

5a 3/10/1198/FP – Erection of 97 residential units and associated car parking, access, amenity space and landscaping at Land at Sacombe Road, Hertford for Fairview New Homes.

Date of Receipt: 05.07.2010

Type: Full - Major

Parish: HERTFORD

Ward: HERTFORD - BENGEO

RECOMMENDATION

A) That subject to the applicant or successor in title signing a legal agreement pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

- To provide 39 units of affordable housing with tenure and mix to be agreed, and re-viewed if development does not commence within 12 months of permission being granted;
- To provide 15% Lifetime Homes;
- £128,375 towards Sustainable Transport initiatives;
- £263,594 towards Primary Education;
- £239,565 towards Secondary Education;
- £34,973 towards Nursery Education;
- £14,106 towards Childcare;
- £4,622 towards Youth facilities;
- £17,523 towards Libraries;
- To revamp and improve the existing equipped area of play, and playing fields, plus up to £258,660 for future maintenance;
- £7,076 towards recycling facilities;
- To establish management arrangements for private roads and landscaped amenity areas within the development site;
- £300 standard monitoring fee.

planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Levels (2E05)
4. Boundary walls and fences (2E07)
5. Samples of materials (2E12)

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6. Refuse disposal facilities (2E24)
7. Cycle Parking Facilities (2E29)
8. New Doors and Windows – unlisted buildings (2E34)
9. Carried Out in Accordance (2E92)
10. Wheel washing facilities (3V25)
11. Tree retention and protection (4P05)
12. Hedge retention and protection (4P06)
13. Landscape design proposals (4P12 e,i,j,k)
14. Landscape works implementation (4P13)
15. Vehicular use of garage (5U10)
16. Solar thermal and photovoltaic panels shall be installed prior to occupation in accordance with details to be submitted and approved in writing by the Local Planning Authority and shall be implemented as agreed.

Reason: In order to achieve the sustainable use of resources in accordance with policies SD1 and ENV1 of the East Herts Local Plan Second Review April 2007.

17. Prior to the commencement of development, a site waste management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to minimise and re-use/recycle construction waste, and to use recycled materials in the construction of the development.

Reason: To promote sustainable waste management in accordance with policies 3, 7 and 8 of the Waste Local Plan.

18. The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment, and in particular that the surface water run-off generated by the 1 in 100 year critical storm event, accounting for the effects of climate change, shall not exceed the existing greenfield run-off rate from the undeveloped site or increase the risk of flooding off-site.

Reason: To minimise the risk of flooding in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and PPS25 'Development and Flood Risk'.

19. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. This shall include surface water run-off management through soakaways and how surcharge water will be contained within the site boundary. The scheme shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: To minimise the risk of flooding in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and PPS25 'Development and Flood Risk'.

20. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience.

21. No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The splays shall measure a minimum of 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 90m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the access and to make the access safe and convenient for the traffic that is likely to use it.

22. Before first occupation of each new dwelling, the access roads and parking areas serving that dwelling shall be provided in accordance with the approved plans.

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Reason: To ensure the development makes adequate provision for the off-street parking and maneuvering of vehicles.

23. Construction of the development hereby approved shall not commence until details of construction vehicle movements and construction access arrangements have been submitted to and approved by the local planning authority.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

24. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures shall be submitted to and approved in writing.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained in accordance with PPS23 'Planning and Pollution Control'.

25. Prior to the commencement of development, surveys shall be undertaken in June-July and September by a suitably qualified specialist to establish the presence of any reptiles. A report including details for their protection and any necessary mitigation measures shall then be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved report.

Reason: To protect the habitats of species which are a protected under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

26. Any clearance of vegetation carried out between 1st March and 30th September shall be supervised by a suitably qualified ecologist and preceded by a nesting bird survey which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the habitats of species which are a protected under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. The applicant is advised that in order to comply with this permission it will be necessary for the developer to enter into an agreement with the Highway Authority to ensure satisfactory completion of the access and associated road improvements. The applicant is advised to contact the Eastern Herts Highways Area Officer, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage, SG1 3HL (Tel 01438 757880) to obtain the requirements on the procedure to enter into the necessary S278 agreement with the Highway Authority prior to the commencement of development.
3. Planning Obligation (08PO)
4. Street Naming and Numbering (19SN)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan 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, TR13, ENV1, ENV2, ENV3, ENV9, ENV10, ENV16, ENV21, BH1, BH2, BH3, LRC3, HE2 and IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises a vacant green field plot of land located to the north of Bengoe, Hertford. The site therefore forms an entry point to the built up area of the town.
- 1.2 The site is bordered to the south by Bengoe Infants School and Bengoe Primary School with associated school playing fields. To the north of the site is an established playing field and children's equipped play area, designated as Open Space under policy LRC1. Sacombe Road runs to the east of the site with Bengoe Nursery opposite in the Green Belt, and the west of the site is bounded by a mature tree belt with the rear of Cowper Crescent dwellings beyond.

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- 1.3 The site lies within the Hertford town boundary and was allocated as a Reserve Housing site in the Second Review Local Plan April 2007. The Council has since released its Reserve Housing Sites for development in order to meet a continuous five year supply of housing.
- 1.4 The development proposes 74 no. dwellings and 23 no. flats (1 no. 1 bed, 22 no. 2 bed, 58 no. 3 bed, 12 no. 4 bed and 4 no. 5 bed units). The houses will comprise a mix of link-detached, semi-detached and terraced dwellings, with the flats provided in 3 no. detached blocks. The development will be mostly two storey with 2½ storey buildings on some corner points, and 3 no. 3 storey buildings in the centre of the site.
- 1.5 Parking will be provided as a mix of frontage and garage parking, on-street and lay-by parking, and rear courtyard parking. All dwellings will have private rear gardens with some front garden areas also proposed. The flats will benefit from ground floor amenity space, a central planted green area, and the existing open space to the north of the site. The application includes provision for 40% affordable housing and 15% lifetime homes.

2.0 Site History

- 2.1 Two applications were refused for residential development of the site in the 1960s (references 3/65/1602 and 3/68/1273). A further outline application was refused permission in 1985 (3/85/0184/OP) on the grounds of inappropriate development in the Green Belt. This was also dismissed at appeal as there were no very special circumstances to release this land from the Green Belt at that stage. However, Members will be aware that the site was removed from the Green Belt and designated as a Reserve Housing Site in the East Herts Local Plan Second Review April 2007.

3.0 Consultation Responses

- 3.1 The Planning Policy team comment that the site is identified as Reserve Housing Land under saved policy HE2 of the Local Plan 2007. This estimates that approximately 70 homes (to include 28 affordable dwellings) may be provided on the site post-2006. In 2008, the Council agreed to bring forward its Reserve Housing Land sites in order to maintain a five year supply of housing land. There is therefore no in principle policy restriction on the development of this site for housing provided policy criteria are met.
- 3.2 The Policy team also advise that it should be noted that while policy HE2 clearly details the amount of affordable housing expected on the site (28 units), there is a general requirement for the site to make provision for up to 40% affordable housing under subsection (II) of the policy which was

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omitted from the printed version of the Local Plan but should state “the development of the above site, if permitted after 2006, in accordance with policy HSG2 (II) shall make provision for up to 40% affordable housing in accordance with policies HSG3 and HSG4.” Other specific issues that should be addressed in relation to this application include the potential for the upgrading of the adjacent play area and sustainable transport improvements.

- 3.3 The County Council Planning Obligations Team seek financial contributions as follows:

£263,594 towards Primary Education;
£239,565 towards Secondary Education;
£34,973 towards Nursery Education;
£14,106 towards Childcare;
£4,622 towards Youth facilities;
£17,523 towards Libraries;

- 3.4 The Environment Agency raise no objection subject to conditions on a surface water drainage scheme being submitted and approved, and to require that the development be carried out in accordance with the submitted Flood Risk Assessment.

- 3.5 County Highways raise no objection to the application subject to a number of conditions. They comment that “fundamentally the principle of residential development on this allocated site is acceptable in a highway context. The highway authority have been in pre-application discussion with the developer’s highway consultants over a considerable period of time and most recently to take into account other committed developments notably the Sainsbury scheme. The form of access onto Sacombe Road has been agreed and will be of a design and layout appropriate to the size of development. In addition a Traffic Regulation Order (TRO) will be put in place to ensure that the visibility splays remain unobstructed by parked vehicles associated with either the adjacent school or vehicles owned by the new residential properties. These restrictions will be secured as part of a Highways Act Section 278 agreement required to enable construction of the estate road junction.

- 3.6 “Turning to the on-site highway details of the proposed layout the scheme has been prepared in compliance with the HCC design guide 'Roads in Herts' and the DfT publication 'Manual for Streets'. The estate layout allows for penetration by refuse collection, service and emergency vehicles although I am doubtful that the entire road network will be suitable for adoption as public highway. Nevertheless, as is now common practice, the developer intends to operate a management company to administer and

maintain common areas not taken over by the local authority. In terms of parking the proposed provision complies with current standards and with the TRO in place there will be no impact upon the existing public highway.

- 3.7 “With regard to sustainable transport issues the site does have access to some local amenities but is not ideally located given the topography of the locality which makes walking and cycling difficult. Nevertheless the site is within recognised walking distances to the nearest bus-stops and cycling distances to the rail station and town centre. The development provides for appropriate cycle storage provision and pedestrian linkages are identified. The development of a Residential Travel Plan is appropriate and will be developed and finalised with my travel plan colleagues. The passenger transport unit have identified that the nearest bus-stops require improvements and there is a shortfall in service provision during the evening and weekend periods. The Hertford and Ware Urban Transport Plan identifies that improvements to the pedestrian and cycle linkages between the Bengeo and town centre/ rail stations are required.
- 3.8 “In view of the above I consider that it is not unreasonable for the development to make a financial contribution towards accessibility and the promotion of sustainable transport measures. In this respect and in compliance with guidance contained in Circular 05/05, PPG 13, and East Herts Local Plan Policy IMP1, the highway authority seek financial contributions to promote sustainable transport measures/schemes or to implement schemes identified in the local transport plan based upon the guidance contained in the HCC Planning Obligations Toolkit. With regard to the development the appropriate contribution is £128,375. Made up of £22,000 improvements to the bus-stops (first strand) and £106,375 (second strand) toward the UTP schemes to improve pedestrian and cycle linkages to Hertford and the rail stations.”
- 3.9 Thames Water advise that they have no objection with regard to sewage infrastructure. With regard to surface water drainage, it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. With regard to water supply, this comes from the area covered by Veolia Water.
- 3.10 The Council’s Engineers comment that the Council has records of historical flooding near the site in an adjacent road which in previous years resulted in flooding to the highway. The new development will increase the impermeable areas significantly with consequent risk of generating additional volumes of surface water. The developer has concluded that the drainage solution will concentrate on soakaways, but confirmation will be required as to how the drainage system will be maintained. It is likely that the development would be affected by localised flooding when the

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underground tank surcharges. They instead recommended that more above ground type SUDS retention ponds etc. be incorporated into the design.

- 3.11 The Council's Housing Officer comments that 39 units would represent 40% affordable housing, but the underlying issue is one of viability because in order to meet the affordable housing policies exactly, they would have to claim very high grant levels which they are unlikely to achieve. The proposed scenario whereby they would seek £25,000 per unit of grant provides 40% affordable housing, but not the required tenure mix of 75% rented and 25% shared ownership. If the submitted proposal was accepted then it would be necessary to write clauses into the S106 requiring that if the market should improve the developer should meet our policies head on.
- 3.12 County Archaeology comment that no heritage assets of archaeological interest are known from the development area, but the submitted desk study has concluded that it has some potential to contain archaeological remains of prehistoric date. Evidence for occupation of Late Bronze Age date is known to the north, and the assessment also established that the study area has been in use for arable or pasture for at least 160 years and this would indicate that should archaeological remains be present, they may be well preserved. She therefore comments that the development should be regarded as likely to have an impact on heritage assets of archaeological interest, and a condition for a programme of archaeological work is therefore recommended.
- 3.13 The County Development Unit advise that the County Council seeks to promote the sustainable management of waste and encourages minimising waste generated by development. A condition is therefore recommended to comply with policies 3, 7 and 8 of the Waste Local Plan.
- 3.14 Environmental Health recommend consent subject to conditions on construction hours of working, dust and contaminated land.
- 3.15 Sport England comment that the consultation is not statutory as the proposed development would not appear to include or prejudice the use of either the existing playing field or adjoining school playing fields. They advise that a residential development of 97 dwellings will generate additional needs for outdoor sports facilities and object to the application unless off-site provisions in the form of a financial contribution are made towards the implementation of new or improved outdoor sports facilities in the local area. It should be noted that the evidence base which underpins the Supplementary Planning Document (SPD), with respect to outdoor sport, has recently been updated through the preparation of a Playing Pitch Assessment and Strategy (2010) which identifies deficiencies in playing pitch provision in the Hertford area.

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- 3.16 With respect to indoor sports facilities, Sport England advise that the development would aggravate existing deficiencies. The SPD advises that applications that may increase the need for such facilities will be assessed on a case by case basis. The Council's evidence base on indoor sports facilities is currently being reviewed through the preparation of a Sports Facility Strategy which will identify current and future needs across the district.
- 3.17 The Council's Landscape Officer recommends consent. He comments that there will be no significant impact on existing trees, and the proposed layout is acceptable within the context of the site and surroundings. The indicative landscape proposals appear to be reasonable, but he raises concern over the provision of rear parking courts. The detailed specification of both hard and soft landscape areas will have a significant impact upon the finished appearance and character of the completed development. Conditions are therefore recommended.
- 3.18 The Herts Constabulary Architectural Liaison Officer comments that they have had two meetings with the developer and they are working towards the Secured by Design Award. The only recommendation they would like to see is that the developer continues to work with the constabulary to secure this award.
- 3.19 The Council's Environment Manager comments that "a revamped and improved play area would greatly benefit both existing and new residents and would be preferable to any lump sum 'off site' contribution. Developers have far more resource at their disposal and can also access much better rates in terms of equipment installation and associated hard and soft landscaping costs. He comments that a contribution would still be required for the ongoing maintenance of the facility and any other open space features.
- 3.20 He further comments that "A new play area would have to be designed as a LEAP along the lines of the new Planning and Design for Outdoor Sport and Play by Fields in Trust. This supersedes the old 6 Acre Standard. The 2007/8 audit identified that the Sacombe Road play area is due for some work in 2011 but we would only be able to make £10,000 available. We would be happy to reserve the £10,000 from this budget to add additional equipment to the completed play area if that is the direction that is taken."

3.21 Herts Biological Records Centre confirm that they have no known records of protected habitats or species for the site. They recommend conditions that site clearance shall only take place outside the bird breeding season, and a reptile survey shall be undertaken during the months of June-July and September. If reptiles are found then a written mitigation strategy must be submitted and approved by Natural England.

4.0 Town Council Representations

4.1 Hertford Town Council regrets the loss of a green field site to large scale residential accommodation, although they recognise that housing shortages exist in Hertford and that the land had been released by the District Council for residential use. Concern was expressed at the 'bolt on' effect of the proposed development which was emphasised by the quality and layout of the housing proposed, this being out of keeping with neighbouring estates. It was considered that a reduction in the density of the housing would seek to alleviate this difference in quality.

4.2 Further concern was expressed regarding the impact on the highways and other local infrastructure, especially neighbouring schools. A request for a S106 payment to cover additional school places was considered imperative should the development be approved. Furthermore, the Committee did not consider that one ingress and egress to the development was sufficient and were unable to ascertain what consideration had been given to pedestrian links from the site.

5.0 Other Representations

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

5.2 107 no. letters of representation have been received from local residents which can be summarised as follows:-

- The site is inappropriate for residential development;
- The requirements to release Reserve Housing Land have not been met;
- The local road network is already at full capacity and additional cars would increase the risk of road accidents, particularly for young children that walk to school;
- Extra traffic also from the Sainsbury's supermarket, the re-opening of the gravel pits, and the unresolved issue of the 'rat-run', and will put pressure on the Port Hill bridge;
- Parking is always full at the Avenue shops, and Co-op in Bengo Street;
- Traffic problems with school drop-off and collection times;

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- Number of dwellings and blocks of flats is an overdevelopment of the site and inappropriate in this area – the Local Plan estimates 70 dwellings;
- Three storey buildings are out of keeping;
- Only one entrance/exit is insufficient for emergency services;
- The school is unable to cope with additional students and no room to expand;
- Insufficient parking means mass street parking on the development leading to problems with emergency services gaining access, and children playing in congested streets;
- Fairview should have consulted all Bengeo residents, not just 127;
- Increased demand on all infrastructure in the area;
- The site remains rich in wildlife and should remain greenfield;
- Concern over additional flood risk;
- The development will exacerbate existing problems with water pressure;
- Query whether sufficient efforts have been made to develop brownfield land in Hertford before considering Reserve Housing sites;
- Concern over construction noise, dust and traffic;
- Earlier proposals to develop the site were shelved;
- The prevailing landscape is primarily rural – the development will seriously degrade the visual quality of the area;
- Concern over affordable housing, crime and antisocial behaviour;
- Poor level of amenity space for family houses;
- Concern over destruction and theft of crops from allotments;
- Lack of front gardens and trees/plants to break up the design;
- Concern over further development on the playing fields;

5.3 A letter of objection raising similar points has also been received from the Molewood Road Residents Association, which also raises concern over domestic cats hunting in the woodland.

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
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR7	Car Parking – Standards
TR8	Car Parking – Accessibility Contributions
TR13	Cycling – Facilities Provision (Residential)

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ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV10	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archeological Conditions and Agreements
LRC3	Recreational Requirements in New Residential Developments
HE2	Reserve Housing Land – Hertford
IMP1	Planning Conditions and Obligations

- 6.2 In addition to the above it is considered that the following national planning statements are considerations in determining this application:-

Planning Policy Statement 1 ‘Delivering Sustainable Development’

Planning Policy Statement 3 ‘Housing’

Planning Policy Statement 5 ‘Planning for the Historic Environment’

Planning Policy Guidance 13 ‘Transport’

Planning Policy Guidance 17 ‘Planning for Open Space, Sport and Recreation’

Planning Policy Statement 23 ‘Planning and Pollution Control’

Planning Policy Statement 25 ‘Development and Flood Risk’

7.0 Considerations

Principle of Development

- 7.1 The site lies within the town boundary of Hertford and has been designated as a Reserve Housing Site since the adoption of the East Herts Local Plan Second Review in April 2007. The site was previously designated as Green Belt, hence previous applications for residential development in the 1960s and 1980s were refused.
- 7.2 Reserve Housing Sites are only released for development if Monitoring Reports indicate the need to bring them forward in order to deliver a continuous 5.0 year supply of housing as required in Government policy PPS3. In 2008, the Council’s Annual Monitoring Report (AMR) identified that the East Herts housing land supply figure was 4.0 (well below the PPS3 minimum of 5.0 years), and therefore on 6th November 2008 the Local Development Framework Executive Panel agreed to release Reserve Housing Sites for development.

- 7.3 Although the Council's housing targets were previously based on the East of England Plan Regional Spatial Strategy, which has since been abolished, the Planning Policy team have advised that development of this site would still be required in order to meet a continuous 5.0 year housing supply. The proposal is therefore considered to be acceptable in principle.

Density of Development

- 7.4 The density of the proposed development works out at approximately 45 dwellings per hectare (dph), and has been reduced during pre-application discussions with Officers. It is noted that Government have recently abolished the national minimum indicative density of 30dph set out in PPS3; however making efficient use of land remains a key policy objective in PPS3 in order to limit the amount of greenfield land required for new development. The figure of 70 no. dwellings set out in policy HE2 is an estimate only, based on the previous minimum density of 30dph. It is therefore necessary to achieve a balance between delivering new housing and achieving a high quality scheme which respects the character of the surrounding area.
- 7.5 In this case the proposed density would be slightly higher than the density of neighbouring developments, which range from approximately 30dph to the north and west, to 40dph for developments east of Wadesmill Road. However, PPS3 states that "the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form" (para 50). Having regard to making the best use of land, and considering the layout and design of the site (discussed in detail below), Officers consider that the proposed density is acceptable in this location and does not represent an overdevelopment of the site.

Layout

- 7.6 The site is unique in that it is detached from any other immediate form of residential development. The layout has therefore evolved through discussions with Officers taking into account the context of the site, and a number of opportunities and constraints. Street frontages are proposed to face onto Sacombe Road to the east, the playing fields to the north, and woodland to the west. Houses to the south of the site are proposed to back onto the school and playing fields. A central green area and land beneath trees to the west of the site will provide some amenity space, but the demand for green space and play space will be met by the existing designated open space and equipped play area to the north of the site.
- 7.7 The eastern frontage will be set back from Sacombe Road retaining much of an existing hedgerow, and a public footpath which currently runs between the hedge and site. These dwellings will have front gardens with parking

provided to the rear. This will create an active street frontage that is softened by the retention of the hedge, and is considered to be appropriate in this semi-rural context.

- 7.8 The provision of an open boundary to the designated open space (with sections of knee rail fencing), and orientation of dwellings to face north onto the playing fields creates natural surveillance for this public area and will take advantage of views. Pedestrian links will be provided through the site to this open space, and will also connect into existing footpaths through the woodland owned by East Herts Council to the west. The southern half of this woodland is owned by the school and therefore 1.8m high close boarded fencing is proposed along this part of the western boundary. The northern part of the woodland boundary will remain open with enhanced planting.
- 7.9 Overall, the layout is based on three main blocks of development with small and overlooked central courtyard parking areas, with a row of dwellings to the south of the main street. The dwellings are considered to be appropriately spaced so as not to appear overdeveloped or cramped.

Scale and Design

- 7.10 The scale of the development is mostly 2 storey with some 2½ storey corner buildings and 3 no. 3 storey buildings in the centre of the site. It is noted that the surrounding area is mostly 2 storey in height, and semi-rural in character; however Officers do not consider that the taller buildings will appear intrusive or out of keeping. It is also noted that Bengeo House on the B158 roundabout to the south is 2½ storey, and there are 4 no. 3 storey blocks of flats in 1980s Bengeo Mews development.
- 7.11 The proposed street frontages on Sacombe Road and the playing fields will be predominantly 2 storey, with 2½ storey buildings located either side of the main access to create an entry point, in the middle of the playing field frontage, and on the northeast corner to provide feature buildings. The 3 storey buildings will be located in the centre of the site where they will be viewed in the context of the surrounding buildings. The overall scale of the development is therefore considered to be acceptable and will make efficient use of the land as required in PPS3.
- 7.12 In terms of design, the buildings are proposed as a mix of architectural styles. This includes rural style cottages and formal Georgian townhouses at feature points, with more modern blocks of flats. However, the use of gable pitched roofs and bay windows reflects the traditional built form of Hertford. The developer has justified the design as a number of character areas with a more formal street edge to Sacombe Road, more informal green edges to

the north and west, a central avenue with village green and green lanes connecting to the open space to the north.

- 7.13 A range of materials are proposed including clay bricks, slate and plain clay tiles, timber cladding, and pastel painted render with pargetting details. The majority of windows include a stone lintel, canopy porches will be provided for most dwellings, and all dormer windows will be of an appropriate small scale with flat roofs. The site lies outside the Conservation Area but is located at an entry point to Hertford town where the use of high quality materials would be important, and a condition to require samples is therefore considered reasonable. It is also considered necessary to require details of the fenestration to ensure a good quality design.
- 7.14 Overall, Officers consider that it would be preferable to provide a more coherent design strategy across the site rather than the range of architectural styles proposed. This is due to the location of the site on the edge of town and surrounded by rather uniform 1960s developments. However, the developer wishes to create a mixed development drawing upon village design principles and therefore proposes a wide range of house types. Whilst Officers consider that the overall design principles could be improved, it is not considered that the submitted proposal is unacceptable. The mix of house types and architectural styles does provide interest in the street, and the use of appropriate good quality materials will ensure some continuity. The proposal is therefore considered to be acceptable in accordance with policy ENV1 and government guidance in PPS1 and PPS3.

Planning out Crime

- 7.15 The overall design and layout of the site has evolved through discussions with both Planning Officers and the Herts Police Architectural Liaison Officer. The site has therefore been designed to minimise the risk of crime, and perception of crime, in accordance with policy ENV3 and has taken on board the principles of Secured by Design. Rear parking courtyards will be overlooked by habitable windows, and gates are proposed to provide secure access to these areas. The provision of bin and cycle stores, and safe access to refuse storage facilities has been incorporated into the design from the outset. The Herts Constabulary Architectural Liaison Officer comments that he has had two meetings with the developer and that they are working towards the Secured by Design Award. A condition to require this would not, however, be justified as it is not necessary to make the development acceptable, and is not a specific requirement in Local Plan policy.

Trees and Landscaping

- 7.16 There are a number of mature trees along the western and southern boundaries of the site that could be affected by the proposed development. Full details of root protection areas and tree protection during the course of construction have been submitted. A mature hedge will also be retained along the eastern boundary of the site adjacent to Sacombe Road, except for a 28m section that will have to be removed to provide sufficient access and visibility splays.
- 7.17 An indicative landscaping scheme has been proposed across the site with a number of new trees proposed and a mix of native species. Although a few of the front gardens could be enlarged, Officers consider that overall the application proposes a satisfactory mix of soft planting and hard surfacing. The provision of a good quality scheme will depend on the submission of hard and soft detailed proposals by way of condition. The Landscape Officer has raised no objection and the proposal is considered to comply with policies ENV2 and ENV11 of the Local Plan.

Access and Parking

- 7.18 Vehicular access will be provided from a single access onto Sacombe Road. Highways have raised no objection to this access, and appropriate visibility splays will be provided through the removal of part of the existing hedge and controlled by way of condition. A Transport Assessment (TA) has been submitted with the application which indicates that the access is wide enough for emergency access and meets the standards set out in Manual for Streets and the Roads in Hertfordshire Design Guide. No objection has been raised by the Highway Authority.
- 7.19 The internal road layout has also been designed in accordance with Manual for Streets principles and uses shared surfaces where appropriate. This reduces the dominance of the development by vehicles, and reduces vehicle speeds to allow children to play more safely in the streets.
- 7.20 A number of objections have been raised by local residents with regards to traffic generation from the new development. The TA predicts from the TRICS database that 54 vehicular movements would occur between 08.00 and 09.00, with 58 between 17.00 and 18.00, with 90% of trips travelling to/from the south. The TA also predicts that the access and junctions will have sufficient capacity to cope with the traffic, and wider impacts have been considered insignificant. Highways have not disputed the findings of this TA. The proposal is therefore considered to be acceptable with regards to policy TR2. Swept path analyses have also been undertaken to ensure that the development is fully accessible by refuse and emergency vehicles.

- 7.21 A draft Travel Plan has been submitted with the TA and is proposed to be finalised prior to occupation of the first dwelling, and a condition has been suggested by Highways. However, policy TR4 'Travel Plans' only requires a travel plan to be submitted for developments that include jobs, shopping, leisure, education and services, or where "a travel plan would help address a particular local traffic problem associated with a planning application, which might otherwise have to be refused on local traffic grounds." Highways have raised no objection to the traffic generation from this development and advise that the application would not otherwise have to be refused on local traffic grounds. Therefore, although very welcome, it is not considered necessary to require a travel plan through a planning condition or legal agreement.
- 7.22 In terms of parking, a mix of parking options will be provided across the site including some frontage and garage parking, some street parking and lay-bys, and rear courtyard areas. Based on the Council's adopted Parking Standards, the development would generate a maximum demand for 212 spaces. This application proposes 160 spaces which represents an average of 1.65 spaces per unit, and a 75.5% provision of the maximum demand. Members will recall that there are no minimum parking standards.
- 7.23 A number of the garages have been made larger during the course of the application in order to comply with Appendix C of the Council's adopted Vehicle Parking Provision at New Development Supplementary Planning Document (SPD). This is to encourage use of the garages for parking as well as providing some space for storage.
- 7.24 The TA sets out a justification for the 75% provision, and this is based on the accessibility of the site by public transport. The site is served by bus route 333 which operates an hourly circular service into Hertford, and the nearest bus stop is on Sacombe Road at a distance of only 190m from the access. Hertford East and Hertford North stations are both a 1.8km walk away. Shops and primary schools are also within a reasonable walking distance. The proposal is therefore considered to be acceptable in relation to policy TR7 and Appendix II of the Local Plan.

- 7.25 A number of conditions have been suggested by Highways and are listed at the outset of this report. This includes providing adequate access and visibility splays prior to occupation, and to require parking to be provided prior to occupation of each dwelling. Details of wheel cleaning and construction access and movements are also considered reasonable and necessary in order to minimise impact on the public highway. Hard surfacing is covered under the standard landscaping condition, and the storage and delivery of materials is adequately covered by Highways legislation.
- 7.26 Cycle parking is proposed at 1 space per unit. The Council's adopted standards require the provision of 1 cycle space per dwelling if no garage or shed is provided. In this case, a number of garages are proposed and therefore it would not be necessary to provide 97 cycle parking spaces. Full details of these facilities will be required by condition to comply with policy TR14.

Residential Amenity

- 7.27 There are no immediate neighbours within 30m of the site to be directly affected by overlooking or loss of light as a result of this development. Further, the closest neighbours are to the west of the site and are well-screened by existing vegetation.
- 7.28 In terms of future occupiers, the development is designed to minimise any harmful overlooking with minimum back-to-back distances of 20m and appropriate window positioning. It is noted that plots 40, 44, 54 and 57 have first floor side windows in rear projections that will face neighbouring gardens and result in some overlooking. However, given the distance and angles involved Officers do not consider this to be unacceptable or a reason to refuse the application. The insertion of any further upper floor windows will be suitably covered under permitted development restrictions. The buildings are also appropriately sited so as not to restrict daylight to habitable rooms.
- 7.29 A noise survey has been carried out to determine any impact of increased traffic on existing residents, and any noise impact on proposed residential occupiers. This concludes that the proposed development can be satisfactorily mitigated against existing noise sources, and will have no significant noise impact once the development is complete. Environmental Health have raised no objection on these grounds subject to a condition on construction hours of working; however this is not considered necessary as the matter is covered by Environmental Health legislation, and the site is at some distance from existing residential property.

7.30 An Air Quality Assessment has also been submitted which concludes that the impact of the development on the ambient air quality near the development site will be very small. Environmental Health have recommended a condition on dust, but this is not considered to be reasonable or necessary in this case bearing in mind the requirements of Circular 11/95.

Affordable Housing and Lifetime Homes

7.31 The application includes provision for 39 units of affordable housing which represents a 40.2% provision in accordance with policy HSG3. Following the Housing Manager's initial comments, the developer has submitted a schedule of units, size and tenure, and has amended the scheme to reduce the 5 bed units to 4 beds. The accommodation is spread across the development with clusters in the northeast and southwest corners, plus two blocks of flats in the centre of the site. The layout will therefore provide for an integrated community with a mix of unit sizes and ownership.

7.32 However, the tenure mix is proposed as 54% social rented and 46% shared equity, rather than 75% and 25% respectively as set out in the Council's adopted Housing Strategy. This is primarily due to the current economic climate, and that the developer is unlikely to receive significant grant funding for the affordable units. This proposal is therefore based on seeking £25,000 grant funding per unit which is more realistic in the current economic climate.

7.33 Policy HSG4 does state that the size, type and tenure of affordable housing will be determined by, amongst other things, the availability of public subsidy. Therefore, in discussions with the Council's Housing Manager, it is considered acceptable in this case to accept the proposal for 54% social rented and 46% shared equity, subject to a clause in the legal agreement that the tenure mix should be revisited if development does not commence within 12 months.

7.34 Overall, the site is considered to be acceptable for affordable housing given its proximity to local services and public transport, and will assist in meeting the objectives of the Council's Housing Strategy. The proposal is therefore considered to comply with policies HSG3 and HSG4 of the Local Plan. However, a legal agreement is required in order to ensure delivery of these affordable units.

7.35 The application also makes provision for 15% lifetime homes in accordance with policy HSG6; this will also need to form part of the legal agreement in order to ensure delivery.

Sustainability

- 7.36 Since the abolition of the East of England Plan, it is no longer a requirement for new developments to provide 10% of their energy generation from renewable or low carbon sources. However, Local Plan policy SD1 requires a Sustainability Statement to be submitted, and policy ENV1(e) requires that new developments “incorporate sustainable initiatives in design, layout and construction methods including energy and water conservation and solar energy as an integral part of the design of the development.”
- 7.37 The submitted Sustainability Statement indicates that solar thermal and photovoltaic panels will be provided, and it is considered reasonable in relation to the above policy requirements to require that these be installed. Details of this equipment will have to be submitted and approved by condition. Homes are also proposed to be fitted with condensing gas boilers with a seasonal efficiency of at least 90%, low nitrogen oxide emissions and programmable dual zone control thermostats. A site waste management plan is also proposed, along with the use of a construction material (Lignacite blocks) made from 20% waste wood shavings from the joinery industry. It is considered reasonable and necessary to require further details of site waste management by way of condition in order to comply with the Waste Local Plan.

Flood Risk and Drainage

- 7.38 A Level 2 Flood Risk Assessment (FRA) has been submitted with the application which concludes that, subject to appropriate mitigation measures, the flood risk posed to the site from surface water run-off can be managed to an acceptable level. The site is located in a Floodzone 1, the lowest level of risk. The Environment Agency have raised no objection to the development subject to conditions that the development is carried out in accordance with the FRA and that a surface water drainage scheme is submitted and approved. Both these conditions are considered reasonable and necessary in accordance with policy ENV21.

Ecology

- 7.39 The site is a Greenfield site and has been left overgrown for many years, but is not designated as a Wildlife Site. The applicant has submitted a Phase 1 Habitat Survey which concludes that the site is of negligible ecological value but provides potential for nesting birds. It is therefore recommended that clearance should only be undertaken outside of the nesting bird season (generally from March to September). A survey should also be undertaken to establish the presence of any reptiles, and to implement any associated mitigation measures. These are recommended

as conditions, as suggested by Herts Biological Records Centre, in order to comply with policy ENV16 of the Local Plan.

Financial Contributions

- 7.40 As the application is for 97 residential units, the need for financial contributions is triggered under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit.
- 7.41 HCC have confirmed that they will require contributions towards primary, secondary and nursery education, childcare, youth and library facilities. This is based on the number of units and bedrooms proposed, and the figures are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in S122 of The Community Infrastructure Levy Regulations (CIL) 2010. Comments regarding the capacity of the neighbouring school are noted; and contributions would therefore go towards future school expansion in the area.
- 7.42 A figure of £128,375 has also been requested by County Highways towards Sustainable Transport Initiatives. This is formed of £22,000 as first strand contributions towards bus stops, and £106,375 as second strand contributions towards Urban Transport Plan schemes, such as pedestrian and cycle linkages to Hertford and railway stations. This financial contribution is considered necessary in order to help mitigate against the highway impacts of this new development, and is in accordance with the HCC Planning Obligations Toolkit and Local Plan policy IMP1.
- 7.43 The East Herts Council SPD also requires standard contributions towards open space provision, children and young people, recycling facilities, community centres and village halls. In this case the site is located in close proximity to an existing playing field and equipped area of play, and Sport England have identified a need to contribute towards existing outdoor sports facilities. As the development will comprise mostly family housing, it will place pressure on this existing facility which is already in need of improvement. The Council's Environment Manager has therefore suggested that this play area be revamped and improved by the developer as a LEAP, and that an informal goal kick area is installed, and the basketball court possibly relocated, instead of paying 'off site' contributions. This would be required through a legal agreement, along with financial contributions towards the future maintenance of the facility. This requirement is considered to be reasonable related to the proposal and necessary to mitigate against the impact of the development, and therefore in accordance with S122 of CIL and policy IMP1 of the Local Plan.

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7.44 In terms of amenity land, Officers have calculated that sufficient amenity space is proposed within the development site itself, and therefore no additional contributions would be required. Further, no need has been identified for parks and gardens in the Hertford area, or community centres and village halls. Finally, standard contributions for the initial provision of recycling facilities (£72 per dwelling and £76 per flat with shared amenity space) are required in accordance with the Planning Obligations SPD. A standard £300 monitoring fee also now applies per planning obligation.

Archaeology

7.45 The County Archaeological Officer has requested a condition to require a programme of archaeological work to be undertaken. A desk based study and Written Scheme of Investigation have already been submitted and this concludes that the development could potentially have an impact on archaeological remains. A condition is therefore recommended for a programme of archaeological work to be carried out.

Permitted Development Rights

7.46 Officers have considered the removal of permitted development rights for further extensions, roof extensions and outbuildings; however this is not considered necessary or justified in this case. Although garden areas would be reduced in size by additional rear extensions and outbuildings, the resultant amenity space would remain acceptable and no harm would immediately arise. Restrictions under Class A and Class E criteria would apply nonetheless.

7.47 Future residents may also wish to construct dormer windows in the roof. Whilst this would disrupt the design of the development, the design is not considered to be of such a high quality that it warrants this form of protection. Further, the provision of boundary fencing under Part 2, Class A permitted development rights may impact on the appearance of the development, but Officers do not consider there are any special circumstances particular to this site to warrant such a restriction.

7.48 However, given the parking provision on site, and the number of integral garages proposed, it is considered necessary to restrict the use of these garages for vehicle parking only in accordance with policy ENV9.

8.0 Conclusion

- 8.1 Overall, the proposed development is acceptable in principle given the decision of the Council in 2008 to release Reserve Housing Sites. The density and layout of the scheme have evolved through pre-application discussions with Officers and are considered to be of a good quality and will not appear out of keeping with the semi-rural character of the surrounding area. Officers consider that all other matters have been satisfactorily addressed.
- 8.2 The application is therefore recommended for approval subject to the signing of a legal agreement, and the conditions set out above.