raised by local residents over flooding and acknowledge that the footpath may flood in an extreme event. However, the applicant has previously demonstrated that all the dwellings will be outside the modelled 1 in 1000 year flood outline. They are still satisfied that the proposed drainage strategy is acceptable and will maintain greenfield runoff rates.

2.2 The Highway Authority continue to recommend approval subject to conditions, and the applicant entering into a legal agreement. In response to a number of concerns raised by objectors, they comment that "the road width is generally 4.5m to 5m which is adequate for cars to pass one another, but not adequate for two lorries to pass. This is an existing situation and the proposed development is a residential development which will generate very little heavy goods vehicles (HGV) movements. The existing carriageway width is not a justifiable reason for refusal for this small residential development. The existing carriageway width is 4.2m wide along the frontage of the site access. The applicant has put forward an option to widen this section of the road

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to 6.1m. After consultation with the safety team it was agreed to widen the road to 5.5m as shown in drawing no 46381022/1/001 rev C. This is adequate for two lorries to pass one another. Local widening more than required will give false impression and encourage speeding. The applicant is providing the road widening on land in their control. The carriageway improvements will improve HGV movements along the frontage of the site.

- 2.3 “On their site visit members noted water lying on the carriageway surface close to the proposed site access. This is mainly due to two blocked highway drains. Highway maintenance issues are not a reason for refusal for a planning application. However, as part of the proposed widening the carriageway will be kerbed to improve drainage. For a 5 year period to 30th September 2013 there was only one recorded accident on Aspenden Road. The car driver lost control in dark and rainy conditions. No other vehicles were involved in the accident. The site access proposal and the visibility splays meet the requirements set out in the ‘Manual for Streets’. There is no reason to believe that there are safety concerns due to the proposed residential development.
- 2.4 “The objectors claim that there will be 2.5 cars per dwelling, and with 56 dwelling there will be 140 cars. The Highway Authority is not disputing the potential for 140 cars on site. But not all 140 cars will leave and return to site at the same time during peak hours. There is a significant difference in car ownership and car usage. Use of the TRICS database is accepted by all transport professionals and based on TRICS data, a typical two way trip generation/attraction for a residential development at Aspenden road is in the order of 0.5 trips/dwelling. This is equivalent to approximately 28 two-way trips during AM and PM peak hours. Finally the applicant has agreed to pay financial contributions to promote sustainable transport measures in the vicinity of the site. This money can be used to improve pedestrian accessibility. Under the terms of the agreement the money will be used to improve accessibility to the site. However, it is not appropriate to allocate the money for schemes now without monitoring the development after occupation.”
- 2.5 Hertfordshire Ecology agree with the recommendations set out in the badger report and suggest that a Method Statement/Construction Management Plan be required as a condition of approval. Additional badger surveys will be required prior to the commencement of development to more accurately ascertain the home range of the badger population and to identify territorial boundaries and potential new sett locations. They also recommend suitable fencing to prevent badgers invading the gardens of the new development.

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- 2.6 Natural England comment that their previous response applies equally to this amendment.
- 2.7 Planning Policy comment that the District Plan does not identify this site as a location for future strategic scale development. The site is outside the boundary of the town and as such would be considered as a windfall site. In terms of flood risk, additional work has been undertaken and assuming the Environment Agency has confirmed these arrangements are satisfactory and that all of the actions in their recommended conditions are undertaken then concerns over flood risk should be overcome. It would be useful if the Environment Agency could confirm this through amended flood risk maps or an updated letter.
- 2.8 They comment that the LAP is much better located and is of a good size, though still under what would normally be required for a scheme of this size. This is particularly pertinent, as there is a shortage of children's play space across the town and the site is not well connected to other play spaces. This scheme is one of five active schemes around the town, the cumulative impacts of which should ideally be resolved through the planning policy process rather than by application. In isolation, the impacts of this scheme would be minimal; however careful consideration should be given to the cumulative impacts of the many developments around the town with regards to essential services including education through the Section 106 Agreement.
- 2.9 The Hertfordshire Constabulary Crime Prevention Design Advisor is pleased with the relocation of the proposed play area. It has good fields of natural surveillance and the potential risk posed by the river has been reduced. The architect has now been in touch with the Police Design Service and they now withdraw their original objection, but recommend a condition or directive for the developer to achieve Secured by Design accreditation.
- 2.10 The County Historic Environment Unit have no additional comments to make. Their advice remains unchanged from their previous response.
- 2.11 At the time of writing this report, no further response has been received from the Council's Housing Development and Strategy Manager, Environmental Health, Landscape Officer, Environment Manager, or Council Engineers, County Planning Obligations, Hertfordshire Fire and Rescue, or the Campaign to Protect Rural England (CPRE).

3.0 Town/Parish Council Representations:

- 3.1 Buntingford Town Council continue to object to the proposal. They

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comment that since the application was submitted, the Planning Inspectorate have allowed appeals for 260 dwellings to the east of Buntingford and a further 180 dwellings have been approved to the north of the town. There is also an application pending for 320 dwellings to the south. This amounts to 760 dwellings and added to the 271 built or approved since 2011 totals 1,031 dwellings in Buntingford, resulting in a 50% increase in the size of the town. The emerging District Plan identifies 493 homes for Buntingford. Although this application is only for 56 dwellings, they consider this will push the town's sustainability levels to an untenable level. The recent report from the Planning Inspectorate acknowledges that Buntingford cannot sustain in excess of 800 new homes without a growth in employment.

3.2 Additionally they comment that Aspenden Road is a notoriously difficult road – narrow and busy. The Highway Authority acknowledge that there are existing problems, and adding a further 56 dwellings will intensify these issues. They raise concerns over the cumulative traffic impact on London Road and Local Plan policy BUN7 which states that “no further planning permission for significant traffic generating developments will be granted on the Watermill Industrial Estate until improvement works have been carried out on Aspenden Road.” Finally they raise concerns over flood risk and that recent storms caused the river levels to rise by 8-9 feet.

3.3 Aspenden Parish Council continue to object to the proposal. They comment that Aspenden Road should be widened between the site and Fairfield junction. Existing road signs indicate that the road is narrow and on a bend. The pavement is not wide enough or widely used as it is potentially dangerous. They lack the expertise to counter the claims of the flood experts but local knowledge indicates that parts of the site are liable to flooding. Unless measures can be taken to widen Aspenden Road from north of the bridge to the Fairfield junction, the application should be refused.

3.4 At the time of writing this report, no further response has been received from Anstey Parish Council.

4.0 Other Representations:

4.1 13 no. additional letters of representation have been received, along with 15 signatures of a residents' objection to the Highway Authority, which can be summarised as follows:

- Safety of local residents has not been taken into consideration;

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- Concern that meetings have been held between the Highway Authority and applicant without Council representation and lack of consultation;
- Footpath remains narrow – typically 1100mm but 900mm in places;
- Access should be from London Road;
- The site is located near a blind uphill bend and visibility is not sufficient;
- The bend is clearly identified with ‘Narrow Road’ and ‘Bend Ahead’ signs which would only have been erected if Highways perceived there to be a problem;
- Vehicles travel faster than 30mph – no speed limit signs travelling north and no street lighting;
- Foliage will become more intrusive in the spring and further reduce the width of the road;
- Suggest that the whole road and 56.8m north of the access should be 5.5m wide – it is only 4.2m-4.6m currently;
- Not good practice to have a stopping zone within visibility splays;
- Cumulative impact of additional vehicles on Aspenden Road will result in a significant increase in risk;
- Peak time vehicle survey results do not show low vehicle usage for a narrow country lane and is not representative of typical traffic movements;
- Pedestrian counts are also not representative of all seasons – non winter usage is higher;
- Aspenden Road has recently been repaired by the Highway Authority but turned into a river – flooding will happen again and again;
- Minor traffic incidents are not reported to the police so not recorded;
- Suggest that the developer improves Footpath 027 to the west of the river and provides two river crossing points for safer pedestrian routes;
- Concern that no plots have been lost, and the children’s play space reduced;
- Concern that children would play in the wooded banks of the A10;
- Mechanical ventilation systems (to reduce noise impacts) would not address noise issues in rear gardens or play areas;
- Fairfield residents cannot get insurance as the whole postcode is a flood risk – the Council should not take the risk if insurance companies will not;
- Fairfield residents get odour issues so suggest new residents will also;
- 40% affordable housing, together with recent approvals around the

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town, is beyond the local needs for Buntingford and concern over lack of employment opportunities;

- Concern that if the Aspenden Bridge Pumping Station fails, there will be sewage flooding;
- Query whether East Herts and Highway Authority Officers had visited Buntingford or the application site;
- Based on car ownership in Fairfield, the development will create 140 additional cars;
- Query who would be responsible for the new flood barrier.

4.2 Buntingford Civic Society continue to object to the proposal and comment that the amendments offer nothing to alleviate the problems raised in their earlier objection letter. They comment that since the previous Committee meeting, other decisions have been taken that strengthen the case against this development (appeals allowed for 260 dwellings and permission granted for a further 180 dwellings north of Buntingford, and an application pending for 320 dwellings on the former Sainsbury's site). These 760 dwellings are in addition to the 271 built or with approval since 2011. People that will occupy these dwellings will make use of the refuse and recycling unit at the Watermill Trading Estate, and the increase in Buntingford housing of 40% will add to the traffic on Aspenden Road.

4.3 They go on to comment that the Supplementary Transport Assessment makes no allowance for additional traffic on Aspenden Road, nor does it appear to have been taken into account by the Highway Authority, and raise concerns over Local Plan policy BUN7. They also raise concerns that the draft District Plan proposes that development at Buntingford be phased but recent decisions require developments to be delivered in the next five years. It is therefore difficult to see how the argument to provide a five year supply of housing should apply. Lack of planned accompanying infrastructure should dictate that further development should be refused.

4.4 Buntingford Action for Responsible Development (BARD) continue to consider that the application should be refused. The application remains premature and contrary to Local Plan policies GBC2 and GBC3. They comment that the draft District Plan policy BUNT1 states that Buntingford could accommodate 493 new homes, and that the Aspenden Road site is not considered suitable for a housing allocation in the District Plan. Buntingford is now faced with 760 new homes in addition to the 271 already built or approved since 2011. This total of 1,031 increases the size of the town by some 50% and the Planning Inspector on the Hare Street Road appeals concluded that an increase

in houses above 800 would be unsustainable without a corresponding increase in employment provision. They also raise concerns over the Highway Authority's consideration of the proposal and Local Plan policy BUN7. They comment that part of the site lies in floodzone 2 and it would be irresponsible to ignore the risk. Recent storms caused the river to flood the development site and surrounding countryside.

5.0 Considerations:

Principle of Development

- 5.1 Although Members did not defer the application on the grounds of the principle of development, Officers note that a number of points have again been raised by objectors regarding the principle of development on this site, and the cumulative effect of development on Buntingford. Many of these concerns relate to the recent publication of the draft District Plan and its recommendations for Buntingford. Members are advised to review paragraphs 7.1-7.16 of the appended report where these issues were fully considered, and are reminded that although the District Plan has now been released for public consultation, it still only carries very limited weight in the decision-making process.
- 5.2 In respect of the Inspector's decision for 260 new dwellings to the east of the town, concerns have been raised over the Inspector's comment that development of over 800 dwellings in Buntingford without an accompanying growth in employment would not be an environmentally sustainable outcome. However, the application for 320 dwellings on the former Sainsbury's depot site (which was included in this figure of 800) is still under consideration, and Officers do not consider that the proposed development of 56 dwellings would represent an unsustainable form of development in this respect. Permission has also now been granted for 180 dwellings on land north of Buntingford (3/13/1375/OP); however Officers continue to consider that the cumulative effect of this proposal, when combined with recently approved developments, would not be harmful to the town and would constitute a sustainable form of development.

Highway Impacts

- 5.3 Members previously raised a number of concerns over the condition and width of Aspenden Road, despite a recommendation for approval from the Highway Authority. The applicant has sought further advice from the Highway Authority and submitted a Supplementary Transport Assessment by transport consultants (URS), and an amended plan to show further road widening at the access to the site.

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- 5.4 The supplementary report identifies that there are three narrow sections of road between the junction with London Road and the access to the Watermill Industrial Estate. The northernmost narrow section is located outside White Cottage and the field to the north of the site where road widths are sufficient for two cars to pass (greater than 4.1m), but insufficient for a car to pass an HGV (Manual for Streets requires 4.8m). The next narrow section is located along the frontage of the application site where the carriageway width is 4.2m. The application as previously considered at January 8th Committee proposed to widen this part of the road to at least 4.8m. The applicant has since offered to further widen this part of the road to 5.5m or 6.1m, but the Highway Authority did not wish to see widening to 6.1m as this may give a false impression and encourage speeding. 5.5m was therefore recommended and is now proposed, along with kerbing to provide a defined edge to the highway. An amended highway layout drawing has therefore been submitted and is recommended for approval by the Highway Authority.
- 5.5 The most southern narrow section of Aspenden Road is located on the bridge over the River Rib where the road only allows for single file traffic. There are no proposals to change this section of Aspenden Road, and widening of this section of road is not considered to be reasonable or necessary given that the majority of development traffic is expected to travel north from the development site towards London Road and the A10. The bridge is also Grade II listed.
- 5.6 Apart from some additional road widening at the access to the site, no additional widening is proposed, nor is this possible within land under the applicant's control, and there is no likelihood of the applicant gaining control over any additional land. The Highway Authority have not recommended any further road widening and do not consider it reasonable to require the applicant to resolve all existing deficiencies in Aspenden Road. In respect of a number of concerns raised over visibility, the Transport Statement states that visibility on Aspenden Road complies with the Manual for Streets and there is therefore no 'blind bend'. No concerns have been raised by the Highway Authority over visibility.
- 5.7 Concerns have also been raised over the width of the pavements and pedestrian safety on Aspenden Road. There is no pavement on the eastern side of this part of Aspenden Road, and it is acknowledged that the pavement on the western side is restricted in width. However, the pavement on the western side of the road has recently been cleared of overgrown vegetation and this enables its full width to be used. No objection has been raised by the Highway Authority in respect of pedestrian safety or connections.

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- 5.8 In terms of traffic movements, the applicant carried out a further traffic count on 21st January 2014 which identified 618 vehicles heading southbound and 655 vehicles heading northbound over the 12 hour period (07.00-19.00). The highest peak was 41 vehicles heading southbound on the bridge between 08.45 and 09.00, and 44 vehicles northbound between 17.00 and 17.15. Overall, this is not considered to be a high level of traffic movements. The survey also demonstrated that other goods vehicles (OGVs), including heavy good vehicles (HGVs), accounted for only 4.7% of the traffic movements, with HGVs specifically accounting for 0.8%. Further, OGV movements were spread out across the day rather than concentrated in a short period. Pedestrian movements were counted at 45 over the 12 hour survey period; however Officers accept that this figure may be higher during the warmer months.
- 5.9 The supplementary report also makes reference to the cumulative effect of traffic from this development, combined with other sites recently granted permission in town. They have assessed the expected traffic flows related to these sites to calculate the cumulative effect, and conclude that the cumulative development flows will not result in material changes in traffic conditions in the town, and no objection has been raised by the Highway Authority in respect of this issue.
- 5.10 Concerns have also been raised over the number of accidents along this part of Aspenden Road, many of which are apparently unreported. However, the supplementary Transport Statement confirms that it is a legal requirement to report personal injury accidents (PIA), and that only one incident has occurred in the last five years. This was in November 2012 when a driver lost control in dark and wet conditions approximately 250m north of the site with no other vehicle involved. There was also one PIA at the junction of Aspenden Road and London Road when a driver pulled out in front of a cyclist.
- 5.11 The applicant has considered options for traffic calming in Aspenden Road; however the Highway Authority consider this to be premature until the development is occupied and the sustainable transport measures can be directed towards necessary works. The contribution could also be used to upgrade street lighting in Aspenden Road. Overall, in response to the concerns raised over Aspenden Road, and the issues that have been identified, the Highway Authority have agreed to use the sustainable transport contribution towards sustainable transport measures within the 'vicinity' of the site, rather than the wider area. Officers therefore recommend that the wording of obligation 2 listed at the head of this report be amended to include this stipulation.

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- 5.12 The Town Council and local groups have made reference to Local Plan policy BUN7 which states that “no further planning permission for significant traffic generating developments will be granted on the Watermill Industrial Estate until improvement works have been carried out on Aspenden Road.” This policy relates specifically to the industrial estate and its associated commercial traffic, including large vehicles that would have difficulty passing on Aspenden Road. The pre-text to the policy states that part of Aspenden Road is narrow and poor in alignment, and the Highway Authority have also confirmed that the width is not adequate for two lorries to pass one another. This is not comparable to the type of traffic that would result from the proposed residential development. Further, Officers are of the view that the proposed development of 56 dwellings would not result in ‘significant traffic generation’. The policy is therefore not relevant to the determination of this application.
- 5.13 Both the applicant’s transport consultant and the Highway Authority have had regard to objections raised by local residents and the action group (BARD), including their own traffic counts and road measurements. However, Officers concur with the Highway Authority’s assessment and continue to recommend that the additional traffic movements as a result of the completed development, which will be predominantly cars, will not cause any adverse impact on the local highway network.

Flooding and Drainage

- 5.14 A number of concerns have been raised over potential flooding on the site, particularly given recent high levels of rainfall. Water levels of the River Rib increased substantially and the river burst its banks a few weeks ago, with photographic evidence submitted by local residents to show the extent of flooding. Officers note from these photographs that the extent of flooding appeared to be contained within the designated floodplain (floodzone 3), and did not extend to the location of the new dwellings. The footpath that is proposed to extend south of the site and adjacent to the river is likely to flood in an extreme event; however the Environment Agency are satisfied that all the dwellings will be outside the modelled 1 in 1000 year flood outline and therefore not at risk of flooding. In response to concerns raised by Members, the applicant’s flood risk consultants (Jubb Consulting Engineers) submitted an additional report to conclude that as a result of modelling and assessments, the site can be classified as at low risk of flooding.
- 5.15 Therefore, whilst Officers acknowledge and understand local concerns, particularly given recent flooding across the country, it is considered

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that the proposed development will not result in any harm to people or property as a result of flooding, subject to the conditions recommended above. The proposal is therefore in accordance with Local Plan policy ENV19, and the NPPF.

- 5.16 In terms of surface water drainage, the Environment Agency continue to remain satisfied that the proposed drainage strategy is acceptable and, subject to compliance with recommended conditions, will maintain greenfield runoff rates. The development will incorporate sustainable drainage systems to promote infiltration to the ground as a first option, and any drainage connections will be routed directly to the River Rib at restricted rates to mimic the predevelopment greenfield drainage regime. A detailed drainage layout has not been produced at this stage as the application is in outline form, and it would be unreasonable to require one at this stage.
- 5.17 Some surface water flooding has recently been experienced on Aspenden Road; however this has been identified by the Highway Authority to result from two blocked highway drains, one on either side of the road, which prevent the discharge of highway surface water to the river. This also caused mud to cover parts of the pavement. It is understood that a request to clear the drains has been passed to the highway maintenance team.

Contamination

- 5.18 Members had previously raised concerns over contamination that had been identified on site and were not satisfied that the recommended condition was sufficient to address the issue. Further work has therefore been carried out by the applicant's geotechnical consultants (GEA) in respect of the 'hotspot' of elevated PAH (polycyclic aromatic hydrocarbons) identified at an area of made ground in the northwest corner of the site, Trial Pit 6 (TP6). They comment that the source of contamination is likely to be from farm machinery operating in this area, but the contamination was not considered to be in soluble form and would therefore not pose a risk to groundwater or adjacent sites. However they recommended two options to remediate the area – either carry out further testing and remediate where there is a pathway to sensitive receptors, or remove the contaminated land and test to make sure that the extent of contamination has been removed.
- 5.19 The applicant has now confirmed that the area of made ground identified at the TP6 contamination hotspot has been removed, and properly disposed of at a licensed landfill (evidence of which has been submitted), and the made ground excavated to the natural sub-soil base

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below. Further testing will still need to be carried out, and verification reports submitted to confirm that the site has been properly remediated and therefore condition 6 is still considered reasonable and necessary in accordance with Circular 11/95. Officers therefore recommend that sufficient information has been submitted to address Member's concerns over contamination.

Ecology

- 5.20 In terms of ecology, Members were previously concerned that a condition had been recommended to require a badger survey prior to the commencement of development. A badger survey had in fact already been carried out but had not been made available due to the Protection of Badgers Act 1992 and concerns over persecution of badgers. Officers have now had sight of the badger report, and have consulted with Hertfordshire Ecology and Natural England who have raised no objection subject to a condition to require an updated survey prior to the commencement of development, and to submit a Method Statement for approval in order to minimise risk to badgers during development. Condition 15 above has therefore been re-worded. Hertfordshire Ecology mentioned suitable fencing to prevent badgers entering residential gardens, but this can be controlled through a reserved matters application. Overall, Officers remain satisfied that, subject to conditions, the proposed development will cause no harm to protected sites or species in accordance with Local Plan policy ENV16, and the NPPF.

Other Matters

- 5.21 The indicative layout has been amended in order to address concerns previously raised in respect of the location of the play area. A corner plot located more centrally within the site has been removed and replaced with a Local Area of Play (LAP) that will measure 181m² in area. This location will benefit from natural surveillance and provide a safer and more useable facility for residents. The Hertfordshire Constabulary Crime Prevention Officer has removed his previous objection in this respect. A condition was previously recommended to require re-location of the play area, and given that the layout has now been amended, previous condition 14 is no longer required. Full details of the LAP will be agreed through the reserved matters application and legal agreement.
- 5.22 The Planning Policy team has raised concerns over the size of the play area; however based on the indicative development proposed at this stage, the requirement for children's play space as set out in the

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Council's Open Space Supplementary Planning Document would be some 220m². Officers do not consider that the proposal for 181m² is unacceptably low in relation to these standards, and also note that extensive amenity green space is proposed across the site, including land to the west of the river which will be landscaped for informal play. The site is also located within close proximity of an existing play area at the Aspenden Recreation Ground and will benefit from a new footpath link to access this facility. Should Members require a larger designated children's play area, then Officers are satisfied that this could easily be achieved within the development site given that the layout plans are only indicative at this stage, and the matter would be controlled through a legal agreement.

- 5.23 The indicative layout plan has also been amended to provide additional amenity green space at the frontage of the site, with previous Plot 1 now removed. Given the removal of a further plot to provide for the play area, the indicative plans now only show 54 dwellings, but the description remains as up to 56 dwellings. Officers remain satisfied that a layout of 56 dwellings could still be adequately achieved on site – this would only involve the sub-division of two of the larger detached dwellings to smaller semi-detached dwellings, and this would not compromise the density or layout of the scheme.

6.0 Conclusion:

- 6.1 Overall Officers continue to consider the proposal to represent an acceptable and appropriate form of development on this site. Members had raised concerns over flooding, drainage, contamination, highway issues, and ecology. The applicant has carried out further work in respect of all of these issues, and no objections have been raised by the statutory consultees. No objections were previously raised by consultees in respect of these issues, and the application is therefore again recommended for approval subject to the planning obligation and conditions set out above.