

DEVELOPMENT MANAGEMENT COMMITTEE – 14 SEPTEMBER 2016

Application Number	3/16/1164/FUL
Proposal	Erection of 1no 5 bedroomed dwelling, 5no 4 bedroomed dwellings, 5no 3 bedroomed dwellings, 5no 2 bedroomed dwellings and 2no 1 bedroomed dwellings. Widening of vehicular and pedestrian access from Hunsdon Road, landscaping, surface water drainage, and car parking
Location	Land South Of Martlets, Hunsdon Road, Widford, SG12 8SE
Applicant	Stonebond Properties Ltd
Parish	Widford
Ward	Hunsdon

Date of Registration of Application	24 May 2016
Target Determination Date	23 August 2016
Reason for Committee Report	Major planning application
Case Officer	Nicola McKay

RECOMMENDATION:

That planning permission be **GRANTED** subject to a legal agreement and the conditions set out at the end of this report.

1.0 Summary

- 1.1 This application seeks full planning permission for the construction of 18 dwellings with associated works, implementing a residential access in place of the existing field access onto Hunsdon Road. The proposal is for 1no 5 bedroomed dwelling, 5no 4 bedroomed dwellings, 5no 3 bedroomed dwellings, 5no 2 bedroomed dwellings and 2no 1 bedroomed dwellings.
- 1.2 The site which is located in the Rural Area beyond the Green Belt wherein policy GBC3 of the Local Plan allows for specific types of appropriate development. Policy GBC3 allows for limited infill development in Category 2 villages, in accordance with Policy OSV2, however, other new residential development is generally not allowed and as such forms inappropriate development. Whilst Widford is designated as a Category 2 Village within the adopted Local Plan, the proposal site is not considered to be within the built up part of the village wherein Policy OSV2 allows for small scale infill housing. The proposal therefore represents a departure from Rural Area policies contained in the Local Plan.

- 1.3 In the absence of five years supply of land for housing, regard must be had to the presumption in favour of sustainable development set out in paragraph 14 of the NPPF, and a determination in accordance with that unless there would be adverse impacts arising from the proposed development that would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 1.4 The site is well located in relation to the village and Officers consider the proposal overall amount to a sustainable form of development notwithstanding that there would be a reliance on the private car for access to shopping, employment and to access other services. Despite the localised change in character, it is not considered that the development would not result in any significant harm to the character and appearance of the surroundings and that it would preserve and enhance the Widford Conservation Area. Its impact would be acceptable in terms of highways, landscaping, drainage, ecological and neighbour amenity issues.
- 1.5 On balance, then it is not considered that there are any matters which significantly and demonstrably outweigh the benefits of the development in terms of housing provision and it is recommended therefore that, in accordance with paragraph 14 of the NPPF, planning permission should be granted.

2.0 Site Description

- 2.1 The site is located to the southern edge of the village of Widford as shown on the attached OS plan. The site is within the Widford Conservation Area. The proposed development would be constructed between the built up part of the village and a small cluster of dwellings along the 'cross roads' to the south of the proposal site. The site adjoins the boundary with Hunsdon Road (B180) to the west and open countryside to the east.
- 2.2 The site currently forms open and undeveloped land which benefits from mature tree screening to the east and west site boundaries. There is an existing field access from Hunsdon Road that is located fairly centrally to that boundary.

3.0 Background to Proposal

- 3.1 In 2013 planning permission was refused for one dwelling on land to the east of Martlets (now forming the north eastern corner of the application site) under lpa reference 3/13/0657/FP for the following reason:

1. The application site lies within the Rural Area beyond the Green Belt as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than that required for agriculture, forestry, small scale local community facilities, limited infill development in Category 2 Villages or other uses appropriate to a rural area. The proposed development would be prejudicial to this policy, set out at policies GBC2 and GBC3 within the East Herts Local Plan Review April 2007 and would result in the loss of an open space which is important to the form and setting of the southern boundary of the village and open rural countryside beyond.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
The principle of residential development within the Rural Area and whether the proposal forms sustainable development	Paragraph 14	SD2, GBC3
Design and landscaping and the impact on the character and appearance of the area and the Widford Conservation Area	Sections 7 and 12	ENV1, BH6
Residential amenity		ENV1
Landscaping		ENV1, ENV2, ENV11

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

- 5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. The draft District Plan identifies Widford as a Group 2 Village and the proposed boundary for the village excludes the application site, however, there is an outstanding objection to this. Given its stage in preparation, Officers consider that little weight can currently be assigned to the emerging District Plan and that full regard must be had to the policy position set out in the NPPF.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority: does not wish to restrict the grant of permission. It comments that Widford may be described as having only limited facilities. Within this context and the limited level of public transport available, the private car must be considered the dominant mode of transport for the proposed development and therefore the proposal could be questioned in terms of sustainability.
- 6.2 Following initial comments that it will seek some widening of the existing footway along Hunsdon Road through a Section 278 agreement, it has now confirmed that once some of the existing vegetation to the footway is cleared away, the footway may be close to its required 1.5 metre width which would be acceptable in this case. The footway leading into the site should be constructed to the 1.5 metre width.
- 6.3 It considers the position of the access to be acceptable and that an appropriate level of visibility can be achieved with reduced sightline to 70 metres without the need to remove any additional trees to those indicated on the plans. However, it would expect existing foliage to be removed to ensure that only the trunks of the trees would interrupt the visibly splays between 0.6 and 2 metres in height.
- 6.4 Lead Local Flood Authority (LLFA): initially objected to the proposal as it stated that the submitted surface water drainage strategy did not provide a suitable basis for an assessment to be made of the flood risks arising from the development. However, following lengthy discussions with Officers and the applicant's drainage consultant it has now confirmed that the drainage strategy is acceptable in principle.
- 6.5 Two proposals for surface water discharge have been submitted, the preference for all parties being for discharge into the ditch running adjacent to the site, if this does not prove feasible then Thames Water have confirmed that it will accept limited discharge into the foul water sewer as the second option. Conditions are recommended for a more detailed surface water drainage strategy to be submitted prior to the commencement of the development.
- 6.6 Environment Agency: has no comments to make on this application.
- 6.7 EHDC Engineering Advisor: comments that the site is within Flood Zone 1, there are no historic flood incidents recorded for the site and the land is away from surface water inundation zones. He comments

that the scheme provides swales and ponds which are considered to be the most sustainable form of drainage for surface water.

- 6.8 Thames Water: has no objection in respect of the sewerage infrastructure capacity and comments that surface water drainage is the responsibility of the developer, if piling works take place this should ensure no damage to the sewerage infrastructure, it recommends the use of petrol/oil interceptors.
- 6.9 EHDC Housing Development Advisor: comments that the application proposes 40% affordable housing consisting of 2 No. 2 bedroom houses for shared ownership, 3 No. 2 bedroom houses for rent and 2 No. 1 bedroom maisonettes for rent. This would meet the needs of applicants on the housing needs register.
- 6.10 EHDC Conservation and Heritage Advisor: has recommended approval and comments that the proposal would not harm the character and appearance of the Conservation Area. The advisor comments that the 2013 Conservation Area Appraisal did not identify this site as an area of open space to be protected but did recognise that the tree lined boundary along the western edge of the site is of importance and should be protected.
- 6.11 EHDC Landscape Advisor: has recommended approval. He has commented that it is highly desirable that the linear row of mature trees and hedgerow vegetation along the western road frontage is retained as far as possible – as an existing landscape feature which currently defines the appearance and landscape character along this approach to Widford.
- 6.12 The accompanying Watermans Transport Statement is not yet highways approved and the setback point for the 2.4 metre splay on plan 0006 A01 does not appear to be taken from the edge of the highway.
- 6.13 It is difficult to be able to quantify the actual tree loss to be expected, as views to/from the setback point are obscured to some extent by understorey vegetation and low branches. It may (or may not) be possible that pruning or cutting back of low branches is sufficient for much of the length of the splays but some clearance of undergrowth and tree pruning works will need to be undertaken, in consultation with relevant professionals, to facilitate this survey process.
- 6.14 Following further representations from HCC Highway Authority, which confirms that it is satisfied with the sightlines shown on the plans (albeit

recommend that these are reduced from a 90 metre to 70 metres splay) and that no further trees to those indicated on the plans would need to be removed to achieve the required sightlines, the Landscape Advisor has verbally confirmed that this overcomes his concerns.

- 6.15 Herts Ecology initially recommended that reptile and badger surveys were required by condition, a suitable lighting strategy is developed and a revised landscaping plan to incorporate recommendations made within the habitat survey. It comments that, provided these measures are met, there should be no outstanding ecological constraints. Following the submission of a revised landscape plan it has commented that this has been completed to a satisfactory standard.
- 6.16 HCC Development Services has requested financial contributions towards Primary education (towards the expansion of Widford School), Library services (towards enhancements to the adult fiction area of Ware library and Youth Services (towards improved signage for the Ware Youth Centre) and an obligation is included within a Section 106 agreement for the provision of a fire hydrant.
- 6.17 HCC Minerals and Waste: has commented that the site sits entirely within the sand and gravel belt where the extraction of mineral for use on site is encouraged.
- 6.18 EHDC Environmental Services: comments that all properties must have sufficient space to store 3x 240l bins within the boundary of their property and there must be suitable access for the freighter to service the properties.
- 6.19 Herts Fire and Rescue Service has commented that additional hydrants will be required within the site and that access for firefighting vehicles should be provided in accordance with Building Regulations requirements.

7.0 Parish Council Representations

- 7.1 Widford Parish Council comments that it has a number of serious reservations which can be summarised as follows:
- The density will be out of keeping with the village;
 - The number of parking spaces is limited and the East Herts standards are inadequate for rural locations, this could lead to parking on the B180;

- The additional car movements would increase risk of an accident especially if residents park on the B180-this could be mitigated by adding lay-by parking;
- The fresh water system occasionally runs dry and the public sewer system is near to maximum capacity and the proposal could result in problems in respect of these facilities;
- This is a wet field and two ponds appear when it rains-the drainage strategy may not resolve the surface water problem;
- Widford is low on the sustainability scale and there will be a drain on local services. Section 106 money for the following could be used to enhance the sustainability of the village:
 - 1) Upgrade pavement to the site and into the village;
 - 2) Solar powered 30mph signs;
 - 3) Playing field hardstanding;
 - 4) Refurbish swings and children's play area;
 - 5) High speed broadband for the new dwellings;
 - 6) Width restrictions to Hunsdon Road;
 - 7) Lay-by or additional parking outside of the site;
 - 8) An apprentice position for some from the village.

8.0 Summary of Other Representations

8.1 3 representations from local residents have been received which can be summarised as follows:

- The proposal is too large and dense;
- Dangerous access point and additional traffic could lead to problems on the Hunsdon Road;
- The village has no amenities, no shop and limited bus service;
- The village school is now full and improving village resources rather than social housing should be a priority;
- Older children cannot get into nearby secondary schools;
- Traffic calming measures would benefit the development and the village;
- The development should be set back and discreet.

8.2 The Campaign to Protect Rural England (CPRE) objects to the proposal and states that it is inappropriate development outside of the village boundary. The village has limited services and it does not accept the assertion that the development is sustainable. The development will extend the built form of the village southwards which will impact on the visual separation, the strategic gap between Widford and Hunsdon and will undermine the landscape character of the area.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/13/0657/FP	Erection of 1no 4 bedroomed detached dwelling with double garage and associated access	Refused	19 th August 2013

10.0 Consideration of Relevant Issues

Principle and Sustainability

- 10.1 The site lies outside the built up part of the Category 2 Village of Widford and therefore within the Rural Area Beyond the Green Belt where policy GBC3 only allows for specific forms of development, not including new residential development. The proposal therefore represents inappropriate development in principle. The East Herts Local Plan is considered out of date with regard to the policies which deal with housing land supply and regard must be had to other material policy considerations in this respect, most importantly the policies contained in the NPPF.
- 10.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and also states that ‘where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework which indicate development should be restricted.’
- 10.3 The Council has acknowledged its lack of a 5 year housing land supply and the need for housing in the district. As indicated, it is acknowledged that, in respect of housing land supply, its current policies are considered to be out of date. Whilst work is on-going on the District Plan it is still in draft form and can only be given limited weight in planning application decision making. The proposed development would make a contribution towards the Council’s deficit in housing supply and this must weigh significantly in favour of the proposal.

- 10.4 With regard to sustainability, the proposed development is located to the southern edge of the village, within easy and on foot reach of the centre of the village and the services that it provides. Those services are limited however to a Primary school (with pre-school), a Public House, a village hall, children's play area, church, allotments and a cricket club.
- 10.5 Whilst the site does provide good access to those limited local services, it is acknowledged that future residents are very likely to rely on private motor vehicles to access other services and employment. This does weigh against the development proposal. In wider sustainability terms, the village is within close proximity to a number of larger centres which provide a wider range of services including Ware, Hertford, Harlow and Bishops Stortford.
- 10.6 Inspectors have considered the question of sustainability when dealing with recent appeal proposals. In relation to the site at Hunsdon Lodge Farm, Hunsdon (15 dwellings) the Inspector also recognised that there were a limited number of facilities and services within the village of Hunsdon, however, commented that '*...there would be likely to be some need to travel by private car but the Framework recognises that development will enhance or maintain the vitality of communities and those opportunities to maximise sustainable transport solutions will vary from urban to rural areas*' (Paragraph 28 of Inspectors report in connection with Ipa ref.3/15/0206/OP). The appeal was allowed.
- 10.7 Planning permission was previously refused for the erection of 1 dwelling within part of the site, on the basis that it comprised inappropriate development within the Rural Area. There is a different balance of considerations to be had in relation to the current proposals. They would make a greater contribution towards housing supply, including affordable housing, to which significant weight must be given.
- 10.8 Appeal decisions have also clarified the balance to be achieved in relation to the statement in the NPPF that only be refused when the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits. Recent appeal decisions within the District include Hunsdon Lodge Farm, which is referred to above (Ipa ref. 3/15/0206/OP) and Albury Lime Kiln (Ipa ref. 3/15/2455/OUT) which both involve locations within the Rural Area wherein the appeals were allowed for residential development. Overall, Officers consider that limited weight should be attached to the previously refused scheme for one dwelling.

Impact on character and appearance of the area and the Widford Conservation Area

- 10.9 In assessing the harm that would be caused by the development of the site, the impact that this would have to the character and appearance of the area and the Widford Conservation Area is an important consideration. The Widford Conservation Area Appraisal, 2013, does not specifically refer to the application site however; the trees to the frontage are identified as ‘particularly important trees to be protected’. Whilst there would be a loss of a number of trees to create the access into the site, it is anticipated that the proposal would maintain the majority of the trees to the western site boundary which would ensure that their contribution to the character and appearance of the Conservation Area is maintained.
- 10.10 The proposal would result in the development of an existing area of open space between the built up part of the village to the north and a small cluster of dwellings to the south and as such would alter the form and layout of the village. However, its value is considered to be limited and its retention as undeveloped land does not appear to be necessary to secure the preservation of the Widford Conservation Area.
- 10.11 The concerns raised by CPRE in respect of the site closing a strategic gap between Widford and Hunsdon and the impact upon the landscape character of the area have been considered. However, the existing land is relatively flat and whilst providing a noticeable gap within the built environment it is not considered to be strategic in the way that the CPRE refer. Land which operates in this way is to the south of the site and beyond the adjacent group of residential dwellings. That gap with more strategic value will remain.
- 10.12 The Landscape Advisor has not raised any concerns with the principle of developing this site. Having regard to these comments, it is considered that the value of this existing gap is not of such significance that the loss of this space should be attributed any more than modest harmful weight.
- 10.13 With regard to landscape character, the Councils Landscape Advisor has confirmed that he has no objections to the principle of the development. Following confirmation from HCC Highway Authority that the majority of the existing tree screen to the western boundary can be retained, whilst still achieving the necessary visibility splays, his concerns in respect of this matter have now been overcome. A condition is recommended to require a detailed plan setting out the necessary works.

- 10.14 The new dwellings would be set back a minimum of 13 metres from the front boundary with the highway. This would maintain a soft edge for the approach into the village and reduce the visual prominence of the proposed development.
- 10.15 The development forms a mix of detached, semi-detached and terraced dwellings. Each of the dwellings would occupy plot sizes that are appropriate to the property size and sit comfortably within the site. There are areas of soft landscaping throughout the site. It is noted that some concerns have been raised by third parties and the Parish Council in respect of the proposed density. The size of the site is just under 1 hectare and would accommodate 18 dwellings. By way of comparison the nearby residential development of Daintrees to the north of the site is of a similar size and accommodates 14 detached dwellings. Having regard to the mix of dwellings that is currently proposed, forming semi-detached and terraced as well as detached and the open spaces proposed, Officers consider that the density and amount of development is acceptable and would not be out of keeping or detrimental to the character and appearance of the area.
- 10.16 The proposed detailed design of the development is considered to be of a high standard that would be suitable for the location of the site within the Conservation Area. The dwellings are designed with pitched roofs, front and rear gabled projections, chimneys, porches, bay windows and detailing such as lintels, barge boards and string coursing. The plans indicate that a mix of brick, boarding and render would be used for the materials of construction, however, Officers recommend that the precise details of materials are agreed by condition. The proposed dwellings are designed to a high standard and incorporate traditional features that are reflective of many of the traditional buildings within the village.
- 10.17 Having regard to the comments received from the Conservation and Landscape Advisors, it is considered that the development of this site would have a limited and not unacceptable impact upon the landscape character of the area and that the proposal would preserve and enhance the character and appearance of the Conservation Area. The design and layout of the site is considered to be of a high standard that would assist in the preservation of the Conservation Area and would allow the development to assimilate well into the existing village.

Residential amenity

- 10.18 All of the proposed dwellings would benefit from appropriate sized gardens including the 1 bedroom maisonettes which have a shared rear

garden. Sufficient spacing is retained between the proposed dwellings to ensure that the occupiers would benefit from a good level of amenity in respect of their outlook, light and privacy and the siting of the dwellings and outbuildings would be acceptable so as to ensure that there would be no overbearing impacts upon the future occupiers. It is noted that some of the proposed dwelling houses are set back from or extend significantly beyond the rear wall of the their neighbouring plots, such as Plots 14 and 15 in relation to Plot 16 and Plot 4 in relation to Plot 3. However, in both of these cases setbacks of 2-3 metres would be retained to the plot boundaries and a good outlook would remain.

- 10.19 A number of the proposed dwellings have windows at first floor within their flank elevations, however, it appears that the only windows where unacceptable overlooking could occur would actually serve bathrooms and ensuites and as such it is considered reasonable to impose a condition to require these windows to be obscure glazed and fixed shut to a height of 1.7 metres to protect the privacy of future occupiers.
- 10.20 In respect of the impact upon existing neighbouring residential properties, the dwellings within Plots 18 and 9 would be set back some 26 and 22 metres from the existing neighbouring dwelling house to the north, Martlets. Plot 18 would be set back approximately 15 metres from Yew Tree House to the north west. The dwellings that would occupy Plots 1 and 2 would be set back some 17 and 13 metres from the boundaries with Nos 1 and 2 Bertrams Cottages to the south and it is estimated that a space of 25-27 metres would be maintained between the existing and proposed dwelling houses themselves.
- 10.21 Having regard to the distances that would be retained to existing neighbouring dwelling houses, Officers consider that the proposal would not result in an unacceptable impact upon the amenities of the neighbouring occupiers. It is noted that the representations received from neighbours do not raise any concerns in respect of the impact upon their light, outlook or privacy.

Access and Parking

- 10.22 The concerns raised by the Parish Council and third parties in respect of the additional traffic along the Hunsdon Road are noted. However, the HCC Highway Authority is satisfied with the proposal, having regard to which Officers do not consider that the proposal would have a harmful impact upon highway safety.
- 10.23 In respect of parking provision all of the dwelling houses would benefit from 2 off road parking spaces with all of the open market housing also

benefiting from garages, which meet the recommended dimensions specified in the Council's Vehicle Parking SPD, and would provide approximately 14 additional spaces. The 1 bedroom maisonettes are shown to have 1 parking space each with 1 shared space for the two units and a further visitor space. 4 No. visitor spaces are proposed within the site overall. Whilst it is acknowledged that the proposal would result in an over provision of parking, having regard to both the adopted and emerging parking standards, Officers consider that the provision made in this case would be acceptable given the location of the site and the acknowledged likely reliance on private vehicles. It is not considered to be necessary or reasonable to require any additional parking within or outside of the site.

- 10.24 It is noted that the HCC Highway Authority initially commented that it intended to secure the widening of the footway to the Hunsdon Road through a Section 278 agreement, however, following concerns raised by Officers, it has now indicated that this would only be necessary to the access into the site and that all that would be required to the existing footway is the scraping back of existing vegetation. Officers maintain that any additional widening of the footway would appear at odds with the adjoining footways and may result in unacceptable damage to existing trees to the detriment of the character and appearance of the area. It is noted that the proposal includes the provision of a footpath link from the site out onto the northern part of the existing footway that adjoins the site which would provide a convenient and attractive pedestrian access to the village.

Affordable Housing

- 10.25 The proposal provides a 40% contribution towards affordable housing and the Council's Housing team have confirmed that the tenure mix proposed meets the identified housing need. The proposal is therefore considered to be policy compliant in this respect and would make a positive contribution towards affordable housing need to which weight should be attached in the consideration of the overall acceptability of the proposal.

Other Matters

- 10.26 Following discussions with Officers the LLFA has now confirmed that conditions can be imposed to secure the additional information that they require relating to surface water drainage. Having discussed the proposal in detail with the LLFA, the applicant's drainage consultant and the Council's own engineers, Officers are satisfied that the proposed drainage strategy is acceptable and that there are options to

deal with the discharge of surface water which can be confirmed at a later stage. It is noted that the proposed surface water drainage scheme is highly sustainable, with the use of swales and a pond and other measures that accord with the advice given within the Council's Strategic Flood Risk Assessment (SFRA).

- 10.27 In accordance with the advice received from Herts Ecology a condition is recommended to require a reptile and badger survey to be carried out. Following its advice the proposed landscape plan has been updated and ecological enhancements have been added to include a bat box, swallow and swift boxes and a general nesting box. Details of lighting can be adequately dealt with by condition. Officers are satisfied that the proposal would not have an unacceptable impact upon protected species in accordance with the aims of Policy ENV16.
- 10.28 The suggestion from the Parish Council that Section 106 money could be provided towards specific projects with the village has been considered. Officers are of the view that a contribution towards the local children's play area would be justified in this case. The Parish Council has identified an existing play area off of Abbots Lane and have said that they have a quote for the complete replacement of existing swings of over £7000 exc VAT and an additional eagle nest swing which is £1795 excluding matting, installation and VAT.
- 10.29 Officers have calculated that the standard contribution for this proposal towards open space facilities for children and young people would be £2,584.35 (as set out within the Council's Planning Obligations SPD). The application site is within 5 mins walk of the play area and as such it is reasonable to assume that the residents would use this facility. This proposal is considered to meet necessary tests for planning obligations within the CIL Regulations and therefore it is recommended that £2,584.35 is sought towards these facilities.
- 10.30 Officers are of the view that there are other facilities in the village such as the playing field within which the children's play provision is situated, allotments, the village hall and the Ware Cricket Club (which occupies the cricket pitch in the village) that will come under increasing use if development were to take place. Officers remain in dialogue with the PC and Ware CC as to whether additional funding should be secured to either be used as capital provision to enhance these facilities, as revenue to offset ongoing maintenance or both. Authority is therefore sought to include funding provision in any legal agreement to the maximum enabled by the Council's Planning Obligations SPD if considered necessary. Officers will update Members on this matter at the Committee.

- 10.31 The County Council have requested financial contributions towards the extension of Widford Primary School and additional resources within the adult fiction section of the Ware library. It is reasonable to assume that the occupiers of the site may use these local services and therefore a financial contribution in line with the County Council's toolkit is recommended to be secured through a Section 106 agreement in order to support the expansion of these facilities and to provide for the additional demands that the increased population would bring.
- 10.32 The County Council has also requested a contribution to improve signage to the Ware Youth Centre. Whilst the occupiers of the site may use this facility, Officers are concerned that improved signage would not be sufficiently related to the proposed development and are not satisfied that the proposal could be deemed unacceptable without this contribution and as such do not consider that this would meet the necessary tests for planning obligations.
- 10.33 Having regard to the limitations to pooling of planning obligations the county Council have not requested a financial contribution towards any of the local Secondary schools in this case. Therefore, in respect of County Council services, Officers only recommend that a financial contribution towards primary education and libraries is secured through a Section 106 agreement in this case.
- 10.34 In respect of the comments received from the HCC Minerals and Waste team the applicant has obtained specialist advice on this matter and has commented that due to the fact that the site is flat and that no cut and fill exercises are proposed and the small size of the site this would render this site uneconomic for any mineral extraction. The applicant comments that it is not therefore a viable proposition to extract minerals from this site. These conclusions appear reasonable given the size of the site and, whilst this might represent a missed opportunity, it is considered to be of a very modest scale. Very limited weight is assigned to this matter.
- 10.35 With regard to the concerns raised by the Parish Council relating to the supply of fresh water, it is noted that Affinity Water have not raised any objections to the District Plan and the quantity of new housing proposed within the District. It is noted that at the time of consultation with Affinity Water, Widford was proposed as Group 1 Village and 10% growth was anticipated as a result. Having regard to this and the requirement for the water company to provide an adequate supply and service to their customers, Officers do not consider that is reasonably identified as a barrier to development in this case.

- 10.36 In respect of the comments received from the Council's Environmental Services, the applicant has confirmed that the site has 2No. size 3 turning heads, so that a refuse vehicle can safely enter the site, turn and leave in a forward gear and that all collection points are within the requisite 25 metres of the highway. Officers consider the proposal to be satisfactory in respect of this matter and consider that adequate refuse bin storage facilities can be achieved within the site. A condition is recommended to require details of this to be submitted in the interest of the appearance of the development and the amenities of the residents.
- 10.37 In respect of the areas of communal landscaping within the site and the swales and pond, the applicant has confirmed that it would not be approaching the Council to adopt these areas. They would be handed over to a management company. A condition is recommended to require maintenance details to be submitted and agreed to ensure that suitable provisions are in place.

11.0 Conclusion

- 11.1 The proposal represents an inappropriate form of development which is contrary to the Council's Rural Area policies.
- 11.2 However, the NPPF sets out that, where Local Plan policies are out of date in terms of housing supply, there is a presumption in favour of sustainable development, and such development should be approved unless the impact of doing so would significantly and demonstrably outweigh the benefits of development.
- 11.3 The proposal is considered to represent a sustainable form of development in location terms with good access to the existing village and favourable weight should be attached to the support that the development would have to the economy and the provision of housing. Officers acknowledge that there is likely to be reliance on private vehicles for access to the main settlements within the District and beyond for shopping, employment and other services and this does weigh against the sustainability of the proposals but, in the picture of provision of services within the district and beyond, this harmful weight is not significant.
- 11.4 Whilst the development will have an impact on the existing character and appearance of the area, no significant or demonstrable harm to that, or of the Widford Conservation Area or the amenities of neighbouring properties has been identified. The impact of the

development is also acceptable in highways, ecological and landscape terms.

- 11.5 In accordance with paragraph 14 of the NPPF a balancing exercise has to be undertaken to determine whether any adverse impacts associated with the development would significantly and demonstrably outweigh the benefits. It is not considered that such weight of harm will occur and therefore planning permission can be granted.

Legal Agreement

- 7 units of affordable housing
- £44,975 towards Primary Education
- £3,103 towards libraries
- £2,584.35 towards open space facilities for children and young people
- £1296 per unit towards recycling facilities.
- Up to £6,317.95 toward the provision of facilities to upgrade playing field and/or allotment provision in the village
- Up to £17,497.68 toward the provision of facilities to upgrade Ware CC use of the cricket pitch site and/ or other sports facilities in the village
- Up to £2,691.37 toward the provision of facilities to upgrade the playing field amenity space in the village
- Up to £4,671 toward the provision of facilities to upgrade the village hall
- Up to £62,834 to be secured as revenue funding to support the maintenance of open space, amenity and play facilities in the village

Conditions

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Samples of materials (2E12 amended)
4. Prior to the commencement of the development, a detailed plan showing a 2.4 metres x 70 metres visibility splay for the vehicular

access, details of pruning of existing landscaping to achieve visibility between 600mm and 2.0 metres above the carriageway level and scraping back of existing landscaping to the Hunsdon Road footway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved visibility splays shall be completed concurrent with the construction of the access and shall be permanently maintained each side of the access measured from the edge of the access and from the back edge of the footpath within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the carriageway level.

Reason: To provide adequate visibility of pedestrians for drivers leaving the site.

5. Provision and retention of parking spaces (3V23)
6. Prior to the commencement of the development above ground level, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Hard surfacing materials (d) Planting plans (e) Written specifications (including cultivation and other operations associated with plant and grass establishment) (f) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (g) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

7. Prior to the commencement of development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction 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 vehicle numbers and routing; location and details of wheel washing facilities; associated parking areas and storage of materials clear of the public highway.

Reason: In the interests of highway safety.

8. Prior to the commencement of the development reptile and badger surveys shall be carried out and if reptiles and/or badger sets are found within the site, a method statement to contain measures to protect these species and details of mitigation measures where appropriate shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To protect the habitats of protected species and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

9. Prior to the commencement of the development a surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall prioritise and include sustainable drainage techniques, unless demonstrated to be inappropriate and an assessment of the hydrological and hydrogeological context of the development to include the following details:
- 1) Final detailed drainage plan showing the location, size and engineering details of the proposed SuDS, invert levels, pipe runs, manholes etc ;
 - 2) Detailed surface water run-off and volume calculations for 1:100 year + climate change event which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year + climate change event;
 - 3) Details of whether the discharge point will be into the local sewer network and evidence that the relevant water company have the capacity to take the proposed volumes and run-off rates.

The approved scheme shall be fully implemented and subsequently maintained in accordance with timing/phasing arrangements to be detailed in the scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the management of surface water flows and in accordance with Policy ENV21 of the East Herts Local Plan Second Review, April 2007 and national planning policy guidance set out in section 10 of National Planning Policy Framework.

10. The proposed window openings within the first floor flank elevations of Plots 4, 5, 6, 7, 8, 14 and 15 which are shown on the approved floor plans to serve bathrooms or en-suites shall be obscure glazed, and non-opening unless the parts of the window which can be opened are

more than 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

11. Prior to the occupation of the development a detailed management scheme including details of the provision of funding for the future maintenance of the areas of communal amenity space and the swales and pond and any other parts of the site which do not fall within the curtilage of a residential property shall be submitted to and agreed in writing by the Local Planning Authority. The management scheme shall also include the details of the timing of provision of the elements it covers. Once agree, the elements it covers shall be provided as such and subsequently maintained in accordance with the agreed management arrangements.

Reason: To ensure that the amenity space, swales and ponds are suitably provided and maintained in the interests of the character and appearance of the development and in the interests of the management of surface water flows and in accordance with Policies ENV1 and ENV21 of the East Herts Local Plan Second Review, April 2007.

12. Refuse disposal facilities (2E24)

Informatives

1. Other legislation (010L1)
2. Street Naming and Numbering (19SN)
3. Highways works (05FC2)

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 2015. The balance of the considerations having regard to those policies and the Councils deficiency in five year housing land supply is that permission should be granted.

KEY DATA**Residential Development**

Residential density	18.9 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	2
	2	
	3	
Number of new house units	1	
	2	5
	3	5
	4+	6
Total		18

Affordable Housing

Number of units	Percentage
7	38.8

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	2.5
2	1.50	7.5
3	2.25	11.25
4+	3.00	18
Total required		39.25
Proposed provision		53

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	3

2	2.00	10
3	2.50	12.5
4+	3.00	18
Total required		43.5
Accessibility reduction	None	
Resulting requirement		43.5
Proposed provision		53

Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	38.8%	N/A-The provision has been rounded to the nearest whole number
Parks and Public Gardens	£6,317.95	Up to £6,317.95	Potential for funding under discussion with PC
Outdoor Sports facilities	£17,497.68	Up to £17,497.68	Potential for funding under discussion with PC and Ware Cricket Club – occupiers of cricket pitch in village
Amenity Green Space	£2,691.37	Up to £2,691.37	Potential for funding under discussion with PC
Provision for children and young people	£2,584.35	£2,584.35	
Maintenance contribution – Parks and public gardens	£13,944.87	Up to £13,944.87	Potential for funding under discussion with PC
Maintenance contribution –	£43,931.25	Up to £43,931.25	Potential for funding under discussion with

Outdoor Sports facilities			PC
Maintenance contribution – Amenity Green Space	£7,570.61	£0	None sought in this case as amenity space within site to be subject to maintenance through on site management scheme
Maintenance contribution – Provision for children and young people	£4,959.26	Up to £4,959.26	Potential for funding under discussion with PC
Community Centres and Village Halls	£4,671	Up to £4,671	Potential for funding under discussion with PC
Recycling Facilities	£1,296	£1,296	