

DEVELOPMENT MANAGEMENT COMMITTEE – 7 DECEMBER 2016

Application Number	3/16/1391/FUL
Proposal	Erection of 43 dwellings including access via Ermine Street, landscaping and open space
Location	Land North of Park Farm Industrial Estate, Ermine Street, Buntingford
Applicant	Weston Homes Plc
Parish	Buntingford CP
Ward	Buntingford

Date of Registration of Application	14 June 2016
Target Determination Date	13 September 2016
Reason for Committee Report	Major planning application
Case Officer	Liz Aston

RECOMMENDATION

That planning permission be **REFUSED** for the reasons set out at the end of this report.

1.0 Summary

- 1.1 The proposal seeks planning permission for the erection of 43 dwellings. The site is currently allocated in the adopted Local Plan for employment purposes. The application would be contrary to this allocation which is proposed to be carried forward into the pre-submission District Plan and the emerging Buntingford Community Area Neighbourhood Plan.
- 1.2 The key issues therefore relate to the sustainability of the development, taking into account the delivery of new housing it represents, the loss of employment land and the need for this land, the appropriateness of the layout and design of the proposed development having regard also to the amenities of the future occupiers of the proposed dwellings, its impact on adjacent land users and whether the impact of the development on existing services and infrastructure can be adequately mitigated.

2.0 Site Description

- 2.1 The application site is located on the northern edge of the settlement of Buntingford. The site is of an irregular shape and is currently

undeveloped. There are a number of trees and shrubs along the boundaries of the site, and small groups of trees and shrubs within it.

- 2.2 To the south, the site is bounded by the existing Park Farm Industrial Estate, and to the north by a site for which permission has recently been granted for the erection of 25 bungalows (sheltered housing) (ref. 3/13/1375/OP and 3/16/0959/REM). To the west the site is bounded by a public right of way, and beyond are the grounds of Freman College. The application is bounded to the east by a vacant site for which outline planning permission has been granted for the erection of 13 dwellings (ref. 3/13/0813/OP). The Council is currently considering an application for the approval of reserved matters for the residential development of this site (ref. 3/16/1392/REM), for which the applicant is also Weston Homes.

3.0 Background to Proposal

- 3.1 The application seeks planning permission for the erection of 43 dwellings comprising 7 x 1 bed flats, 5 x 2 bed flats, 6 x 2 bed houses, 17 x 3 bed houses, 6 x 4 bed houses and 2 x 5 bed houses. Vehicular access to the site is proposed from Ermine Street, and would run through the centre of the site to the east (on which the Council is currently considering an application for reserved matter approval).

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016, the adopted East Herts Local Plan 2007 and the emerging Buntingford Community Area Neighbourhood Plan (BCANP):

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan policy	Buntingford Community Area Neighbourhood Plan
Loss of employment land	Section 1	SD1, EDE1, BUN6	DPS1, BUNT3, ED1,	BE1, BE2, BE5
Housing mix and provision of affordable housing	Para 14, Section 6	HSG3, HSG4	DPS1, HOU1, HOU3,	HD7

Layout and design	Section 7	ENV1, 2, 3	HOU2, DES2, DES3, DES4, CFLR1, CFLR9, CC1, WAT5	HD1, HD2, HD4
Residential amenity	Section 7	ENV1	DES3, EQ1, EQ2	
Travel, links and parking	Section 4, 8	SD1, TR2, TR7, TR12, TR14	TRA1, TRA2, TRA3	T1, T4
Impact on existing services/ infrastructure	Section 8, para 11	IMP1, LRC3	DEL1, DEL2, CFLR7	INFRA5

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

- 4.2 The independent examiner's report of the Buntingford Community Area Neighbourhood Plan was published on 8th November 2016, and the report recommends that, subject to modifications, the Neighbourhood Plan should proceed to a referendum. The Council is in the process of considering the examiner's report and will issue a decision notice shortly regarding what modifications should be made to the plan and whether it is agreed that the plan should proceed to referendum. Having regard to the stage of preparation of the plan, some weight can now be attached to the policies within it.

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.

- 5.2 A site promoter has objected to the allocation of the site in the District Plan as a designated employment area, commenting that the land has been undeveloped for 13 years and marketed for employment use since 2007, and therefore the site should be allocated for housing development. However, the Planning Policy Team disagrees with this objection (District Plan Panel report: 25 Aug 2016) and considers that the Buntingford Employment Study 2014 highlights that the existing units on the Park Farm Industrial Estate have a high level of occupancy, which indicates that it is meeting a real need for employment space in the town.
- 5.3 The policy team has recommend that the Plan proposes that the land to the north of the existing industrial estate (the application site) remains allocated for employment uses, with access being provided through the existing estate. The policy team comments further that the Buntingford Employment Study concludes that there is a good prospect of this site being developed either for small business units or possibly a larger single unit over the Plan period and the team therefore consider that it is essential to retain this employment land to create an enhanced opportunity for people to live and work locally.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority does not wish to restrict the grant of permission subject to the imposition of conditions relating to the provision of visibility spays, confirmation of the size of refuse vehicles, a Stage 1 safety audit of the proposed access and the submission of a construction management plan. It comments that the proposals will not have a severe impact on the safety and operation of the highway network.
- 6.2 Lead Local Flood Authority originally objected to the application, but following the submission of additional information has commented that, sufficient detail has been provided to demonstrate that there is a feasible drainage scheme for this site, including attenuation volumes and exploring the most appropriate sustainable drainage methods such as permeable pavements. The LLFA recommend approval subject to conditions
- 6.3 Environment Agency has no comments to make on the application.
- 6.4 EHDC Engineering Advisor comments that the proposal will result in an increase in the amount of impermeable surfacing on the site. The advisors original comments raised concern that some of the proposed drainage/SuDS measures were not included on the submitted plans,

but following the submission of additional information the advisor comments that the proposal would provide an improved SuDS solution.

- 6.5 Thames Water comments that it is the responsibility of the developer to make proper provision for surface water drainage and that it has no objection to the application in respect of sewerage infrastructure capacity.
- 6.6 EHDC Housing Development Advisor has not, at the time of writing, provided a formal response to the application.
- 6.7 EHDC Landscape Advisor has recommended refusal of the application and comments that the landscape character of the site, particularly the western half, is part determined by the surrounding light industrial development/land use to the south, making it more suitable for light industrial or other employment use. The Advisor has also commented that the proposal has also had an adverse impact on the adjacent reserved matters application site (ref. 3/13/0813/OP and 3/16/1392/REM).
- 6.8 Herts Ecology comments that it is reasonable to request that the developer undertakes adequate surveys of bats and reptiles, and initiates any mitigation strategies, if needed. It advises that such surveys and any mitigation measures can be required and controlled through the imposition of planning conditions.
- 6.9 HCC Development Services comments that financial contributions should be sought towards first, middle and upper education, library and youth services in accordance with the Planning Obligations Guidance – Toolkit for Hertfordshire. The provision of publically adoptable fire hydrants has also been requested.
- 6.10 HCC Minerals and Waste comment that regard should be had to the relevant policies of the HCC Waste Core Strategy and Development Management Policies Development Plan Document 2012.
- 6.11 EHDC Environmental Health Advisor has objected to the application in respect of an insufficient noise assessment.
- 6.12 EHDC Environmental Services have commented that the bin stores for Block A (units 19-24) and Block B (units 34-39) should be located before the archways to allow access for refuse vehicles.
- 6.13 Herts Fire and Rescue Service have commented in respect of access requirements for fire fighting vehicles and water supplies.

- 6.14 HCC Historic Environment Advisor comments that the proposal is likely to have an impact on heritage assets of archaeological interest and recommends that a condition requiring the implementation of a programme of archaeological work be applied.
- 6.15 Herts and Middlesex Wildlife Trust objects to the application as it does not demonstrate how the objectives of national and local planning policy regarding biodiversity will be achieved because surveys have not been completed and mitigation/compensation/enhancement measures have not been definitively proposed.
- 6.16 NHS England has not, at the time of writing, provided a formal response to the application.

7.0 Town Council Representations

- 7.1 Buntingford Town Council has commented that the proposal would result in the loss of identified employment land, and that in accordance with the economic, social and environmental roles set out in the NPPF this land should be retained for employment. The emerging Buntingford Neighbourhood Plan also does not support the proposal. Concerns have also been raised in respect of the impact of additional housing on the town's education, health, highways and services; the density of the development which is considered to be too high in this rural location and the capacity of the town's sewerage network.

8.0 Summary of Other Representations

- 8.1 9 representations have been received on the application which raise the following comments:
- Loss of employment land;
 - Existing businesses are interested in commercial property opportunities in the area;
 - The proximity of the development to existing commercial units in Park Farm Industrial Estate will restrict access to existing buildings; the ability to open fire escape doors and maintain the buildings and result in the loss of light to the buildings;
 - Proximity of proposed timber boundary fences would result in a fire risk;
 - Concern about provision of access to the existing fire hydrant for the Industrial Estate;
 - Concern about loss of existing security fence and unwanted trespassers accessing the Industrial Estate;
 - The proposal would represent an overdevelopment of the site;

- Loss of light and privacy to existing residential dwellings to the north of the application site;
- Loss of landscaping;
- Disturbance caused by the construction of the development;
- Loss of wildlife due to loss of existing landscaping.

9.0 **Planning History**

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

Ref	Proposal	Decision	Date
3/13/0813/OP	Development of site to provide 13 family dwelling houses with associated car parking and landscaping (this application relates to land to the east of the application)	Approved with conditions	11.04.14

10.0 **Consideration of Relevant Issues**

Principle of development and loss of employment land

- 10.1 The application site lies within the built up area of Buntingford, wherein there is no objection in principle to development. The site is however allocated as an Employment site in the Local Plan, and in accordance with policies EDE1 and BUN6 the application site is reserved primarily for industry comprising B1 Business and B2 General Industrial Uses.
- 10.2 The Buntingford Employment Study 2014 sets out an overall vision and objectives for employment growth in Buntingford, having regard to the growth in the resident population and workforce of the Town. This Study considered the role that the application site had in achieving this, and commented that given the proven demand for space at Park Farm, the site had a good prospect over the plan period of being developed either for small business units or possibly a single larger unit, with the possibility of the development of this site providing the capacity to support the creation of around 131 jobs.
- 10.3 The site is proposed to be retained for employment purposes in the pre-submission District Plan. For the reasons set out earlier in this report, the Council considers, based on the findings of the Buntingford Employment Study 2014, that there is a good prospect of this site being developed either for small business units or possibly a larger single unit

over the Plan period and that it is essential to retain this employment land to create an enhanced opportunity for people to live and work locally.

- 10.4 The emerging Buntingford Community Area Neighbourhood Plan also seeks to retain this site for employment purposes, and Policy BE5 states that the expansion, improvement and intensification of existing industrial estates for small units will be supported. Policy BE1 of the Plan states that proposals for the redevelopment of change of use of land or buildings in employment use to non-employment uses will not be supported.
- 10.5 To assist the consideration of this application, the Council has sought independent advice on the employment implications of the proposed development. Whilst the advice does acknowledge the possible difficulties in bringing this site forward for employment purposes, due to current ownership and access arrangements, it concludes that the site should be retained for non-residential purposes and that there is deemed to be a realistic prospect of securing development other than housing. It also recommends that an assessment be made of the range of possible future development requirements for non-B class uses in Buntingford that could arise from the increase in population.
- 10.6 In determining the appeals in 2014 for residential development on land to the north and south of Hare Street Road, Buntingford, the Inspector commented that unless new employment can be attracted to the Town, a significant amount of new residential development is unlikely to be environmentally sustainable. In determining the appeals in 2016 for further residential development in the Town, the Inspector noted that the Employment Land Study was carried out in 2014 which indicated that there is the potential to increase job opportunities in Buntingford by between 1100 and 1300 jobs.
- 10.7 The Inspector commented that such an increase would go a long way towards providing job opportunities for the likely increase in the working population that would result from the appeal proposals in addition to other permitted housing developments in Buntingford. It is clear therefore that both these Inspectors acknowledged the need to provide employment opportunities for the increase in the working population of the town, and this reinforces the conclusions of the Employment Study that the site should be retained for employment purposes.
- 10.8 The applicant has provided, with their application, their own Employment Report. This Report outlines that the site has been marketed since 2007 (although the site was not actively marketed

between 2008 and January 2013), during which time infrequent and limited interest in the site has been expressed. It also sets out advice from a local managing agent, which comments that there is limited demand for industrial/commercial units in Buntingford and that in light of the trading conditions at the existing Park Farm Industrial Estate there would neither be capacity or appetite to extend the site to cater for unmet demand or that were units to be erected, that there would be any real prospect of these being occupied.

- 10.9 Para. 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Having regard to the information submitted by the applicant, it is clear that the marketing undertaken has not been successful in finding an occupier for the site. However, it is to be noted that the marketing took place during a period of economic downturn, during which the market for employment development, particularly in secondary locations such as Buntingford, will have been weakened.
- 10.10 The (Councils) Buntingford Employment Study considers that there is good prospect that the site would be developed over the plan period (2011 -2033). Furthermore, permission has been granted for a significant number of new homes in Buntingford which will result in a significant increase in the population of the Town. To support the potential for a more sustainable settlement, where residents have the opportunity to both live and work, it is important that land is made available within the town for employment development. This was recognised by the Inspector's in determining the appeals (as set out above). Officers are therefore satisfied that notwithstanding the difficulties in previously finding an occupier for the site, there is clear evidence that the retention of this site for employment purposes is necessary to support a sustainable community (para. 22 of the NPPF).
- 10.11 The development of this allocated employment site for residential would be contrary to policies EDE1 and BUN6 of the Local Plan. Whilst the difficulties of finding an occupier for the site are noted, this must be balanced against the evidenced need for employment land in Buntingford to provide jobs for the future population of the town. Having regard to these considerations, the loss of this employment site that would occur as a result of these proposals, must result in significant adverse weight being assigned to them.

- 10.12 Whilst it is acknowledged that planning permission was granted for residential development on land to the east (ref. 3/13/1375/OP) which was allocated in the Local Plan for live work units (policy BUN6), this permission was granted in light of the evidence available at the time of the determination of that application. Due to the significant number of new dwellings in Buntingford that have recently been granted on appeal, and in light of the advice and recommendations in the Buntingford Employment Study, which was published in 2014, it is considered that the requirements for employment land in Buntingford are now greater than at the time of the determination of that application.
- 10.13 Furthermore, the adjacent site is smaller than the current application site and was allocated in part for live work units. Having regard to these matters, it is considered that the grant of permission for residential development on this adjacent site does not alter the weight that is now assigned to the harm resulting from current proposals with regard to the loss of employment land.

Housing mix and provision of affordable housing

- 10.14 The NPPF requires the Council to be in a position to demonstrate a 5 year supply of housing land. At present it is unable to do so and, in that respect, the Council's Local Plan policies that impact on the supply of housing land are out of date. In these circumstances the NPPF requires that permission should be granted for development, unless the impact of doing so would significantly and demonstrably outweigh the benefits. If there are such impacts, the development proposals would be considered unsustainable.
- 10.15 As indicated, the Council has now published its pre-submission version of the District Plan (DP), to replace the 2007 Local Plan in due course. The DP has been positively prepared, accords with the NPPF and significantly boosts the supply of land for housing development in the district. It is considered then that the balance of the test that is applied by the NPPF, with regard to granting permission for development proposals in the absence of adequate policies in relation to land supply, can be moderated, however it is considered that weight must still be given to the delivery of new housing.
- 10.16 Members will be aware that the Council does not have an adopted policy in respect of housing mix, and that currently limited, but increasing weight can be given to the pre-submission District Plan given its current stage of preparation. However, the requirements of policy HOU1 in the pre-submission District Plan are based upon up to date evidence (SHMA 2015) on the mix of market and affordable housing

need in the District, which forms part of the Council's evidence base for the District Plan and has been endorsed by Members. Officers have therefore compared the proposed housing mix to that set out in the SHMA.

	Market (26)		Affordable (17)	
	Proposed	SHMA	Proposed	SHMA
1 bed flat	4% (1)	6%	35% (6)	19%
2 bed flat	0% (0)	7%	29% (5)	11%
2 bed	15% (4)	12%	12% (2)	29%
3 bed	50% (13)	46%	24% (4)	34%
4 bed	23% (6)	23%	0% (0)	7%
5+ bed	8% (2)	6%	0% (0)	N/A

- 10.17 In respect of the market housing provision, the proposal is broadly in line with the SHMA. However, the main differences relate to the affordable housing provision where in respect of all housing sizes the proposal does not align with the need identified in the SHMA, being weighted toward the smaller units.
- 10.18 The applicant has proposed the total provision of 17 affordable units, which represents 40% of the number of dwellings proposed by this application. However, as set out earlier in this report, the application site lies adjacent to and is proposed to be accessed through a site for which outline permission has been granted for 13 dwellings. The Council is currently considering a reserved matters application for that site (for which the applicant is Weston Homes). When outline planning permission was granted for 13 dwellings on that adjacent site, as the site fell below the affordable housing threshold of 15 dwellings, affordable housing provision could not, at the point of the determination of the outline permission, be sought.
- 10.19 The Council's Affordable Housing SPD states the phasing of a development, or the division of a site into separate parts, in order to create sites that are below the threshold, will not exclude the developer/s from providing affordable housing. Where a site can be clearly identified, irrespective of ownership, the entire site will be used to determine whether the site meets the site size criteria. In this case it is clear that, irrespective of outline planning permission already being granted on the adjacent land to the east, the overall area of land at Park Farm Ind Estate which has not been developed can be clearly identified as one land area and not two separate sites. This is further emphasised by the access to the application site running through the eastern site. Officers are therefore of the view that as both parts of the development clearly form one site, affordable housing provision should

be calculated on a total of 53 dwellings and a total of 21 affordable dwellings should be provided.

- 10.20 The applicant does not agree with this position in respect of the calculation of affordable provision. However, your Officers advice is that the position is set out in the adopted SPD which supplements the Council's policy on affordable housing and is therefore the appropriate policy approach. The application therefore fails to provide sufficient affordable housing provision in accordance with policy HSG3 of the Local Plan.
- 10.21 Lastly, the applicant has indicated that any affordable housing provision on the site would comprise Starter Homes. There is currently no policy basis for the provision of Starter Homes. Whilst the concept has been introduced into legislation the necessary regulations are yet to be put in place and, in any event, the concept cannot simply cut across endorsed assessments of local need. Currently then, such a provision would be contrary to the Council's adopted affordable housing policy.
- 10.22 Overall then, whilst significant positive weight is assigned to the proposals as a result of the delivery of housing they represent, this is moderated because of the affordable housing element does not meet the local identified need in respect of any of the matters of type, overall number and the mix of unit sizes.

Layout and design

- 10.23 The proposals, by virtue of the shape of the site, comprise an extent of development with considerable depth, but limited width. As a result, the constraints on layout are significant. The location of the current commercial units on the Park Farm site to the south also constrains matters. To achieve an efficiency of use of the site many of the units are placed close to the edge of the central road or footway. Whilst this can work to create an appropriate character approach in urban locations, it has little context on the periphery of Buntingford. The overall density is symptomatic of this approach being high for a peripheral site. Whilst it is acknowledged that land to the north of the site has permission for residential development, this is at a lower density (19units per ha). Land to the west is in educational use and to the east, remains as open countryside.
- 10.24 A central green space is to be provided in order to incorporate the surface water drainage feature. This will provide some relief in the form of the development and offers some opportunity for landscaping and tree planting. Across the rest of the site, the potential for landscaping is

limited and the development is likely to be visually hard in character, dominated by the hard roadway, vehicle parking and the new buildings.

- 10.25 The advice from the Landscape Officer is that this site would appear more appropriate for commercial development, given the association with the current Park Farm units to the south. He also advises that extending the roadway through the tree belt to the west of the outline permission site, also changes the context of those proposals.
- 10.26 The new house designs are conventional in appearance, being a mix of 2 and 2.5 storey buildings. Materials will be brick, render and tiled roofs. There is no provision for children's play, other than the central green space proposed. This is considered unsuitable for this purpose, given that it is also to operate as the surface water drainage provision. Whilst provision is to be made as part of the development north of the town and is provided elsewhere in the town, no links specific links are to be created other than the vehicular access (see more below).
- 10.27 The Councils Operations Team has specified requirements to ensure ease of waste collection from the communal blocks. This is achieved for one of them. For a number of the properties there is no independent rear garden access and limited frontages. This will mean that, in many cases it will be necessary to store the three refuse containers provided per property to the immediate frontage of the property. There is also no cycle storage provision which enables ease of use.
- 10.28 The Police Design Advisor has been requested to comment on the proposals. No feedback has been received at the time of the submission of this report but members will be provided with an update at the meeting.
- 10.29 In overall terms it is considered that the proposals will result in the creation of a poor quality environment that is partly as a result of the constraints on the shape and size of the site. The density of development sought exacerbates this, leaving limited space within the development for green spaces and household provision such as parking, secure cycle storage and refuse container storage.

Residential amenity

- 10.30 The application site is partially bounded to the east and north by an existing residential development, known as Applewood. Concerns have been raised by the occupiers of existing dwellings within Applewood in respect of loss of light and loss of privacy. The proposed dwellings would retain a minimum of approximately 8 metres to the boundary with

the existing dwellings to the east and a minimum of approximately 15 metres to the rear elevation of the closest dwelling. Whilst it is not considered, having regard to the siting of the proposed dwellings, that the development would result in significant harm in terms of loss of light or an overbearing impact, the siting of the proposed dwellings and their proximity to existing dwellings to the east and north of the application site, would result in harmful overlooking of these existing dwellings. This would result in significant harm to the amenities of the occupiers of those adjacent dwellings, which would be contrary to policy ENV1 of the Local Plan.

- 10.31 Concern has also been expressed by occupiers of existing units on Park Farm Industrial Estate in respect of the proximity of the proposed development to the those units and the impact this would have on the usability of and ability to maintain those buildings. Of particular concern is that the proximity of the development to buildings would restrict the ability of existing fire doors to be opened. This would represent a significant risk to health and safety. It does not appear that the applicant has given any consideration to this concern, and it would result in a significant risk to the amenities of the users of these premises contrary to policy ENV1 of the Local Plan.
- 10.32 Concern has also been raised by the occupiers of units within the adjacent industrial estate that the proposed development would restrict access to fire hydrants which serve the industrial estate. It is however considered that this matter could be resolved and suitable access ensured by the imposition of an appropriately worded planning condition.
- 10.33 The level of amenity afforded to the future occupiers of the proposed development, in terms of the provision of amenity space and the relationship between buildings is considered to generally be acceptable. However, having regard to the comments of the Council's Environmental Health Advisor, insufficient information has been submitted to enable Officers to properly consider the impact of noise and disturbance from the adjacent industrial site on the proposed development site. Following a visit to the site, where significant industrial noise sources dominated the site, the Council's Environmental Health Advisor raised serious concerns with the noise assessment that had been undertaken by the applicant, and they were asked to re-evaluate the assessment that had been undertaken. The Council's Advisor is still awaiting this information from the applicant. Therefore, at this point insufficient information has been submitted to enable Officers to properly consider the impact of the adjacent industrial estate on the amenities of the future occupiers of the development.

Policy ENV25 of the Local Plan requires that noise sensitive development (including homes) should not be exposed to noise nuisance from existing noise generating sources, and based on the information currently submitted, Officers cannot be satisfied that the proposed development would accord with policy ENV25 or section 11 of the NPPF.

Travel, linkages and parking

- 10.34 The Highway Authority has not raised any objection to the proposed development. It has commented that the submitted Transport Statement is appropriate and robust and that the proposed development would not have detrimental impacts on the surrounding highway network. The junction of the site with Ermine Street is considered to be acceptable and the proposal is not considered to exacerbate any existing highway safety issues. The Highway Authority has therefore concluded that the proposed development would not have a severe impact on the safety and operation of the highway network.
- 10.35 The Authority has indicated that it is likely that Section 106 contributions would be sought, although the amount of the required contribution has not been specified. Having regard to the nature of the development and the associated increase in use of the private motor vehicle and the limited availability of public transport provision in Buntingford, it is the view of Officers that a financial contribution towards the provision and improvement of sustainable transport measures would be justified in this case. The applicant in their submitted draft planning obligation has not indicated that a contribution towards sustainable transport measures would be forthcoming. Officers consider that without a contribution towards such measures, the impact of the development on the increase in the use of the private motor vehicle cannot be adequately mitigated, contrary to policy IMP1 of the Local Plan and section 4 of the NPPF which seeks to maximise sustainable transport solutions.
- 10.36 A total of 88 car parking spaces are proposed which is in accordance with the Council's adopted parking standards but only in accordance with the emerging standards if a discount is applied as permitted in the policy. However, the extent of the discount is to be judged based on a number of criteria, which includes access to sustainable transport modes, the ability to journeys by methods other than the private vehicle and cycle parking provision. Whilst the site is located in proximity to the town centre, the ability of that centre to provide for more than day to day needs is limited. It is also set below, that the opportunity to create linkages which will enable sustainable transport journeys, has

not been taken by these proposals. Reference to limited secure cycle provision is made above. The limitations of public transport generally in the town are also well documented. It is considered, as a result, that no discount should be applied in respect of the emerging standards.

- 10.37 The provision of parking to the units across the site is weighted to the larger properties, the current and emerging standards being exceeded for the 4 and 5 bed units. For all other units, other than the 2 bed houses, provision is below the current and emerging standards. Parking provision is also made in tandem provision and garages. In some locations, there is tandem provision in front of garages. Furthermore, the proposed parking provision would also be below the requirements set out in Policy T1 of the Buntingford Community Area Neighbourhood Plan.
- 10.38 As indicated, there is a public footpath to the rear of the site and almost adjacent, the grounds of Freman College. As part of the proposed development to the north of the town a new service road and bus drop off facility is to be provided in this location. These proposals however create no new links to the west. For the provision of family accommodation almost immediately adjacent to an upper school to create no link to encourage walking and cycling journeys to school the proposals are considered to perform particularly poorly in relation to policy aspirations to encourage sustainable travel, cohesion, health and wellbeing. The proposals do not take the opportunity of creating improvements to the existing environment as encouraged by the NPPF. Significant harmful weight is attached to the proposals by virtue of this reason alone and their sustainability is considered poor.

Impact on existing services/infrastructure

- 10.39 Herts CC has requested financial contributions towards first, middle and upper education, library and youth services. In accordance with the Council's Planning Obligations SPD, contributions may also be sought towards open space, sport and recreation, community centres and village halls and recycling and healthcare facilities. Whilst the submitted draft planning obligation includes obligations towards open space, waste and recycling, education, health and libraries, no further discussion has been had or confirmation received from the applicant that they are willing to enter into a formal agreement to ensure that the impact of the development on existing services and infrastructure can be properly mitigated.
- 10.40 Officers therefore consider that at this point, insufficient information has been submitted to demonstrate that the impact of the development on

existing services and infrastructure can be properly mitigated in accordance with policy IMP1 of the East Herts Local Plan Second Review April 2007, the Planning Obligations SPD and the Herts CC Planning Obligations Toolkit.

Other matters

- 10.41 Herts Ecology has raised no objection to the application subject to the imposition of appropriate conditions. It has commented that it does not hold any biological species data for the application site; however there are biological records of pipistrelle bats in the vicinity of the site, and bats therefore could be of material concern to the planning application.
- 10.42 Herts Ecology comments that there is little evidence that the developer has taken into account all of the ecological advice presented in the Ecological Assessment, and the submitted Design and Access Statement does not take into account the consultant ecologists recommendations for badgers or reptiles. Nor is there any reference to lighting schemes that could reduce the impact on foraging bats or other nocturnal species.
- 10.43 Herts Ecology has commented that bats are a European Protected Species and therefore are a material consideration, Similarly reptiles (even common ones) are protected under the Countryside and Wildlife Act 1981 (as amended), and are therefore of material concern whilst making planning decisions. Herts Ecology therefore considers that it is reasonable to request that the developer undertakes adequate surveys of bats and reptiles, and initiates any mitigation strategies, if needed.
- 10.44 Herts Ecology is satisfied that such surveys and any mitigation measures can be required and controlled through the imposition of planning conditions. It is therefore considered that subject to the imposition of appropriate conditions on any grant of permission, the proposal would accord with policy ENV16 of the Local Plan.
- 10.45 Following the submission of additional information, the drainage strategy for the site is considered to be acceptable by the Lead Local Flood Authority and the Council's Engineering Advisor, and an appropriate sustainable drainage scheme can be achieved for the site. In this respect the proposal is therefore considered to accord with policy ENV21 of the Local Plan.
- 10.46 The HCC Historic Environment Advisor has commented that the proposal is likely to have an impact on heritage assets of archaeological interest due to the location of the site directly adjacent to the Roman

road, Ermine Street, and in light of the findings from archaeological works on a site to the north of the application site which revealed Bronze and Iron Age features. The Advisor therefore recommends that a condition requiring the implementation of a programme of archaeological work is necessary and reasonable in this case.

11.0 Conclusion

- 11.1 The proposal would result in the delivery of new housing and, in the context of national policy approach to significantly boost supply and the lack of land supply in the district, that must be afforded significant weight. In the absence of an adopted up to date Local Plan, it is necessary to consider whether the proposals represent sustainable development, or whether there is any harm as a result which is significant and demonstrable.
- 11.2 In that respect, the proposals result in the loss of an identified employment site, which having regard to the findings of the Buntingford Employment Study should be retained to provide employment opportunities for the current and increasing population of Buntingford.
- 11.3 The proposal also fails to make sufficient provision for affordable housing in terms of amount, type and unit size; would result in harm to the amenities of existing adjacent occupiers; fails to adequately assess the impact of noise and disturbance from the adjacent industrial estate and fails to demonstrate the impact of the development on services and infrastructure can be properly mitigated.
- 11.4 The layout is considered to be poor as a result of the shape of the land being proposed for development and the density which is being sought. It fails to explore a very significant opportunity to create new linkages which encourage walking and cycling and support health and well being objectives.
- 11.5 Whilst it is acknowledged that the Council cannot currently demonstrate a five year housing land supply and that this proposal would provide additional housing, the weight that is assigned to all the harmful impacts of the proposals, as set out above is very substantial and as such, the adverse impacts of the development significantly and demonstrably outweigh the benefits in this case. The proposals therefore do not represent sustainable development and it is recommended that planning permission be refused.

Reasons for Refusal

1. The proposed development would result in the loss of a site which is reserved for employment use which would be to the detriment of the economic well being of the town of Buntingford and the District. The proposal fails to have regard to the need for employment land within Buntingford to provide jobs for the future population of the town and to support sustainable development. The proposal is thereby contrary to policies EDE1 and BUN6 of the East Herts Local Plan Second Review April 2007 and section 1 of the National Planning Policy Framework.
2. The proposed development, by virtue of the density and layout will result in a form of development with an internal appearance dominated by buildings, hard surfaces, vehicle parking and domestic refuse container storage. The lack of achievement of new linkages to the footpath to the west, the adjacent educational use or in any other location misses a significant opportunity to support and encourage sustainable travel modes enhance cohesion and to support health and wellbeing objectives. The proposal is thereby contrary to policies SD1, ENV1, TR7, TR12 and TR14 of the East Herts Local Plan Second Review April 2007 and sections 4, 7 and 8 of the National Planning Policy Framework.
3. The proposed development fails to make sufficient provision for affordable housing by reason of the number of affordable units proposed and the type and mix of units. The proposal is thereby contrary to policy HSG3 of the East Herts Local Plan Second Review April 2007 and the Planning Obligations SPD and section 6 of the National Planning Policy Framework.
4. Insufficient evidence has been submitted to enable the Council to properly consider the impact of noise and disturbance from the adjacent industrial units on the amenities of the future occupiers of the site. The proposal is thereby contrary to policy ENV25 of the East Herts Local Plan Second Review April 2007 and section 11 of the National Planning Policy Framework.
5. The proposed development by reason of its siting, would result in harmful overlooking of and loss of privacy to the residents of dwellings to the east and north of the application site in Applewood. The proposal is thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and section 9 of the National Planning Policy Framework.

6. The proposed development by reason of its layout and proximity to existing buildings to the south within Park Farm Industrial Estate, would restrict the usability of existing fire escapes within those buildings which presents a significant risk to health and safety of the users of those buildings. The proposal is thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
7. Insufficient information has been provided to demonstrate that the impact of the development on existing services and infrastructure can be properly mitigated in accordance with policy IMP1 of the East Herts Local Plan Second Review April 2007, the Planning Obligations SPD and the Herts CC Planning Obligations Toolkit.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

KEY DATA**Residential Development**

Residential density	43 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	7
	2	5
	3	0
Number of new house units	1	0
	2	6
	3	17
	4+	8
Total		43

Affordable Housing

Number of units	Percentage
17	32%*

*this percentage is calculated based on the combined number of dwellings of the two application sites (56 dwellings), as set out and considered in the report.

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	8.75
2	1.50	16.5
3	2.25	38.25
4+	3.00	24
Total required		87.5
Proposed provision		88

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	10.5
2	2.00	22
3	2.50	42.5
4+	3.00	24
Total required		99
Accessibility reduction	75-100%	
Resulting requirement		74.25 - 99
Proposed provision		88

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%	40%	
Parks and Public Gardens	£13,984.68	Up to £13,984.68	
Outdoor Sports facilities	£38,730.83	Up to £38,730.83	
Amenity Green Space	£5,957.30	Up to £5,957.30	
Provision for children and young people	£5,720.41	Up to £5,720.41	
Maintenance contribution – Parks and public gardens	£30,866.73	Up to £30,866.73	
Maintenance contribution – Outdoor Sports facilities	£97,241.09	Up to £97,241.09	
Maintenance	£16,757.41	Up to	

contribution – Amenity Green Space		£16,757.41	
Maintenance contribution – Provision for children and young people	£10,977.23	Up to £10,977.23	
Community Centres and Village Halls	£10,337.00	Up to £10,337.00	