

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 30 APRIL 2014

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

LAND AT ASPENDEN ROAD, BUNTINGFORD

WARD(S) AFFECTED: BUNTINGFORD/MUNDENS AND
COTTERED

Purpose/Summary of Report

To seek confirmation from the committee that the stated reasons for refusal of application ref: 3/13/1399/OP in respect of proposed residential development at Land east of Aspenden Road, Buntingford, appropriately reflect the scope of the concerns raised by Members at the 12th March 2014 Development Management Committee.

RECOMMENDATION:

	That Members confirm that reason for refusal number 2 of application ref: 3/13/1399/OP appropriately reflects the committees concerns relating to the impact of traffic noise on future occupiers of the development and that the inclusion of the reference to policy ENV25 is appropriate to that concern.
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1.0 Background

1.1 Members will recall that, at the meeting of the committee on 12th March 2014, they considered application ref: 3/13/1399/OP which sought outline planning permission for the residential development (up to 56 dwellings) of the land east of Aspenden Road, Buntingford.

1.2 Officers recommended that outline planning permission be granted for the development. However, there was some lengthy debate on the proposals at the meeting during which Members expressed various concerns about the proposed development. This concluded in two main areas of objection to the scheme being identified. Firstly, the impact of the development on the

users of the highway and on the the character and appearance of the surrounding area; and secondly, concerns relating to the impact of traffic noise on the future occupiers of the site, given the site's proximity to the A10.

1.3 Following the decision to refuse permission on those grounds, Officers drafted two reasons for refusal and these are set out below:-

1. The proposed development would generate a significant increase in traffic on Aspenden Road, which is poor in width and alignment, and would thereby have a detrimental impact on the users of that highway and the character and appearance of the surrounding area that is not satisfactorily mitigated by the highway improvements proposed. The proposal would thereby be contrary to policy TR20 of the East Herts Local Plan Second Review April 2007.

2. The proposed development would be located within close proximity to the A10 where future occupiers would be exposed to harmful traffic noise, and the reliance on mechanical ventilation as a mitigation measure would result in poor internal amenity levels. The development would thereby fail to provide for adequate residential amenity and would be contrary to policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

1.4 The applicants have indicated to Officers that they consider that policy ENV25 of the Local Plan, which is referred to in reason for refusal number 2, was not raised by Members during the meeting and have sought clarification as to why that policy objection formed part of the second reason for refusal.

2.0 Report

2.1 Officers have reviewed the minutes of the meeting and it is clear that Councillor Moore raised the issue of noise impact at an early stage of the meeting, commenting that Environment Health's suggestion for acoustic fencing and mechanical ventilation implied that residents would not be able to open windows due to the close proximity of the A10.

2.2 Following further discussion and debate, Councillor S Bull proposed and Councillor P Moore seconded, a motion that the application be refused on the grounds that the proposed

development would generate a significant increase in traffic on Aspenden Road and would have a detrimental impact on the character and appearance of the surrounding area; and secondly that the proposed development would be located within close proximity to the A10 where future occupiers would be exposed to harmful traffic noise and poor levels of internal amenity.

- 2.3 Whilst members specifically sought clarification in respect of the specific policies applicable to the first reason for refusal and were advised that TR20 and ENV1 were relevant, there was no similar discussion or clarification sought in relation to policy ENV25.
- 2.4 However, Members concern was clearly articulated in relation to the impact of traffic noise from the A10 on future occupants of the proposed development and policy ENV25 of the Local Plan (which is set out in full below) is the relevant policy that relates to the siting of noise sensitive development (such as housing) in proximity to noise generating sources such as an adjacent highway.

Policy ENV25

Noise sensitive development (including homes schools and hospitals) should not be exposed to noise nuisance from existing noise generating sources, or programmed developments such as new roads. In considering proposals for noise sensitive developments the District Council will take into consideration:

- (a) the noise exposure categories set out in PPG24
- (b) the proximity of existing or programmed noise generation developments;
- (c) the degree to which the layout and design of the proposals provides protection against noise.

- 2.5 Members will also be aware that, when refusing planning permission, the Council must clearly set out, within the reasons for refusal, why the proposed development is considered to be unacceptable and, if it is considered to be contrary to the policies of the Development Plan, it is required to identify those policies.
- 2.6 Having reviewed the minutes of the meeting, Officers are satisfied that the second reason for refusal of application 3/13/1399/OP appropriately reflects the concerns raised by Members at the meeting and that it was appropriate for that reason to refer specifically to policy ENV25 of the Local Plan as the relevant

Development Plan policy. Members are, however, asked to confirm their agreement to this position.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Application ref: 3/13/1399/OP

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