

3/14/2023/OP – Outline application with all matters reserved for the erection of 13 dwellings at land south of Tanners Way, Hunsdon, SG12 8QD for Mr and Mrs P Findlay

Date of Receipt: 17.11.2014

Type: Full - Major

Parish: HUNSDON

Ward: HUNSDON

RECOMMENDATION:

- a) That, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:
- The provision of 25% affordable housing comprising of a mixture of 75% social rent and 25% shared ownership;
 - Financial contributions towards primary education (towards the expansion of Hunsdon Primary School), youth (towards enhancing the sport provision at Ware Young People's Centre) and library services (towards the adult area of Ware library) based upon table 2 of the Hertfordshire County Council Planning Obligation toolkit;
 - A financial contribution towards sustainable transport schemes and traffic calming/safety enhancements based upon the size of the dwelling (1 bed = £625, 2 bed = £750, 3 bed = £1125, 4 bed £1500.);
 - A financial contribution towards the Hunsdon Village Hall based upon table 11 of the Planning Obligations SPD;
 - A financial contribution towards children and young people (improvement to the play equipment at the recreational playing field) and sports and recreation (refurbishment of the village tennis courts) based upon table 8 of the Planning Obligations SPD;
 - Fire hydrants;
- b) The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:
1. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') of the development shall be submitted to and approved in writing by the Local Planning

3/14/2023/OP

Authority before any development begins and the development shall be carried out as approved.

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

2. Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 2 years commencing on the date of this notice.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and in the interests of ensuring that the development meets the housing needs of the District.

3. The development to which this permission relates shall be begun prior to the expiration of a period of 1 year commencing on the date upon which final approval of reserved matters is given by the Local Planning Authority or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and in the interests of ensuring that the development meets the housing needs of the District.

4. Approved plans (2E103)
5. Prior to the commencement of any development, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;

3/14/2023/OP

- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

6. Construction hours of working (6N07)
7. Prior to the commencement of development, a detailed surface water drainage scheme and maintenance strategy for the drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be based upon the outline drainage strategy (RAB dated 27 October 2014). The development shall be implemented in accordance with the approved details.

Reason: To prevent an increased risk of flooding, to improve and protect water quality, and improve habitat and amenity and to ensure that the drainage infrastructure put in place in managed and maintained properly in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and section 10 of the National Planning Policy Framework.

8. Prior to first occupation of the development details of an acoustic fence as set out in the Cass Allen Noise Report dated 19 February 2015 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure appropriate provision of outdoor amenity space in accordance with policy ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

Directives:

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

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies together with the positive way in which the proposed development will address five year housing land supply issues is that permission should be granted.

_____ (202314OP.MP)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. The application was reported to the Development Management Committee on 04 February 2015 and 25 March 2015 – copies of the Officer Committee Reports are attached **Essential Reference Papers 'A' and 'B'**.
- 1.2 The main area of debate at those Committee meetings related to whether an appropriate level of amenity for future residents of the development will be provided (in terms of noise and disturbance), having regard to the relationship between the development site and Hunsdon Skips, a waste transfer station located around 120metres to the south of the application site.
- 1.3 Hunsdon Skips, is controlled by the Environmental Permitting (England and Wales) Regulations 2010, which are regulated by the Environment Agency. The Environmental Permit controls a number of matters including dust, odour and noise. A condition of the permit is the requirement to have an Environmental Management System which includes Operational Procedures, including those focused on managing noise.
- 1.4 The Environment Agency, as the regulatory body for controlling Environmental Permits, have been working with Hunsdon Skips in the preparation of an updated Operational Procedure which deals with a range of management procedures at the site including operation of machinery and other related health and safety matters. That updated Operational Procedure has now been implemented.
- 1.5 Members deferred the application on 25 March 2015 to enable further

exploration of the relevant noise assessment issues and to allow consideration of the updated arrangements through the Environmental Permit.

- 1.6 The applicant has sought to provide further information through a further noise survey which has been undertaken to cross reference with the updated Operational Procedures that Hunsdon Skips have now adopted.
- 1.7 There is no planning history relating to the site and previous consultation responses and policy context is set out in **Essential Reference Paper 'A'** which is appended to this report. Furthermore, all other planning considerations relating to the development proposal are also set out in **Essential Reference Paper 'A'**.

2.0 Considerations

- 2.1 At the Development Management Committee on 25 March 2015, Members raised concern that the submitted noise assessment was not representative of the level of activities at Hunsdon Skips and the noise assessment was indicative of the type of noise but did not accurately reflect the intensity due to the number of machines in operation during the assessment. Members sought additional information regarding the noise impact having regard to the changes in the Operational Procedures which are being put in place by Hunsdon Skips.
- 2.2 The Operational Procedures document has been submitted with the Noise Assessment and includes details regarding the hours of operation of the machinery. The document sets out that the site will operate 07:00–17:00 Monday – Friday and 07:00–14:00 on Saturdays with no waste processing prior to 8am. All machinery will run during that time except the shredder and trommel (rotating cylinder used to separate materials) which will run from 8:00–17:00. There are two shredders on the site but only one will run at any one time.
- 2.3 The Noise Survey took place on 01 May 2015 and the Noise Consultant confirmed with Hunsdon Skips that all plant was fully operational during that time – video recording of that machinery in operation confirms this. The assessment took place during a period when the trommel, shredder, loader and grab were being operated concurrently – this therefore represents the 'worst case scenario'. Noise recordings took place at the south-western edge of the application site – the area of the application site subject to the highest noise levels from Hunsdon Skips.
- 2.4 The Noise Survey reveals that the levels measured on 01 May 2015

3/14/2023/OP

were lower than that measured on 13 February 2015 (which was reported to Members on 25 March Committee – ERP B).

- 2.5 The Noise Survey sets out that under typical conditions (i.e. with a south westerly prevailing wind) the noise levels associated with Hunsdon Skips are only 1dB above background levels which is well below the threshold for 'adverse impact expected', as defined in the relevant British Standard.
- 2.6 With an easterly wind Hunsdon Skips has a 9dB above background level which is below the level where a significant adverse impact would be expected but above the level where an adverse impact would be expected, as set out in the British Standard. The Noise Assessment nevertheless considers that the application site is acceptable having regard to the British Standard for the following reasons:- the adverse impact is not the typical condition (i.e. not the prevailing south westerly wind but an easterly wind); no noise complaints have been received from Tanners Way prior to submission of the application and that the implementation of the Operational Procedures has resulted in a drop of noise output by 3dB.
- 2.7 The Noise Survey also sets out a consideration on the basis of internal spaces of the proposed development and outside garden amenity spaces.
- 2.8 With regards to internal noise within the proposed dwellings, the position has not significantly differed from that set out in para 2.4 of ERP B. The provision of normal building construction methods will ensure that the development is acceptable, in terms of internal living space.
- 2.9 With regards to external garden space, the recordings taken in May 2015 set out that external amenity spaces are subject to approximately 49dB, that is below the measurements taken in February. An appropriate level of outside amenity space is therefore provided (noise levels of 50 – 55dB should not be exceeded) and there is therefore no need for an acoustic fence, as referred to in para 2.5 of **Essential Reference Paper 'B'**.
- 2.10 In summary, an Operational Procedure has now been put in place and implemented by Hunsdon Skips and a further noise assessment has been carried out by the applicant with that procedure in place. The applicant confirms that, during that survey the shredder, trommel, grab and loading shovel were operational. The findings of the noise survey undertaken in May set out that overall noise emissions from the site

3/14/2023/OP

were lower than those measured in February.

- 2.11 The prevailing wind direction has a significant impact on background noise levels and during the period when there is a prevailing south westerly wind there is very little likelihood of adverse impact. Under less common wind conditions adverse impact was expected but was not considered to be harmful. The noise assessment reveals that an appropriate level of amenity for future residents in terms of internal and external spaces is provided in accordance with the relevant British Standard.
- 2.12 Officers consider that the changes to the Operational Procedure have resulted in reduced noise levels associated with Hunsdon Skips. If the site does not continue to operate in accordance with that procedure the Environment Agency, as the regulatory body, is responsible for taking enforcement action. Such action is similar to planning enforcement, insofar as it passes through different stages. As with planning, the initial stage is, through discussion, to bring the site back into compliance with the Operational Procedure.
- 2.13 The operator will be subject to audit and inspection visits by the EA which will be used to calculate fees applicable to the Environment Agency. The higher level of non-compliance will result in an increased levels of fees payable to the Environment Agency. The Environment Agency also has the power to revoke the Environmental Permit and cease the operation of the site.

3.0 Conclusion

- 3.1 Having regard to the Noise Survey and Assessment and the comments from the Environmental Health Team in relation to the previous survey, Officers consider that an appropriate level of amenity will be provided for future residents of the development proposal in accordance with policy ENV25 of the Local Plan.
- 3.2 Having regard to that and the considerations and conclusions set out in **Essential Reference Papers 'A' and 'B'**, Officers therefore recommend that planning permission be granted subject to conditions and the signing of a Section 106 agreement.