

3/14/1583/FP – Erection of 22 houses including 13 open market and 9 shared ownership together with a new access to Dane O'Coys Road at Land adjoining Hoggetts End, Dane O'Coys Road, Bishop's Stortford, for Grange Builders LLP and others

Date of Receipt: 28.08.2014

Type: Full – Major

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD – MEADS

RECOMMENDATION:

That, subject to the applicant or successor in title entering into a legal obligation with the Council and Herts County Council pursuant to Section 106 of the Town and Country Planning Act 1990 that will secure the provision of:

- The provision of 40% Affordable housing – tenure mix to be agreed by the Committee
- Primary Education £83,217
- Secondary Education £96,655
- Nursery Education £10,145
- Youth Facilities £1,815
- Library Facilities £5,227
- Highways £29,625
- Community buildings £19,998
- Sports contribution £29,986
- Recycling bins £1,584
- General medical services £621 per dwelling.
- Fire hydrants
- Monitoring fee of £310 per clause

(some calculations may change dependent upon the final tenure mix of the affordable housing and they all will be index linked).

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

1. Three Year Time Limit (1T12)
2. Approved plans (2E103) – 259.010A-259.014A, 259.016.A-259.020.A, 259.021.B, 259.022-259.025, 470.14.4-470.14.9, 470.14.10.B
3. Materials of construction (2E11)

3/14/1583/FP

4. Hard surfacing (3V21)
5. Prior to the commencement of development, a plan shall be submitted to and approved by the Local Planning Authority to show the new accesses and road widening on Dane O'Coys Road, as shown in principle on drawing no. 259-025, and it shall incorporate a realignment of the western access by moving it further to the west. The accesses and road widening shall be completed in accordance with the approved plans, to the specification of the Highway Authority and the satisfaction of the Local Planning Authority.

Reason: To ensure that the access and the proposed roadworks within the highway are constructed to an adequate standard and to improve the appearance of the development.

6. The dwellings hereby permitted shall not be occupied until the parking spaces and vehicle manoeuvring areas clear of the public highway illustrated on the approved plans have been constructed. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to the highway.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

7. Prior to the commencement of the development a "Construction and Traffic Management Plan" shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction and Traffic Management Plan shall identify details of:
 - Phasing for the development of the site, including all highway works.
 - Methods for accessing the site, including construction vehicles numbers and routing.
 - Location and details of wheel washing facilities.
 - Associated parking areas and storage of materials clear of the public highway.
 - Method for controlling dust emissions.
 - The management of waste materials.

3/14/1583/FP

Reason: To ensure that the development takes place in a comprehensive manner having due regard for highway safety and capacity and to ensure that the impact of construction traffic on the local road network is minimised.

8. Construction hours of working – plant and machinery (6NO7)
9. No development shall take place on the site until the tree protection measures shown on drawings 470.14.7 – 470.14.9 have been implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure that trees, including those protected by a Tree Preservation Order, which are of high value in terms of the appearance of the site and the amenity of surrounding properties are adequately protected during construction in accordance with policy ENV11 of the East Herts Local Plan Second Review April 2007.

10. Construction shall not be commenced on site until reptile exclusion fencing has been erected in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: To ensure that any reptiles that might inhabit the adjacent land are not harmed by the construction process in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

11. Landscape works implementation (4P13)
12. Prior to the first occupation of any dwellings hereby approved, and taking into account the details shown on drawing 470.14.10.B, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details. The details shall include a lockable gate to the accessway to the rear of plots 14-16 to prevent unauthorised access.

Reason: In the interests of privacy, good design and security, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

13. If piling is considered the most appropriate method of foundation construction, prior to the commencement of the development a method statement detailing the type of piling and noise emissions shall be submitted to and approved in writing by the LPA. All piling works shall be carried out in accordance with the agreed details.

3/14/1583/FP

Reason: In the interests of the amenities of the residents of neighbouring properties and in accordance with policy ENV24 of the East Herts Local Plan, and to protect groundwater.

14. The development shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) for the development (report reference 0155/1, January 2013 and supporting emails) 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 and to improve and protect water quality, habitat and amenity in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

15. Lighting details (2E27)
16. Withdrawal of PD (2E23) – insert Classes A and E in respect of plots 6, 7, 8, 11, and 13-22 inclusive.

Directives:

1. Other legislation (01OL)
2. Ownership (02OW)
3. Planning obligation (08PO)
4. Street Naming and Numbering (19SN)
5. The applicant is advised that in order to comply with conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under section 278 of the Highways Act, 1980, to ensure the satisfactory completion of the associated off-site highway improvements. The applicant is advised to contact Highways, County Hall, Pegs Lane, Hertford, SG13 8DN (Telephone 0300 123 4047) to obtain the requirements on the procedure to enter into the necessary agreement with the Highway Authority prior to commencement of development.
6. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into

3/14/1583/FP

the public highway without authorisation from the Highway Authority, Hertfordshire County Council. If necessary, further details can be obtained from the Eastern Herts Highway Area Team, County Hall, Hertford SG13 8DN (Telephone 0300 1234047).

7. The applicant is advised that under the County Council's road adoption process the internal road layout will not be adopted by the Highway Authority and the applicant shall make adequate arrangements for long term maintenance of the unadopted internal roads.
8. Bats (32BA)
9. Advice should be sought from an ecologist if any hedgerow or tree management has to be carried out during the bird breeding season between 1st March and 31st August (inclusive) in order to carry out a physical survey to locate any nests which are in the process of being built or occupied and take action accordingly.
10. To ensure that no hedgehogs are killed or injured in the development of the site, a destructive survey should be carried out of any dense vegetation or structures that may provide cover for sheltering or hibernating hedgehogs. If a hedgehog is found, it will be safely removed and released in a safe place outside the application site; if the hedgehog is in hibernation, it will be taken into care and released in the spring when safe to do so.
11. Groundwater protection zone (28GP) – insert North Stortford
12. It is recommended that prior to the commencement of development the developer seeks the advice of the Hertfordshire Constabulary's Police Crime Prevention Design Service (Police Headquarters, Stanborough Road, Welwyn Garden City, AL8 6XF; telephone 01707 355227) with a view to achieving Secured by Design part 2 accreditation.
13. Unsuspected Contamination (33UC)

Summary of Reasons for Decision

East Herts Council has considered the 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 and in particular policies SD1, SD2, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR8, TR14, ENV1, ENV2, ENV3, ENV9, ENV11 and IMP1); 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 these policies and other material considerations relevant in this case is that planning permission should be granted.

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1.0 Site description

- 1.1 The application site is located on the north side of Bishop's Stortford, in the current semi-rural fringe and is shown on the attached OS extract. It is approximately 500m from Rye Street. It is a split site comprising former garden land to the east of the house "Hoggetts End" and a smaller area to the west of the house. The overall site area is 1.3ha (3.2ac) and allowing for the trees and a new balancing pond, the developable area is 1ha. The roadside boundaries to Dane O'Coys Road and Whitehall Lane feature a belt of mature trees. Other boundaries are hedged with trees, supplemented by new planting carried out by the applicants. There are several trees within the body of the site and around a small pond which is dry for much of the year. The site is covered by a TPO 442, the majority of the protected trees being along the road frontages and at the eastern end of the site. Significant tree work has already been undertaken following the grant of TPO consent in April 2013 and there are a further 13 trees which may be removed as part of that consent.
- 1.2 To the north, the site abuts the gardens of the houses "Hoggetts End" and "Cherry Trees", and beyond them is farmland. To the west, the site abuts the boundary of a pair of cottages, "Wickham Cottage" and "Hulver". To the east the site shares a boundary with the property "Cherry Lea". In the vicinity of the site, at "Whitehall Leys", four new properties are being built in the grounds with access onto Whitehall Road. In 2010 a number of large villas were completed on the site of Whitehall College. On the south side of Whitehall Lane are several properties accessed off Grange Park.
- 1.3 Currently, there is a single access to "Hoggetts End" and the western parcel of the site, and a separate one to the eastern paddock which is being used as a builder's compound in connection with the housing development at Whitehall Leys. Dane O'Coys Road as far as the junction with Whitehall Road is adopted and made up but that part of Dane O'Coy's Road fronted by the site and 45m east from the junction with Whitehall Road is not public highway maintainable at public expense and it is not made up. Public footpath F2 runs north-south next to "Hulver" and traverses the BSN site to Farnham.

3/14/1583/FP

1.4 The current application seeks planning permission for the erection of 22 houses on the site.

2.0 Site History

2.1 There are no relevant previous planning applications that relate to the application site itself. However, the farmland to the north is included in planning applications for the development of Bishop's Stortford North made by a consortium of house builders (3/13/0075/OP and 3/13/0804/OP). These were approved by the Committee in January and April 2014 respectively, and currently await the signing of Section 106 agreements. There is more detail in section 6.0 below.

3.0 Consultation Responses

3.1 Uttlesford District Council – no objections

3.2 Environment Agency – Following the submission of additional details regarding the management of surface water using a pond, swale and permeable paving, the EA has no objections subject to the Council imposing a condition.

3.3 Natural England – no objections so long as their guidance regarding matters such as protected species and wildlife sites is followed.

3.4 Thames Water – No objections

3.5 Affinity Water – The site falls within a groundwater Source Protection Zone, but there is no objection subject to the developer following best practice guidance.

3.6 Highways Agency – No objections, but suggests the number of parking spaces may be excessive for a development of this size, and given the footpaths and bus routes in the area.

3.7 HCC Highway Authority – No objections subject to conditions and a Section 106 agreement to secure the sum of £29,625 towards sustainable transport schemes and/or traffic calming and safety schemes in the vicinity of the site. Examples of the former might be the station forecourt enhancements and the River Stort pedestrian bridge upgrade in the town centre.

3.8 HCC Development Services – In accordance with their planning obligations toolkit, HCC have requested the following contributions to local services:

3/14/1583/FP

- Primary education £83,217
- Secondary education £96,655
- Nursery education £10,145
- Youth facilities £1,815
- Library facilities £5,227
- Fire hydrants Installed by the developer

These figures are based on 9 shared ownership properties and will change if Members approve the option with affordable rented on site.

- 3.9 NHS E and N Herts Clinical Commissioning Group – With a population of around 53, the development will add to the pressure on healthcare infrastructure, particularly if there are people at both ends of the age spectrum. Locally, access to GPs is challenging. The CCG will engage further with the LPA on mapping out future health infrastructure and any consequent Section 106 or CIL requirements.
- 3.10 NHS Herts and S Midlands Area Team – The two closest GP surgeries have capacity to absorb the likely number of new registrations from the development.
- 3.11 EHDC Environmental Health Dept – Conditions are recommended to control hours of working, soil decontamination and any piling works.
- 3.12 EHDC Landscape Officer – No adverse impact on significant trees. Recommends an amendment to the western access to improve its appearance.
- 3.13 EHDC Housing Development and Strategy Manager – Notes that in providing 9 affordable homes the development would meet the target in Local Plan policy HSG3 of up to 40% of the homes being affordable. She notes that there is a high level of need for affordable rented dwellings in the District, with over 2100 applicants on the Housing Needs Register, and for that reason supports the affordable-rented:shared-ownership ratio being 75:25 rather than any of the other options put forward by the applicants and described from para. 7.22 onwards. Her further comments are included there.
- 3.14 Herts Constabulary Crime Prevention Design Service has the following comments:
- The applicants have not demonstrated how they have met Local Plan policy ENV3, and paras. 58 and 69 of the NPPF dealing with crime, disorder and the fear of crime. Hertfordshire is a low crime area but there high fear of crime. The applicants should work with

the Design Service to achieve *Secured by Design* part 2 accreditation.

- The development is also not in accordance with the NPPF which says that the affordable housing should not be distinguishable from private housing by its design (“tenure blind”) and it should be “peppercotted” throughout the site.
- Plots 14-22 have windowless gable ends that do not allow natural surveillance of the site.
- A lockable gate should be installed to the access to the rear of plots 14-16.

4.0 Town Council Representations

4.1 At their meeting on 06 October 2014 Bishops Stortford Town Council raised the following objections:

- Not in keeping with the proposed street scene (ASR5)
- Not in keeping with the current surrounding area
- Cramped appearance of the houses, especially the social housing
- Harmful to proposed development on the ASRs as the style of houses will create a precedence
- Discrepancies and confusion of location of the properties
- Discrepancies in description
- Unsure whether this development has passed the viability test
- Out of character
- Overdevelopment

5.0 Other Representations

5.1 In their *Statement of Community Involvement* the applicants describe the pre-application consultation that they carried out. They consulted by letter 45 properties in Dane O’Coys Road, Whitehall Road, Whitehall Lane, Foxdells Lane, the top of Barrells Down Road and those properties in Grange Park that overlook the site. They received 10 replies.

5.2 The application was advertised by the Council in the local newspaper and on site on 25 September 2014, and 80 properties in the neighbourhood were notified by letter. The Council received 8 replies, several duplicating letters sent in response to the pre-application consultation. Taking the pre-app and post-app consultation responses together, the following matters were raised:

- Five householders nearest to the site were generally in favour of

the design and layout of the site. Several had been invited to include their land in the development but had declined. There was a boundary issue between Cherry Lea and the application site.

- The occupier of 23 Grange Park was concerned about overlooking from one of the proposed new dwellings, the application site being higher ground. The removal of small trees and shrubs on the site has increased the problem and they would like them replaced.
- One respondent considered that there should be fewer dwellings on the site to be more in keeping with the locality
- There was concern about additional traffic on the local roads, some of them being private and in poor condition, and that accessing the site via Cricketfield Lane or Whitehall Road means making difficult or dangerous turns. There is the suggestion that a reduction in the number of dwellings would benefit users of these local roads, which currently have relatively low usage by motor vehicles and will be used by larger numbers of pedestrians and cyclists with the advent of the BSN development.
- The applicant's proposal to place bollards to the east of the site to prevent vehicular access was generally welcomed but an objection to their installation on the basis of interfering with a private right of way could prevent it happening.
- There were comments regarding surface water drainage.
- Most frequently raised was a view that the site is not suitable for affordable housing, especially affordable rented homes and that shared ownership or low cost market housing would be preferable given the distance from shops and services and the existing character of the locality which comprises mainly owner occupied homes. It is pointed out that other recent development at Whitehall College and Whitehall Leys, had not affordable housing requirement, and it is sometimes built off-site. BSN would be a more suitable location. It is considered that owner occupiers look after their property and environment better than those who rent.
- A suggestion that the number of houses and households should be reduced on the basis that the site is part of a green buffer between this low density and rural locality and the more urban development at BSN.
- An objection that there are too many parking spaces, which is unsustainable and will mean there will be more cars on Whitehall Lane, using it for access to Rye Street and as a rat run, when it is currently used for the walk to school and for recreational walking.
- The rural character of the roads should be preserved.
- The residents will not be able to access health and education services at BSN, thus putting more strain on existing services.
- Concern that the dwellings are not in keeping with the surrounding

area or with BSN.

5.3 Chantry Community Association considers the application should be refused for the following reasons:

- An overdevelopment, since there are only three properties on the south side of Dane O'Coys Road opposite the site and other properties in the vicinity have bigger gardens, and the terraced housing is totally out of keeping.
- Many of the local roads are poorly surfaced and drained and are unlit, which means there will safety issues with more vehicles and pedestrians in the area. Improvements need to be made to the Dane O'Coys Road/Whitehall Road junction.
- The proposed extension to the Chantry B7 CPZ is unnecessary. Of the cars parked today on Whitehall Road most do not belong to residents, who generally do not require on-street parking, but to people using the local recreation facilities. Parked cars help to slow down the traffic.
- To assist community integration, the affordable housing should be distributed across the two parts of the site and not squashed into the western.

6.0 Policy

6.1 The site lies within an Area of Special Restraint (ASR3), which is constrained by policy BIS8 of the East Herts Local Plan, Second Review 2007, which states that ASRs 3-5 and the Special Countryside Area (SCA) may be brought forward for development only in the context of a review of the Local Plan. Furthermore, in considering the "Hoggetts End" site, the Local Plan Inspector agreed with the Council's view at the time that the site may be of strategic value in planning for any development of the ASRs and should not be released for piecemeal development.

6.2 However, with the publication of the National Planning Policy Framework (NPPF) the Council's Local Plan is not considered to be up to date in respect of housing land supply, and the Council cannot demonstrate a five year supply of housing land. This means that planning applications for housing development must be determined instead in accordance with the NPPF's presumption in favour of "sustainable development", as defined by the NPPF itself, taken as a whole. That is unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

3/14/1583/FP

6.3 The Local Plan includes the following policies that are relevant to the sustainability of the site and its location:

SD1 Making development more sustainable
SD2 Settlement hierarchy

(Policy HSG1 “Assessment of sites not allocated in the Plan” is addressed in the applicant’s Planning Statement but it is not considered necessary in the context of the ASRs).

6.4 In respect of Housing, paragraph 50 of the NPPF includes a requirement that housing must be provided that meets the needs of different groups in the community, that widens opportunities for home ownership and that helps create sustainable, inclusive and mixed communities. It also includes a presumption in favour of affordable housing on the site itself, which contributes to the creation of mixed and balanced communities.

6.5 The Local Plan includes the following housing policies that are applicable:

HSG3 Affordable housing – up to 40%
HSG4 Affordable housing criteria
HSG6 Lifetime Homes

6.6 In respect of Highways and transportation, although focussing on larger scale development and traffic generation, the NPPF encourages development in locations that are convenient for local services in order to reduce the use of motor vehicles in favour of more environmentally sustainable and healthy modes of travel. In setting standards for car parking, the NPPF (para. 39) says LPAs should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

6.7 The following policies in the Local Plan are relevant:

TR1 Traffic reduction in new developments
TR2 Access to new developments
TR7 Car parking standards
TR8 Car parking – accessibility contributions

TR14 Cycling facilities – residential

6.8 In respect of Design and landscaping, the NPPF also emphasises the importance of good design, optimising the development of a site and using good architecture and landscaping to create attractive places well integrated into their surroundings (para. 56 onwards).

6.9 The Local Plan includes the following policies:

ENV1 Design and environmental quality
ENV2 Landscaping
ENV3 Planning out crime – new development
ENV9 Withdrawal of domestic permitted development rights
ENV11 Protection of existing hedgerows and trees

6.10 As regards Planning Obligations, the NPPF says:

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
 - *directly related to the development; and*
 - *fairly and reasonably related in scale and kind to the development.*
- (paras, 203, 204)

6.11 The Local Plan says:

In accordance with Government policy, the Council considers it essential that developers contribute towards the infrastructure required to serve a development and make appropriate provision to mitigate any possible environmental impact.

6.12 Policy IMP1 “Planning conditions and obligations” lists the services and impacts that might typically be mitigated by conditions and obligations. Paragraph 11.2.1 refers to the proposed growth in Bishop’s Stortford, and describes the opportunity to address the following needs of the town:

- transportation
- education – both primary and secondary
- leisure and recreation
- community facilities
- sustainability

6.13 The application site also falls within the *The Silverleys and Meads* Neighbourhood Plan (SMNP) area. The Committee will be aware that the Plan has been through independent examination and that the next steps are for the Council to make such modifications as appropriate in the light of the Examiner's report and then put the Plan to a local referendum. Neighbourhood Plans have been assigned weight in decision making prior to their final completion. This has mostly however been where the principal of development is being considered and a Neighbourhood Plan has advanced sufficiently such that it provides a policy context in that respect. In this case, those circumstances do not apply. The emerging Neighbourhood Plan does not set out a different policy position in relation to the principle of development on this site. In this case then, whilst the emerging plan also sets out a range of more detailed policies, until the further consideration of the Plan and a referendum on it has been undertaken, it is not considered that these can be assigned significant weight.

7.0 Considerations

The principle of development

- 7.1 In the light of the changes in policy brought about by the NPPF and described in paras. 6.1 and 6.2 above, outline planning permission was granted for most of ASR 3 as part of the two applications for ASRs 1-4 and the SCA mentioned in para. 2.1. The permissions have not yet been issued owing to prolonged negotiation of the Section 106 agreements and conditions. However, bearing in mind that those applications do not abut the Hoggetts End application site (due to the intervening residential properties), and taking into account their indicative master plan for the ASRs, it is clear that the site is not of strategic importance to the development of BSN and may be developed independently.
- 7.2 The site remains within ASR3 and as part of a strategic urban extension, albeit of different character to the bulk of the ASRs development, it should be subject to the same considerations in terms of mitigating the impact of growth, including contributions to social infrastructure.

3/14/1583/FP

- 7.3 In terms of Local Plan policy SD1, “Making development more sustainable”, the applicants have considered the various environmental, social and economic objectives and shown that the development makes a positive contribution towards meeting them. Some of the considerations that follow are relevant.
- 7.4 Policy SD2 seeks to concentrate development within the five main towns and larger (Category One) villages. The site is within the defined urban area of the District’s largest town – when the land allocations in the 2007 Local Plan are taken into account, and thus in principle represents a sustainable location for additional development.

Access and highways

- 7.5 HCC Highways have approved the means of access to the site, which is still subject to a minor alteration to satisfy the Council’s Landscape Officer. The applicants will make up Dane O’Coys Road between their eastern access and Whitehall Road, partly as a shared surface access and retaining the look of a country lane, which will also create better connection with Footpath F2.
- 7.6 The applicants had intended to prevent left turns from the site eastwards along the unmade part of Dane O’Coys Road, which some local residents welcomed, but another property has a right of access and will prevent the bollards being installed. The concern of a member of the public regarding the safety of the access, close to the junction with Whitehall Road, and of the turn into Dane O’Coys Road from Cricketfield Lane is not shared – the traffic is relatively light and the general character of the roads is likely to keep average speeds low.
- 7.7 The nearest bus stops are on Rye Street, providing access to the town centre. If the BSN development proceeds, there will be another bus connection to the town centre, accessible via footpath F2 that runs north-south alongside “Hulver” and that will connect to BSN. The improvement to Dane O’Coys Road between the application site and Whitehall Road will provide a suitable pedestrian and cycling connection to the adopted highways.
- 7.8 Some concern has been raised regarding the amount of off-street parking proposed, which totals 70 spaces as opposed to the Council’s maximum standards in the SPD (*Vehicle Parking Provision at New Development*, 2008) which requires no more than 59 spaces. However, the 4 and 5 bedroom market dwellings proposed here are to be provided with double garages and they consequently also have two spaces in front of them. The affordable houses have two spaces each. It is important to ensure that parking needs are met as far as possible

off-street – there is a Controlled Parking Zone (CPZ) on Barrells Down Road but Whitehall Road and Dane O’Coys Road are unrestricted. In this location the proposed parking is not considered excessive or contrary to the NPPF, which does not set maximum numbers. To that extent, whilst updated proposals have yet to be brought forward, the maximum standards in the Council’s SPD are out of date. The proposals encourage both walking and cycling, with cycle parking provided for each dwelling, and bus stops are within walking distance.

- 7.9 Concern has been expressed regarding additional vehicles using these semi-rural roads, but the Transport Assessment predicts that the development will generate 110 vehicle movements throughout the day, including the peak hours, which is not considered excessive or detrimental to the safety of pedestrians or cyclists. A reduction in the number of homes proposed is not considered necessary in transportation terms.

Design, layout and landscaping

- 7.10 Eleven of the market houses would be laid out on the larger eastern part of the site and 2 of the market houses plus the 9 affordable homes would be on the smaller western plot. Both sides would be served by culs de sac, the eastern one having a full turning facility for emergency and service vehicles; on the western side they will reverse.
- 7.11 The 22 dwellings represent a density of 22 per hectare (9 per acre) – 16 per ha (6.5 per acre) on the eastern plot (similar to Grange Park) and the affordable housing on the western plot is at a density of 48 per ha, 20 per acre. This allows all the properties to have good sized private gardens.
- 7.12 All properties are of traditional two storey height although all the affordable housing and all of the detached open market housing within the body of the site have a second floor. Ridge heights are compatible with existing properties in the vicinity of the site.
- 7.13 All of the market housing is provided with a detached double garage of a size adequate to allow for cycle storage, and whilst the shared ownership housing has open parking, secured cycle storage will be possible in bespoke sheds in their rear gardens, and the bikes can be wheeled out to the road without going through the houses.
- 7.14 All properties will be constructed from good quality building materials; the shared ownership houses will be of stock red brick under natural slate roofs. They have chimney stacks, decorative ridge tiles, and traditional window types reminiscent of Victorian housing. The open

3/14/1583/FP

market housing will be a mix of brick and coloured render to introduce variety under handmade clay plain tiles. Again, there is good detailing in the stacks, the roof lines and the fenestration, and the floor plans give rise to interesting elevations. Front doors will be timber with the windows and conservatories being uVPC.

- 7.15 The applicants say that the architecture of the proposed affordable properties is based on the Victorian terraces further south along Barrells Down Road whilst the open market housing is typical of Grange Builders style and is designed to be compatible with the slightly larger houses currently under construction immediately to the south at Whitehall Leys, as well as the adjacent properties and the detached family sized housing along Whitehall Lane.
- 7.16 Regarding landscaping, the applicants are working within the terms of their TPO consent and the majority of the trees are to be retained, including two veteran oaks close to the southern and eastern boundaries. New buildings will be within accepted tolerances of the root protection areas of the retained trees. Most of the trees to be removed are old and have a life of ten years or less. As regards biodiversity, a habitats survey was conducted in August 2014 and no habitats or species of interest were discovered, the land having been pasture and then regularly mown for many years. Condition 10 will ensure that hedgehogs and reptiles are not endangered by construction work on the site.
- 7.17 Boundary fencing has been erected on the inside of the roadside tree belt and additional planting has been undertaken to thicken up the screen provided by existing vegetation to address the concern regarding possible overlooking raised by the occupier of 23 Grange Park.
- 7.18 A new balancing pond will be constructed adjacent to plot 5, on the lowest part of the eastern half of the site to store surface water run-off. In order to deal with extreme storm events a deep bore soakaway will be located adjacent to the pond, with flows treated in order to ensure no contamination of groundwater.
- 7.19 The Crime Prevention Design Advisor has made a number of points regarding improving the security of the development. As regards the location of the affordable housing, it is acknowledged that the Council's guidance suggests it should normally be "pepperpotted" throughout a development and should be "tenure blind", but in this case the difference in scale between the market and affordable housing is such that pepperpotting for its own sake would result in a layout which would only serve to emphasise the differences. As currently proposed the

affordable housing is in an attractive grouping that makes efficient use of the land and which is reminiscent of traditional village plans.

- 7.20 Comment regarding the lack of surveillance from the gable ends of plots 14-22 (the affordable housing) is noted but in this layout the gable ends would not be overlooking vulnerable areas or areas that are not already overlooked by other properties. The suggestion that the gates to the rear access paths should be lockable is dealt with by condition 12 and the applicants will be recommended to discuss with the Design Advisor the potential of obtaining *Secured by Design* accreditation.
- 7.21 A number of residents and the Town Council have objected to the design and density of the development. However, it is considered to be a design and layout of high quality, including the affordable housing, which is appropriate to this semi-rural locality which has already undergone some change with recent housing developments. The site is well served by existing trees and the appearance will be further enhanced by the further planting that is already taking place. Likewise, the proposed balancing pond will be an attractive amenity as well as an effective means of controlling surface water run-off. Overall, this is a well-designed and appropriate development in this location.

Affordable housing

- 7.22 The applicants have met the Council's policy requirement that up to 40% of the housing should be affordable. However, they have asked the Council to consider two options in respect of tenure – either:
- a) 75% affordable rented and 25% shared ownership; or
 - b) 100% shared ownership plus a £500k payment to the Council to procure additional affordable rented or shared ownership homes elsewhere in the District.
- 7.23 Option a) is current policy in order to address the needs of people on the Council's waiting list and meets the SMNP policy HDP5 requirements. It would provide 7 affordable rented homes and 2 shared ownership on site. Option b) is predicated on the fact that the Strategic Housing Market Assessment shows that there is an increasing need for shared ownership. It is understandable that young people in particular will increasingly see it as their only means of getting a foot on the rung of home ownership in an area of high property prices.
- 7.24 In putting forward option b) the applicants made the following case for an all-shared ownership scheme:
- 1 The BSN Eastern Neighbourhood Centre is unlikely to be

completed for at least another four years. Until then occupiers of the proposed affordable housing will be dependent upon more remote facilities, and car ownership to facilitate travel is likely to be much lower in affordable rented property.

- 2 The Council's most up to date evidence base, the Strategic Housing Market Assessment "demonstrates an increased need for shared ownership housing". It is understandable that young people in particular will increasingly see it as their only means of getting a foot on the rung of home ownership in an area of high property prices.
 - 3 When the principle of development of the land immediately to the south (Whitehall Leys) for a mix of affordable and open market housing was first considered pursuant to application 3/11/1871/FP, the Highway Authority commented that the site was not well connected, and this was one of the reasons for the Council's decision that that site was not suitable for affordable housing, and a commuted sum was accepted in lieu.¹
 - 4 The adjacent first phase of the Bishop Stortford North Development will provide a significant percentage of affordable rented housing.
 - 5 An all shared ownership scheme is supported by local residents who say it is more in keeping with the character of the area.
- 7.25 The Council also needs to evaluate the offer to ensure it is value for money in itself and a suitable offset for the absence of affordable rented homes on the site. The Council asked Levvel, a consultancy specialising in the planning and delivery of low to middle income housing, to review option b) and inform the Council firstly, whether £500,000 is proportionate to the benefit to the developer of an all shared ownership scheme, and secondly, to calculate the additional affordable housing (the "additionality") that might be provided utilising the £500,000 commuted sum.

¹ The Committee should note that there was more to the decision to agree off-site provision of the affordable housing in the Whitehall Leys case. The report on the later application for 4 houses (3/12/1094FP) says: *The previous application (3/11/1871/FP) proposed the provision of 3 affordable units on the site. However, the on-site provision of affordable units has now been withdrawn from the proposal following objections from the Highway Authority and the Landscape Officer in respect of the siting of these dwellings. The shared use of the proposed access to the private dwellings is not considered appropriate due to the number of important trees that would be lost within the area to the east of the current application site. Therefore, a combination of issues that include the impact upon trees, the poor access and poor connections to local services have precluded an onsite affordable provision being made in this case.*

3/14/1583/FP

7.26 Levvel reported as follows:

- a) That in the locality shared ownership housing typically attracts a £800/m² premium over an affordable rented unit, and on that basis an all-shared-ownership development at Hoggetts End would be worth £523,000 to the developer, excluding any uplift in the prices of the market housing. The offer of £500,000 is therefore reasonable.
- b) On the basis that there is a value difference between the market units and affordable rented of £1475/m² net and between the market units and shared ownership units of £715/m² net, the £500,000 could procure a change from 3 x 3-bed market homes to 3 x 3-bed affordable rented units, or 6 x 3-bed shared ownership units; or
- c) 4 x 2-bed affordable rented units, or 7 x 2-bed shared ownership units.
- d) On the basis that just under £40,000 worth of subsidy is required to convert a shared ownership unit to an affordable rented dwelling the fund of £500,000 could convert at least 11 or 12 3-bed shared ownership units to affordable rented; or
- e) convert 12 to 15 2-bed shared ownership units to affordable rented.

7.27 This proposal merits careful consideration: £0.5 million pounds is a very considerable sum and the Committee will need to compare its value to the Council as a Housing Authority and whether its value to the community is outweighed by determining the application strictly in accordance with planning policy and securing affordable rented housing on site.

7.28 Based on Levvel's estimates, the various options result in the following tenure splits and total additions to the affordable housing stock:

Option	Proposal	On-site rented	Off-site rented	On-site shared ownership	Off-site shared ownership	Total units	Ratio rented:shared
1	Existing policy; no contribution	7		2		9	78:22
2	9 shared + 3-bed market		3	9		12	25:75

3/14/1583/FP

	converted to rented						
3	+ 3-bed market converted to shared			9	6	15	0:100
4	+ 2-bed market converted to rented		4	9		13	31:69
5	+ 2-bed market converted to shared			9	7	16	0:100
6	+ 3-bed shared ownership converted to rented		11-12	9		9	Ratio improved in favour of rented at the off-site location
7	+ 2-bed shared ownership converted to rented		12-15	9		9	Ditto

7.29 In none of the options does the tenure ratio favour rented over shared ownership other than the policy compliant option 1, or in options 6 and 7 which are at the expense of shared ownership off-site. However, the other options do increase the overall affordable housing stock, options 2 and 4 being the most attractive in that regard because they also provide affordable rented properties.

7.30 The Housing Development and Strategy Officer says in respect of the conversion of market homes (options 2-5):

...although this is a substantial offer to the Council which could potentially increase overall stock in the District it would be very difficult to actually implement and would not actually increase the number of affordable rented properties over a scheme of 75% rental/25% shared ownership tenure.

The Council would need to provide the funding to a Registered Provider to buy units from current market developments in the District who would be prepared to sell units to become affordable rented dwellings. We feel this may be very difficult to achieve in the current market conditions.

Members should also be aware that this would set a precedent for future schemes for tenure proposals.

7.31 In respect of the potential to convert shared ownership homes to affordable rented, she says:

The Housing Team is concerned that this would mean losing Shared Ownership stock on a different scheme and we would only seek to achieve this on a scheme which is not already compliant with the 75% rent and 25% shared ownership tenure split. The Housing Team feel there is limited opportunities to achieve this tenure swap elsewhere in the District. Furthermore, that this proposal still provides only a minimal addition to the rental stock and this would need to be secured by the Council in the future.

- 7.32 Furthermore, the Housing Team does not consider the applicants' reasons for not providing affordable rented housing on site are of sufficient substance to justify providing the rented housing off site using the £500,000 being offered. They say that under the Choice Based Lettings System it would be up to tenants to decide if Hoggett's End was a location that met their needs. Whilst recognising that there is a need for shared ownership properties, the Team emphasises the length of the waiting list for affordable rented properties and says that the number coming forward at BSN is over a number of years and is to serve the whole of the District. Their preference is therefore to approve only the 75:25 on-site option that is compliant with existing policy.

Mitigation and social infrastructure

- 7.33 In accordance with Local Plan policy IMP1 financial contributions are required towards mitigating any adverse impacts of the development and towards the improvement of social infrastructure to help support the additional population. The Council's Planning Obligations SPD sets out the requirements.
- 7.34 As part of ASR 3 the development should contribute towards the costs of education (HCC) and community buildings (EHDC) that are to be provided on site and that will be accessible via the footpath link between BSN and Dane O'Coys Road. In addition, contributions will be required towards the library service, youth and child care, sustainable transport in accordance with policy TR8, and the provision of fire hydrants (all HCC); and the provision of recycling bins for the new houses, sports facilities and open space (all EHDC).
- 7.35 The contributions are calculated using the Council's SPD and the County Council's *Planning Obligations Guidance – Toolkit for Hertfordshire, 2008*. However, as regards the BSN community buildings and off-site sports contributions, these are calculated on a pro rata basis in accordance with the Section 106 agreement for ASRs 1-4 and the SCA. This will be £909 and £1,363 per dwelling respectively. Funding support for medical services is secured in line with the emerging formula which has been used elsewhere in the district to

enable the provision of greater capacity to be explored.

8.0 Conclusion

- 8.1 The inclusion of the site in ASR3 and the requirements of the NPPF have established the principle of development. However, a different approach to design and density is required from ASRs 1-4 and the SCA, one which is sensitive to the character of the immediate locality.
- 8.2 The development would be of good quality in design and landscaping and, although the density is a little higher than some local residents would wish, it would sit well within the site and in relation to its immediate neighbours. Additional traffic on these normally quiet streets would not be excessive and the improvements proposed to those in the vicinity of the site would be welcome.
- 8.3 A key consideration for the Committee is in respect of affordable housing and the preference of the applicants and a number of local residents for shared ownership. This attractive site and location is likely to be a good shared ownership offer, with the dwellings being well designed with good detailing, and with ample gardens and parking. The Strategic Housing Market Assessment indicates that there is growing demand for shared ownership in the District, a demand that is perhaps less obvious than the list of people seeking rented accommodation. It is a good opportunity for people to gain a foothold in home ownership at a very difficult time because of the increase in house prices and more stringent mortgage requirements.
- 8.4 The applicant's stated preference for shared ownership is driven mainly by the SHMA and that the site is distant from any town or neighbourhood centre (at present), which makes it less attractive to the occupiers of affordable rented property who are on lower incomes. The usual reason that the development would be unviable for affordable rented does not apply.
- 8.5 However, it is difficult to generalise about the preferences of those seeking rented accommodation - many do have cars or would use buses and be attracted to this location which offers a pleasant semi-rural context, always accepting that there will be change with the BSN development. Indeed, the BSN development will offer better access to shops, schools and other services. It is therefore the view of the Housing Team that the reasons given for not having affordable rented on site are not special enough to justify departing from the current policy.

3/14/1583/FP

- 8.6 On the other hand, the Committee must also weigh carefully the overall benefit that the offer of £500,000 for investment in additional affordable housing units would bring as an alternative to affordable rented on site because it is a very substantial sum, verified as being financially soundly based by the Council's consultants. If the Committee does then favour the option of all shared ownership on site it must very carefully justify the decision taking into account local factors.
- 8.7 The proposals are therefore supported in principle, and Members are asked to endorse that position. In addition, Members are asked to determine which approach to the provision of affordable housing, as set out above, is to be favoured in this case.