

ESSENTIAL REFERENCE PAPER A

3/13/2223/FP – Demolition of The Bungalow, The Stables and Hazelwood Farm and the erection of 57 residential units together with access and associated ancillary works at High Road, rear of North Drive, High Cross, SG11 1AD for David Wilson Homes North London

Date of Receipt: 08.01.2014 **Type:** Full – Major.

Parish: **THUNDRIDGE**

Ward: **THUNDRIDGE AND STANDON**

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:-

- The provision of 22 affordable dwellings comprising of a mixture of social rent and shared ownership as shown on drawing reference P009 C;
- £195,144 towards Primary Education – index linked;
- £211,531 towards Secondary Education – index linked;
- £3,946 towards Youth facilities – index linked;
- £12,102 towards Library services – index linked;
- £30,000 towards improvements to the bus stops – index linked;
- £75,750 towards improvements to sustainable modes of transport – index linked;
- £69,544 towards outdoor sports facilities – index linked;
- Fire hydrants;
- Monitoring fee of £320 per clause.

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

1. Three Year Time Limit (1T12)

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2. Approved plans (2E103)
3. Programme of archaeological work (2E02)
4. Prior to the commencement of any above ground building works samples of the external materials of construction for the dwellings hereby permitted shall be submitted to and 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.

5. Prior to the commencement of any above ground building works, detailed plans and elevations of any retaining features, boundary walls, fences or means of enclosure, referred to as "Denotes retaining element by others" as shown on approved drawings 130489-H5961-D2-0220_P7, 130489-H5961-D2-0221 P7, 130489-H5961-D2-0222_P6 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

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

6. There shall be no vehicular access to the development site from North Drive either during implementation of the development or once the development has been completed.

Reason

In the interests of highway safety and access.

7. Prior to the commencement of any above ground building works, 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) hard surfacing materials b) means of enclosure c) Planting plans d) Written specifications (including cultivation and other operations associated with plant and grass establishment) e) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate f) 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.

8. Landscape implementation (4P135)
9. Prior to the commencement of any development, including works to implement the drainage strategy, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason

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

10. Construction hours of working (6N07)
11. Prior to the commencement of development any development, including works to implement the drainage strategy, a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) "Land off Cambridge Road, High Cross Flood Risk Assessment", reference Number 130489/T6, dated 28 November 2013 has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and paragraph 103 of the National Planning Policy Framework.

12. Prior to the commencement of any above ground building work, the detailed specification of noise control measures identified in Cass Allen's Noise Assessment Ref RP01-13272, dated 3/11/13, Chapter 6, page 12, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of future residents and in accordance with Policy ENV25 of the East Herts Local Plan Second Review 2007.

13. The gradient of the vehicular access road off High Road shall not exceed 1:20 for at least the first 6 metres from the edge of the carriageway.

Reason

To ensure vehicles are approximately level before driving onto the public highway.

14. The two Common Oak trees (numbers 140 and 141 on drawing P009 C) shall be retained and protected from damage as a result of works on the site to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that those trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that those trees die or are removed without the prior consent of the Local Planning Authority, they shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason

To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

15. Prior to the commencement of any works to the drainage system hereby approved, a detailed management and maintenance strategy for all drainage within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

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To ensure that the drainage infrastructure put in place is managed and maintained properly in the interests of flood risk and in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and section 10 of the National Planning Policy Framework.

Directives:

1. Ownership (02OW)
2. Ground water protection (28GP)
3. Highway works (06FC2)
4. Planning obligation (08PO)
5. Street Naming and Numbering (19SN)

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 together with the positive way in which the proposed development will address five year housing land supply issues and existing drainage problems within the application site and the immediate surroundings, 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. The site is located towards the southern edge of the village of High Cross where there is an existing dwelling, Hazelwood Farm. The main part of the application site forms a large open field which backs onto the dwellings fronting High Road and North Drive. There is a mixed boundary treatment to dwellings which back onto the site. To the south east of the application site are open meadows/agricultural fields. To the immediate south west of the application site is the boundary with Oakley Coachbuilders.
- 1.2 The proposed development involves the demolition of the residential dwelling which is currently located in the position of the proposed access into the site, Hazelwood Farm. The proposal also involves the demolition of The Bungalow which is located to the north of the site and which

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fronts North Drive.

- 1.3 The proposal involves the construction of 57 dwellings comprising of 21no. 4 bed and 14no. 5 bed open market dwellings. Together with those open market dwellings, the proposal incorporates 22 affordable dwellings, comprising of 7no. 2 bed units, 12no. 3 bed units and 3no. 4 bed units.

2.0 Site History

- 2.1 There is no relevant planning history for the site.

3.0 Consultation Responses

- 3.1 The Councils Housing Team comment that the provision of 22 affordable homes with the tenure mix proposed and divided into two areas is acceptable. From a housing need perspective the Housing Team would prefer to see all the 2 bedroom affordable units for rent within the scheme and would ask that this is considered by the applicant.
- 3.2 The Historic Environment Unit comment that the site is partly next to, or is close to the Roman road. In addition, archaeological investigations in 2002 prior to the construction of the A10 bypass to the east of High Cross located several previously unknown sites indicating mainly later prehistoric activity in the vicinity of the site. More recently metal detector finds of Roman and medieval date have been recorded from fields next to Ermine Street to the north of the village. Although the site is outside of the core of the post-medieval and probably all of the medieval settlement of High Cross, it is likely to have the potential to contain currently unknown archaeological heritage assets. The Historic Environment Unit consider therefore that the proposed development should be regarded as likely to have an impact on heritage assets of archaeological significance and proper provision through a planning condition should be made for such assets.
- 3.3 Affinity Water comments that the site is located within the groundwater protection zone of Thundridge Pumping Station. The construction works and operation of the proposed development should be undertaken in accordance with the relevant British Standard and Best Management Practices to reduce the risk of pollution to groundwater.
- 3.4 Thames Water comments that in respect of sewerage infrastructure no objections are raised.

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- 3.5 Herts Constabulary do not object to the planning application but recommend a planning condition requiring that the development implement a Secure by Design standard.
- 3.6 Natural England comments that the proposal is unlikely to affect any statutory protected sites or landscapes. Natural England comment that they have not assessed the proposal in terms of impact protected species but refer the Council to their standing advice. The proposed development should seek to enhance habitats for protected species and the surrounding natural and built environment.
- 3.7 The County Council Development Services Team seek contributions towards education, libraries, childcare and nursery provision:-
- Primary education - £195,144
 - Secondary education - £211,531
 - Youth - £3,946
 - Libraries - £12,102
 - Fire hydrants
- 3.8 The Environment Agency comment that, whilst they do not support the use of tanks for attenuation, they are satisfied that the applicant has proposed a variety of other suitable techniques and is proposing a greenfield runoff rate. They are also pleased to see open conveyance swales being added to the scheme and the applicant has met the minimum standards.

The Environment Agency support the position of Hertfordshire County Council regarding the deculverting of the ordinary watercourses that run through the site. This would not only help to reduce flood risk but also vastly improve the habitat of the site. This would be in line with Local Plan policy ENV18, the Thames River Basin Management Plan and the National Planning Policy Framework (NPPF). As such, the fact that the applicant is not proposing to open these watercourses could be used as a reason for refusal.

The Environment Agency do not object to the planning application but recommend that a planning condition be attached with any permission requiring the submission of a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) "Land off Cambridge Road, High Cross - Flood Risk Assessment", reference number 130489/T6.

- 3.9 The Environmental Health Officer recommends that planning conditions be attached with the grant of any planning permission. The Officer

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recommends a condition requiring the implementation of noise control measures; details for the method of reclamation; a restriction on hours of use of plant and machinery and piling works.

- 3.10 Hertfordshire Ecology comments that the ecological report suggests that there are no significant habitats present, largely due to the land having been improved for agriculture. However they do represent a local habitat resource which will be lost as a result of the proposed development.

The main meadow is described as dominated by rye grass. A small number of other common herbs of little interest were also recorded. However there is data within the HERC database which indicates that in 1996 it supported abundant Black knapweed, Common bent, frequent Common sorrel, occasional Birds-foot trefoil and Meadow buttercup, and rare Lesser stitchwort, all of which are considered indicator species for Wildlife Sites. Although this is not sufficient to meet this status and was then also described as becoming rank, it was not without interest and may have supported more indicator species, especially as it was surveyed at the end of the flowering period in September.

Additional surveys have been undertaken during the process of the application and the potential for GCN (Great Crested Newts) is considered to be very limited and in all likelihood negligible, given the nature of the habitats present. There would appear to be very little cover present generally and some significant barriers to dispersal even if the ponds to the west still support GCN. As such there is little requirement for the LPA to consider this aspect any further. The same position applies to reptiles given the nature of the habitat.

Landscaping proposals are limited given that the only significant landscaping is based around the retention of two existing mature oak trees- which is to be welcomed. A native hedgerow providing a buffer to the south east boundary of the site should be encouraged.

- 3.11 Herts and Middlesex Wildlife Trust comment that further ecological surveys should be undertaken and submitted prior to the determination of the planning application.

The proposed development involves limited green infrastructure or semi-natural habitat other than the retention of trees and other small pockets of landscaping. Given the character of the existing site there will be a loss of biodiversity and the large area of hardstanding will increase surface water run-off. The development should provide a greater level of landscaping and sustainable drainage which will contribute to biodiversity and amenity value.

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3.12 The Council' Engineers comment that, part of the site is shown as affected by surface water inundation overland flow paths as shown on the Environment Agency's surface water flooding maps.

The Councils flooding data received directly from residents, details five reported incidents immediately upstream of the site relating to flooding to the exterior of residences in 1990, 2000, 2001 and twice in 2012 for North Drive.

The Council is aware of culverts that run through the site that drain significant areas of High Cross. The existence of these culverts was (until recently) unknown to the landowner and they appear to have been neglected for many years. This created significant flood problems in the village not just in residential portions of High Cross but also in the field now being considered for development and additionally for the land currently owned by EHDC (the road known as North Drive). The Councils policy is to encourage naturalisation of existing culverts in order that flood risk can be reduced and biodiversity can be enhanced.

As part of ongoing flood investigations the Councils Engineers have been working for some time to try and alleviate flooding in various parts of High Cross which for various reasons appears prone to surface water, ground water and sewer flooding. Recent works have enabled the Councils Engineers to gain a greater level of understanding of the drainage networks in the village. The Councils engineers have been working with landowners and asset owners to try and improve their infrastructure which now includes the 2 culverts as mentioned above.

The proposals for new development will increase the impermeable area at the site and will reduce the permeable area. The FRA indicates that some SuDS will be incorporated into the design including swales, permeable paving, deep bore soakaways, underground "crate style" storm cell storage, re use /modification of an existing pond.

It is understood that a management company will maintain drainage systems at the site. However, more details are required on this which gives specifics of the SuDS / drainage system (including drainage systems that the site may rely on but that are located remote from the site) the type of maintenance activity for each asset and the name of the organisation that will be responsible for the maintenance.

Whilst Swales are considered as a high quality SuDS, the provision of underground storage, deep bore soakaways are not, and have poor environmental / landscape & wildlife benefits. In addition, soakaways and underground storage will provide little or no pollution reduction benefits

for the site. The below ground drainage systems (storm cells/soakaways) will be difficult and expensive to maintain (compared to an above ground system) and as a consequence will tend to create an increased risk of flooding to residences within the site and to surrounding areas.

The Environment and Engineering team consider that the development as proposed would currently not be considered as a sustainable construction for those reasons.

- 3.13 Hertfordshire County Councils Flood Risk Management Team comment on the application under their role as regulator of works to Ordinary Watercourses in its area. HCC are the Lead Local Flood Authority and have an interest in any existing surface water/overland flooding issues associated with this site as it may have implications for the County Council in the future as the responsible authority for managing surface water flooding.

A formal land drainage application has been submitted to the County Council for alterations to the ordinary water course (culvert) which runs through the site. At the time of writing the County Council have not yet determined the application and Officers will update Members at the Committee meeting as to the outcome of this application.

The LPA are the determining body for appropriateness of the new development in relation to flood risk from all sources including surface water and overland flows under the NPPF. Nevertheless, the County Council have considered the proposed development and offer the following comments:-

There has been anecdotal evidence collated by East Herts District Council and HCC that this site has flooded as recently as February 2014 from overland flows and the lack of capacity from the existing culvert on North Drive. The applicant has submitted documentation (Existing Drainage Characteristics and Proposed Diversion) which concludes that there is existing flood risk to the site and the surrounding area.

The FRA has not considered the recent published EA National Surface Water Flood Maps which shows predicted overland flow routes starting upstream of the site, through the site and then downstream. The NPPF states that the most recent up to date information and data should be considered when undertaking an FRA.

The applicant has provided schematic drawings showing areas of existing flood risk and where the flood risk will be once the proposed

diversion and re-culverting is in place. This shows an increase in flood risk upstream during the 1 in 100 year + climate change rainfall event.

The schematic drawings of the before and after flood extents do not provide a realistic representation of flood risk extents and flows. The consultant has indicated areas of flooding using circled areas, however in order to understand pre and post flood risk, the exact extent, depths and flows should be provided based on topography of the area to determine whether there is any risk of flooding to the site and the surrounding area in accordance with the NPPF.

It has been suggested throughout the submissions that the watercourses are the drainage system. The ordinary watercourses (both open and culverted sections) should be assessed separately to any existing artificial drainage infrastructure that serves existing properties and the proposed development. The existing drainage and proposed drainage where they outfall into the watercourse will certainly influence and have an impact on the existing watercourses but they are not part of the natural tributary which eventually flows into the main river Rib downstream.

With regards to the proposed diversion and re-culverting there is a section of diversion along North Drive which is outside of the red line planning boundary. This section of pipe is integral to the function of the applicants proposed diversion route as it is the point of entry for the catchment north of North Drive. The applicant has also stated this will also require a culvert to be replaced under the highway (North Drive). It has not been confirmed if the Local Planning Authority are aware of these works and whether they require a separate planning approval as these works lie outside of the planning application boundary.

By proposing to re-culvert the existing watercourse a rare opportunity will be missed to reinstate this to a naturalised channel which will improve flood risk to the existing community, provide biodiversity enhancement, amenity value to the site and the community and also improve water quality which is a key consideration under the Water Framework Directive. Once this channel is re-culverted the opportunity to open this watercourse will be missed with a legacy of continued maintenance, risk of blockage and repairs. We fully support the planning policy of the local planning authority to de-culvert watercourses and the view from the Environment Agency that the watercourse should be opened up.

With regards to the proposed deep bore soakaways within the red line and the blue line boundary, no infiltration tests have been carried out and it has not been demonstrated that they are technically feasible. Once the

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layout has been agreed it would be very difficult to provide additional storage or a different drainage strategy should it be determined the deep bore soakaways are not feasible after planning permission has been granted. We therefore suggest that the local authority cannot determine that there will be no increase in flood risk from surface water as sufficient technical evidence has not been provided.

3.14 As mentioned above, revised drainage details have now been submitted to the county Council in response to these concerns and it is understood that the matters can be satisfactorily resolved. The outcome of the applicants formal land drainage application to the County Council will be reported to the Committee at the meeting.

3.15 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission.

The Highways Officer comments that access onto High Road (C183) for both a primary access, and a separate, low-key emergency access, is acceptable. The detailed layout will be subject to safety audit and existing accesses on High Road will be amended to facilitate the development, with any part not incorporated in the final layout to be closed, and the footway and verge reinstated accordingly. Pedestrian only access will be permitted onto North Drive which is a Public Right of Way.

The Transport Statement submitted with the application provides details of expected trip movements to the site which have been estimated using the TRICS database which are appropriate for the proposed development. The trips associated with the development proposal are considered to be acceptable for the proposed development as is the likely expected distribution of traffic to and from the development which is assumed to be split 50% northbound and 50% southbound.

From the information submitted the Highways Officer considers that traffic from the development can be accommodated on the highway network and the increase in flows cannot be considered as having a significant impact.

With regard to the layout, the scheme is largely prepared in compliance with the HCC design guide 'Roads in Herts' and the DfI publication 'Manual for Streets'. The proposed layout allows for penetration by refuse collection, service and emergency vehicles

There is sufficient turning space as shown on the proposed plans and

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vehicles will be able to enter and leave the site in a forward gear. The proposed level of parking should prevent any overspill onto the surrounding highway network.

The local bus route 331 provides journeys to and from Ware/Hertford, and is accessible from Ermine Street. An hourly service between Hertford/Ware to Buntingford, with some journeys extended to Royston, is provided, however there are no evening or Sunday services on this route

Pedestrian routes via existing footways to the closest stops are restricted and the Highway Authority will support the application subject to the upgrade of the bus infrastructure. The distance to access bus services is around 200 metres from the middle of the development site

It is important that good pedestrian links to local facilities are provided in order to promote sustainability and this should form part of any mitigation measures to be provided. This would also assist in developing the sites potential Travel Plan, helping to ensure that the development meets accessibility targets

The site is within normal accessibility criteria for local bus services on Ermine Street, however the existing stops do not meet current accessibility requirements, and footways along Ermine Street are limited in width at various locations. A financial contribution of £30,000 is recommended to secure improvement works to bus stops in the village.

The nearest rail station is Ware approximately 3 miles, with a journey time into London of around 50 minutes.

The development is located within the village area and will have access to local facilities as currently provided. There are some access barriers to pedestrians walking (the existing footway is narrow in places) and these are important issues in terms of the sites sustainability.

It is the Council's policy, to seek a planning obligation in respect of Sustainable Transport including, but not limited to, highway and rights of way improvement for all developments The NPPF promotes accessibility by sustainable means including bus, cycling and walking.

The County Council recommend contributions based upon the size of dwellings as follows:- 1 bed @ £625 per dwelling; 2 bed @ £750 per dwelling; 3 bed @ £1,125 per dwelling and; 4+ bed @ £1,500 per dwelling. This equates to a contribution of £75, 750 which will be used towards improvements to sustainable modes of travel including bus,

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cycle way and footway links. A proportion of this funding will be targeted at funding of an increase in the current frequency of the 331 bus route from its current hourly service to a minimum ½ hourly service.

- 3.16 The Landscape Officer recommends approval of planning permission and comment that there is a clarity to the site planning and layout drawing with positive features including, gardens of reasonably generous proportion to the size of plots; retention of existing high quality oak trees to give an area of amenity open space which will give an immediate sense of maturity to the development and a good sense of place; limited road widths so that the overall appearance of the scheme does not appear to be visually dominated by the road layout; a consistent approach to the provision of house frontages (front gardens) and; sufficient private off road parking provision.

However, some concerns are leveled at the use of concrete block paving for hard surfaced areas and a differing approach using permeable resin bound gravels is suggested. In addition, the Landscape Officer considers that the detailed soft landscape proposals are poor with a somewhat random mixture of planting. A simpler approach is needed to provide continuity throughout the scheme and with traditional patterns of hedges, trees and easy to maintain grassed frontages preferred.

4.0 Parish Council Representations

- 4.1 Thundridge Parish Council object to the planning application on the following grounds:-

- The village is category 1 village wherein limited small scale and infill development will be permitted. The level of the proposed development is disproportionate to the current density in the village and is an over development of the site The proposed density is 28 dwellings per hectare which is significantly higher than the existing village density;
- The style of the 3-storey town houses is out of keeping with the character of dwellings in the street scene and overall architectural character of the village. The style of housing is too uniform and not typical of a rural scene.
- The ground levels have been raised in the area of the social housing, which currently has the surface water from North Drive passing over it This will impede the current flow of surface water and result in the social housing appearing overbearing on North Drive;
- Refuse collection, as an example, would be difficult bearing in mind

the width of roadways and angle of corners and the verges would become churned up, very muddy and unsightly;

- The proposed development in close proximity to the existing dwellings would give rise to an unacceptable degree of overlooking;
- The level of car and cycle parking provided is inadequate and contrary to Policy TR7/TR14 of the East Herts Local Plan. There is little provision for visitor or delivery service vehicles. The lack of parking may lead to overspilling of cars onto North Drive and High Road. The location of the village with inadequacies of public transport require greater use of car transport;
- The proposed method of disposing of surface water may, under current climate conditions, be insufficient. Further research on this matter should be undertaken. The soakaways in the proposed plan are considered to be inadequate for the surface water coming from North Drive, Poplar Close, the church and adjacent farmland. This surface water currently drains into the culvert on North Drive, which overflows consistently into the proposed development land.
- Social housing — Irrespective of the level of social housing provided, it is felt that such accommodation should be integrated within the whole development and not concentrated in one particular area;
- There is inadequate provision within the proposed site to accommodate recreation and relaxation areas. The village has no public amenity area at present. This application is contrary to Policy LRC3 and the developer should seek to provide recreational facilities within this development.
- The proposed development is in close proximity to noise pollution and activities associated with a business use which could cause harm to future residents;
- There will be a greater demand on services such as electricity, broadband provision;
- Harmful impact in respect of the additional traffic entering onto High Road and consideration should be given to a round-a-bout junction which would provide a more acceptable and efficient traffic calming measure. There should be no vehicular access from North Drive;
- The location of the sub-station would appear to be only serviceable from the Village which is land not in the ownership of the developer, although it has been included in the development area.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice

and neighbour notification.

5.2 55 letters of representation have been received which can be summarised as follows:-

- Overly dense form of development out of keeping with the proportion and character of the village;
- The size and design of the proposed dwellings is out of keeping with the character of development within the village;
- Impact on neighbour amenity – loss of light, privacy, outlook, overbearing and overshadowing impact;
- Insufficient parking and visitor parking which will increase parking problems along High Road and North Drive;
- Impact on public rights of way and wider views of the village;
- Noise impact on future residents from the Oakleys Coachbuilders business operation;
- Too much affordable housing and not well distributed;
- Poor public transport access links – site is not sustainable in transport terms;
- Existing services and infrastructure are poor including, electricity, water, sewerage and internet connectivity;
- Harmful noise/disturbance impact associated with the implementation of the development;
- Harmful pedestrian and cycle safety impact associated with access adjacent to Lime Cottages;
- Loss of parking along High Road from provision of new access;
- Harmful impact on highway safety and access along High Road;
- Harmful impact on setting of listed buildings;
- The village suffers from significant flooding issues and the proposed development and drainage strategy will not address this;
- The drainage strategy is not robust and does not properly take into hydrology, levels and the existing drainage problems;
- Development will increase flood risk and involves unsustainable drainage, including culverts and other systems which are a maintenance liability;
- No proper provision for play of amenity space to serve the development;
- Loss of trees and other landscape features;
- Impact on ecology and protected species.

5.3 A petition has been received with 95 signatures which objects on the basis of flooding impact on neighbouring properties.

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- 5.4 Cllr Andrews comments that he is in agreement with the comments from the Parish Council and considers that the main areas of concern relate to flooding; placement of social housing; site entrance and; the turning head adjacent to North Drive.
- 5.5 In relation to flood matters, the Councillor comments that the area experiences severe flooding in a normal year and the applicant does not have sufficient understanding of the hydrology of the area. In respect of the affordable housing he comments that it is clustered too closely together and should be more spread out throughout the site.

Finally, Councillor Andrews comments that the site entrance as proposed in close proximity to existing dwelling and the traffic restriction in High Cross and the existing road layout will not support this development. The development should not allow for access onto North Drive.

6.0 Policy

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

SD2	Settlement Hierarchy
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
TR2	Access to New Developments
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV19	Development in Areas Liable to Flood
ENV21	Surface Water Drainage
ENV25	Noise Sensitive Development
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
LRC3	Recreation Requirements in New Residential Developments
OSV1	Category 1 Villages
IMP1	Obligations

6.2 The National Planning Policy Framework and Planning Practice Guidance is also of relevance to the determination of the application.

7.0 Considerations

- 7.1 The main considerations in this application relate to the following matters:-
- The principle of residential development;
 - Whether the proposal represents a sustainable form of development having regard to the economic, social and environmental dimensions;
 - Flood risk and drainage matters;
 - Highway safety and access;
 - Landscaping;
 - Neighbour amenity ;
 - Financial Contributions and
 - Other matters

The principle of development

- 7.2 Policy GBC3 of the Local Plan allows for development within category one villages in accordance with policy OSV1 of the Local Plan. Policy OSV1 allows for limited small scale and infill housing development within the boundary of the village.
- 7.3 The proposed development is largely located within the boundary of the category one village except for a small narrow strip to the far east of the development site. Whilst that small section of the application site is not within the boundary of the Category 1 village, and the application thereby represents a departure to the Development Plan (and has been advertised as such as part of the consultation process), the vast majority of the application site lies within the boundary of the village.
- 7.4 As noted above, policy OSV1 of the Local Plan allows for limited small-scale development which is defined in the Local Plan as follows:- “this would typically comprise sites of up to 15 dwellings, occasionally somewhat more, but rarely more than 30 dwellings”.
- 7.5 The proposed development involves the provision of 57 dwellings which would be significantly more than the general guidance in the Local Plan for 30 dwellings. However, the site is located within the Category 1 village wherein policy does allow for development. As part of the Local Plan process in relation to this site, the Planning Inspector made the following observations in the final report:-

High Cross – This is not a large village but for its size has a range of convenient facilities, including a school, employment and garage shop. From my visit, I found the allocated site Site 80 (the application site) to be in the midst of existing development. It is an integral part of the village and is a site which should logically be included within a village settlement boundary. It is an open greenfield site but I do not consider it has importance as an open space, as such, but any development would have to enhance the setting of the adjacent church and rectory. North Drive is an undedicated road and public bridleway. The Highway Authority has now confirmed that it would require a 4.8 m access road with a 1.8m footway, and although it would consider reduced visibility splays of 2.4m x 90m, these could not be achieved within existing highway land. I have doubts that, because of the updated highway requirements and the shortness of the Plan period, that this site would be delivered. I reluctantly consider it should be deleted as an allocation, but it should remain within the village development boundary, as it is within the long term defensible boundary of the village.

- 7.6 The Inspectors final report would have been prepared at a time when the national planning guidance in PPS3 was in force (which is now superceeded by the NPPF). At the time PPS3 encouraged the efficient use of land and suggested a density of 30 dwellings per hectare. The Inspector, in her allocation of the boundary serving High Cross would have been aware of this and the potential for development – including residential development within the boundary of the village.
- 7.7 Together with the above considerations and, as Members are already aware, the Council is currently unable to demonstrate a five year supply of housing and, in accordance with the NPPF, the Local Plan should not be considered up to date. The proposed development incorporates a number of dwellings which will have positive impact in addressing that issue. As acknowledged in the above comments from the Planning Inspectorate, the site is in a sustainable village location with reasonable levels of amenities and close proximity to larger settlements with further amenity for future residents. The way in which the proposed development will help the Council to address its five year land supply through development of a sustainable site is therefore a material consideration which weighs significantly in favour of the proposal.
- 7.8 In accordance with the above considerations, Officers are of the opinion that there can be no objection to the principle of residential development on this parcel of land.

Sustainable development

7.9 The provision of 'sustainable development' requires a consideration in respect of the economic, social and environmental dimensions of sustainability, which are discussed below:-

Impact of the development on the local economy:

7.10 The principle impact in economic terms relates to the impact which the construction of 57 dwellings and the associated infrastructure will have on the economy in the short period of time that the development is being implemented. Whilst for a limited period, there are clear economic advantages associated with the development which weigh in favour of the proposal.

Impact on housing:

7.11 The social dimension in achieving sustainable development is to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

7.12 Officers have previously referred Members to the five year land supply issues which weigh in favour of the development. Affordable housing is also an important priority for the Council and the development as proposed includes the provision of just under 40% affordable homes in accordance with Local Plan policies. The provision of such affordable homes is a matter which weighs significantly in favour of the development proposal.

7.13 Some criticism has been leveled at the way in which the affordable housing is distributed within the site. Third party comments and the Local Ward Member consider that affordable units should be better spread about the development. There is no requirement for such a mixture of affordable homes within the Development Plan but the Affordable Housing SPD does seek to encourage clusters of no more than 15% affordable units.

7.14 The proposed development slightly exceeds that requirement but does split the affordable units into two areas within the site which the Council's Housing Manager considers to be acceptable. Whilst mindful therefore of the comments received, Officers consider that the level and mix of affordable homes to be appropriate.

Accessibility to services/facilities:

7.15 Within the village there are limited services and amenities - as such, it is

likely that travel to the surrounding network of towns will be required for employment, services and amenities. It is important therefore to assess whether the development is sustainable in transport terms and access to those larger settlements.

- 7.16 The County Highways Officer sets out that the village is accessed by a good bus service which provides regular bus service to the north and south of the village. However, the existing bus stops do not meet current accessibility standards. County Highways recommend a contribution of £30,000 to undertake improvements to the bus service which will bring the bus stops up to current standards and help to encourage the use of sustainable transport.
- 7.17 There is a train station in Ware which links to the wider rail network which can be accessed by bus from High Cross. There is therefore considered to be good access to wider sustainable transport links.
- 7.18 The Highways Officer also recommends the provision of financial contributions based upon the size of the proposed dwellings, which will go towards, improvements to sustainable modes of travel including bus, cycle way and footway links. A proportion of this funding will be targeted at funding of an increase in the current frequency of the 331 bus route from its current hourly service to a minimum ½ hourly service.
- 7.19 The site is not located in a particularly sustainable location which does weigh against the development proposal. However, there is a good access to a bus service with close links to the more significant settlements of Hertford, Ware and Buntingford where there is access to employment, facilities and amenities. Contributions to the bus stops and other sustainable modes of transport will assist in encouraging more sustainable travel.

Impact on the natural and built environment:

- 7.20 The environmental dimension of ensuring sustainable development encompasses a number of planning considerations including design, highways matters, archaeology and ecology. These are discussed below.

Drainage

- 7.21 Drainage and related flood risk matters have been a key consideration and the focus of ongoing discussions between Planning Officers, the applicant and consultees throughout this planning application. Given the significance of this issue, it is appropriate to provide Members with some

detail of the keys issues relating to this matter.

- 7.22 The site is served by a mixture of different drainage systems collecting water from the surrounding fields and residential development which converges into a culvert, 150mm in diameter, which runs through the application site.
- 7.23 From the consultation responses received in respect of this planning application, it has been clear that localised flooding takes place within the village, particularly along North Drive and the area in front of the Council owned swale (which is the other side of the road to 15-21 North Drive). Photographs and video footage of flood events which took place earlier in the year have been submitted, which show a stream of water running along North Drive into the driveway and garden of 15 North Drive. It is also understood that other properties have also been impacted by flood events within North Drive. Further photographs showing flood events within the application site have also been submitted. Such photographs indicate that the low lying area to the south west of The Bungalow (the building proposed to be demolished which fronts onto North Drive), is where the water tends to accumulate.
- 7.24 The applicant has undertaken various surveys of the existing drainage systems to better understand the issues taking place. Officers have also met and discussed such issues with the Councils Drainage Team and Herts County Council, Environmental Resource Planning Team. There are a range of differing issues with the culverts and drainage systems which serve High Cross. Fundamentally, the key issue appears to be that, as the village has incrementally expanded, the drainage system has not been proportionally improved to accommodate the growth of the village and associated increased areas of non-permeable surfacing (including driveways and roofs). In short, this means that the size and design of the culvert running through the site is not of sufficient size to cope with the volume of surface water run-off, particularly during periods of heavy or extended rainfall.
- 7.25 The deficiencies in the drainage system have been compounded by the lack of maintenance – culverts and piped systems require regular maintenance to clear them of blockages of silt and other fluvial material. Without maintenance they do not function properly and become blocked. There have also been other issues with ad hoc repairs and diversions of drains and places where pipes have been damaged, impacting on their ability to allow proper and efficient movement of water.
- 7.26 Submitted initially with the planning application was a drainage strategy which involved replacement of the culvert which runs through the site

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with a below ground piped system, comprising of 2 pipes. That scheme also involved other engineered drainage solutions such as deep borehole soakaways and a balancing pond.

- 7.27 The Environment Agency raised no objections with that strategy, subject to a planning condition requiring further more detailed information in respect of the SuDS proposed. However, such an approach was not met favourably by some local residents, the Council's Drainage Engineer or County Officers from the Planning Resource Team. Concern was leveled that such an approach would firstly, not adequately deal with surface water and, secondly that the system proposed did not offer the most sustainable system and would therefore result in flood risk.
- 7.28 Further to those concerns being raised with the applicant, various amendments and iterations of an amended drainage system have been submitted and considered by Officers and the County Council's Planning Resource Team.
- 7.29 The drainage system as now proposed largely retains a piped or culverted system. However, the proposal involves the capping off of the existing culvert which runs under homes in North Drive and its replacement with one large pipe (750mm in diameter). That pipe is proposed to connect with the swale in North Drive and run through the site in a roughly north/south direction. A section of culvert is also to be opened up to the south of the site within the boundary of Oakleys. The plans also propose the provision of various swales within the site together with permeable paving and below ground attenuation tanks and some soakaways.
- 7.30 The applicant is of the view that the drainage strategy in place adequately deals with flood risk in relation to the site and will offer a very significant improvement to the existing infrastructure serving the village. The applicant has commented that the residential development of the site is the only realistic and viable way to improve the drainage system and, without the development of this site, the problems with drainage and flooding will continue.
- 7.31 The Environment Agency do not object to the planning application but have commented that development proposals should seek to ensure the provision of SuDS and comment that there is particular encouragement for the opening up of culverts within Local Plan Policy. The Councils Engineers make similar comments and are of the view that a piped system (as is currently proposed) will need regular maintenance for it to function properly and does not have added biodiversity and water quality enhancements.

- 7.32 The County Council Planning Resource Team are not statutory consultees to planning applications but are the regulatory body for determining proposed alterations to ordinary watercourses as is the case here. An application has been submitted to the County Council which reflects the drainage strategy proposed in this application. Early indications from the County Council is that such an application is likely to be granted consent however, as mentioned previously, Members will be updated on this at the Committee meeting.
- 7.33 From a policy perspective, policy ENV18 of the Local Plan; the Council's SFRA and the NPPF are all relevant to the consideration of drainage matters at the site.
- 7.34 Policy ENV18 of the Local Plan deals with the water environment and sets out that development will be required to preserve and enhance the water environment. A number of ways in which this can be achieved are set out. These include possibly deculverting and naturalisation of river channels, river corridor landscaping and sustainable improvements in public access to water. Development in close proximity to watercourses will also normally be expected to retain or re-establish open river corridors.
- 7.35 The Councils SFRA (Strategic Flood Risk Assessment) is a desk-based study and provides sufficient detail to consider flood risk and provides information in respect of the decision making process of planning applications. The SFRA provides a number of recommendations for sustainable drainage policy including the provision of SuDS in new development where technically possible, in preference to positive connections to mains drainage; the use of the Environment Agency's SuDS hierarchy and; a reduction in surface water run off from new development so that greenfield discharge rates and 1 in 100 year attenuation is taken into account.
- 7.36 Paragraph 7 of the NPPF states that planning should help to improve biodiversity and paragraph 9 states that planning should provide net gains in biodiversity. Paragraph 165 states that decisions should be based on up-to date information about the natural environment and other characteristics of the area.
- 7.37 In considering flood risk and drainage matters at this site, Members should be mindful that, from a planning perspective, the Developer should only be required to address the flood risk impact associated with the development of their site (that within the red outline). The applicant has limited, if any, control in implementing wider improvements to the

drainage system serving High Cross. In considering this matter therefore, the Council must be satisfied that the development of the application site for housing (together with associated improvements to the existing drainage system) will suitably manage the drainage issues relating to the development itself and also not result in any worsening of flood risk impacts outside the site. Any improvements to the existing drainage problems within the wider village are a welcome addition that the development also hopes to provide.

- 7.38 In modelling terms, the applicants have been able to address the flood risk implications associated specifically with the development of the site and specifically in regard to the areas along North Drive. The applicant has been able to demonstrate that the proposed drainage strategy will not result in significant flood events to existing properties along North Drive or within the site.
- 7.39 The proposed drainage strategy which involves capping off of the existing piped system and provision with a far larger pipe (750mm) will ensure collection and movement of water away from the village and residential areas. In addition, the applicant also proposes fail safe measures within the site in the event that the piped system becomes blocked which will also ensure the movement of water away from the site and the North Drive area.
- 7.40 The drainage system as proposed will therefore see a significant investment in the drainage infrastructure which serves the village and, without the implementation of this development; these improvements might not otherwise come forward. The benefits associated with the new drainage system as proposed therefore weigh in favour of the development proposal.
- 7.41 However, it must be acknowledged that the provision of an open watercourse through the site, as opposed to the currently proposed piped system, would be a more sustainable system with additional biodiversity and water quality enhancements. The applicant has considered the feasibility of the provision of an open water course but has set out that the land on site needed to accommodate such an open water course would result in less developable land for housing, resulting in a detrimental impact on viability. The applicant has also set out that, the levels within the site would likely make an open channel particularly deep and not an attractive feature within the site.
- 7.42 Officers consider that the lack of provision of an open water channel through the site is regrettable, and is something that weighs against the development proposal. However, the proposed drainage system would,

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nevertheless, be suitable to manage the drainage needs of the development itself and, in addition, represents a significant improvement to existing drainage problems within the surrounding area. This then weighs in favour of the development.

- 7.43 A number of sustainable drainage features are, in any event, proposed within the site (including swales, permeable surfaces, etc). Overall then and, whilst acknowledging the deficiencies in the piped system, the proposed drainage system which forms part of the development proposals is considered to be acceptable.
- 7.44 The predominantly piped system will require regular maintenance to ensure that it does not become blocked with fluvial material, silt and other debris and various modelling has been undertaken to assess the flood risk impact in the event that the pipe does become blocked. This information has been reviewed by Officers and indicates no significant flood risk to properties within North Drive if up to 60% of the pipe is blocked.
- 7.45 Whilst this information is helpful, it does not seek to address all eventualities and Officers consider that the drainage strategy and largely piped system will only be acceptable, subject to appropriate maintenance. The applicant has provided some information in this regard although Officers consider that more detailed information is required. This can be controlled through a planning condition.

Layout and design

- 7.46 High Cross is one of several of villages which are located along the old A10 corridor. The built up area is concentrated along that corridor – High Road - and along North Drive and Marshalls Lane which fork off the main road. The more historic part of the village appears to be concentrated around the junction of High Road and North Drive where there are clusters of listed buildings and older historic buildings which reflect their era of construction and the design and character of the buildings is influenced by their organic growth over the passage of time. Within this area there is a mixture of building forms (gables, oversailing gables, differing eaves and building lines) and materials of construction (coloured render, boarding, brickwork, red clay pitched roof tiles) which are key characteristics of that historic area. Beyond that historic core are more contemporary forms of development – on the entrance to the village from the north, along North Drive and within Poplar Close, dwellings are either semi-detached or terraced dwellings and appear to be constructed in the 1960's or thereabouts. The design and appearance

of those dwellings is less distinctive.

- 7.47 The proposed development incorporates a development of a significant size of site which will not follow the generally linear layout and concentration of development along the A10 corridor. However, this is to be expected given the size and location of the site. A single entrance is proposed off High Road which winds through the site with pedestrian footways and areas of different hard landscaping indicating a change in direction or focal point in the development. The majority of dwellings front onto the access road and have a mixed size of front garden and driveways to the side of the dwellings. Some dwellings are side onto the access road and the parking serving the affordable dwellings is clustered in communal areas. The size of gardens serving the dwellings is commensurate with the size of dwelling it serves – as acknowledged by the Landscape Officer, garden and amenity spaces serving the development is generally of a good size. A reasonable sized open space, centred around two large oak trees is proposed in the central part of the site.
- 7.48 Concern has been raised by the Parish Council and third parties that the amount of development and the associated density is out of keeping with the character and density of High Cross and that the scale of some of the dwellings (2 ½ storeys) and their associated design is not reflective of other dwellings within the village.
- 7.49 The applicant comments that the density of the development is 28 dwellings per hectare and has been derived taking account the character of the local area where there is a wide mix of house types and styles.
- 7.50 The proposed development site does have a greater density than existing development along North Drive and, in certain places, with development off High Road. However, the overall pattern and layout is considered to make an efficient use of the land and does not represent an overdevelopment of the site nor does it appear cramped or congested, having regard to the overall pattern and layout of the proposal and the level of amenity space serving dwellings.
- 7.51 With regards to the design and scale of the proposed dwellings – the height and design does vary, although it follows a similar theme. Built form along High Road is, however, more mixed and the frontage of the development site onto that street scene will assimilate well with the proportions of adjoining built form. Along North Drive the proposed dwellings are at two storeys, commensurate in height with adjoining dwellings, with hipped elements and articulation to the elevational treatment which will ensure that the development assimilates

successfully with that street scene also.

- 7.52 A number of dwellings are at 2½ storeys which is not reflective of the development within North Drive which is predominantly 2 storey. However, the height of buildings is not significant and ensures efficient use of land together with good levels of living accommodation. The height of these dwellings is different as a whole to other dwellings in the village. However, no significant harm to the character of the village is considered to be associated with this.
- 7.53 There is a public right of way to the east of the site and views from that right of way looking west towards the village will be affected. Such an impact is however inevitable given the scale of development proposed. There will therefore be a harmful impact on views of the village from the east and wider setting of the village which does not weigh in favour of the development proposal.
- 7.54 Within the Planning Inspectors comments, referred to in section 7.5 of this report, the Inspector felt that any development of this site should enhance the setting of the adjacent church and rectory. The Church and Rectory are some 100metres or so to the north of the site and the impact on those heritage assets is considered to be limited. However, the development which fronts North Drive and which is closest to those heritage assets is considered to be of a good quality design which will not appear obtrusive or out of keeping within the street scene. Having regard to the distance to those heritage assets and the relationship with other heritage assets, there will be no significant harm to the setting or significance of heritage assets, in Officers opinion.

Landscaping

- 7.55 The Landscape Officer has commented that the overall layout of development, provision of amenity space and road widths are appropriate but is critical of the detailed specification for the hard and soft landscaping. Officers are of the opinion however that these detailed matters can be controlled through a landscape condition.
- 7.56 Officers are concerned that none of the SuDS features which form an important part of the drainage strategy are properly reflected in any of the landscape drawings. Furthermore, the landscape drawings have not been updated to properly reflect the amended drainage strategy and the likely building works to implement the 750mm pipe from North Drive. The location of this pipe and likely building and excavation works to implement this pipe will be likely result in the removal of a large

proportion of the landscape features which front onto North Drive.

- 7.57 None of those landscape features are protected but, nevertheless, the likely loss of this landscaping to provide drainage infrastructure is regrettable. On balance, however, and given the significant improvement to flood risk that would result, Officers consider the loss acceptable in this case. A condition requiring a replacement landscape scheme is recommended and will see the provision of replacement planting which will help to soften the impact of the development along North Drive.
- 7.58 There are limited other landscape features within the site and none are, in any event, protected. The southern part of the site is centred around the retention of two large oak trees. Those trees, as identified by the Landscape Officer, will provide an area of amenity open space and will give an immediate sense of maturity to the development and a good sense of place. The retention of those oak trees is therefore considered to be an important aspect of the development, and they should be retained and protected, which can be secured through a planning condition.

Highway Impact and parking

- 7.59 Third parties, Parish Council and the Local Member are critical of the impact on the local road network and highway safety associated with the proposed development. The applicant has however submitted transport assessments and modelling which demonstrates that the existing road network can accommodate the proposed development of the site. Having regard to those considerations and the comments from the Highways Officer, it is considered that an appropriate access for the site off High Road is proposed with appropriate visibility and relationships with existing road structures.
- 7.60 Some comments have been received in respect of the potential creation of a new access onto North Drive. The plans submitted with the application do not propose any such new access. Nevertheless and, given that North Drive is not classified and, in the interests of highway safety, it would be reasonable to attach a planning condition stating that there shall be no vehicular access onto North Drive from the application site either during implementation of any development of the site or once development has been implemented and completed.
- 7.61 Concerns have been raised in respect of the potential conflict between pedestrian and cyclists using the proposed access between High Road and along the access to Lime Cottages. That access is used by

residents of those properties and leads to parking/garage space. Whilst mindful of the concerns raised, no such objections to this access are raised by the Highways Officer and there is no evidence to suggest that there will be any significant harm in this respect.

7.62 With regards to parking provision – the quantum of development, comprising of 57 dwellings with a mixture of tenures will require, as a maximum, 151.5 parking spaces, having regard to policy TR7 and appendix II of the Local Plan. Criticisms of the planning application have been received that there is insufficient parking and the parking is not appropriate in layout terms. The planning application forms sets out that 177 spaces are proposed which, having regard to the layout plans submitted, is considered to be accurate. There is therefore an oversupply of parking associated with the development, contrary to the maximum standards of the Local Plan.

7.63 However, given the concerns raised, the level of parking is considered to be appropriate and will not result in significant harm to highway safety or access. The concerns in respect of the layout of the site and accessibility for parking, refuse and other access are noted – however, the Highway Authority has not raised any concerns in this respect and considers that accessibility and road widths are acceptable.

Neighbour amenity

7.64 The main impact in terms of neighbour amenity relate to the relationship of the proposed development with existing dwellings along High Road and North Drive.

7.65 Turning to the impact on properties within High Road which back onto plots 15, 16, 17, 18, 19 and 22, these existing properties have generous rear gardens and the proposed dwellings would be set between 25-30 metres away from those properties. In view of this, and the detailed design of the proposals, Officers consider that there will be no significant impact on those neighbouring properties.

7.66 There is a closer relationship between the development site and number 1 and 2 High Road, Hawthorn and Magnolia Cottage. However, having regard to the distances between the proposed dwellings and those neighbours (which varies between 14 – 23 metres), together with the orientation of the proposed and neighbouring properties, Officers consider that there will not be a significant or harmful impact to neighbour amenity such that would warrant the refusal of planning permission.

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- 7.67 With regards to the impact on properties within North Drive, those properties generally benefit from generous rear garden spaces of some 27 metres in depth. The proposed development site is therefore some distance away from those neighbours. The proposed dwellings to the south western boundary with existing dwellings in North Drive are set side on to the boundary and are set a further 4 metres or so from the boundary (except for the single storey garages). This will ensure that there is no significant or harmful overbearing impact, loss of light or overshadowing or overlooking impact.
- 7.68 To the northern part of the site plots 28, 29, 30 and 31 form a closer relationship with 15-19 North Drive and objections have been received from those neighbours. Plots 26-28 follow the alignment of dwellings serving North Drive and an amended street scene drawing has been submitted showing that those plots will be set at approximately the same level as the neighbouring properties in North Drive. The distance and relationship between 15 North Drive and plot 28 is such that there will not, in Officers opinion, be a significantly detrimental impact. Plots 29 and 30 back onto the rear garden of number 15 North Drive although a distance of around 20 metres is retained between the rear elevation of plot 29 and that neighbour. Having regard to that distance and the orientation of the dwellings, there will not be a significantly detrimental impact such that would warrant the refusal of planning permission.

Financial contributions

- 7.69 With regards to financial contributions, as the application is for 57 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for open space and recreation facilities, education, sustainable transport modes and other infrastructure improvements.
- 7.70 HCC have confirmed that they will require contributions towards primary and secondary education, youth and library facilities. Those figures are set out at the head of this report. The contributions sought are based on the number of units and bedrooms proposed, and the figures are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 7.71 The East Herts Council SPD also requires contributions towards open space provision. The Council's PPG17 audit identifies that there are

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deficiencies in parks and public gardens, children and young people and outdoor sports facilities.

7.72 The Planning Obligations SPD identifies that, for a development of this scale, the following contributions are required:-

- Parks and public gardens - £25,110
- Children and young people - £10,271
- Outdoor sports facilities - £69,544

7.73 The proposed development includes two reasonable open spaces within the site which are centred upon the retention of the two oak trees. These features will provide a meaningful amenity space for the southern part of the development site.

7.74 The development proposal does not provide any play space for children and young people and there is acknowledged to be no such spaces within the village as existing. There are also no parks and public gardens within the village for contributions to be invested towards. The applicant has not sought to provide for play space or formal parks within the application site, commenting that this would impact on viability as a result of the reduction in developable land. Given that there are no identified areas in which the above monies towards parking and public gardens and children and young people can be invested, Officers do not consider that there is appropriate justification for requiring such contributions.

7.75 With regards to the larger contribution – outdoor sports provision, Officers are aware that the Wodson Park recreational centre is in relatively close proximity to the development site. There is therefore considered to be appropriate justification for requiring that contribution. At the time of writing, Officers are seeking guidance from colleagues as to where specifically that contribution could be spent. This will be reported to Members at the Committee.

7.76 There is also a requirement within the Planning Obligations SPD for contributions to local community centres. However, it is material that the planning application includes an enlarged area for parking to serve the village hall, which is within the red outline of the planning application. This additional parking area is considered to be appropriate and will help to offset the degree of impact on this local community facilities. Officers do not therefore recommend further contributions in respect of community centres.

Other matters

- 7.77 The site is located within close proximity to Oakley Coach Builders and concerns have been raised from third parties with regards to the relationship with the development site and that adjoining business use and the potential impact on future residents with regards to noise and general disturbance.
- 7.78 It is material that no concerns were raised by the Planning Inspector, in the allocation of the site as part of the Category 1 village, regarding noise associated with the development. Officers have also considered the submitted noise assessment and the comments from Environmental Health Officers who do not object to the planning application, but recommend a condition requiring that details of noise control measures are submitted for later approval. The noise assessment concludes that the proposed development is acceptable, from an acoustics perspective, subject to detailed design, and that there will be no harm to internal accommodation or external amenity space. Having regard to those considerations and, taking into account policy ENV25 of the Local Plan, Officers do not consider that there will be a significant impact on future residents in terms of noise and disturbance.
- 7.79 The site is within an Area of Archaeological Significance and the County Archaeologist has identified that there is potential impact on heritage assets of archaeological significance. Having regard to that advice and, in accordance with policies BH1, BH2, and BH3 of the Local Plan and Section 12 of the NPPF, it is necessary and reasonable to attach a planning condition requiring further archaeological work.
- 7.80 With regards to ecological matters the comments from Natural England, Herts Ecology and HBRC are noted. As noted by Herts Ecology the proposed development will result in the loss of habitat. However, the status of the land is not considered to be such as to meet the standard of a formal Wildlife Site and no objections are thus made to the development. Additional protected species surveys (Great Crested Newts) have been undertaken and submitted and Herts Ecology raises no objection in respect of the impact on that European protected species. In accordance with that advice the proposed development will not result in significant harm to protected species in accordance with policy ENV16 of the Local Plan.

8.0 Conclusion

- 8.1 The proposed development site is located predominantly within the built up area of the Category I village of High Cross. Whilst the proposed quantum of development exceeds the guidance for limited small scale

development in the Local Plan, and the red outline of the application site extends slightly beyond the defined village boundary, there is an identified shortfall of housing in the District and this site represents a sustainable location for development which will contribute towards much needed open market and affordable housing. Officers do not therefore consider that there can be any objection to development in principle in this location.

- 8.2 The proposed development will see an economic form of development and is submitted by a house builder which will meet the immediate housing need, including a significant proportion of affordable housing which is in accordance with Local Plan policy requirements. The social and economic dimensions of sustainable development are therefore considered to be met.
- 8.3 The site and village suffers from flooding presently and this has been evidenced through the process of the planning application. It is likely that, without the improvements to the drainage infrastructure which form part of this application, the village will continue to suffer from those flood events. The proposed new drainage strategy will therefore not only manage the drainage from the site itself but will also benefit the wider community. It does not include the opening up of the culvert through the site which Officers had encouraged and, whilst this weighs against the proposal, the opportunity to secure an enhancement to the drainage problems facing the village must, Officers consider, weigh more in favour of the development.
- 8.4 The proposed layout, scale, and design of the proposed development are acceptable and there will be no significant harm to the character of the site, surroundings or setting of nearby listed buildings. The quantum of development on the site will inevitably result in some harm to views of the application site and the development does not include the provision of children's play space. Whilst these matters weight against the development, it is considered that they are outweighed by the benefits of the scheme set out above.
- 8.5 The development is acceptable in terms of highways considerations, neighbour amenity impact, ecology and archaeology. Various contributions have been agreed which will mitigate the impact of the development on infrastructure.
- 8.6 For the reasons set out above, Officers therefore recommend that planning permission is granted, subject to the signing of a Section 106 legal agreement and planning conditions.