

## Essential Reference Paper 'A'

- a) 3/14/0528/OP – Outline application for approximately 100 houses. All matters reserved except for access at Area 2, Land south of Hare Street Road, Buntingford, SG9 9JQ for Wheatley Homes Ltd
- b) 3/14/0531/OP – Outline application for approximately 80 houses. All matters reserved except for access at Area 3, Land south of Hare Street Road, Buntingford, SG9 9JQ for Wheatley Homes Ltd
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Date of Receipt: 21.03.2014

Type: Full - Major

Parish: BUNTINGFORD

Ward: BUNTINGFORD

### RECOMMENDATION

A) That following a detailed consideration of the issues relevant to the development proposals being advanced in this case, the Council is of the view that the development does not significantly and demonstrably outweigh the benefits of development as set out in the NPPF and therefore, were it in a position to reach a decision on the proposals, the Council would be minded to **GRANT** planning permission but subject to further consideration of the following matters:

- **Employment:** Funding provision or other measures being secured as part of the development which will ensure that it assist with bringing forward the potential for employment related development in the town. This is appropriate in order to ensure that the proposals are improved with regard to their sustainability in respect of this matter;
- **Highway impact:** The appellants agreement to be involved in the undertaking of more sophisticated transport modeling for the town than is currently available, including the provision of funding to support the delivery of the modeling work. The appellants agreement to consider development phasing which will be related to the completion of modeling work and the implementation of measures that are identified as a result of it;
- **Education provision:** The appellants agreement to be involved in the undertaking of a first school site availability and delivery search exercise in association with all relevant parties, including the provision of funding to support the delivery of such an exercise. The appellants agreement to consider development phasing which will be related to the completion of the exercise and the implementation of measures that are identified as a result of it;

B) That the Head of Planning and Building Control, planning and legal

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services officers be authorized to further engage with the appellants in relation to these issues in consultation with the Chairman of the Committee and a minimum of one of the two local ward Members (whilst informing both ward members at all stages of any relevant action or decision) and that, subject to that consultation, Officers be delegated to formulate, alter, amend and update the Councils statements and evidence (including appropriate legal agreement matters and conditions) to be submitted to the appeal Inquiry in accordance with the relevant timescales.

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### **1.0 Background**

- 1.1 Members will be aware that these proposals are currently subject to appeal on the basis that the Council has not reached a decision on them within the statutory time period (non-determination appeals). Given that appeals have been lodged, the Council is now unable to release a decision on the schemes. However, the appeals are timetabled to be dealt with by means of a public inquiry commencing 6 January 2015. It is now necessary then that the Council sets out its position in relation to the proposals so that the inquiry can be appropriately focused. This report is now submitted to enable members to consider that.
- 1.2 Whilst the Inquiry does not commence until Jan 2015, the Inquiry timetable requires the submission of evidence and draft cases significantly in advance. In this case, draft statements are required to be submitted in October. Consideration of this matter is required now in order for this timescale to be achieved. Given this, if Members are unclear in relation to any matter set out in this report, or feel that further information is required, Officers will be pleased to assist ideally as far in advance of the committee meeting date as possible. Officers can also be available to brief Members if that is considered necessary or helpful.
- 1.3 Members will also note that delegated authority is sought by the Head of Planning and Building Control to update, alter and amend the position of the Council in relation to this matter, as necessary and appropriate, in consultation with the Chairman of the committee and at least one local ward Member (both will be consulted on all occasions) in the run up to the inquiry dates. This is because it is acknowledged that further information may likely become available to both the Council and appellants during that time that will have a bearing on the position of all parties in relation to the matter. The Council must consider, address and respond to any changes in circumstances. However, addressing these matters through the committee timetable will reduce the ability of

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the Council to act in an agile way.

- 1.4 The application sites are shown on the attached OS extract and comprise of an agricultural field located on the eastern periphery of Buntingford. This report considers two planning applications by the same developer. Area 2 is proposed for approximately 100 dwellings and is located to the south of the field and the approved residential development at Area 1. Access is proposed from Snells Mead and there is an existing public right of way (footpath 21) which crosses the site from the northwest to the southeast. Area 3 is proposed for approximately 80 dwellings and is located to the east of the field and the approved development at Area 1. Access is proposed through a new access onto Hare Street Road. There is an existing public right of way (footpath 15) which crosses the northern part of the site.
- 1.5 Both applications are in outline form with all matters reserved apart from access. In respect of Area 3 amended plans have recently been received and are subject to re-consultation. These amendments are the result of concerns raised by the Council's Landscape Officer and provide an increased landscaped buffer to the eastern boundary. Additional consultation responses received in response to these amendments will be updated to Members at Committee.
- 1.6 Members will be aware of the range of development proposals that have come forward at Buntingford recently. It is necessary to be aware of these by way of background.

## **2.0 Site History**

- 2.1 Members may recall that outline planning permission for approximately 100 houses in Area 1 (located to the north of Area 2 and west of Area 3) was allowed at appeal following a public inquiry in December 2013 (reference 3/13/0118/OP). An application for reserved matters in relation to Area 1 was considered by Members at August Committee and deferred on the grounds of the housing mix (reference 3/14/0970/RP). Full planning permission has also been granted for 160 dwellings on land north of Hare Street Road for Taylor Wimpey.
- 2.2 There have been a number of historical applications submitted and refused, and appeals dismissed for residential development of this site in 1967, 1974, 1979, 1981 and 1986. The reasons for refusal related to the site being located in the Rural Area with no requirement for additional housing allocations at the time, loss of agricultural land, inadequate vehicular access and pressure on local roads prior to the by-pass being constructed and inadequate sewage provision. It is

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important of course now however, to consider the present proposal in light of current planning policy framework

### **3.0 Consultation Responses**

- 3.1 The Highway Authority do not wish to restrict the grant of permission subject to a Sustainable Transport Contribution and a number of conditions. They comment that the capacity assessments show that the increase in traffic will not be significant, and the applicant has agreed to carry out necessary highway improvements and offer financial contributions to promote sustainable transport measures. They comment that there are various facilities within acceptable walking distance from the sites with established footways and crossings at Snells Mead and Station Road. Public footpath 21 connects the site to Hare Street Road. There are also 2 bus stops within 500m walking distance of Area 2 which will be improved as part of the Area 1 development. In terms of accidents, records show 6 accidents within the vicinity of Area 2 between 2008 and 2011 but there are no accident hotspots and the accidents were mainly related to driver error. The Submitted Transport Assessments show that the increase in traffic associated with the developments, along with committed developments and traffic growth, will not have a significant adverse effect on the operation of the local road network, and all junctions will operate within capacity. In respect of Area 2, the proposed access road will require further widening using HGV swept path to accommodate two HGVs passing one another with a preferred road radius of 40m, not 38m. Highways recommend a condition to secure these details.
- 3.2 Herts County Council as authority responsible for Education has submitted a Position Statement in relation to education forecasting and capacity. The Position Statement sets out the strategy of the County Council. No objection is raised to additional development coming forward in the town subject to the provision of funding to enable future expansion capacity to be implemented. Details of the Position Statement and commentary on it are set out in the main body of the report.
- 3.3 Herts County Council Planning Obligations team initially requested financial contributions for all service sectors based on the Planning Obligations Toolkit for Hertfordshire.
- 3.4 Herts County Council Minerals and Waste Team advise that regard should be had to policies in the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the

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Development Plan. Policy 12 requires all relevant construction projects to be supported by a Site Waste Management Plan in order to reduce the amount of waste on site and control its disposal. This is recommended by condition.

- 3.5 Herts County Council Historic Environment Unit comment that site investigations have revealed an enclosure and associated ditches and other features containing pottery of late Iron Age to late 2<sup>nd</sup> century date, an undated enclosure and possibly associated ditches, and evidence of structures and buildings that are likely to be associated with a Second World War Royal Army Ordnance factory. The proposed developments should therefore be regarded as likely to have an impact on heritage assets and a condition to secure a further programme of archaeological work is therefor recommended.
- 3.6 The Environment Agency raise no objection subject to a condition to require a detailed surface water drainage scheme which shall include a restriction in run-off and surface water storage as outlined in the Flood Risk Assessment.
- 3.7 Thames Water comment that it is the responsibility of the developer to make proper provision for drainage. In respect of surface water it is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Connections are not permitted for the removal of groundwater, and where a developer proposes to discharge into a public sewer, prior approval from Thames Water will be required. Water supply in the area is covered by Affinity Water.
- 3.8 Following further discussions with Thames Water on the cumulative impact of development on the sewerage capacity of Buntingford, they comment that the main area of concern in Buntingford is the main outfall sewer which runs from the junction of Station Road and Hare Street Road through Downhall Ley, across the River Rib and down to the sewerage treatment works on Aspenden Road. The local sewers to which the developers propose to connect have adequate capacity but the cumulative effect of development flows give cause for concern. Modelling work has been carried out and upgrade work is required in order to prevent an increased risk of flooding, but they will work with developers to deliver this through a Thames Water managed project. They advise that there is no need to delay any of the proposed development – any upgrade of the sewerage network can be carried out concurrently with the development construction timescales.

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- 3.9 Campaign to Protect Rural England (CPRE) object to the applications and comment that the draft District Plan should now be given weight as it is in the public domain and does not include the sites subject of these applications. The amount of development in Buntingford is unsustainable and has contributed a greater percentage increase in housing than any other town or village in the district. They comment that the developments are contrary to rural area policies and in the previous appeal the Inspector raised a number of serious concerns regarding the sustainability of development in Buntingford. They also raise concerns over impacts on the local road network and 295 dwellings using the Snells Mead access. Area 3 will access onto Hare Street Road opposite the north Hare Street Road site for 160 houses and will increase the traffic discharging onto this road by 50%. Concerns are also raised in respect of the Inspectors comments that development of these sites could have a presence in the wider landscape of the Wyddial Plateau – Area 3 rising to the top of the valley side would have a severe detrimental effect on the wider landscape.
- 3.10 Hertfordshire Constabulary do not raise any concern in respect of crime.
- 3.11 NHS England comment that the two local surgeries do not have the capacity to absorb the additional requirements for general medical services should these applications be successful. They therefore seek financial contributions to go towards the reconfiguration, extension or relocation of practices to accommodate the development proposals. These contributions work out at £62,800 for Area 2 and £49,670.40 for Area 3.
- 3.12 Following further discussions with the NHS on how this money would be allocated, they have carried out survey work at the Buntingford Health Centre and indicate that an additional 140m<sup>2</sup> floorspace could be provided on site, subject of course to planning permission. The service also anticipates the receipt of funding from the Sainsbury's depot site proposals – 3/13/1925/OP to support this project.
- 3.13 Natural England comment that the proposals are unlikely to affect any statutorily protected sites or landscapes. They have not assessed the applications for impacts on protected species.
- 3.14 Hertfordshire Fire and Rescue Service raise concerns that if an incident should occur on either Hare Street Road or Snells Mead then fire appliances would be unable to get through to these estates. They recommend an emergency grasscrete link between Areas 1, 2 and 3 thereby allowing emergency vehicle access to the entire development

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via an alternative access.

- 3.15 The Council's Housing Officer comments that there is very limited information on affordable housing in the scheme, but notes that 40% is proposed. The tenure split should be 75% social rented and 25% shared ownership and should be pepperpotted across the site.
- 3.16 Planning Policy comment that the sites lie in the Rural Area where residential developments are considered inappropriate, and as part of the plan preparation process of the emerging East Herts District Plan, the Council has discounted these areas from the proposed development strategy. There are no alternative uses proposed on site and no physical or land based provision for community facilities. The Council has publicly acknowledged that there is a lack of a five year supply of housing, and these applications would contribute to the more immediate supply.
- 3.17 However the NPPF makes it clear that development needs to be sustainable, and the appeal Inspector gave a strong message that if 800 dwellings were approved in Buntingford without an accompanying growth in employment, the outcome would not be environmentally sustainable. They comment that an Employment Study for Buntingford has been carried out and identifies a need for additional employment land to ensure that economic development over the plan period is not constrained by a shortage of employment land. These applications make no contribution towards addressing this need and represent an unsustainable form of development - they therefore recommend refusal of these applications for that reason.
- 3.18 In terms of education they advise that there is a clear upper limit in the town of 1,000 dwellings and all schools would need to physically expand and appropriate measures made with regards to playing fields and access to accommodate the developments. In terms of landscape impact they comment that the previously approved development did not extend up the valley slopes onto the Wyddial Plateau whereas the proposed schemes would extend up to the valley slopes to fill in all the land to the recently planted tree belt. The inference in the Inspector's report is that development which extends into the plateau would be harmful.
- 3.19 In respect of highways they comment that further work will be required to determine the possible impacts of development, and mitigation measures will need to be considered. Traffic movements associated with this development would increase traffic through the town on already constrained roads. In terms of sewerage, information from Thames Water indicates that the cumulative impact of development on

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the sewerage treatment works is manageable, but further modelling work is required in terms of the sewerage network. Information from GP practices suggests that existing services will not be able to accommodate the new registrations arising from these new developments. And finally they comment that there is a 7.02 hectare deficit of parks and gardens space in Buntingford and a 1.30 hectare deficit in provision for children and young people. The indicative layout makes good provision for open space but further advice should be sought from Environmental Services as to whether the developments would generate the need for a Local Equipped Area of Play (LEAP) or even a Neighbourhood Equipped Area of Play (NEAP).

- 3.20 The Council's Landscape Officer recommends refusal of both applications on the grounds that the indicative layouts include development of the high ground in the south eastern corner of the site which is sensitive to this form of development due to its elevated position on the ridgeline and proximity to the eastern tree belt. They comment that the appeal decision for Area 1 raised concerns that if the whole land to the west of the tree belt, and east of Area 1, were to be developed then the resulting built environment could have a presence in the wider landscape.
- 3.21 It is desirable in landscape terms to retain at least part of the rural connection with the open landscape to the east of the plateau and ridge and they therefore conclude that the overall landscape effects on the sites and local landscape are at least moderate (as opposed to minor), negative and permanent, and that the impact on the wider character area of the Wyddial plateau would be noticeable. They also comment that there will be further impact on users of the public rights of way but with appropriate landscape detailing it is possible to achieve at least some improvements in mitigation. No objection is raised to the access proposals and there is no obvious adverse impact on any significant trees.
- 3.22 Environmental Health recommend consent subject to conditions on construction hours of working, soil decontamination, and piling works.
- 3.23 Council Engineers comment that the sites are situated in floodzone 1 and generally away from overland surface water flows, and there are no historical flood incidents on site although there are records in 1993 for Snells Mead. The developments are deemed suitable for above ground sustainable urban drainage systems (SuDS) and this green infrastructure has been identified by the developer as being integral to the outline design. These would be valuable assets for the new residential area and assist in flood reduction in Buntingford as well as



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providing useful biodiversity and shared amenity spaces.

**4.0 Town/Parish Council Representations**

**4.1 Buntingford Town Council objects for the following reasons:**

- Further weight can now be given to the District Plan;
- These applications must be seen against the background of planning permissions that have already been granted;
- The Planning Inspector stated that without an accompanying growth in employment the creation of 800 dwellings in Buntingford would not be environmentally sustainable;
- The Town Council's Neighbourhood Plan has identified several areas of infrastructure that could not sustain growth beyond the 750 dwellings expected up to 2031;
- Local schools are almost at capacity and require expansion, but expansion potential is limited;
- Thames Water have stated that upgrading of the sewerage works is required;
- Poor transport in the town results in reliance on cars – this is not sustainable;
- The health centre is at capacity;
- Further developments will add to already serious traffic issues at junctions and the Highway Authority have still not fully considered the cumulative effect of all recent developments;
- Access through Snells Mead will result in 300 dwellings using a single access point;
- Footpath 21 is not suitable for the less abled due to steep steps to Hare Street Road;
- Inadequate visibility at the amended Snells Mead junction;
- Inaccuracies in the submitted Transport Assessments;
- Harm to the wider landscape character.

**4.2 Aspenden Parish Council object for the following reasons:**

- Buntingford has already sustained large planning applications in the Rural Area;
- Unsustainable development and current infrastructure will not cope;
- Poor public transport and lack of employment results in reliance on private cars – not environmentally sustainable.

**4.3 Anstey Parish Council object for the following reasons:**

- Inappropriate development in the Rural Area;

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- Impact of additional traffic needs serious consideration;
- Poor transport links results in high car ownership;
- Limited employment opportunities;
- Infrastructure, surgeries and schools are at full capacity.

### **5.0 Other Representations**

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

5.2 78 letters of representation have been received (most duplicates on both applications), including The Buntingford Civic Society, Buntingford Action for Responsible Development (BARD), and Oliver Heald MP, which can be summarised as follows:

- Limited employment opportunities mean that people will commute and have higher than average car trip counts, and the developer has underestimated the trip counts;
- Sites lie in the Rural Area and development is contrary to Local Plan and emerging District Plan;
- Harm to the character of the town intruding into the countryside;
- No way of mitigating congestion at local junctions;
- Unsustainable development due to dependence on cars and lack of employment – as set out in the Inspector’s report;
- Inaccuracies in the Landscape and Visual Impact Assessment – the developer has down played the impact;
- Impact on the countryside will be significant;
- The emerging District Plan identifies alternative sites for development in Buntingford;
- Snells Mead access is narrow and already has 123 houses using the one exit road;
- Concern that the small exit road onto Owles Lane could be used as a rat-run;
- Increased pressure on health services and schools;
- Developments are being progressed too quickly without the impact on the town being fully assessed;
- Reasons for rejection are the same as Area 1;
- Proposed density is not in-keeping with the town;
- Access in Snells Mead and Hare Street Road is already dangerous due to speeding traffic, and it is difficult for pedestrians to cross the road;
- Developers are not creating places for people to live but proliferating wealthy landowners;

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- Loss of agricultural land;
- Bus services are infrequent and there is no rail station;
- The Inspector commented that further development to the east could harm the wider landscape;
- Proposed drainage ponds will not solve flooding issues;
- Enough is enough;
- Harm to local wildlife, including Wildlife site to the north;
- Impact on users of local footpaths and loss of Footpath 21 as a rural path;
- Insufficient open space and play space;
- No consideration in the design for older people in the town;
- Sewerage network is incapable of coping with new houses, and concern over damage to the Snells Meads sewerage system;
- Impact on existing residents in Snells Mead – pollution and noise disturbance;
- Decisions should be delayed until proper planning is in place – proposals are premature;
- Applications should not be considered in isolation;
- East Herts should vigorously defend these applications at appeal;
- Character of Buntingford has been destroyed within 12 months;
- Housing figures are in excess of the housing growth envisaged as sustainable in the emerging District Plan;
- Footpath 21 is not suitable for elderly or disabled due to steps;
- There are no cycle lanes in Buntingford;
- Highways have not considered the cumulative impact of development on the town – junctions will not cope with additional traffic;
- Development will result in 300 dwellings using the Snells Mead access;
- Access to Owles Lane is too narrow for fire appliances;

## **6.0 Policy**

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes

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GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC14	Landscape Character
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking – Standards
TR12	Cycle Routes – New Developments
TR14	Cycling – Facilities Provision (Residential)
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
LRC1	Sport and Recreation Facilities
LRC3	Recreational Requirements in New Residential Developments
LRC9	Public Rights of Way
IMP1	Planning Conditions and Obligations

6.2 In addition to the above the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also a consideration in determining this application. Members will be aware that, due to the draft nature of the District Plan, limited weight can currently be applied to its policies.

## **7.0 Considerations**

### **Principle of Development**

7.1 The sites lie outside the settlement boundary of Buntingford and within the Rural Area beyond the Green Belt wherein policy GBC3 states that permission will not normally be granted for residential developments. Therefore in respect of the 2007 Local Plan, the proposals represent inappropriate development in principle. The current Local Plan is time expired and is not compliant with the NPPF with regard to policies relating to housing development levels and land supply. This is scrutinized more fully below. When he considered the proposals in

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relation to Area 1 (the proposals for 100 units south of Hare Street Road), the appeal Inspector indicated that the thrust of Local Plan policies GBC2 and GBC3 is to protect the countryside from unnecessary development, which is an aspiration of the Framework. This aspect of the policies is capable of attracting significant weight (para 21).

- 7.2 Members will now be familiar with the issues surrounding developments in the Rural Area in the context of current planning policies. As indicated above, appeals were allowed in January 2014 for approximately 100 dwellings in Area 1 (by the same developer), and 160 dwellings on land to the north of Hare Street Road (by Taylor Wimpey) – both sites in the Rural Area. The Council’s housing policies as set out in the saved Local Plan are now deemed to be out of date, and this was confirmed by the Inspector at appeal.
- 7.3 That matter is considered in more detail here. The most recent Annual Monitoring Report (AMR, released in Feb 2014) predicts land supply for the 2014/15 to 2018/19 five year period. With an annual requirement of 660 new homes (the figure remaining in use prior to the introduction of updated District Plan figures) 3.4 years of supply are identified. This takes into account the requirement for a 5% buffer, brought forward from later in the forthcoming plan period.
- 7.4 The NPPF sets out the requirement for the Council to identify the supply of land for five years worth of housing against its identified needs. As indicated, the AMR is based on the requirement figures that remain in place from the previous East Of England Regional Plan. That Plan is now revoked and the Council has consulted on a draft District Plan with an annual requirement of 750 dwellings. Little weight should be assigned to this higher figure at this stage. However some further calculations are set out below using both the previous 660 and potential 750 figures to ensure that a range of circumstances are considered and for the purposes of robustness.
- 7.5 On the supply side, the AMR takes into account permissions known at the time of its preparation. Members will be aware that, since that a number of significant permissions have been granted. Details of these are as follows:

	Number of dwellings
Land at Mill Road, Hertford	107
Former Police Station site, Ware Road, Hertford	85

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Land north of Buntingford	180
Land south of Hare Street Road, Buntingford, Area 1	100
Land north of Hare Street Road, Buntingford	160
Sovereign House, Hertford	84
Former Sainsbury's depot site, Buntingford*	316
<b>TOTAL</b>	<b>1032</b>

\* This site is included in the considerations here but the status of it will depend on decisions that Members make in relation to another report on this agenda.

Not all of these units will be implemented within a 5 year timescale but, based on information supplied by developers and an assessment of possible delivery over a 5 year period, a reasonable assumption is that a further 790 units may be delivered. In addition, Members will also know that the authority has resolved to support development at Bishop's Stortford north. This is a significant development site of up to 2600 new homes. In relation to that site, the development consortium is working to a delivery timescale more ambitious than that included in the AMR. To reflect this, an additional supply of 300 units from that site within the 5 year period is considered reasonable.

7.6 With this additional delivery possibility, review of supply against need can be undertaken against the following requirements:

- Requirement of 660 per year with 5% buffer:  $(5 \times 693) = 3465$
- Requirement at 660 per year with 20% buffer:  $(5 \times 792) = 3960$
- Requirement at 750 per year with 5% buffer;  $(5 \times 788) = 3940$
- Requirement at 750 per year with 20% buffer:  $(5 \times 900) = 4500$

	Predicted supply	Number of years of supply			
		At 660 per year + 5%	At 660 per year + 20%	At 750 per year + 5%	At 750 per year + 20%
Current AMR projections	2340	3.4	3.0	3.0	2.6
AMR projections plus further permissions and reassessment in relation to BSN	3430	5.0	4.3	4.4	3.8

7.7 The Councils view is that there has not been persistent under delivery

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of housing in the district in the past and therefore the application of a 5% buffer is appropriate when considering the figures above. Basing the projection on the lowest housing requirement figures and applying a 5% buffer, when further housing permissions are factored in over and above those currently identified in the AMR, then the Council can demonstrate a 5 year supply of housing land.

- 7.8 Assessments that are based on higher housing requirements and with a greater buffer requirement result in more limited land supply projections. In addition, testing of these assessments indicates that under supply in the past will need to be factored in. During the last five years delivery in the district has been affected by national economic conditions. Judged against the annual 660 figure there has been an undersupply across that period of around 960 dwellings. When this is included the position remains that the Council is unable to demonstrate a 5 year supply position.
- 7.9 The NPPF sets out a presumption in favour of sustainable development 'which should be seen as a golden thread running through plan-making and decision-taking'. The issue of sustainability is discussed in more detail below, but for decision-taking this means that "where the development plan is absent, silent, or relevant policies are out of date", planning permission should be granted unless any adverse impacts of doing so "would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or specific policies in this Framework indicate development should be restricted."
- 7.10 The ability to afford weight to the emerging District Plan is also addressed in the NPPF at paragraph 216, which states that:
- "From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."
- 7.11 Whilst a draft version of the Council's District Plan has now been

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published and subject to consultation, is not at an advanced stage of preparation. The feedback to that consultation has not been considered formally, but the level of housing development overall and the allocation of land for development in the plan have been the subject of considerable response. At this stage then, little weight can be given to policies that relate to these matters in the emerging District Plan.

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

“In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category.”

- 7.13 Officers have considered this advice carefully. The DPD (development plan document) against which this advice must be considered is the District Plan – which relates to the whole of East Herts of course. Whilst the scale of development being brought forward in Buntingford is acknowledged, it is considered to remain un-prejudicial in relation to the scale, extent and location of development overall in the District Plan. In that respect it is considered that the proposals are not so significant that they could be considered premature.

**Sustainability**

- 7.14 Many of the issues covered by the Inspector in relation to the appeals for Area 1 apply here. He noted that development contributes to a strong and competitive economy, particularly important in times of economic austerity. He considered Wheatley Homes to be a well-established building company with the intention of implementing construction in the short term if permission was granted. This remains relevant of course, however all of the sites in the town and elsewhere for which permission has been granted can be considered in the same way. Since the appeals were dealt with in late 2013, economic activity has improved generally and the requirement for development to support the economy would not appear to be as pressing.
- 7.15 Buntingford has a range of services and facilities and development here would assist in supporting them. The Inspector noted however that the



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town already shows all the signs of a vital and viable centre. Since that time, in addition to the 160 units permitted through the appeals, the Council has resolved to grant a further 180 on land to the north, providing further support to the town

- 7.16 He noted that, despite their quality, the facilities in the town are not sufficient to sustain the local population. Residents travel elsewhere for some main food shopping and comparison shopping. It is unlikely that this travel will be other than by private car. When considering employment, the Inspector noted that there is insufficient to sustain the local working population. Unless new employment can be attracted to the town, a significant amount of new residential development is unlikely to be environmentally sustainable. The potential for employment related development is a matter which is tackled by the development proposals at the former Sainsbury's site. Regardless of the outcome there, it remains the case that many will travel outside the town to seek work.
- 7.17 When summing up on sustainable matters, the Inspector noted that the emerging District Plan suggests a requirement for at least 500 new homes in the town. Because at the time of the appeals there would still have been a shortfall in relation to this threshold he reduced the negative weight he assigned to the proposals on the basis of access to jobs and higher order services. We now know that, if the proposals at the former Sainsbury's site are supported, then then over 600 units will have been supported and this notional threshold reached.
- 7.18 He assigned positive weight because of the provision of affordable housing. As before, 40% or provision is being proposed as affordable housing. At the time the Inspector set out that the appeal sites would contribute to housing need at a time when the means to create affordable housing on a large scale is limited. Since that time of course, in addition to the sites at Buntingford, the Council has resolved to support development at Bishop's Stortford north – which will also generate significant affordable housing provision.

**Conclusion on sustainability**

- 7.19 In concluding previously, the Inspector set out that, despite the likelihood of a high use of the private car for journeys outside the town, in the round he considered the proposals to be better than neutral. It is considered that circumstances are now changed from the time when the Inspector made his decision previously. The requirement for support to the economy has diminished, development has already been permitted which will support the town and deliver affordable housing

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both here and elsewhere. Education, highways and employment matters are dealt with separately in more detail below. It is considered that, in relation to each of these matters a position can be reached where the impact of the proposals will be acceptable in policy terms. Whilst the negative weight assigned to the sustainability of the town in general terms remains, and the balance has changed in relation to the matters to which positive weight can be attached, this is not considered to be so great that it significantly and demonstrably outweighs the benefits of development (NPPF para 14).

### Education

- 7.20 HCC as the body responsible for ensuring adequate education provision has provided a Position Statement in relation to education in the town. This follows the consultation response made in relation to this application and the comments submitted during the draft District Plan consultation. The position statement sets out the current demand for places and includes a forecast with regard to places required in the future.
- 7.21 When considering this issue, HCC has indicated that forecasts are likely to underestimate demand. This is because forecasting models are currently based on data from the 2001 census. However, experience in the intervening 10 years has shown that demand levels are generally higher than forecast due to increasing pupil yield. HCC will be able to recalibrate forecasting models when appropriate data from the 2011 census is available.
- 7.22 HCC also state that, for larger developments, demand also tends to be greater than forecast. This is because such developments have a greater degree of attractiveness to young families. Whilst the developments around Buntingford individually are not of that scale, cumulatively they may result in the same impact.
- 7.23 With those caveats, the forecast, which was produced in the summer term of 2014, includes the demand generated by a pupil yield from new housing growth of 267 dwellings in Buntingford and area. This comprises development at Gravelly Lane, Braughing and the following sites all in Buntingford: Station House, the Allotment Gardens, London Road, Tylers Close and Longmead

### First schools – current forecast

- 7.24 The forecast at first school level does not include the permission that has been granted at Park Farm Buntingford or those granted on appeal

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already at Hare Street Road. Neither does it include any other sites in the school planning area that have been proposed or put forward as possible development sites either through the pre-application process or consultation on the District Plan.

- 7.25 HCC indicates that first schools in Buntingford are full at reception and key stage 1. The forecast, taking into account the above information, is that there will be unsatisfied demand equivalent to 10 pupils in the 2014/15 year but thereafter demand will be satisfied.

### Forecast with additional known and possible developments

- 7.26 An additional 453 dwellings have either been granted planning permission or the Council has resolved to grant planning permission. (These are: Park Farm: 13, north and south of Hare Street Road 160 and 100, north of Buntingford 180). In addition to these, the proposals at the former Sainsburys depot (Fairview) and at this site, Areas 2 and 3 south of Hare Street Road (Wheatley) will result in a further 496 dwellings coming forward.
- 7.27 The owners of land at Aspenden Road have indicated that a refused planning permission is to be subject to appeal (56 dwellings) and Members will recall that the reserved matters application (Ref: 3/14/0970/RP) in relation to Area 1 south of Hare Street Road now proposes an increase in dwelling numbers of 5 to a total of 105. In total then a further 1010 dwellings are proposed which are not included in the currently forecast demand.
- 7.28 The position statement indicates that, as a general rule of thumb, 1FE of school entry is generated by the pupil demand from 500 dwellings. In the absence of forecast information to the contrary, using the HCC 'rule of thumb' results in a likely further demand for 2FE of entry at first school level.

### Expansion capacity – First Schools

- 7.29 Alongside this, consideration has to be given to possible expansion of the existing provision. HCC has undertaken a high level assessment of the possibility for expansion at the sites. This indicates that some expansion appears possible. At Layston School, HCC indicate an ability to expand the school by 1FE to 2FE total. At Millfield there is potential to expand by 0.5FE to 2FE. However, this is noted to require land not in the control of HCC. Other first and primary school sites and their expansion ability are not referred to here. This is because it is highly desirable for pupils at this level of education to attend a school

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local to their home. Transporting pupils of this age group is considered undesirable in sustainability terms.

### Outcome at First School level

- 7.30 There is the ability therefore, if expansion can be implemented at both first schools, for 1.5FE of the additional demand to be accommodated. However, that must be subject to some caution given the issue in relation to land availability at Millfield School. Even if that expansion can be implemented in full, current forecasts indicate there will be a point where there is a minimum of 0.5FE excess demand at first school level. On the basis of the current provision and generation of demand, HCC sets out that it is prudent to plan for a new first school site of 2FE to ensure that the needs of the local community is met for the longer term. Provision is sought through the ongoing formulation of the current District Plan.

### Demand at Middle and Upper School level

- 7.31 At middle and upper level the forecast extends further into the future than that at first level, assuming a further growth of 60 dwellings per annum from 2021 onwards
- 7.32 With regard to middle and upper school provision, a deficit is experienced now and peaks at around 1 FE in 2019/20 for middle schooling and at 2FE for upper schooling in 2024/25.
- 7.33 As noted above, at middle and upper level, the HCC forecasts include the confirmed development of 273 dwellings and then an additional 60 dwellings pa from 2021. The current forecasts extend to 2024/25 and therefore can be concluded to take account of a further  $4 \times 60 = 240$  dwellings over and above the confirmed 273. On that basis there is forecast to be an unsatisfied demand of 23 pupils in the 2019/20 year at middle level and 50 pupils in the 2024/25 year at upper level
- 7.34 Also as indicated above, 1010 dwellings may come forward in addition to the confirmed 273. If 240 are deducted as being taken into account in the forecast at these levels of education, then a possible additional 770 are not factored in. In addition to the identified unsatisfied demand then these may generate a further 1.5FE of unsatisfied demand in the peak years.

### Expansion Capacity and outcome at Middle and Upper

- 7.35 At middle school level, 3.3FE of additional capacity has been identified by HCC, 1.3 at Edwinstree and 2FE at Ralph Sadlier. At upper level a

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potential 3FE expansion at Freman College (and using land to the north) has been identified. Ralph Sadler and Freman College are academies, and HCC therefore does not have the ability to direct expansion or control admission policies.

- 7.36 At present the stated position of HCC is to continue to monitor development and demand. It seeks funding to enable appropriate capacity to be secured when it is required.

**Conclusion on Education**

- 7.37 The greatest potential for lack of adequate capacity appears to be at first school level. If all of the potential development sites are allowed to progress in order to meet land supply objectives, it is most likely that there will be a shortfall in provision because of the requirement for 2FE additional capacity. This potential is exacerbated because there must be some question over the potential availability of expansion land required to meet the expansion potential at Millfield School.
- 7.38 All of the potential additional development sites are being promoted now. The information from developers is that the market for new homes is strong and that developments are likely to proceed quickly if permissions are granted. The information from developers is that each anticipates their supply at between 30 and 50 units per year. If the greatest scale of development is anticipated, there may be up to 5 sites (this one, Taylor Wimpey, Fairview, north Buntingford and Aspenden Road) which all delivered 50 units a year, potentially 250 units per year. This level overall is considered unlikely, indeed, the Aspenden Road site only permits 56 units in total. However, it is used here as a very robust yardstick. The reliable expansion capacity is 1FE at Layston School. This could accommodate the demand from 500 homes in accordance with the HCC rule of thumb and therefore two years worth of development could take place before supply and reliable expansion is exhausted.
- 7.39 Beyond that time, a range of options to accommodate demand are likely to present themselves. These would include the potential to expand at the Millfield School site and, by then, the certainty with regard to delivery levels and therefore the timing of the additional demand.
- 7.40 Of course, the long term need for an additional first school site remains an issue – and the call for prudent planning by HCC is recognized. Responding to that call will require a site assessment and availability exercise to be undertaken, on the basis of a specification provided by

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HCC. Whilst no certainty can be provided at this stage, it is anticipated that the identification of a site in a location convenient to the town and new development will not be an insurmountable long term block to development.

- 7.41 Given this, and the lack of an objection from HCC on this matter, but recognizing the need to take into account the cumulative potential of development in the town, a reasonable approach would be phased release of development pending the exercise to identify a site for a future additional first school – if it becomes necessary. At this stage, whilst education issues have been canvassed with the appellants, the willingness to enter into some form of agreement in relation to the phased release of land pending this matter has not. It is suggested that Officers be authorized to explore this issue further with the appellant. Indeed the appellants have indicated a willingness to be involved in a discussion with regard to wider education, transport and employment issues. This is caveated on the basis that it should not delay the determination of the appeal proposals. In the absence of the outcome of any such discussion, this will weigh against the development coming forward in an unregulated way at this time.
- 7.42 At middle and upper level there is also a requirement for additional capacity to be created. Current circumstances are that demand will outstrip supply if steps are not taken to secure this. Two of the three schools have academy status and there is no information available at present which indicates the views of these schools to expansion. Therefore whilst the high bar of land on which to expand is not a significant matter in relation to provision at this level, a different barrier may exist in relation to the appetite of the schools to expand. At present, in advance of positive indications of views in relation to this matter, further exploration of the matter is a reasonable way forward.

**Employment**

- 7.43 In his report relating to the previous appeals, the Inspector said that the former Sainsbury's depot site is possibly the best opportunity in Buntingford to promote significant employment growth and improve sustainability. The loss of this opportunity requires careful consideration before this site is released for residential development.
- 7.44 At that time, the Inspector noted that if all the current applications and appeals at Buntingford were successful then there would be over 800 dwellings committed. He agreed that such a level of housing development without an accompanying growth in employment, would not be an environmentally sustainable outcome.

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- 7.45 Following this the Council has commissioned an independent assessment of the town with regard to the quantity and quality of existing employment provision and the requirements for future provision both in the light of the draft District Plan and the development proposals already coming forward. The consultants were asked to consider, in particular, the potential of the former Sainsbury's depot to provide for employment needs given its current policy status and the development proposals that relate to it. The Council's consultant is Wessex Economics (WE).
- 7.46 The applications which are the subject of this report currently make no provision for employment related development, either directly, or by support to provision elsewhere.
- 7.47 In its report WE acknowledges the loss of employment that resulted from the closure of the Sainsbury's depot in 2004. It has also considered the potential for future development in the town, the potential employment that could be provided on land that the Council has identified for allocation in its draft District Plan and has made a range of what are considered to be reasonable assumptions about the scale and nature of employment that could be achieved and the sustainability of the town as a result.
- 7.48 Its recommendation is, in addition to the land that the Council has identified for allocation, that the former Sainsbury's site represents the site likely to be the most attractive for the provision of employment related development. It recommends that between 2 and 3ha of land is retained at that site for employment purposes. This is based on a 2ha provision being able to support the development of around 300 jobs (full and part time). 3ha provision could develop up to 515 jobs (full and part time).
- 7.49 The development proposals at the Sainsbury's depot site have acknowledged the employment potential of the site and, as part of the proposals that are coming forward there, are offering the provision which has the potential to support the delivery of 290 full time equivalent jobs. The WE report recommendations are based on the potential delivery of between 254 (at 2ha overall) and 430 (at 3ha) full time jobs. The provision is being put forward on the basis of the land being retained for employment purposes for an appropriate period of time and marketing being undertaken to test the appetite of the market to take up the provision.
- 7.50 There are a range of interventions that can be taken up by the Council

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and other organisations, such as the LEP, to support delivery. In the WE report recommendations include investigation with regard to broadband capacity, the potential to dual the A10 northwards from its current limit to the London Road roundabout junction and actions to level in other grants and funding to support economic development.

- 7.51 As indicated at present, no provision is made as part of the current proposals at the Hare Street Road sites (Areas 1 and 2). However, the appellants have indicated a willingness to make a contribution to an employment fund to support the actions above on the basis that permission is forthcoming. As indicated above, the appellants have also indicated a willingness to be involved in a discussion with regard to wider education, transport and employment issues. This second element is caveated on the basis that it should not delay the determination of the appeal proposals.

### Conclusion on employment

- 7.52 The Inspector dealing with the previous sites commented that a level of development in excess of 800 units without growth in employment would not be environmentally sustainable. 340 units already have permission. If these sites and those at the Sainsbury's depot site and Aspenden Road come forward, that threshold would be breached. The need for additional employment provision has been acknowledged by the Fairview proposals at the Sainsbury's site but delivery is by no means certain. Despite the current policy status of the Sainsbury's site in the Local Plan (as an employment site) it would be inappropriate for the burden of delivery of employment development to be assigned wholly to those development proposals. It is considered therefore that some support for provision from the development of these sites is appropriate – and that appears to be acknowledged by the appellants.
- 7.53 The quantum is to be agreed of course. Given the willingness of the appellants to engage with regard to this matter authority is sought for officers to continue a dialogue in this respect. In advance of a conclusion on that matter however, the uncertainty with regard to the provision of support must be assigned weight against the proposals.

### Highway Impacts

- 7.54 The development of an additional 80 and 100 dwellings in this part of Buntingford is likely to have some impact on the local highway network, particularly taking into account the approved schemes at Area 1 South Hare Street Road (approximately 100 dwellings) and the north Hare Street Road site (160 dwellings). Detailed Transport Assessments



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(TAs) have therefore been undertaken and submitted, and these assess the cumulative effect of development traffic on the town, taking into account future growth. The reports conclude that the increase in traffic will not have a significant adverse effect on the operation of local junctions, and they will continue to operate within capacity. No objection has been raised by the Highway Authority in response to the submitted Transport Assessment – it recommends approval subject to a number of conditions and a Sustainable Transport funding contribution, which is agreed by the appellant.

- 7.55 Officers are aware of the considerable strength of local concerns in relation to the cumulative impact of development proposals in the town on the highway network. It is also appropriate to weigh in the balance in this matter that, when commenting on the proposals set out in the draft District Plan, the Highway Authority referred to the DIAMOND transport modeling that had been undertaken. This indicated that at some point between the development of 500 units and 2000 units in the town, there would be a point where the impact on local roads would be significant.
- 7.56 To assess the impact of individual development proposals and possible cumulative impacts, an independent highway consultant has been commissioned by the Council to review these planning applications. The consultant, JMP, confirms that the work undertaken in support of these planning applications is largely robust and can be relied upon in terms of their conclusions. However they advise that whilst these proposals have demonstrated that their highway impacts are not severe, some of the highway network is showing the effects of cumulative impact from recent developments, and they recommend further modeling work to provide a more precise indication of the tipping point at which housing growth will exceed the highway's capacity. This supports and provides a 'sense check' of the position adopted by the Highway Authority.
- 7.57 The TAs in relation to each site are largely robust. Each takes into account a range of future potential development scenarios, factoring in the potential range of development around the town. Whilst the TAs are considered lacking in some respects, the advice from the Councils consultant is that further work is unlikely to result in a change to their conclusions.
- 7.58 Members will be aware that the NPPF test in relation to the impact of development on highways and transport matters is 'severe' after all mitigating measures have been employed (para 32). In this case, despite the potential impacts being described as 'significant' the

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- potential to deploy mitigating measures has not been fully explored.
- 7.59 To ensure that all uncertainty in relation to impact and the measures that can be implemented to mitigate this can be avoided further modeling work, is required. It will enable a fully informed decision to be reached as to the scale of the impact of the cumulative proposals on the highway network and whether, following the consideration of appropriate mitigation measures, that impact can be considered severe.
- 7.60 Officers have asked the appellants in this case, and other developer interests, to engage with it and the Highway Authority to undertake this additional work. At present, there is some recognition of the value of doing so by another developer interest in the town. The appellant has not indicated a willingness to do so – but as referred to above, is willing to enter into a wider discussion with regard to the matter.
- 7.61 With regard to highway safety considerations, within the three year accident period between December 2008 and November 2011 records indicate that there were 6 recorded accidents in the vicinity of the sites, but there are no accident hotspots, and the accidents were related to driver error.
- 7.62 Although both applications are in outline form, details of the access arrangements have been submitted for full consideration. It is proposed to access Area 2 through the approved scheme at Area 1 with access from Snells Mead. This will create a large cul-de-sac form of development and result in approximately 295 dwellings using the junction onto Station Road/London Road.
- 7.63 A number of concerns have been raised over the volume of traffic using Snells Mead, and the increased pressure on this junction. However, the submitted Transport Assessment has determined that the junction will continue to operate within capacity and the Highway Authority have agreed with this conclusion as have the Council's independent highway consultants. Further, although the development of Area 2 will result in the Snells Mead junction serving 295 dwellings, the 'Roads in Hertfordshire: Highway Design Guide 3<sup>rd</sup> Edition' states that there will be a general presumption that not more than 300 dwellings should be served from a single point of access to the wider road network. Whilst this document is only guidance and does not carry any weight in planning terms, the development of Area 2 falls within this threshold.
- 7.64 The arrangements with regard to emergency access are being canvassed with the appropriate authorities and officers will update the committee further at the meeting.

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- 7.65 Area 3 is to be accessed from a new vehicular access from Hare Street Road, just east of the approved new access to the approved Taylor Wimpey site north of Hare Street Road. No objection has been raised by the Highway Authority to the details of this access and adequate visibility splays will be provided. A further question has been asked with regard to the improvements to Hare Street Road to be implemented as part of the development to the north – and what the situation would be if these improvements were not triggered. Further feedback is being sought from the Highway Authority on this point and again, further updates will be provided for members at the meeting.
- 7.66 Details of car parking provision would be required in a reserved matters application and should comply with the Council's adopted maximum standards.
- 7.67 The applicants have submitted an Interim Travel Plan. Whilst the inherent unsustainability of development in the town has been acknowledged above, the potential for any measures to seek to offset this and as set out in the Travel Plan, would be secured by legal agreement if a development came forward.

### Conclusion on Highway Matters

- 7.68 With regard to the matter of testing further the highway impact of these and other proposals in the town, Officers consider that the issue is worthy of further exploration. However because there is a limited element of uncertainty, it is not considered that this matter can be assigned any significant element of weight. Subject to Members endorsement, Officers will continue to explore this issue with the appellants and the possibility of phased release of housing land in advance of any further identification of necessary highway mitigation measures through appropriate modeling.

### Health Services

- 7.69 NHS have identified deficiencies in existing surgeries and request financial contributions. Officers have explored this further with representatives of local services. When dealing with the previous appeal the Inspector noted that there was no evidence to suggest that long waiting times for appointments was as a result of accommodation. Its resolution lies in the hands of the medical practices and their recruitment policies.
- 7.70 On this occasion, the medical practice has taken further steps to seek to demonstrate that expansion to the current practice can be achieved

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which will enable additional accommodation to be provided. Funding will be required for this and the appellants have agreed to provide a reasonable contribution.

Layout and Design

- 7.71 Indicative layout drawings have been submitted with the applications which show a low density development separated by well landscaped buffers and new public rights of way integrated into the development. Extensive green amenity space is proposed which assists in the transition of the site from the urban town character to the west and the rural agricultural landscape to the east. The overall density across both sites, including the areas of green space is approximately 12.6 dwellings per hectare, whilst the developable density is proposed to be approximately 23 dwellings per hectare. This is considered to be acceptable and certainly not harmful in relation to the surrounding area.
- 7.72 Although the layout is only indicative at this stage, Officers consider the general layout to be acceptable with dwellings arranged in blocks with rear gardens backing each other, and dwellings facing out over all boundaries to provide natural surveillance for footpaths and public open space. Further, the built development is proposed to be set back from neighbouring boundaries with reinforced landscaping to create a buffer between existing and proposed built forms.
- 7.73 Officers consider the overall layout to be well-connected with existing and proposed footpaths to encourage walking and cycling through the site. The route of the existing footpath 21 will be incorporated into the layout of the site but is retained through a green corridor rather than being diverted onto estate roads. Footpath 15, to the north of Area 3, is proposed to be diverted to follow the line of Hare Street Road, and subject to appropriate diversion approvals, Officers consider this to be acceptable.
- 7.74 The areas are proposed to be accessed from different roads – Area 2 from Snells Mead and Area 3 from Hare Street Road. No conventional vehicular connection is proposed between the sites and Officers consider this to be acceptable in order to prevent a ‘rat run’ route through the site which would be harmful to residential amenity and highway capacity. However, extensive footpaths and cycleways are proposed to connect the two sites and the surrounding area. Officers therefore consider the connectivity of the sites to be acceptable.
- 7.75 In terms of scale, the buildings are proposed to be generally two

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storeys in height with the occasional opportunity to rise to 2.5 storeys. On higher land within Area 3 the applicant proposes single storey or 1½ storey dwellings. The Design and Access Statements make reference to existing architectural styles in the area and propose that the new dwellings respect local distinctiveness. Detailed scale, design and appearance of the dwellings would of course need to be considered through reserved matter applications.

- 7.76 Appropriate arrangements are to be made for the provision and maintenance of open spaces.

**Landscape and Visual Impact**

- 7.77 The site lies in Landscape Character Area 143 'Wyddial Plateau' which is described as "an elevated arable landscape with extensive views over a gently undulating plateau." The Council's Landscape Character Assessment Supplementary Planning Document (SPD) states that some of the residential developments on the fringe of Buntingford town are unscreened and prominent e.g. the eastern edge of town. The Inspectors comments previously were that any development further east from the previous appeal sites would have a presence in the wider landscape.
- 7.78 Landscape and Visual Impact Assessments have been submitted with the application to assess the impact of the proposal on the surrounding landscape. These conclude that although there would be a change to the landscape character of the area, the landscape has the capacity to accommodate the proposed development, and that the completed development would result in a less well-defined urban edge than currently exists through the integration of green infrastructure and a more landscaped edge to the urban fringe of Buntingford.
- 7.79 In relation to this matter Members will note that the Councils Landscape Officer has recommended that the proposals be refused due to this impact in the wider landscape. Since that submission, Officers have sought amendments to the scheme to address this issue. These have been the subject of re consultation and an update on further feedback will be provided to members at the meeting. No written response has yet been received from the Landscape Officer in response to these amendments but Officers are satisfied that these changes take his concerns on board.
- 7.80 With those amendments, it is considered that given the changes that have been made and the extensive planting proposed through mitigation, will ensure that the proposals no longer result in significant

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harm to the surrounding landscape. The proposals are considered to be acceptable within the terms of Local Plan policy GBC14.

- 7.81 With regard to trees, there is a maturing tree belt to the eastern and southern boundaries which are to be retained and enhanced. There are also scattered trees and hedgerows along the western boundary which are to be retained and enhanced. The indicative layout also proposes extensive planting across the site which, over time, will serve to screen and soften the visual impact of the development in the landscape.

### Impact on Residential Amenity

- 7.82 The Area 2 development is located to the north and east of existing dwellings in Layston Meadow, Plashes Drive, and Owles Lane. The indicative layout proposes an enhanced landscaped buffer along these boundaries, but any reserved matters application will need to ensure that there is an acceptable relationship between these dwellings, particularly given the lower land levels of existing developments.
- 7.83 The Area 3 development is located to the east of the flank of No. 74 Hare Street Road, but subject to an appropriate scale and siting of the new development, Officers do not anticipate any unacceptable harm to arise to this neighbour. To the east of this site area are Nos. 1-4 Mill Cottages but these are at a distance of approximately 50m on the indicative layout and will therefore not be harmed by loss of light, outlook or overlooking. Therefore, subject to acceptable details being agreed through a reserved matters application, Officers do not consider that the proposed developments will harm neighbouring amenity in accordance with policy ENV1.
- 7.84 The impact of increased traffic using Snells Mead as the access to the site will have some impact in terms of noise and disturbance. Given the guidance for the potential for the scale of use of access roads of this nature it is considered that although there will be more activity on this road, it cannot be considered unacceptably harmful.
- 7.85 The detailed design of the new dwellings will also need to be considered through a reserved matters application to ensure that no significant harm would arise within the development to future residents.

### Affordable Housing

- 7.86 Although only in outline form, the applications propose the provision of 40% affordable housing. The Council's Housing Manager has raised no objection to the proposals but indicates that the housing and tenure mix

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will need to be agreed through a reserved matters application. The tenure mix should be provided as 75% social rented, and 25% shared ownership, and the layout should incorporate affordable housing in groups of no more than 15% of the total number of units or 25 units, whichever is the lesser. The proposal is therefore considered to comply with policies HSG3 and HSG4 of the Local Plan.

- 7.87 Policy HSG6 requires that 15% of new dwellings are constructed to Lifetime Homes Standards. This can be secured through a planning obligation.

**Open Space Provision**

- 7.88 Given the scale of developments proposed, the Council's adopted Open Space, Sport and Recreation Supplementary Planning Document (SPD) requires that parks, gardens, amenity green space, Local Areas of Play (LAPs) and a Local Equipped Area of Play (LEAP) be provided on site. The indicative layout indicates the provision of extensive green amenity space, and the submitted documents make reference to the provision of a LEAP in the south eastern corner and a LAP to the west of Area 3. The indicative layout plans show these play areas to be located in areas of good natural surveillance with adequate space to provide a buffer to the nearest residential dwellings. Full details of these play facilities, including delivery and future maintenance, would be required through a planning obligation.
- 7.89 In terms of parks and gardens, the SPD highlights a 7.02 hectare deficit in the Buntingford area, with the only existing public garden facility in Buntingford understood to be Layston Court Gardens (located approximately 300m northwest of the application site, to the rear of the High Street). Whilst a deficit has been identified in the local area, Officers do not have any evidence to demonstrate how any additional financial contributions could be reasonably allocated in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. Officers also acknowledge that the indicative layout makes provision for extensive informal green space, particularly through the provision of enhanced open space to the east of Area 3. This can be secured through a reserved matters application and it is therefore not considered reasonable or necessary to require either on-site or off-site parks and gardens provision in this case.
- 7.90 In terms of outdoor sports facilities, the SPD highlights a surplus of provision in Buntingford. However, the Council commissioned a Playing Pitch Strategy and Outdoor Sports Audit in 2010 which identified issues around the quality of provision and access. A financial contribution

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towards off-site outdoor sports facilities would therefore be considered reasonable and necessary for developments of this scale.

- 7.91 Members will be aware of the community arts and cultural facility proposed in the town. Formal proposals are yet to come forward and it is understood that those involved in promoting it continue to formulate their ideas and funding arrangements. Whilst at an early stage, a facility of this nature has the clear ability to be an excellent community benefit in the future. At this stage, Officers consider it would not be appropriate to do other than to continue to explore the potential for this facility to come forward and for this development site to provide supporting funding for it.

### **Heritage Assets**

- 7.92 The sites are not located in a Conservation Area – the Buntingford Conservation Area boundary is located a minimum of approximately 200m to the west of the sites, and there are no listed buildings or Scheduled Ancient Monuments within the vicinity of the sites to be affected by these developments. The proposals are therefore not considered to have an impact on above ground heritage assets in accordance with Section 12 of the NPPF.
- 7.93 In terms of archaeological remains, the sites do not lie in an Area of Archaeological Significance but Archaeological Evaluation Reports have been submitted which have identified buried archaeological remains. Nine trial trenches have been excavated across Area 2, and 5 across Area 3, and evidence of undated enclosures, boundary ditches, and pottery have been found. The proposed developments are therefore likely to impact on remains of Iron Age or Roman-British of local or regional significance. However it is not considered that the findings are of such historic importance as to justify a refusal of planning permission. A condition to secure a programme of further archaeological work is therefore recommended by the County Council Historic Environment Unit in the event of an approval. The proposal is therefore in accordance with the NPPF, and policies BH1, BH2 and BH3 of the Local Plan.

### **Flood Risk and Drainage**

- 7.94 The sites lie in Floodzone 1; the lowest level of potential flood risk. No objection has been raised by the Environment Agency (EA) subject to a condition to require a detailed surface water drainage scheme for the sites. The applications propose to make use of a large balancing pond to the south of Area 1 and northwest of Area 2 to serve the drainage needs of the proposed developments, but full details will be required by



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condition.

- 7.95 In terms of groundwater, the EA recommend no restrictions or control on groundwater protection. However, further work will be required on contamination to ensure a low risk to future residents. Given the previous use of the sites this risk is considered to be low – the land has been mostly undeveloped in the past apart from some possible military use between 1923 and 1950. However given the proposed use for residential development it is considered reasonable and necessary to require further sampling and survey work to be carried out. This is recommended as a condition by Environmental Health.
- 7.96 A number of concerns have been raised over the capacity of the existing sewerage network within the town and in response to this Officers have held detailed discussions with Thames Water. They acknowledge that the cumulative effect of flows from the possible range of developments give cause for concern, with the main area of concern being the main outfall sewer which runs from the junction of Station Road and Hare Street Road through Downhall Ley, across the River Rib and down to the sewerage treatment works on Aspenden Road. They have carried out modelling work and conclude that upgrade work is required in order to prevent an increased risk of flooding; however they advise that there is no need to delay any development for this reason. They will work with the developers to deliver the upgrades through development construction timescales. Officers are therefore satisfied that foul drainage matters can be adequately dealt with by condition.

**Ecology**

- 7.97 The sites are not located within, or adjacent to, any Wildlife Site and currently comprise of arable land. Ecological Appraisal reports have been submitted which identify that the sites have low biodiversity interest due to intensive farming and dog walking in the area. This low biodiversity interest is confined to the eastern and part southern field boundaries of Area 2, and eastern and part northern boundaries of Area 3, which are defined by tree planting. No evidence of badgers, reptiles, amphibians or dormice have been found. The field boundaries may provide a suitable habitat for nesting birds, but there are no mature trees in the area to provide a habitat for bats. The developments propose enhanced planting across the site and surface water attenuation ponds which will in fact enhance the biodiversity interest of the site. Statutory consultees agree with these conclusions and raise no objection to the proposal subject to conditions. The proposal is therefore considered to be in accordance with the NPPF and policy

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ENV16 of the Local Plan.

- 7.98 There are no statutorily designated sites within 1km of the site. There are four local Wildlife Sites within a 1km radius of the site, but no harm will arise to these sites as a result of the development.

### **Financial Contributions**

- 7.99 Given the scale of development proposed, the proposal triggers the requirement for a range of contributions and S106 requirements. This includes contributions towards nursery, primary and secondary education, childcare, youth and library services. A sustainable transport contribution has also been requested by the Highway Authority which is necessary to mitigate the impact of the development on the transport network, in accordance with the Council's adopted Planning Obligations SPD.
- 7.100 Further contributions would also be requested from East Herts Council with respect to outdoor sports facilities as discussed above. The potential for further funding contributions will be considered by Officers if they are authorised by the committee to take the action identified in the recommendation. In all cases these financial contributions already identified or others which may be so identified are and will need to be considered to be reasonable and necessary in connection with the proposed development in accordance with the Community Infrastructure Levy (CIL) Regulations 2010.

## **8.0 Conclusion**

- 8.1 These proposals together represent the development of a further 180 units in the town. Whilst the position in relation to housing land supply has improved, given the permissions that the Council has released, previous under delivery and the likely requirement for greater levels of supply in the future means that the Council's position in relation to this matter continues to remain unable to satisfy the requirements of national policy set out in the NPPF.
- 8.2 The test then against which the proposals are to be judged are that there is a presumption in favour of sustainable development and proposals should be approved unless the impact of doing so would significantly and demonstrably outweigh the benefits of development.
- 8.3 Considering the sustainability of the development proposals, the commentary of the Inspector that dealt with the previous appeal proposals at Hare Street Road has been considered carefully. He

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noted that the lack of transport options, sufficient local employment and access to higher order services made development in the town unsustainable in general terms. That remains the case although now, action is being taken to address potential employment availability on another development site – and the appellant here has indicated a willingness to engage with that.

- 8.4 The Inspector assigned favourable weight to development which would support the economy and the provision of affordable housing. These remain relevant matters, but less favourable weight should now be assigned to them.
- 8.5 There appear to be three main infrastructure matters which are currently unresolved in their entirety – certainty with regard to the ability to provide education capacity, the impact on roads and the provision of employment. With regard to each of these, steps are either being taken already or the potential for an unacceptably harmful degree of impact is not considered to be so great a risk that phased development could not be permitted in advance of their total resolution. It is considered important however that further steps are taken to reach a greater degree of certainty in relation to these matters and the recommendation at the beginning of this report reflects this.
- 8.6 With regard to all other matters it is considered that the proposals are either not harmful, or they can be amended in a way that ensures that they are not unacceptably harmful.
- 8.7 So a balancing exercise has to be undertaken. Buntingford is not an inherently sustainable location for significant development. It has the potential to be improved in this respect by the potential expanded provision of local employment. There is clear prospect that uncertainties in relation to highway impact and education provision can be addressed. The positive weight to be assigned to provision of affordable housing and an economic boost would appear to have diminished. However, as all other matters appear to be at worst neutral, and because the negative weight to be assigned to the unsustainability of Buntingford can be reduced, whilst the balance has shifted Officers cannot conclude that harmful impacts of the development significantly and demonstrably outweigh the benefits.
- 8.8 Whilst this is the conclusion, Officers remain of the view that matters which are capable of being further addressed, highways, education provision and support to employment provision, are so addressed. The recommendation at the beginning of this report is formulated on that basis.