

DEVELOPMENT MANAGEMENT COMMITTEE – 7 DECEMBER 2016

Application Number	3/15/0260/FUL
Proposal	Demolition of the existing dwelling and industrial buildings and erection of 12no dwellings with garaging and landscaping
Location	Well House, Acorn Street, Hunsdon, SG12 8PF
Applicant	Robert Dixon Ltd
Parish	Hunsdon
Ward	Hunsdon

Date of Registration of Application	16 February 2015
Target Determination Date	18 May 2015
Reason for Committee Report	Major application
Case Officer	Martin Plummer

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 The proposal represents an inappropriate form of development in the Rural Area beyond the Green Belt. The Council is not currently able to demonstrate a five year supply of housing and, in such situations, national planning policy requires that planning permission be granted for sustainable development unless there are any significant adverse impacts that would outweigh the benefits of the proposal or where specific policies of the NPPF indicate that development should be restricted.
- 1.2 This report describes that policy assessment and considers the positive weight that can be attached to the provision of housing, including affordable housing, against the negative weight that can be attached to any adverse impacts that would result from the development.
- 1.3 The site is considered to be reasonably well located for day-to day services and facilities located in Hunsdon, but performs less well in terms of access to employment and more significant weekly shopping trips, and access to secondary education. Members will be aware that this is a similar planning position to that considered recently in relation to other development proposals within the village of Hunsdon.

- 1.4 Some harm is identified in regard to the impact of the residential development in terms of views from the north of the site. However, the overall density, housing mix, access and layout of development is not considered to result in significant harm to the wider setting and landscape character of the area. The development is considered to preserve and enhance the significance of designated heritage assets which are in proximity to the site.
- 1.5 Whilst some areas of harm have been identified, to which weight can be assigned, there are not considered to be adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal in terms of the provision of housing in a sustainable location.

2.0 Site Description

- 2.1 The application site is located around 500 metres to the south of the category one village of Hunsdon. The site is located to the east of Acorn Street with a single vehicle access from that road. The site forms two parts, the detached single storey dwelling known as Well House and its residential garden located to the west of the site and, to the east of that, a yard and former commercial buildings.
- 2.2 Within the yard are some large detached buildings, portacabins, storage tanks and various other smaller structures throughout the yard. The approximate external area of the buildings is around 1600 square metres.
- 2.3 To the north, east and south of the application site are open agricultural fields which includes the former WW2 airfield and a Pill Box built for the defences of the airfield. To the western boundary is Acorn Street and three dwellings – a row of three terraced dwellings which are grade II listed and a detached dwelling, The Old Laundry. A grade II listed pump is located between Well House and the row of terraced dwellings.

3.0 Background to Proposal

- 3.1 The area to the east of the site and comprising of the commercial buildings was used for the manufacture, repair and servicing of cranes which would represent a Class B2 industrial use. The site was used as a crane depot until about 1990. The applicant states that that former use ceased owing to the limitations of access onto and along Acorn Street for the transportation and manoeuvring of large cranes.
- 3.2 The application proposes the demolition of all buildings within the site and removal of all material and some boundary trees and other

landscape features to provide 12 dwellings (thus a net increase of 11 dwellings on the site). The twelve dwellings comprise of 1no 1 bed flat, 1no 2 bed flat, 1no 2 bed dwelling, 5no 3 bed dwellings and 4no 4+bed dwellings. The development includes the provision of 3 affordable units (which comprises of 1no 1 bed flat, 1no 2 bed flat and 1 no 2 bed dwelling). There is therefore provision for 25% affordable dwellings.

- 3.3 Members will note that the application was validated in February last year and a decision should have been made on the application during May of last year also. During the initial stage of the application a number of issues were raised following receipt of consultation responses from consultees (mainly relating to drainage and ecological issues). Officers sought to work proactively and positively with the applicant to address these issues, and other matters relating to a consideration of whether the continued employment use of the site had been fully explored and the appropriateness of the proposed layout and design. As a result of those discussions the applicant has amended the scheme which has resulted in a reduction in the number of dwellings proposed. All statutory consultees, neighbours and the Parish Council have been re-consulted in respect of the amended scheme.

4.0 **Key Policy Issues**

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

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan
The principle of residential development within the Rural Area	Paragraph 14	SD2, GBC3	DPS2, GBR2
Whether the development represents a sustainable form of development	Paragraph 7		INT1
Impact on character and appearance of the area and neighbour amenity	Paragraph 14	ENV1	DES3
Landscaping		ENV2, ENV11	DES1, DES2, DES3.
Impact on setting of heritage assets	Section 12		HA1, HA7

Affordable housing and contributions to mitigate the impact of the development on existing infrastructure / services	Section 6	IMP1	HOU3
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Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

- 5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan is currently underway. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that consultation on the Plan is now taking place and the outcome of that is currently unknown

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority comments that it does not wish to restrict the grant of planning permission subject to planning conditions relating to visibility splays; closure of existing accesses; details of construction vehicle movements and wheel washing facilities.

The Highway Authority comment that appropriate visibility displays can be provided and that trip generation associated with the proposed residential use will be less than the lawful commercial use of part of the site.

- 6.2 Lead Local Flood Authority comments that a satisfactory Flood Risk Assessment has been carried out. The proposed drainage strategy is based upon attenuation and discharge into a surface water sewer located on Acorn Street. The proposed scheme proposes to reduce the run-off rate which provides betterment to the existing drainage.

- 6.3 Environment Agency comment that the applicant intends to connect the development to the main foul sewer and will not use a non-mains foul drainage solution which is acceptable.

- 6.4 EHDC Engineering Advisor comments that the Flood Risk Assessment includes proposals for swale and pond SuDS (Sustainable Drainage Systems) which will help to reduce flood risk, enhance bio-diversity and create additional useful amenity areas within the development.
- 6.5 Thames Water comments that it is the applicant's responsibility to make proper provision for surface water drainage. Surface water should be attenuated or regulated into the receiving public network through on or off site storage.
- 6.6 EHDC Conservation and Heritage Advisor comments that the amendments address previous concerns raised. They comments as follows:-

Immediately along the Western edge of the site is a terrace of three Grade II listed dwellings. Also to the West of the site, on Acorn Street, is a Grade II listed pump.

About 20 metres from the east of the site is a WWII concrete Pillbox, built for the defence of RAF Hunsdon. This and another Pillbox located to the south are Scheduled Ancient Monuments as part of the "Hunsdon WWII airfield defences" designation, which covers 14 separate areas of protection scattered around the former airfield. They were built in 1940-1, and remained in use throughout the war.

The 1920-24 historic map of the area shows that the application site previously contained a pair of semi-detached houses, a terrace of six small houses, and a public house named the "Turkey Cock". All these buildings were along Acorn Street and the land behind is shown to have been partially wooded. The site must have been redeveloped in the mid-C20 as by the 1963-79 map, the existing Well House is shown, with a large depot on the land behind, which is now dilapidated.

The proposed development would not harm the setting of the nearby scheduled ancient monuments, Grade II listed houses, or Grade II listed pump. The site contains a house of a poor quality design. The existing warehouse buildings to the rear harm the setting of the nearby listed buildings and the proposed development which echoes the historical layout of the site (as noted above) would result in an enhancement of the setting of the neighbouring Listed Buildings. There will be no harm to the setting of the grade I listed building, Hunsdon House which is located to the south of the application site.

The Grade II listed pump on Acorn Street does not fall within the red line of this application, and its ownership is unknown. A public benefit to

the redevelopment of the Well House site could be the cleaning and painting of the pump, and the tidying up of the patch of land around it. It should be ascertained what the ownership status is, and if these proposed minor improvements are a possibility.

- 6.7 EHDC Landscape Advisor recommends that planning permission be approved. The site planning and layout is now acceptable in landscape terms. The proposed development will initially be highly visible from Acorn Street and effect a change to the character and distinctiveness of the surrounding open landscape. However, in the longer term, new perimeter planting could sufficiently reduce and offset the adverse visual impact arising from the proposed development. The Landscape Advisor recommends the inclusion of a planning condition requiring landscape design proposals as some amendments to the scheme submitted are required.
- 6.8 Herts Ecology comment that the risk to Great Crested Newts is considered as low /negligible with no adverse effects. As such, Great Crested Newts should not be considered as a constraint to development. In respect of the impact on bats, a building survey has been undertaken which indicates that the buildings are not used by bats for roosting. A precautionary approach in respect of removal of trees should be undertaken requiring all trees which have the potential to support roosting bats to be inspected and necessary emergence surveys undertaken.
- 6.9 HCC Development Services seek a financial contribution towards the Library Service to make improvements to the Children's Area at Sawbridgeworth Library (£2,350) and Youth Services towards the New MUGA/sports provision for Ware Young Peoples Project, Mars Lane, Ware (£716).
- 6.10 HCC Minerals and Waste refer the Council to the waste, recycling and sustainable construction and demolition policies in the County Council Waste Plan.
- 6.11 EHDC Environmental Health Advisor comments that any planning permission granted should include planning conditions relating to construction hours of working and decontamination. An assessment has been submitted but it is incomplete as there are monitoring results outstanding.
- 6.12 Herts Police Crime Prevention Advisor comments that it is not clear how the development will address crime issues for the site. The

applicant should seek secure by design accreditation and enter into dialogue with Herts Constabulary.

- 6.13 NHS East and North Hertfordshire Clinical Commissioning Group comment that the proposed development would likely result in an increase of around 34 new residents and concern is raised in respect of the impact on community services. Residents are likely to have their primary care met by services in Much Hadham. Access to health care in Bishop's Stortford is particularly challenged and any increase in population size would compound the problem. Based on recent cost impact the actual cost on local healthcare would be £201.75 per dwelling (mental health care), £2609.58 per dwelling (acute costs) and £272.30 per dwelling (community healthcare costs).

7.0 Hunsdon Parish Council Representations

- 7.1 The Parish Council do not object in principle to the proposed development of the site, as a residential use is preferable to the site being used as an industrial area.

However, concerns are raised regarding the drainage strategy – there are a number of problems with the drainage on the highway which need to be dealt with now as part of this application. Concern is also raised in regard to the feasibility of sewerage treatment, the impact on school places and access to village amenities.

The Parish Council ask that various planning conditions are attached with any planning permission including:- details of the construction method of removal of hard surfacing; methods of dealing with contamination; a restriction on hours of working; provision of hedging to the front of the site and; the provision of traffic calming measures.

8.0 Summary of Other Representations

- 8.1 35 representations have been received in objection to the application raising the following concerns:
- Inappropriate development in the Rural Area;
 - Harmful impact on highway safety and access;
 - Access is on a dangerous corner with inadequate visibility;
 - Harmful increase of traffic along narrow rural roads;
 - Unsustainable location for development;
 - Loss of trees and harmful impact on landscape character;
 - Harmful flood risk associated with drainage proposals;
 - Inadequate services and facilities to accommodation development;

- Harmful impact on ecology;
- Existing school is at capacity;
- Inadequate health care provision;
- Inadequate information to satisfy policy EDE2 of the Local Plan;
- Harmful impact on the setting of listed buildings;
- Conflict with District Plan;

9.0 **Planning History**

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

Ref	Proposal	Decision	Date
E/126-48	Agricultural workshop	Approved	01/12/1948
E/16-50	Agricultural Engineering workshop	Refused	01/02/1950
E/684-50	Agricultural engineering workshop	Approved	14/06/1950
E/537-50	Bungalow	Approved	05/07/1950
E/660-55	Garage and outhouse	Approved	15/06/1955
E/790-59	Office accommodation	Approved	17/06/1959
3/361-74	Extension of existing workshop and office	Approved	16/08/1974
3/612-80	Extension to factory	Approved	14/08/1980
3/1336-80	Extension to factory	Approved	08/10/1982
3/0304-83RP	Extension to factory	Approved	28/04/1983

10.0 **Consideration of Relevant Issues**

Principle of development

- 10.1 The site lies outside the defined village boundary of Hunsdon and therefore within the Rural Area Beyond the Green Belt in both the current and emerging Local Plans. In the current Local Plan, policy GBC3 only allows for specific forms of development, not including new residential developments, in such locations. This policy approach is replicated in policy GBR2 of the emerging District Plan. The proposal therefore represents inappropriate development in the Rural Area beyond the Green Belt. When considering the principle of development it is necessary to consider, of course, any other material considerations, including 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 the Framework taken as a whole; or because specific policies in the Framework indicate development should be restricted.'

- 10.3 The Council has acknowledged its lack of a 5 year housing supply and the need for housing in the district. It is also acknowledged that, in respect of the wording of the NPPF, the Council's settlement boundaries and housing allocations based on the 2007 Local Plan are considered to be out of date. The pre-submission District Plan has been published and sets out an up to date policy position in relation to the supply of land for housing. It is considered therefore that some weight can now be assigned to this emerging policy position, but there remains a need to qualify that weight somewhat, given that consultation on the Plan is now taking place and the outcome of that is currently unknown. In these circumstances, the Council currently remains unable to demonstrate a five year housing land supply.
- 10.4 In the adopted Local Plan, Hunsdon is identified as a category 1 village, where development is permitted within the identified development boundary. In the pre-submission District Plan policy VILL1 sets out that Group 1 villages (which includes Hunsdon) should make provision for a 10% increase in housing stock based on the 2011 census. The emerging policy encourages Parish Councils to prepare Neighbourhood Plans to allocate land for such development. Prior to the preparation of a Neighbourhood Plan, the policy sets out that development should be constrained to within the identified development boundary.
- 10.5 Hunsdon Parish Council has, as Officers understand, commenced with some initial work in the preparation of a Neighbourhood Plan but no detailed information has yet been published. Accordingly, no weight can be attached to the Neighbourhood Plan at this stage.
- 10.6 The Council has granted outline planning permission for a residential development on land to the west of Hunsdon at Tanners Way (LPA reference 3/14/2023/OP). Outline planning permission has also been granted for a residential development of 14 dwellings on land at Hunsdon Lodge Farm under LPA reference 3/15/2217/OUT and subsequent reserved matters approval was granted under LPA reference 3/16/0899/REM. Development at Hunsdon Lodge Farm therefore has full planning permission.

- 10.7 In relation to the Hunsdon Lodge Farm site, a previous planning application was refused under LPA reference 3/15/0206/OP. An appeal against that refused scheme was allowed and a full award of costs was awarded against the Council.
- 10.8 The Council has therefore, against a similar policy background, accepted the provision of residential development on sites not within the boundary of the category one village and therefore within the designated Rural Area.
- 10.9 The site in this application is not located immediately adjacent to the category one village, as with the sites referred to above at Tanners Way and Hunsdon Lodge Farm. The site is however considered to represent previously developed land, as defined in the NPPF, it being comprised of commercial uses, buildings and the detached dwelling, Well House. The NPPF sets out that it is a core planning principle to encourage reuse of such land, provided that it is not of high environmental value.
- 10.10 In the absence of a five year supply of housing the Council are required by paragraph 14 of the NPPF to grant planning permission for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or, specific policies in this Framework indicate development should be restricted. It is necessary then to consider whether the development is sustainable and whether there are specific policies in the Framework which indicate that development should be restricted:-

Sustainable development

Economic dimension

- 10.11 With regard to the economic dimension of sustainable development, there are two aspects to this – firstly the impact on the economy associated with a residential development and secondly the loss of a site previously used for employment purposes.
- 10.12 The provision of a residential development on the site will mainly involve short term employment opportunities and other associated benefits with the building process. There may also be other economic benefits in respect of future occupiers of the development making use of local amenities and services. This is therefore a matter which weighs in favour of the application.

- 10.13 The site does currently incorporate an employment use. Paragraph 28 of the NPPF seeks to encourage economic forms of development in Rural Areas such as the application site and this is reflected in policy EDE2 of the Local Plan which sets out that loss of employment or previous employment uses will only be permitted where evidence is submitted to show that the retention of the site for employment purposes has been fully explored without success. Emerging policy ED2 sets out a similar approach.
- 10.14 When the application was originally submitted no detailed information or consideration of this issue was submitted. However, as set out in paragraph 3.3, Officers sought to positively engage with the applicant to address this issue. Following discussion, the applicant commenced with marketing of the premises for employment use. That marketing took place for around 6 months with very little interest expressed and with no formal offers made. The applicant supports this position with a viability assessment which sets out that the costs associated with bringing about an employment use would not be viable.
- 10.15 Third parties are critical of the information submitted and comment that the requirements of policy EDE2 have not been properly satisfied. Officers have carefully considered the submissions made in respect marketing and the comments from the third party but are of the opinion that appropriate levels of information and evidence have been submitted to satisfy the policy test in current and emerging policy.

Social dimension

- 10.16 Turning to the social dimension of sustainable development, this matter generally relates to the positive way in which the development will provide and address housing. The application is for full planning permission and the applicant owns the site. There is every opportunity then for the development of this site to provide identified housing within five years and a planning condition requiring implementation of the development within a shorter timescale than the normal three years. Furthermore, the development incorporates the provision of three affordable dwellings which amounts to 25% provision. Such a level of housing is considered to be appropriate, having regard to the policy requirements of HSG2 and the NPPF. Officers consider that significant weight can be attached to the provision of housing in this case.
- 10.17 The site is within walking and cycle distance of the village of Hunsdon which is to the north of the application site and there is a pedestrian footway which can be used for pedestrian access to the town. There are some local amenities and facilities within the village for day-to-day

essentials including a village shop, two public houses and a garage. Third parties state that the site is not sustainable because access to the village will more likely be by private vehicle, owing to road conditions and the narrowness of the footway. If this were to be the case the trips by vehicle would only be short and wouldn't be likely result in material harm to traffic flows. Other weekly shopping trips would require travel further afield, to the larger settlements of Bishop's Stortford, Harlow for example – a position not dissimilar to the existing residents in Hunsdon.

- 10.18 There is a primary school in Hunsdon and third parties have drawn a lack of school places to the Council's attention. However, such a concern is not raised by the County Council, responsible for the provision of school places. Further clarification from the County Council in respect of this matter has been sought and Members will be updated in this respect at the meeting. Secondary education will need to be accessed at the larger settlements referred to above or elsewhere in the District.
- 10.19 There are very few employment opportunities within the village apart from the collection of industrial units within Little Samuels Farm. It is acknowledged that the majority of employment will likely be in the surrounding settlements.
- 10.20 There are bus stops with access to nearby settlements which operate on a reasonably regular basis during the week and weekend. That service does provide some access for shopping trips, education and employment. However, it must be acknowledged that the service is not particularly regular and access to other settlements including access to rail lines for weekly shopping trips, secondary education and employment will likely rely on private vehicles. This is a matter which does not weigh in favour of the application.

Environmental Dimension

Housing mix

- 10.21 As noted in section 3 above, the development provides a mixture of housing types and sizes including 1, 2, 3 and 4 bed dwellings.
- 10.22 The current Development Plan (East Herts Local Plan Second Review April 2007) contains no specific policy criteria relating to mixture of housing sizes/types. The pre-submission District Plan, however, sets out a new policy approach, and emerging policy HOU1 identifies that an appropriate mix of housing tenures, types and sizes will be expected, taking account of the most up to date evidence and emerging policy

- 10.23 This is a new policy position within the emerging District Plan and therefore the weight that can be attached to it must be qualified (as set out in section 5.0 above). However, given that the policy is based on very recent and up to date evidence contained in the Strategic Housing Market Assessment (SHMA) and in the absence of any contrary evidence, Officers consider that it can be afforded some moderate weight.
- 10.24 The Strategic Housing Market Assessment identifies a clear need for affordable housing in the district, with the majority of the need being for two and three bed dwellings. The SHMA indicates that 40% of affordable homes should be provided as 2 bed units, houses and flats, and 19% as 1 bed units. In these proposals, 1 x 1 bed unit and 2 x 2 bed units are proposed which accords with that assessment.
- 10.25 For open market housing, the emerging policy requirements seek a provision of 46% of homes to be 3 bed, and 23% to be 4 bed. The proposals in this case comprise 5 x 3-bed units (41% of the total development) as 3 bed and 4 x 4-bed (33%). This mix of development is considered to be in accordance with the SHMA requirements.

Character and appearance

- 10.26 Having regard to the consultation responses and representation from third parties, a key consideration in this application is whether the amount, layout and design of the proposed development would result in an adverse impact on the landscape character and appearance of the site and its surroundings. Particular consideration should be given to the pattern of development in the area; the rural setting of the site and the nature and impact of existing development on the site.
- 10.27 There is a clear separation and change to the landscape character and pattern of development from the built up area of Hunsdon moving south through Hunsdonbury towards the A414. The area between the southern part of Hunsdon and the application site comprises of open agricultural fields which, to some extent, is dominated by the openness of the WW2 airfield. The application site represents the first main area of built form between the southern part of Hunsdon village and Hunsdonbury, which comprises of an irregular pattern of predominantly residential buildings set amongst a relatively low density of development.
- 10.28 The application proposes the retention of some trees to the north east corner of the site and the eastern boundary (i.e. that boundary closest

to the WW2 airfield and WW2 Pillbox) but, elsewhere, trees would be removed and replaced. The applicant has indicated that trees are required to be removed as some are too close to hard surfaced areas which need to be removed and where decontamination works need to be undertaken.

- 10.29 The removal of trees and other landscape features to the northern and eastern boundary will inevitably lead to the new development appearing more distinct in the landscape, particularly in views on approach from the north along Acorn Street, which is the main public vantage point of the site. The plans submitted propose replacement planting along this and other boundaries but such landscaping will inevitably take time to establish. Some negative weight can therefore be attached to the proposals in this respect. However, that weight is tempered by the fact that these landscape features are not protected currently and their removal could similarly make the existing development on the site more prominent in the landscape.
- 10.30 The proposed development comprises of a relatively low density (13 dwellings per hectare) which is comparable to development within Great Oak Court to the south west of the site - a relatively new development on a previously developed site (formerly known as Trundles Yard). During the process of the application the number of dwellings has been reduced and the eastern part of the development has been amended to create a greater degree of openness between the proposed dwellings and their associated boundaries. The plans now submitted show an appropriate density and scale (generally two storeys with some accommodation within the roof space) of development which, having regard to the proportions and scale of existing development on the site and, together with the retention of existing landscape features and the margins/space for replacement planting (to the north and eastern boundaries) will help to ensure that the development does not result in an overall adverse impact on the landscape character and setting of the site.
- 10.31 With regard to the detailed design of the proposed dwellings, the plans submitted show the provision of a traditional design to the architectural treatment of the proposed dwellings with the provision of pitched roofs, gables, dormer windows, porches, bay windows and the use of a mixture of brick and render. Such an approach is reflective of the immediate and wider setting.
- 10.32 The frontage of the site with Acorn Street incorporates the provision of a pair of 2 storey semi-detached dwellings and a terrace of 4 dwellings. These buildings are set back from the road frontage and have a good

degree of separation between each other and the existing built form to the south of the site (the row of three terraced listed buildings). The proposed dwellings are of a high quality design which will add interest to the street frontage whilst respecting the proportions and character of existing built form which fronts the road.

- 10.33 The remaining development within the site will not be as directly visible from public vantage points, but is nonetheless of a high quality design, appropriate to the context of the site and surroundings.

Impact on setting of listed buildings

- 10.34 As noted above, paragraph 14 of the NPPF sets out that planning permission should be approved where the development plan is out-of-date unless specific policies in the Framework indicate that development should be restricted. The NPPF sets out that such policies include designated heritage assets.
- 10.35 The site is not within a Conservation Area but there are designated heritage assets to the south, west and east of the site as noted in section 3 above. Third party representations are critical of the harmful impact of the development on the significance of those heritage assets in terms of their setting.
- 10.36 The NPPF sets out that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance of a heritage asset can be harmed through development within its setting and harm or loss should require clear and convincing justification.
- 10.37 The Conservation and Design Team have commented that the proposed development will not harm the setting of nearby listed buildings, the pump house or scheduled ancient monuments.
- 10.38 The larger part of the site which forms the former crane yard comprises of a number of redundant commercial buildings. The appearance of those buildings and the site in general is, as noted above, very poor and does not contribute to the setting of nearby heritage assets. The proposed development involves the demolition of those buildings and the provision of a replacement residential development. The proposed scheme will therefore result in a different kind of impact on those designated heritage assets compared to the existing buildings. The Conservation and Design team has carefully assessed that impact and has concluded that it would be acceptable and would preserve the setting and significance of those nearby heritage assets.

10.39 The submitted plans show the grade II listed pump house to be outside of the application site but it is understood to be within the ownership of the applicant. The applicant has agreed to undertake improvements to that designated heritage asset (as requested by the Council's Conservation advisor) and this can be secured via the imposition of a planning condition. Such works have the potential to enhance the significance of that heritage asset and this must weigh in favour of the application.

Highway safety and parking

10.40 Third party representations raise concern with regard to the access for the development onto Acorn Street and the increased risk of accidents associated with a residential development, particularly in respect of the narrowness of the highway to the south of the application site.

10.41 The comments from third parties are noted, but no similar concerns are raised by the Highway Authority. The eastern part of the application site has been used historically for commercial traffic and indeed, the application site could revert back to that use. In light of that, and whilst acknowledging the deficiencies of the road width to the south of the application site, Officers are satisfied that the development will not result in a severe impact on the highway in terms of safety or amenity as a result of additional traffic movements. The Highway Authority has confirmed that an appropriate level of visibility can be provided, subject to the imposition of a planning condition.

10.42 With regard to parking provision, the development incorporates the provision of a communal parking area to the rear of the dwellings fronting Acorn Street. Within the site, and for the larger dwellings, generous levels of off-street parking and garage space is provided. This exceeds the councils parking standards but given the location of the site and the comments made above in relation to the need for future residents to travel for work, main shopping and secondary education, this is considered to be appropriate.

Neighbour amenity

10.43 The only consideration in relation to neighbour amenity relates to the impact of the development on the row of three terraced listed buildings and The Old Laundry to the south. Officers are of the opinion that, having regard to the existing use of the application site, the orientation, spacing and siting of the proposed dwellings is such that there will be no significant or adverse impact on those neighbouring properties in

terms of overbearing impact, loss of light, overshadowing, loss of outlook or privacy such that would warrant refusal of the application.

Drainage matters

- 10.44 The existing site is extensively covered with impermeable areas of hardstanding or buildings. The Development proposal will reduce impermeable areas by approximately 50% which will reduce surface water flood risk. Surface water from impermeable areas (such as roads and dwellings) will be stored on site within a surface water attenuation basin and geocell (both are ways of storing water on the surface or under the surface within a crate-like structure) outside of the curtilage of the dwelling. Surface water is then discharged at a controlled rate into a swale (which will filter and clear the water and provide some biodiversity enhancement) before finally being discharged (again, at a controlled rate) into the surface water sewer.
- 10.45 The concerns raised by third parties and the Parish Council in respect of flood risk associated with surface water are noted. However, the proposed drainage strategy is considered to be acceptable by the Lead Local Flood Authority and the Councils Engineers. The strategy will significantly reduce the amount of impermeable areas on the site and provides a scheme which will store, filter and clean water on site before it is discharged into the surface water sewer. The proposal provides a sustainable method of dealing with surface water drainage in accordance with the NPPF and emerging policy WAT5.
- 10.46 Concerns have been raised in respect of capacity to deal with sewerage from the site. However, no such concerns are raised by Thames Water and it is not considered therefore that this matter can weigh against the proposals.

Contamination

- 10.47 The comments from the Environmental Health team are noted and a planning condition is recommended requiring that further contamination testing is carried out and a suitable remediation strategy is agreed if necessary prior to the occupation of any dwellings on the site.

Ecology

- 10.48 Having regard to the comments from Herts Ecology, Officers are satisfied that the development proposal would not result in harm to any protected species on the site. Herts Ecology recommends the inclusion of a planning condition requiring the identification of trees which have

potential as a bat roost and this condition is recommended as set out at the end of this report.

Section 106 matters

- 10.49 As the proposal is for more than 10 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for open space and recreation facilities, education, sustainable transport modes and other infrastructure improvements.
- 10.50 The County Council have set out a requirement for financial contributions towards libraries and youth in accordance with the HCC Planning Obligations Toolkit. Having regard to the comments from the County Council, the contributions requested 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 Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 10.51 With regards to other District Council contributions the Council's Planning Obligations SPD sets out a requirement for contributions towards open space provision, community centres and recycling. In this respect, contributions towards parks and public gardens, outdoor sports facilities and children and young people are recommended. Hunsdon Parish Council have indicated that the contributing can go towards refurbishing the existing play area in the village and the existing open spaces, and refurbishments to the Hunsdon village hall. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 10.52 Financial contributions have also been requested by the NHS in respect of the impact on existing services (acute costs, mental health care and existing community facilities). However, no information has been submitted as to how such funding would be spent or allocated and Officers are not therefore able to assess whether the requested contribution would meet the tests set out in the CIL regulations and NPPF. In the absence of that justification therefore Officers do not consider that those contributions are reasonable. However, some information has been submitted by the NHS in respect of the requested financial contribution towards mitigating the impact on existing community facilities (Much Hadham Health Centre) and representations from third parties also identify an impact on those facilities. The

contribution requested in respect of this matter (£272.30 per dwelling) is considered to meet the necessary tests and can be applied in this case.

11.0 Conclusion

- 11.1 The proposal represents an inappropriate form of development which is contrary to the Council's Rural Area policies. Emerging policy in the pre-submission District Plan is at a stage where some weight can be attached to it, but this must be qualified by the stage reached in the preparation processes. The Neighbourhood Plan has not yet been published and no weight can be attached to this.
- 11.2 The NPPF sets out that, where Local Plans are out of date in terms of housing supply, there is a presumption in favour of sustainable development and significant weight should be given to the benefit of the delivery of new homes. In these circumstances, proposals should be approved unless the impact of doing so would significantly and demonstrably outweigh the benefits of development.
- 11.3 To make that judgement, all relevant material considerations have been assessed. The development will involve the loss of an employment use. However, Officers are satisfied that appropriate levels of information have been submitted to justify this aspect of the development, in accordance with current and emerging policies. With regard to the sustainability of the development proposals, the application site is considered to be reasonably well located to the existing amenities in the village including, primary and other village amenities including a village shop. The village is limited in terms of secondary education, employment and the retail offer for anything other than very basic items is also limited. There is therefore likely to be reliance on private vehicles to access these services and this must attract a degree of weight against the proposals.
- 11.4 The proposed development involves the redevelopment of previously developed land which the NPPF and the emerging District Plan indicates is acceptable provided that it would not have a greater impact on the surrounding area than the existing development. Some harm is assigned to the impact associated with the removal of some trees on the site and the impact that this would have on the views of the site from the north in the short to medium term. However, the overall mix of development and associated layout and design of the proposed development is acceptable which, together with retained and proposed planting, will ensure that there is no significant impact on the landscape character of the site or its surroundings. Having regard to the appearance of the existing site, the impact on the setting of designated

heritage assets is considered to be preserved and there is also the opportunity to enhance the condition and setting of the listed pump which weighs in favour of the proposals.

- 11.5 The development will reduce the amount of impermeable hard surfacing on the site and this, together with the decontamination of the site and the provision of sustainable drainage systems, have benefits in terms of reducing flood risk and improving the environment.
- 11.6 It is considered that the proposals are neutral with regard to the issues of highway impact, neighbour amenity impact and ecology.
- 11.7 In accordance with paragraph 14 of the NPPF a balancing exercise has to be undertaken to determine whether the adverse impacts associated with the development significantly and demonstrably outweigh the benefits. The conclusion to this balancing exercise in this case is that the proposal would result in a sustainable form of development and that the adverse impacts that have been identified do not outweigh the benefits of the proposed development. There are no policies in the NPPF which indicate that development should be restricted. As a result, planning permission can be supported.

Legal Agreement

- A financial contribution of £716 towards youth for the New MUGA/sports provision for Ware Young Peoples Project, Mars Lane, Ware;
- A financial contribution of £2,350 towards libraries (improvements to the Children's Area at Sawbridgeworth Library);
- A financial contribution of £272.30 per dwelling towards Community healthcare costs;
- The provision of 25% affordable housing (plots 1-3);
- A financial contribution towards of £18,029 (children and young people, parks and gardens and outdoor green space) towards improvements and refurbishment of existing open and play space in Hunsdon;
- A financial contribution of £3,190 towards Hunsdon Parish Village Hall;
- Details of the management and maintenance of amenity spaces;
- Details of the refurbishment and maintenance of the grade II listed pump house located to the south of the application site.

Conditions

1. Two year time limit (1T121)
2. Approved plans (2E103)

3. Materials of construction (2E111)
4. Decontamination
5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment by JPP Consulting reference R-FRA-T7534PM-01-K dated October 2016 and the following mitigation measures detailed within the FRA:
 - 1) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;
 - 2) Limit the surface water run-off rate to 5l/s providing a pre-development greenfield run-off rate.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent the increased risk of flooding, both on and off site.

6. No development shall take place until the final design of the drainage scheme based on the approved FRA by JPP Consulting reference R-FRA-T7534PM-01-E and 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. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The development shall include the following information:
 - Details of how the scheme shall be maintained and managed after completion;
 - Infiltration tests carried out in accordance with BRE Digest 365 in order to demonstrate the feasibility of disposing of surface water via infiltration to ground;
 - Assessment of the use of permeable paving in order to provide a water quality benefit;

- Detailed engineering drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

The development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding, both on and off site.

7. Visibility splays of 2.4 metres x 43 metres shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 0.6 metres and 2 metres above the carriageway.

Reason: To provide adequate visibility for drivers entering or leaving the site.

8. Tree/hedge retention and protection (4P05)
9. Landscape design proposals (4P121)
10. Landscape implementation (4P131)
11. Wheel washing (3V25)
12. Hours of working – plant and machinery (6N054)
13. Prior to the commencement of any works to remove trees within the site, tree/s identified as having potential to support roosting bats shall be inspected and/or dusk emergence/dawn re-entry surveys shall be undertaken and any mitigation measures and the findings of the surveys shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of protected species in accordance with section 13 of the National Planning Policy Framework.

Directives

1. Highway works
2. Street naming and numbering

3. The residential curtilage of plots 8, 11 and 12 does not include the area included for surface water attenuation or the swale as shown in drawing T7534PM FRA04 G (which forms part of the approved Flood Risk Assessment).

KEY DATA**Residential Development**

Residential density	13.2 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		1
Number of new flat units	1	1
	2	1
	3	
Number of new house units	1	
	2	1
	3	5
	4+	4
Total		12

Affordable Housing

Number of units	Percentage
3	25%

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	1.25
2	1.50	3
3	2.25	11.25
4+	3.00	12
Total required		27.5
Proposed provision		36

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	1.5
2	2.00	4
3	2.50	12.5
4+	3.00	12
Total required		30
Accessibility reduction	25%	7.5
Resulting requirement		22.5
Proposed provision		36

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		25%	
Parks and Public Gardens	£4,314	£4,314	
Outdoor Sports facilities	£11,950	£11,950	
Amenity Green Space	£1,838	0	Some space is allocated within the development site for amenity green space which is commensurate with the area of space required in the SPD.

Provision for children and young people	£1,765	£1,765	
Maintenance contribution - Parks and public gardens			No maintenance requirement as no on-site provision
Maintenance contribution - Outdoor Sports facilities			No maintenance requirement as no on-site provision
Maintenance contribution - Amenity Green Space			No contribution sought as amenity space would be privately maintained
Maintenance contribution - Provision for children and young people			No maintenance requirement as no on-site provision
Community Centres and Village Halls	£3,190		No requirement identified – CIL tests not met
Recycling facilities (11 dwelling net increase)	£792	£792	