

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 13 Sept 2017

Application Number	3/14/2304/OP
Proposal	Outline: (all matters reserved except for access). i. Up to 400 dwellings (C3) ii. First school site. iii Formal and informal open spaces. iv. Children's playspace. v. Structural landscaping and internal roads. vi. Formation of a new junction on the A10. vii. surface and foul water drainage infrastructure. Full: Phase 1. i. 99 dwellings including affordable housing (C3), access roads, car parking, children's playspace, incidental open space and associated surface and four water drainage infrastructure.
Location	Land Off Luynes Rise, Buntingford
Applicant	Bovis Homes Ltd and Wattsdown Dev Ltd
Parish	Buntingford
Ward	Buntingford

Date of Registration of Application	2 nd January 2015
Target Determination Date	3 rd April 2015
Reason for Committee Report	Major planning application
Case Officer	David Snell

RECOMMENDATION

That had an appeal not been lodged against non-determination of the application planning permission would have been **REFUSED**, for the reasons 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. However, the Council cannot currently demonstrate a five year housing supply and, in such circumstances, national planning policy requires that planning permission be granted for sustainable development unless there are 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 considers the positive weight that can be attached to the provision of housing, including affordable housing against the negative aspects that would result from the development.

- 1.3 The site does not perform well in sustainability terms. The addition of the 400 dwellings proposed in a town where there is limited employment opportunity and residents are heavily reliant on the private car to access employment, main food shopping and comparison shopping elsewhere would adversely impact on the sustainability of the town contrary to the National Planning Policy Framework.
- 1.4 The proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area.
- 1.5 It is considered that the proposed phase 1 layout does not provide good quality streets and spaces. The lack of design interest in the layout and interaction between buildings, landscaping, green spaces and the public realm does not deliver an attractive enduring place.
- 1.6 First school pupil product from phase 1 of the development cannot currently be accommodated within current first school capacity. Hertfordshire CC have undertaken an assessment of first school site options and are progressing a site at London Road. The school site proposed in the application is not being pursued.
- 1.7 The application satisfactorily addresses highway impact through mitigation measures and a satisfactory level of parking provision is proposed.
- 1.8 The site adjoins the A10 and is regarded as a noisy environment. However, it has been demonstrated that mitigation measures could be employed to provide satisfactory internal and external noise levels.
- 1.9 The development would deliver a significant contribution to housing land supply and affordable housing. However, it is considered that the adverse impacts of the proposal significantly outweigh its benefits. The proposal is therefore considered to be unsustainable.

2.0 Site Description

- 2.1 The application site comprises 20.8 hectares of agricultural arable land on the west side of Buntingford to the west of Luynes Rise and existing residential development. The site is bounded to the north and east by the built up area of Buntingford, to the south by Buntingford Waste Water Treatment Works (WWTW), and to the west by the A10. The site lies outside the settlement boundary of Buntingford within

the Rural Area Beyond the Green Belt, in both the current Local Plan and the emerging District Plan.

2.2 There are two public footpaths running across the site, one from Luynes Rise towards the A10 and beyond and one from Monks Walk towards the A10 and beyond.

2.3 The site slopes gently down from the northwest to southeast, towards the valley of the River Rib.

3.0 Background to Proposal

3.1 The application is submitted in outline with phase 1 submitted in detail.

3.2 A total of 400 dwellings are proposed with phase 1 comprising 83 two storey houses (15 x 2 bed, 23 x 3 bed 28 x 4 bed, 17 x 5 bed) and 16 three storey apartments (6 x 1 bed, 10 x 2 bed). 99 dwellings in total of which 40 units (40%) are to be affordable homes.

3.3 A site for a first school (1.72ha) is located on the eastern side of the site adjoining phase 2 of the residential development. But this is not being pursued by Hertfordshire CC.

3.4 Access to Phase 1 of the development is proposed from Luynes Rise with a new access to the A10 to follow in phase 2 connecting to a spine road through the development. 297 parking spaces are proposed in Phase 1.

3.5 A temporary access to the school site from Luynes Rise is proposed pending completion of Phase 2 of the development. The permanent accesses to the school site would be from Luynes Rise through phases 1 and 2 of the development and from A10 on completion of phase 2 of the development and the A10 access. No details of the proposed temporary access were submitted.

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, the emerging District Plan and the made (adopted) Buntingford Community Neighbourhood Plan (NP):

Key Issue	NPPF	Local Plan policy	District Plan policy	
The principle of the development including sustainability and housing land supply	Section 2	SD1 SD2 GBC2 GBC3 BUN1 BUN4	INT1 GBR2 DPS1 DPS2 DPS3 BUNT1 BUNT2	HD1
Landscape character	Section 11	GBC14	DES1	ES1 HD2
Layout and design	Sections 6 and 7	ENV1 ENV2	HOU2 DES2 DES3 DES4	HD4
Housing and affordable housing	Para 14, Section 6	HSG1 HSG7 HSG3 HSG4	HOU1 HOU2 HOU3 HOU7	HD1 HD7
Education	Section 8		CFLR10	INFRA3
Highways and parking	Section 4	TR2 TR7	TRA1 TRA2 TRA3	T1 T2 T4
Noise impact		ENV25	EQ2	
Flood risk, water and climate change	Section 10	ENV21	WAT3 WAT5 CC1 CC2 CC3	INFRA4 INFRA5 HD3
Natural environment	Section 11	ENV17	NE2 NE3 NE4	ES7
Planning obligations and infrastructure delivery	Paras 203 to 206	IMP1	DEL1 DEL2 CFLR1 CFLR3 CFLR7 CFLR9	T6

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

5.0 Emerging District Plan

5.1 The District Plan has been submitted to the Secretary of State for examination. 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 the Plan has yet to be examined.

6.0 Summary of Consultee Responses

6.1 HCC Highway Authority raise no objection to the overall development, subject to conditions and planning obligations.

6.2 Lead Flood Risk Authority (LLFA) are satisfied with the submitted Flood Risk Assessment and recommend a condition to address surface water drainage.

6.3 EHDC Engineering Advisor is satisfied with the proposed drainage scheme commenting that it provides above ground drainage systems which would be valuable assets to the residential development, assist in flood risk reduction in the surrounding area, and provide additional biodiversity and amenity benefits.

6.4 Thames Water raise concerns over odour impacts on the school site. However, it has since been demonstrated that the school can be accommodated outside of unacceptable odour contours, subject to a detailed layout to be agreed through reserved matters. Thames Water also initially requested a foul water sewer drainage study, but following the submission of further information they have confirmed that this is no longer required. However they do require a study to understand the impact of surface water and recommend a condition to cover this.

6.5 The County Council Planning Obligations Team seek financial obligations towards education, library and youth services to minimise the impact of the development on HCC services for the local community.

6.6 The Historic Environment Unit comment that the assessment of archaeological potential of this development site should be considered in the wider context of the results of recent archaeological evaluations in the area. They therefore consider that the application

site has significant archaeological potential and may contain heritage assets of archaeological interest. The applicant has submitted a satisfactory Written Scheme of Investigation and an initial archaeological evaluation and no objection is raised, subject to a condition.

- 6.7 The Environment Agency raises no objection to the proposal. It initially requested a condition requiring a detailed surface water drainage scheme but this requirement has been removed following the submission of further information.
- 6.8 EHDC Housing Development Advisor considers that the mix of affordable housing proposed is satisfactory.
- 6.9 EHDC Landscape advisor considers that the scale of the proposed development will have significant impact on the landscape character and local distinctiveness of the area. The identity of the locality is that of existing housing development set well back from A10 ring road and looking out onto a landscape that is rural in character. The proposal to expand the town up to A10 will result in the permanent loss of this identity. The housing development in the higher parts of the site will be prominent in the landscape and the overall sensitivity of the site to the proposals is high. The degree of landscape change and landscape effects will be high with significant adverse visual effects for the properties along the eastern edge of the site, where open, rural views would be lost to the development. There will also be high adverse visual impact on the users of the two public footpaths crossing the site.
- 6.10 Herts Ecology recommend conditions requiring a landscape and ecological mitigation plan, a lighting design strategy, and a reptile and badger mitigation strategy.
- 6.11 EHDC Environmental Health recommend refusal of the application on the basis that traffic noise in this location will in much of the garden and amenity space exceed 50dB(A).
- 6.12 Herts Police Crime Prevention Advisor confirms that the applicants have joined the National Building Type Approval Scheme run by Secured by Design (SBD) and that the houses will be built to full SBD requirements. The application is therefore fully supported.
- 6.13 Natural England raise no objection although they suggest that the applicant undertakes a detailed Agricultural Land Classification (ALC) survey to determine the agricultural value of the land. An ALC survey

was subsequently carried out and no objection was raised by Natural England. They also comment that in respect of the cumulative impact of developments around Buntingford, they have no concerns over impacts on Sites of Special Scientific Interest (SSSIs). The Council should also ensure it has sufficient information to understand the impact of the proposal on local wildlife sites. They suggest securing measures to enhance the biodiversity of the site, and to enhance the character and local distinctiveness of the surrounding natural and built environment. In response to the badger survey and amended landscape plans, they raise no objection.

6.14 NHS England comment that the proposed development is likely to result in around 960 new registrations for general medical services, and that the existing surgeries in Buntingford do not have sufficient capacity to absorb this additional requirement. Section 106 contributions are therefore requested to support Buntingford Health Centre to extend its clinical capacity in line with plans previously sent to the Council. They request a contribution of £620.88 per dwelling, totalling £248,352.00 for the development proposed. They request that contribution triggers are similar to Fairview and Areas 2 and 3, Wheatley Homes, south of Hare Street Road.

6.15 The East and North Herts Clinical Commissioning Group (CCG) comment that they do not know the exact increase in population that this development would create but estimate that the increase could be around 960 residents. This is significant, and when combined with other developments around Buntingford, will have an effect on healthcare. They raise concerns that the development will impact on already overstretched community services and comment that the CCG is in its final stages of developing its five year primary care strategy which will guide the changes needed to deliver higher quality and more accessible care for local people. The CCG would like to work with the Council and NHS England to map out additional health infrastructure and would therefore request financial contributions as follows for additional health infrastructure:

- Mental health costs: $400 \times £201.75 = £80,700$
- Acute costs: $400 \times 2,609.58 = £1,043,832$
- Community healthcare costs: $400 \times £272.30 = £108,920$

A total of £1,233,452 (index linked) is requested as Section 106 contributions. However, further to this initial response they advised that they are unable to provide details of the proposed investment to

justify the contributions requested. The contribution request was withdrawn

7.0 Town Council Representations

7.1 Buntingford Town Council responded to the first consultation in 2015 and objected to the application for the following reasons:

- Buntingford is constrained by a near capacity education system, lack of a railway line, employment opportunities, distance from other towns and reliance on private cars;
- The site is not included in the emerging District Plan and is therefore contrary to the development strategy for the town;
- Level of development proposed (in excess of 1700 dwellings in the 20 year period to 2011) exceeds what could be considered sustainable for a small market town;
- Planning Inspector for Hare Street Road had stated that over 800 dwellings without an accompanying growth in employment would not be an environmentally sustainable outcome;
- Work on the Buntingford Neighbourhood Plan has identified several areas of infrastructure that cannot sustain the level of development proposed;
- Schools are almost at capacity and a new school is required – the proposed school site is not suitable due to its location adjacent to the Water Treatment Works;
- Thames Water have stated that expansion beyond 640 dwellings would require significant upgrading to the Water Treatment Works;
- Poor transport to the town is well documented – a reliance on cars is not a sustainable outcome;
- The health centre is at capacity and the GP at the Orchard Surgery is due to retire in Spring 2015;
- The adverse impacts of approving the application would significantly and demonstrably outweigh the benefits;
- Further development will add to the serious congestion issues especially at Hare Street Road, High Street, and Bowling Green Lane junctions;
- The site lies in the Rural Area and the development would be contrary to policies GBC2 and GBC3. The previous Planning Inspector considered that the thrust of those policies was to protect the countryside from unnecessary development and were capable of carrying significant weight;
- The development will result in the loss of good quality agricultural land and Natural England has requested an Agricultural Land Classification survey;

- Future occupiers would experience noise disturbance from the A10 and they question the effectiveness of the proposed 2m high fence adjacent to the A10;
- The new access to the A10 would be contrary to adopted highway policy and there are no special circumstances – the approved new roundabout to the A120 at Bishop’s Stortford is not comparable;
- The new access to the A10 would also create a small satellite of development that faces away from the town and could give rise to further development on the western side of the bypass;
- Phase 1 access to Luynes Rise would result in 332 dwellings being accessed by a single point (224 existing and 108 proposed), and the Hertfordshire Highway Design Guide 3rd Edition states that there is a general presumption that not more than 300 dwellings should be served from a single access point and special approval must be obtained from the Highway Authority to exceed junction capacity;
- Granting consent for the Phase 1 part of the site would render the remaining land unviable for agriculture;
- The proposed housing mix is contrary to emerging policy HOU1 of the District Plan;
- In the event that permission were granted provision should be made for a contribution towards community transport for a Hopper Bus linking the newly developed areas of the town, and a contribution towards a new cemetery to address the severe shortage of local burial space.

7.2 Aspenden Parish Council is very concerned over the impact this development will have on infrastructure in Buntingford. Recent planning approvals will place an unacceptable burden on water, sewage, schools, medical and dental facilities, roads, and parking facilities in the town and surrounding area. The lack of adequate public transport and job opportunities within the area will encourage commuting almost exclusively by car. Until substantive investment to upgrade Buntingford amenities and services is ensured, and until the District Plan is adopted, all further development should be resisted.

7.3 Anstey Parish Council object on the grounds of poor transport services in Buntingford, and that the road infrastructure cannot cope with this increase in traffic. Current health facilities, that residents of Anstey rely on, are already overstretched and the Parish see no firm proposals for expansion or new build. Existing schools are already full and although a site is identified no consultation has been made with Herts County Council on the suitability of the site.

8.0 Summary of Other Representations

8.1 The initial consultation on the application attracted 171 letters of representation and a community & resident petition containing 97 signatures objecting to the proposal. As it had been some time since the initial consultation a further consultation letter was sent to neighbours in April 2016. This attracted 23 responses. The points of objection are summarised as:-

- Scale of development. Over-development of historic market town which is turning into a New Town;
- Spoil setting of the town;
- Unsustainable development due to restricted infrastructure in town;
- No employment opportunities in town and no firm proposals for new opportunities, therefore future residents will commute;
- All local schools are at capacity and children are being placed in schools out of town. Proposed school insufficient for population;
- No capacity in local surgeries and weeks wait for an appointment – no firm proposals to expand or build;
- Increased traffic in and around town which the roads cannot sustain,
- Particular danger in Luynes Road that supports childrens activities;
- Already insufficient car parking in town;
- Insufficient car parking proposed for the new houses given the high levels of car ownership in Buntingford;
- Poor transport links – residents are reliant on private cars, public transport is inadequate and not fit for purpose;
- Increased congestion at Aspenden Road/London Road/Luynes Road junctions;
- New roundabout to the A10 would be dangerous
- New roundabout to the A10 should be a priority
- Luynes Rise should not become a rat run to the A10 so measures are needed to prevent this;
- Personal impact on existing homes and residents. Overbearing impact on adjoining houses in Luynes Rise and Monks Walk;
- Three storey houses will be prominent;
- The school site is just a sweetener and unlikely to get built;
- Proposed play areas a haven for anti-social behaviour;
- School site inappropriately located next to treatment works;
- Loss of countryside which is much used by local people;
- Impact on local wildlife;
- Loss of productive farmland;
- Loss of views from existing gardens
- Loss of light to houses in Oak End

- Lack of space for new planting
- Sewage and water systems cannot cope with all the proposed new developments;
- High levels of affordable housing should only be provided where there is easy access to services and facilities;
- Concern that emergency services would not be able to cope with increased demand;
- There will be a need for more older persons accommodation
- Traffic congestion, loss of amenity and danger during long construction period. Construction traffic should access via the A10;
- Noise, pollution and health impacts;
- Existing shopping facilities are already struggling to cope with demand.
- No firm date for high speed broadband provision;
- Shortage of nursery school places;

8.2 Following re-consultation in 2016 a further 20 responses were received reiterating the above matters.

8.3 Following the initial submission and as now proposed the application has been amended to reduce the number of units in phase 1 from 108 to 99 and to amend the layout and also the design of some of the buildings. 14 responses from neighbours were received to consultation on the amendments. The responses reiterate the views originally expressed and included at paragraph 8.1 of the report.

8.4 Oliver Head MP supports the objections of Buntingford Town Council.

8.5 East Herts Footpath Society comment that they have applied to record a public bridleway from Aspenden Bridge along the southern boundary of the sewage works continuing westwards across the A10 and along the hedgerow towards Aspenden. The proposed development will impact on this bridleway and the new roundabout will be very close to where the bridleway crosses the A10.

8.6 The Campaign to Protect Rural England (CPRE) object to the application. They comment that this is the latest in a series of applications for substantial housing in and around Buntingford in advance of the finalisation of the District Plan. As that review has not yet concluded the Council has not yet determined the quantum or location of housing in Buntingford or the infrastructure capacity required to sustain it. The draft plan should now be accorded weight, and this site is not proposed as a housing allocation. The Council cannot continue to consider these applications in isolation and the correct process to comprehensively assess the impact is through the

District Plan, not ad-hoc applications and appeals. In his report regarding the earlier appeals for developments at Hare Street Road, the Inspector raised a number of serious concerns regarding the sustainability of continuing development in Buntingford and this proposal would exacerbate those issues. A further letter raised concerns that an Environmental Impact Assessment was not carried out, and there should be a comprehensive assessment of the impact of cumulative development proposed on local infrastructure. A more recent letter notes that in allowing the South Hare Street Road appeals, the Secretary of State gave weight to policies GBC2 and GBC3 to protect the countryside and this site provides an important buffer to the A10. They also raise concern that the proposal does not respect the historic linear pattern of development in Buntingford and would appear prominent from the A10.

9.0 Planning History

9.1 There is no planning history.

10.0 Consideration of Relevant Issues

The principle of the development

10.1 The site lies outside the settlement boundary of Buntingford and within the Rural Area beyond the Green Belt wherein policy GBC3 states that permission will not normally be granted for residential developments. Therefore in respect of the 2007 Local Plan, the proposals represent inappropriate development in principle. The current Local Plan is time expired and is not compliant with the NPPF with regard to policies relating to the supply of housing. This is scrutinized more fully below. When he considered the proposals in relation to Areas 2 and 3 South of Hare Street Road (100 and 80 units accordingly), the Secretary of State agreed with the Inspector that policies GBC2 and GBC3 are out of date in respect of the supply of housing.

10.2 Members will now be familiar with the issues surrounding developments in the Rural Area in the context of current planning policies. In all the recent appeal decisions proposing residential development in Buntingford significant weight was given to the shortfall in housing supply. A resolution was also made by Members to grant permission for 180 dwellings on land to the north of Buntingford in February 2014.

- 10.3 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. The issue of sustainability is discussed in more detail below, but for decision-taking this means that “where the development plan is absent, silent, or relevant policies are out of date”, planning 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 specific policies in the Framework that indicate development should be restricted.”
- 10.4 The ability to afford weight to the emerging District Plan is also addressed in the NPPF at paragraph 216, which states that:
- “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
- 10.5 In allowing the appeals at Areas 2 and 3 South Hare Street Road in March 2016, the Secretary of State agreed that “very limited weight can be accorded to the emerging plan.” However, the District Plan preparation has moved forward since that time and it has now been submitted to the Secretary of State for examination and the weight that can be afforded to it has therefore increased. However, that weight remains limited.
- 10.6 The Buntingford Neighbourhood Plan has been adopted and can be given weight. A ministerial statement has confirmed that adopted neighbourhood plans are a material consideration notwithstanding a lack of 5 year housing supply. However, in this case, it is not considered that the weight that can be assigned to the matter is increased as the ministerial statement requires that a made neighbourhood Plan allocates sites. That is not the case in relation to the Buntingford plan.

Sustainability

- 10.7 Many of the sustainability issues covered by the Inspector in relation to the appeals for North Hare Street Road and Area 1 South Hare Street Road, and the Secretary of State in the decision for Areas 2 and 3 South Hare Street Road and Aspenden Road continue to apply.
- 10.8 In respect of the first decision, the Inspector noted that development contributes to a strong and competitive economy, particularly important in times of economic austerity. However, since the appeals were determined in late 2013, economic activity has improved generally and the requirement for development to support the economy would not appear to be as pressing.
- 10.9 In respect of the Secretary of State decision, he agreed with the Inspector that the Areas 2 and 3 proposals would not place an unacceptable burden upon local infrastructure, subject to the agreed Section 106 contributions. The Inspector referred to Buntingford as a “thriving town and the additional population resulting from the two developments would help to sustain these existing services and facilities.”
- 10.10 The Inspector noted that, despite their quality, the facilities in the town are not sufficient to sustain the local population. Residents travel elsewhere for some main food shopping and comparison shopping. It is unlikely that this travel will be other than by private car. When considering employment, the Inspector noted that this is insufficient to sustain the local working population. Unless new employment can be attracted to the town, a significant amount of new residential development is unlikely to be environmentally sustainable. However, it remains the case Buntingford lacks current employment opportunity and that many residents travel outside the town to seek work.
- 10.11 When summing up on sustainable matters, the Inspector noted that the emerging District Plan suggests a requirement for at least 500 new homes in the town. Because at the time of the appeals there would still have been a shortfall in relation to this threshold he reduced the negative weight he assigned to the proposals on the basis of access to jobs and higher order services. We now know that this notional threshold will be exceeded.
- 10.12 The Inspector assigned positive weight because of the provision of affordable housing. As before, 40% of provision is being proposed as

affordable housing. At the time the Inspector set out that the appeal sites would contribute to housing need at a time when the means to create affordable housing on a large scale is limited. However, since that, in addition to the sites at Buntingford, the Council has resolved to support development at Bishop's Stortford north, which will also generate significant affordable housing provision. The Inspector noted that if all the current applications and appeals at Buntingford were successful then there would be over 800 dwellings committed. He agreed that such a level of housing development without an accompanying growth in employment, would not be an environmentally sustainable outcome.

- 10.13 The Council has commissioned the 2014 Buntingford Employment Study an independent assessment of the town with regard to the quantity and quality of existing employment provision and the implications for planning proposals. The 2014 study has been used to inform the emerging District Plan. However, since 2014 a significant number of new residential developments have been approved and further report was commissioned in 2016 as an update. The consultants Wessex Economics (WE) were asked to consider the Employment implications of planning proposals in Buntingford.
- 10.14 Currently it is estimated that 2,000 people work in Buntingford, However, most of the population 72% worked outside the town in 2011. Furthermore, most of those working in the town around 65% were from outside the town. In 2011 only 790 people out of a resident working population of 2,680 lived and worked in the town. Only 29% of working residents worked in the town.
- 10.15 Buntingford has a low self-containment ratio of just 26% and this is likely to have fallen since 2011. It therefore remains an important policy objective to seek to ensure that opportunities exist for residents to work locally.
- 10.16 The table below sets out planning approvals residential development in Buntingford since 2009:

Reference	Location	Units	Status
3/08/0840/OP 3/11/1033/RP	Land off Tylers Close, West of Greenways	50	Outline approved Sept 2010 Reserved Matters approved Sept 2011 Completed and occupied

3/09/1061/FP	Land adjacent to London Road	149	Approved November 2009 Completed and occupied
3/10/2040/OP 3/13/0737/RP	Land off Longmead	26	Outline approved Oct 2011 Reserved Matters approved Jul 2011 Under construction, part occupied
3/1131000/FP	Land north of Hare Street Road	160	Allowed on appeal Jan 2014 Under construction, part occupied
3/13/0118/OP	Land south of Hare Street Road (Area 1)	100	Allowed on appeal Jan 2014 Under construction
3/13/1399/OP	Land off Aspenden Road	56	Allowed on appeal Nov 2015
3/13/1379/OP	Land north of Park Farm Industrial Estate	180	Approved Oct 2015
3/14/0528/OP	Land south of Hare Street (Area 2)	100	Allowed on appeal March 2016
3/14/0531/OP	Land south of Hare Street (Area 3)	80	Allowed on appeal March 2016
3/15/0300/OUT 3/14/1717/FP	Former Sainsbury's Depot	316 Phase 1 82	Approved Mar 2016 Approved Sept 2015
3/13/0823/OP 3/16/1392/REM	Land north of Hare Street Road	13	Approved March 2017
Total		1230	
3/16/1391/FUL	Land north of Park Farm Industrial Estate	43	Refused Dec 2016 Inquiry Jul 2017 Decision awaited
Potential total		1273	

- 10.17 The above total of 1,230 dwellings granted permission would when built represent a 56% increase over the 2,200 dwellings in the town in 2011 and an estimated population increase of 3,000 people (based on the Buntingford average household of 2.44 in 2011), from around 4,950 people in 2011 to 7,950.
- 10.18 This application for 400 dwellings would increase the population by further 976. However, the type of housing proposed is predominantly family housing as is the case in phase 1 then population growth might be larger than estimated.
- 10.19 Currently approved housing developments would increase the working population of the town by an estimated 1,530 persons. This application would increase the working population to 2,012 persons.
- 10.20 Some 800 jobs were lost in Buntingford between 2004 and 2012. There is currently technically 6.55ha of allocated or permissioned employment land in the town with a further 3ha likely to be allocated at Buntingford Business Park in the emerging District Plan, 9.55ha in total.
- 10.21 Full capacity on the existing employment sites within the town would create some 1,110 jobs. However, there is no guarantee of ensuring the scale of development and these figures are merely measures of capacity, not the likelihood of delivery. Furthermore, employment land at London Road has been lost as this will be the site of a new school. The appeal of sites and state of the development industry will have a major bearing of actual delivery of employment floorspace and jobs. Wessex Economics (WE) advise that the market for new build industrial floorspace is limited, and that there is unlikely to be an appetite for speculative development
- 10.22 It is also necessary to consider to what extent an increase in the population of the town will stimulate job creation in the service sector. In 2011 there were around 1,400 jobs in the town and WE estimate that around 800 of these (57%) were likely to be directly linked to serving the needs of the population of the town and its immediate hinterland. They consider that assuming that the relationship between population and jobs observed in 2011 continues to apply a significant number of additional jobs will be created in the service sector. WE estimate a reasonable expectation of around 460 additional jobs might be created once all the approved developments since 2011 are completed.

- 10.23 There is no evidence that prevailing patterns of commuting from the town have changed or that they are likely to change in the immediate future. Therefore by implication the substantial level of outward commuting from the town, mainly by car, can be expected to increase substantially as a result of population growth and the absence of an expectation of an uplift in local job availability.
- 10.24 It is also important to appreciate that given 2011 commuting patterns, there is no evidence that an increase in job availability in Buntingford would necessarily reduce outward commuting.
- 10.25 The Inspector dealing with the previous sites commented that a level of development in excess of 800 units without growth in employment would not be environmentally sustainable. There is little prospect of an upturn in the employment base in the immediate future. It is therefore considered that further residential development on the scale proposed would be environmentally unsustainable given the persisting level of outward commuting from the town to employment opportunity.
- 10.26 Even if the full capacity of jobs on existing employment sites within the town were to be achieved this would not match the increased demand for employment from the increase in population resulting from approved schemes for residential development. Buntingford already has a low self-containment ratio of just 26% and it is considered that further residential development beyond that already approved without accompanying growth in employment provision would lead to an increase in out-commuting from the town by car. It is considered that this would not be an environmentally sustainable outcome.
- 10.27 Consequently the Pre-submission District Plan does not allocate any additional sites in Buntingford for residential development.

Landscape character

- 10.28 The Landscape Officer considers that the scale of the proposed development will have significant impact on the landscape character and local distinctiveness of the area. The identity of the locality is that of existing housing development set well back from A10 ring road and looking out onto a landscape that is rural in character. The proposal to expand the town up to A10 will result in the permanent loss of this identity. The housing development in the higher parts of the site will be prominent in the landscape and the overall sensitivity of the site to the proposals is high. The degree of landscape change and

landscape effects will be high with significant adverse visual effects for the properties along the eastern edge of the site, where open, rural views would be lost to the development. There will also be high adverse visual impact on the users of the two public footpaths crossing the site. Therefore impact on the Rib Valley will be significant having regard to Policy ES1 of the Neighbourhood Plan.

Design and layout

10.29 The design and access statement submitted with the application states at Section 4 – The Vision:

- The objective is to move away from bland vehicular led, non-descript housing estates and to deliver an attractive enduring place. Much of this will be achieved by improving quality of life by designing at a finer grain;
- A well designed place is not just about well-designed homes, but also the quality of streets and movement routes. This includes how buildings interact with streets and the quality of landscape, green spaces and the public realm;
- Best design practice will be embraced, inspiring high quality, legible development with a strong sense of place. The emphasis is on simplicity and well-proportioned buildings and spaces.

The Statement States that all of these elements have been considered within the scheme.

10.30 Only phase 1 of the development has been submitted in detail. Officers considered that the layout of phase 1 lacked design interest. In particular much of the layout was characterised by straight roads with highly uniform front building lines. There was a lack of public realm or space for landscaping within the development. The layout featured large unbroken areas of car parking, standard building design and poorly located public space being separated from the residential area. The southern part of the development appeared cramped displaying a poor relationship between buildings and awkward geometry. Officers considered that the aspirations of the Design and Access Statement had not been translated into the scheme.

- 10.31 The applicant was given an opportunity to address these issues and submitted plans amending the layout. The amendments have addressed the concerns raised to a limited extent by:
- Adding some limited curvature to the spine road
 - A modest increase in tree planting and public realm landscaping
 - Re-arrangement part of the layout and parking areas
 - Inclusion of a modest central area of public green space
 - Amendments to the design of some of the buildings
- 10.32 The amendments represent a modest improvement to the layout. However, it is considered that given that the physical nature of the site does not constrain the layout it remains poor. It is considered that the proposed phase 1 layout does not provide good quality streets and spaces. The lack of design interest in the layout and interaction between buildings, landscaping, green spaces and the public realm does not deliver an attractive enduring place.
- 10.33 It is therefore considered that the layout of phase 1 of the development does not reflect good sustainable design as expressed in Policies ENV1 and ENV2 of the Local plan, Policies DES2 and DES3 of the emerging District Plan, Policy HD4 of the Neighbourhood Plan and Section 14 of the NPPF. Should the phase 1 design approach be followed in phases 2 and 3 the overall layout would not respond to the design potential and opportunities of this expansive site.
- 10.34 Phase 1 of the proposed development adjoins existing residential development to the east surrounding Luyne Rise. Phase 2 of the development adjoins this area to its northeast and phase 3 to its east. The school site also adjoins existing residential properties to its north. In the case of phases 1, 2, and 3 a 14m wide buffer strip and landscaping would separate the existing and proposed developments. It is considered that the proposal would not adversely impact on the residential amenities of adjoining occupiers.
- 10.35 Satisfactory levels of private amenity space are provided for the proposed dwellings in Phase 1.

Housing mix and affordable housing

- 10.36 The Council does not have an adopted local plan policy in respect of housing mix, and only limited weight can be given to the pre-submission District Plan given its current stage of preparation. However, the requirements of policy HOU1 of the pre-submission District Plan are based upon data evidence (SHMSA 2015) on the mix 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 with that set out in the SHMA.

	Market (59)		Affordable (40)	
	Proposed	SHMA	Proposed	SHMA
1 bed flat	0	6%	6 (15.0%)	19%
2 bed flat	0	7%	10 (25.0%)	11%
2 bed	3 (5.1%)	12%	12 (30%)	29%
3 bed	13 (22.0%)	46%	10 (25.0%)	34%
4 bed	26 (44.0%)	23%	2 (5.0%)	7%
5+ bed	17 (28.8%)	6%	0	N/A

- 10.37 In respect of the market housing provision, the proposal is not in line with the SHMA in that there is an excessive number of 4 and 5 bedroom dwellings and a lack of 3 bedroom dwellings.
- 10.38 The Housing Officer has advised that the affordable housing mix is acceptable.
- 10.39 As stated there is no housing mix policy in the local plan and emerging district plan would carry little weight. However, given that the SHMA is evidence based it is considered that the significant inconsistency of the proposal with it should carry some limited negative weight.

Education

- 10.40 HCC as the body responsible for ensuring adequate education provision has provided a Position Statement in relation to education in the town. This follows the consultation response made in relation to this application and the comments submitted during the draft District Plan consultation. The position statement sets out the current demand for places and includes a forecast with regard to places required in the future.

- 10.41 When considering this issue, HCC has indicated that forecasts are likely to underestimate demand. This is because forecasting models are currently based on data from the 2001 census. However, experience in the intervening 10 years has shown that demand levels are generally higher than forecast due to increasing pupil yield. HCC will be able to recalibrate forecasting models when appropriate data from the 2011 census is available.
- 10.42 HCC also state that, for larger developments, demand also tends to be greater than forecast. This is because such developments have a greater degree of attractiveness to young families. Whilst the developments around Buntingford individually are not of that scale, cumulatively they may result in the same impact.
- 10.43 With those caveats, the forecast, which was produced in the summer term of 2014, includes the demand generated by a pupil yield from new housing growth of 267 dwellings in Buntingford and area. This comprises development at Gravelly Lane, Braughing and the following sites all in Buntingford: Station House, the Allotment Gardens, London Road, Tylers Close and Longmead
- First schools – current forecast
- 10.44 The forecast at first school level does not include the permission that has been granted at Park Farm, Buntingford or those granted on appeal already at Hare Street Road. Neither does it include any other sites in the school planning area that have been proposed or put forward as possible development sites either through the pre-application process or consultation on the District Plan.
- 10.45 HCC indicates that first schools in Buntingford are full at reception and key stage 1. The forecast, taking into account the above information, is that there will be unsatisfied demand equivalent to 10 pupils in the 2014/15 year. However, in total then a further 1010 dwellings are proposed which are not included in the currently forecast demand.
- 10.46 The position statement indicates that, as a general rule of thumb, 1FE of school entry is generated by the pupil demand from 500 dwellings. In the absence of forecast information to the contrary, using the HCC ‘rule of thumb’ results in a likely further demand for 2FE of entry at first school level.

Expansion capacity – First Schools

- 10.47 Alongside this, consideration has to be given to possible expansion of the existing provision. HCC has undertaken a high level assessment of the possibility for expansion at the sites. This indicates that some expansion appears possible. At Layston School, HCC indicate an ability to expand the school by 1FE to 2FE total. At Millfield there is potential to expand by 0.5FE to 2FE. However, this is noted to require land not in the control of HCC. Other first and primary school sites and their expansion ability are not referred to here. This is because it is highly desirable for pupils at this level of education to attend a school local to their home. Transporting pupils of this age group is considered undesirable in sustainability terms.

Outcome at First School level

- 10.48 There is the ability therefore, if expansion can be implemented at both first schools, for 1.5FE of the additional demand to be accommodated. However, that must be subject to some caution given the issue in relation to land availability at Millfield School. Even if that expansion can be implemented in full, current forecasts indicate there will be a point where there is a minimum of 0.5FE excess demand at first school level. On the basis of the current provision and generation of demand, HCC are pursuing a new first school site of 2FE at London Road.
- 10.49 Further discussions have taken place with HCC and they have advised that contingency plans will accommodate child product up to 2019. They advise that early delivery of a new First School in Buntingford is an essential requirement in order to accommodate child product from the proposed development.

Demand at Middle and Upper School level

- 10.50 At middle and upper level the forecast extends further into the future than that at first level, assuming a further growth of 60 dwellings per annum from 2021 onwards
- 10.51 With regard to middle and upper school provision, a deficit is experienced now and peaks at around 1 FE in 2019/20 for middle schooling and at 2FE for upper schooling in 2024/25.
- 10.52 As noted above, at middle and upper level, the HCC forecasts include the confirmed development of 273 dwellings and then an additional 60 dwellings pa from 2021. The current forecasts extend

to 2024/25 and therefore can be concluded to take account of a further $4 \times 60 = 240$ dwellings over and above the confirmed 273. On that basis there is forecast to be an unsatisfied demand of 23 pupils in the 2019/20 year at middle level and 50 pupils in the 2024/25 year at upper level

- 10.53 Also as indicated above, 1010 dwellings may come forward in addition to the confirmed 273. If 240 are deducted as being taken into account in the forecast at these levels of education, then a possible additional 770 are not factored in. In addition to the identified unsatisfied demand then these may generate a further 1.5FE of unsatisfied demand in the peak years.

Expansion Capacity and outcome at Middle and Upper

- 10.54 At middle school level, 3.3FE of additional capacity has been identified by HCC, 1.3 at Edwinstree and 2FE at Ralph Sadlier. At upper level a potential 3FE expansion at Freman College (and using land to the north) has been identified. Ralph Sadlier and Freman College are academies, and HCC therefore does not have the ability to direct expansion or control admission policies.
- 10.55 At present the stated position of HCC is to continue to monitor development and demand. It seeks funding to enable appropriate capacity to be secured when it is required.
- 10.56 It is clear that there is a lack of adequate capacity at first school level. If all of the potential development sites are allowed to progress in order to meet land supply objectives, it is most likely that there will be a shortfall in provision because of the requirement for 2FE additional capacity. HCC's contingency plans can address the shortfall in capacity up to 2019 but there is no capacity to accommodate the first school requirements of the proposed development. Early delivery of a first school site is therefore necessary.
- 10.57 The current application does deliver a school site. However, there are a number of issues relating to this site as follows:
- It proximity to the existing sewerage treatment plan and odour zone;
 - There will be no permanent access to it until phase 2 of the development and the spine road from Luynes Road and the A10 roundabout access is constructed;

- Given the phased nature of the development there is no certainty that permanent access to the school site will be provided in the longer term.

Following an assessment of school site options the site proposed in this application is not being pursued by Hertfordshire CC. A decision was taken by that Council's Cabinet on 10th July 2017 to purchase and progress a school site at London Road.

- 10.58 At middle and upper level there is also a requirement for additional capacity to be created. Current circumstances are that demand will outstrip supply if steps are not taken to secure this. Two of the three schools have academy status and there is no information available at present which indicates the views of these schools to expansion. Therefore whilst the high bar of land on which to expand is not a significant matter in relation to provision at this level, a different barrier may exist in relation to the appetite of the schools to expand. At present, in advance of positive indications of views in relation to this matter, further exploration of the matter is a reasonable way forward.
- 10.59 There is therefore an anomaly in the application proposal in that the school land to be provided is not required as HCC are pursuing provision of a new first school at London Road.

Highways and parking

- 10.60 A Transport Assessment (TA) and a framework Travel Plan (TP) have been submitted with the application.
- 10.61 The site is bounded to the west by the A10 and to the east by residential roads. The majority of residential roads are unclassified local access roads and are subject to a 30mph speed limit. There are no recorded accidents in the past 5 years on the residential roads east of the site or at the wider junction points onto the strategic highway network. There are a number of recorded accidents along the A10 to the west of the site and on the wider classified network within Buntingford.
- 10.62 The outline application proposes two points of access onto the wider network. Firstly via the small end stub section of Luynes Rise at a point where it turns 90 degrees and becomes Oak End. Secondly a proposed access onto the A10 towards the southern end of the site through the provision of a new roundabout. The full phase 1

application for 99 dwellings proposes one point of access onto Luynes Rise.

10.63 The HCC Local Transport Plan states that new direct accesses on to primary and secondary routes will only be permitted where special circumstances can be demonstrated. The TA provides such justification and the Highway Authority raise no objection to the access proposals.

10.64 The TA also provides trip generation calculations for the residential and school elements of the development as originally submitted (108 dwellings) which concludes:

- 0.585 trips per dwelling in the am peak hour (8-9am) and 0.623 per dwelling in the pm peak hour (5-6pm).
- For the outline application this equates to 234 two-way trip movements in the am peak and 249 two-way trips in the pm peak.
- For the full phase 1 application this equates to 63 trips in the am peak and 67 in the pm peak.
- Daily two-way flows for the outline application (7am to 7pm) equates to 2137 movements.
- Daily two-way flows for the full phase 1 application equates to 577 movements.

The calculations have been checked by the Highway Authority and found to be robust. However, the applicants carried out traffic surveys in October and November in Luynes Rise (Aspenden Road junction) and they consider that this provides a more accurate assessment of the impact. Based on this methodology there would be 26 fewer vehicles in the am peak and 54 fewer in the pm peak. The Highway Authority are satisfied that this is a realistic reflection.

10.65 Turning to the school trip generation. The school capacity will be 300 pupils. The 2011 Census data shows that there is an average of 0.16 children per dwelling in the school age range in Buntingford therefore the 400 dwellings will result in 64 pupils attending the school with the remaining 236 pupils attending from elsewhere. Using data from Millfield First School nearby the TA concludes that the school will generate 73 two-way car trips in the am peak, and 8 in the pm peak. The Highway Authority is content that that the predicted trip generation is accurate.

- 10.66 The applicant has undertaken capacity models at 5 key junctions which take into account the 5 committed and 2 at appeal developments at the time of the assessment. The Highway Authority consider that the scope of this assessment is acceptable. The outputs show that the junctions operate within acceptable capacity during the am and pm peaks. The data has been checked by the Highway Authority and found to be broadly robust. The applicant's TA concludes that the proposed development will not significantly affect the free flow of traffic at key junctions across the town, even when including committed development traffic, and therefore that no junction improvements are necessary.
- 10.67 In 2015 the Council commissioned Steer Davis Gleeve (SDG) to undertake a transport model for the entire town. This model includes a number of future scenarios which seek to identify the impact on the highway network when routing in various committed and proposed developments across the town. The proposed development is included in the model. Overall, the model shows an increasing detrimental impact on the strategic highway network when routing in the increased traffic associated with both committed and proposed developments. In particular, the A10/London Road roundabout (about 600m from the edge of the site) shows significant increases in queue lengths and journey times. Large increases in traffic flows are evident on the southern end of London Road.
- 10.68 Whilst the provision of a new junction on the A10 slows journey times on the A10 itself, it does reduce the number of additional trips on London Road-High Street-Ermine Street leading to reduced queue length in the town centre. It does however, increase the queues on the London Road approach to the A10 north, In the pm peak, northbound flows on the A10 approaching the London Road roundabout are close to the capacity of a single carriageway link.
- 10.69 An area wide model such as this typically provides a more accurate picture of the impact of development traffic compared to isolated junction models. It is therefore considered justified to apply more weight to SDG's model outputs than the capacity model outputs in the applicant's TA.
- 10.70 From the SDG report it is clear the proposed development will primarily impact on the A10/London Road junction, increasing traffic flows to the detriment of the free flow of traffic. However, the report considers cumulative impact arising from developments across the town and it would not be considered justified for this development

alone to deliver improvements to the roundabout in full and a pooled contribution is more appropriate.

10.71 It is the aspiration of the Highway Authority to improve the roundabout and a provisional feasibility study has been published. It is considered that pooled contributions from developments and other avenues of funding will cover the cost of the necessary works.

10.72 Paragraph 32 of the NPPF advises that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. In the light of paragraph 32, other than impact on the links on approach to the A10/London Road roundabout the Highway Authority consider that the resulting impacts arising from the proposed development cannot be regarded as severe. The eastern end of Luynes Rise itself will experience a morning peak hour increase of 59 vehicles (1 additional vehicle every minute, with currently 2 vehicles passing every minute). The evening peak hour increase will be around 24 vehicles (an additional vehicle every 2.5 minutes). This being dependent on the delivery of the new A10 junction, which will accommodate the bulk of the traffic.

10.73 It should be noted that the full application phase 1 development of 99 dwellings does not propose a new access onto the A10, so initially traffic associated with this phase would be routed via Luynes Rise. Based on the agreed rates the dwellings would generate:

- 11 arrivals and 45 departures in the morning peak hour.
- 30 arrivals and 23 departures in the evening peak hour

Note - The above figures are based on the original phase 1 proposal of 108 dwellings.

The Highway Authority do not consider that the impact of phase 1 traffic prior to the construction of the A10 junction will be significant. They have confirmed that it is not considered to be a requirement for phase 1.

10.74 In conclusion, the Highway Authority considers that the proposed development will noticeably impact upon the free flow of traffic at the A10/London Road roundabout, and therefore a contribution towards improving this is justified. The applicant has agreed to this. The Authority considers that performance of other key junctions across the town will not be significantly adversely affected as a result of the development.

10.75 Notwithstanding that the school site is not being pursued by HCC. The Highway Authority are satisfied that phase 1 traffic and school site traffic can be accommodated via the Luynes Road route prior to the construction of the A10 junction.

10.76 The layout of Phase 1 of the development broadly follows the principles of Manual for Streets. The initial stretch of highway continuing from Luynes Rise follows its 6.8m width. The spine roads are to be 5.5m wide or slightly greater, with side access roads at 4.8m or 4.1m. The road widths are acceptable and future proof the layout for the phases to follow. Footpaths throughout are to be 2m wide which is acceptable. Visibility at junctions can be controlled by a condition.

10.77 The adopted parking standards are:

1 bed = 1.25 spaces
2 bed = 1.5 spaces
3 bed = 2.25 spaces
4+ bed = 3.0 spaces

The site is located outside allocated accessibility parking zones and adopting a Zone 4 approach the emerging District Plan standards are:

1 bed = 1.5 spaces
2 bed = 2.0 spaces
3 bed = 2.50 spaces
4+ bed = 3.0 spaces

The Neighbourhood Plan standards are:

1 bed = 1.5 spaces
2 bed = 2.0 spaces
3 bed = 3.0 spaces
4+ bed = 4.0 spaces

Phase 1 comprises 6 x 1-bed, 25 x 2-bed, 23 3-bed and 45 4/5-bed units which would equate an adopted standard requirement of 232 spaces. The emerging District Plan requirement would be 252 spaces and the Neighbourhood Plan 308 spaces. 276 spaces are proposed across Phase 1, including garages that appear to be of standard size (3m x 6m). There is some under provision having regard to the Neighbourhood Plan standards the level of provision across the site. The provision of cycle parking can be controlled by condition.

- 10.78 The pedestrian routes to bus stops and main routes to the town centre are satisfactory but some minor junctions that need to be crossed do not benefit from dropped curbs and tactile paving and will require improvement as part of the mitigation measures, including an upgrade of Monks Walk and its lighting. The linkages are not designed in a way however that maximises the potential to promote walking and cycling and therefore do not match the aspirations of policy CFLR9.

A10 Noise impact

- 10.79 As with the Aspenden Road (3/13/1399/OP) site the current application site is impacted upon by noise associated with the proximity and surfacing of the A10. A Noise Impact Assessment has been submitted as part of the application which details the noise contours across the site and the mitigation measures that could be employed to provide satisfactory internal and external noise levels.
- 10.80 Environmental Health raised concerns about the impacts of traffic noise on garden areas and amenity space. However, in the Aspenden Road appeal report the Inspector concluded that satisfactory internal noise levels could be achieved by the provision of mitigation measures including noise reducing fixed glazing and mechanical ventilation. He considered that reliance on mechanical ventilation was not indicative of a poor environment and noted the growing use of closed systems for reasons relating to thermal efficiency and heat control in new buildings. He felt that this was an indication that occupiers are prepared to utilise such systems as part of a residential environment.
- 10.81 The Inspector concluded that external noise levels within amenity areas should not exceed an upper limit of 55dbLA applicable to noisier environments such as that of Aspenden Road. On that basis this application would also be considered to be a noisier environment.
- 10.82 The Noise Impact Assessment advises that the site layout and design that all gardens will be subject to a maximum 16 hour noise level of 55dbLa. As a consequence of screening provided by buildings along the west and south west sides of the proposed development closest to the A10 the great majority of gardens will be below 50 dbLA. Subject to mitigation of noise from the A10 by an appropriate noise barrier or set- back distance screening by intervening buildings, no other mitigation measures will be required for the majority of the plots. Those plots nearest the A10 that are not completely screened

by buildings will require the additional provision of a 2m high close boarded timber fence of at least 10 kg/m² density.

- 10.83 Subject to the imposition of a condition to ensure that internal and external noise levels are achieved, as imposed by the Inspector in the Aspenden Road decision, it is considered that the proposal would provide satisfactory living conditions for future occupiers.

Flood Risk

- 10.84 The site is located within Flood Zone 1 and the Environment Agency raise no objection to the proposals. The LLFA are satisfied with the submitted Flood Risk Assessment and that a condition can be imposed to address surface water drainage requirements.
- 10.85 The Council's Engineer considers that the scheme provides above ground drainage systems which would be valuable assets to the residential development and assist in flood risk reduction in the surrounding area. The proposals also provide additional biodiversity and amenity benefits.
- 10.86 It is therefore considered that the application satisfactorily addresses flood risk issues.

Impact on Infrastructure - planning obligations

- 10.87 Herts CC have requested financial contributions towards nursery, 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/village halls and healthcare facilities. The proposed development includes onsite provision of a Local Equipped Play Area (LEAP), a Neighbourhood Equipped Play Area (NEAP) and open space. The applicant has agreed to contributions towards education, library services, youth services, sustainable transport, the Buntingford Hopper Bus project, play area maintenance and clinical healthcare.
- 10.88 The application is recommended for refusal but the following S.106 obligations have been requested and agreed by the applicant in a submitted S.106 Heads of Terms (Revision J dated 2nd November 2016:

- 40% affordable dwellings in accordance with the accommodation in a mix of 75% socially rented 25% shared ownership
- Transfer of a serviced school site to Hertfordshire CC (subject to valuation and payment for that part of the site exceeding the size of a 1FE first school)
- A financial contribution towards kitchen equipment at Buntingford Youth Centre
- A financial contribution of £248,352.00 (index linked) towards Healthcare in Buntingford
- Sustainable Transport Contributions (Phase 1 £106,704 and in accordance with the residential mix for phases 2 & 3)
- A financial contribution of £120,000 (£300 per dwelling) towards the establishment of a Hopper Bus service in Buntingford
- Library Services – Expansion of public space at Buntingford Library or the adult area in a replacement library (Phase 1)
- Provision of equipped play areas (LEAP & NEAP) and financial contribution for maintenance
- A financial contribution (£620.88 per dwelling) towards extension of clinical healthcare capacity in Buntingford
- Fire hydrant provision

A financial contribution towards Nursery, Middle and Upper Education, Library Services and Youth Services in respect of the outline development proposals in accordance with the approved residential type and mix and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008 - (Three tier version of Table 2) (index linked to PUBSEC 175).

Financial contributions to be index linked.

Required Highway improvements, including a new roundabout on the A10 would be addressed via a S278 Highways Act Agreement with HCC as Highways Authority.

Other matters

- 10.89 Herts Ecology comment that the indicative layout retains all linear feature habitats (apart from one tree). They raise no objection to the application subject to the mitigation measures being secured by the imposition of a conditions

- 10.90 HCC Historic Environment Unit advise that the application site has significant archaeological potential and may contain heritage assets of archaeological interest. The applicant has submitted a satisfactory Written Scheme of Investigation and an initial archaeological evaluation and no objection is raised, subject to a condition.

Conclusion – The balance of considerations

- 10.91 It is acknowledged that the Council cannot currently demonstrate a five year housing land supply and that the proposal would provide 400 units of additional housing. Significant positive weight must be attached to this consideration. However, some limited negative weight is assigned to the fact that the proposed housing mix in phase 1 provides an excessive number of 4/5 bedroom dwellings and a lack of 3 bedroom dwellings in comparison to the SHMA.
- 10.92 The development would provide 40% affordable housing provision as required by Policy HSG3 attracting positive weight.
- 10.93 It is considered that circumstances have changed the balance of sustainability considerations since previous residential development appeal decisions. Cumulatively, sufficient residential development has now been approved to support the town. Lack of employment opportunity in the town persists. Residents rely heavily on the private car to access employment elsewhere. There is no positive indication that this position will change in the immediate future. It is therefore considered that significant negative weighed should be assigned to the sustainability of the proposal general terms, and particularly in terms of the consequences of lack of employment opportunity and the potential of the proposal to increase out-commuting by private car.
- 10.94 It is considered that the layout and design of phase 1 of the development does not represent good quality sustainable design. The lack of design interest in the layout does not provide a good quality environment. It is considered that the lack of design interest in the layout and interaction between buildings, landscaping, green spaces and the public realm would not deliver and an enduring place. This aspect of the proposal would be contrary to Policies ENV1 and ENV2. Section 7, paragraph 56 of the NPPF attaches great importance good design of the built environment and provides that it is a key aspect of sustainable development, indivisible from good planning, and contributing positively to making places better for people. It is considered that the poor quality of the proposed layout and design should carry negative weight.

- 10.95 There is an urgent need for a new first school in the town. Hertfordshire CC have committed to pursuing the development of a first school at London Road. The school site proposed in the application is not required and therefore it is given no positive weight.
- 10.96 The application satisfactorily addresses highway impact through mitigation measures and a satisfactory level of parking provision is proposed.
- 10.97 The site adjoins the A10 and is regarded as a noisy environment. However, it is considered that it has been demonstrated that mitigation measures could be employed to provide satisfactory internal and external noise levels as in the case of the Aspenden Road site.
- 10.98 The site lies in flood Zone 1. The LLFA and the Council's Engineer are satisfied that the proposal satisfactorily addresses flood risk.
- 10.99 It is acknowledged that the development would deliver a significant contribution to housing land supply, including affordable housing. However, it is considered that the adverse sustainability impacts, the adverse impacts on the character and distinctiveness of the area and the concerns raised in respect of design and layout significantly outweigh its benefits. The proposal is considered to be unsustainable and had the Council been in a position to determine the application officers would have recommended for refusal.

Reasons for the position of the Council

1. The proposals represent an unsustainable form of development and residents would be heavily reliant on the private car to access employment, main food and comparison shopping elsewhere and the harm demonstrably and significantly outweighs the benefits. The proposal would be contrary to Policy INT1 of the emerging East Herts District Plan (November 2016) policy HD1 of the Buntingford Community Area NP and the National Planning Policy Framework.
2. The proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area contrary to Policy ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007, Policy DES1 of the emerging East Herts District Plan (November 2016), Policy ES1 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.

3. The proposed layout and design of phase 1 of the development would not serve to provide a visually attractive development or a strong sense of place. The development would not amount to high quality sustainable design or promote health communities through safe well promoted walking and cycling routes as envisaged by Policies ENV1, ENV2 and TR1 of the East Herts Local Plan April 2007, Policies DES2, DES3 and CFLR9 of the emerging East Herts District Plan (November 2016), Policy HD4 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
4. The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development. The proposal would thereby be contrary to Policies IMP1 of the East Herts Local Plan Second Review April 2007, Policies DEL2, CFLR1, CFLR7 and CFLR9 of the emerging East Herts District Plan (November 2016), Policy T6 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.

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 planning objections to this application could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in the decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Framework.

KEY DATA**Residential Development**

Residential density		
Overall	36 dwellings/ha	
Phase 1	33 dwellings/ha	
Phase 1	Bed spaces	Number of units
Number of existing units demolished		0
Total number of units		400
Number of new flat units Phase 1	1	6
	2	10
	3	0
Number of new houses Phase 1	1	0
	2	15
	3	23
	4+	45
Total		99

Affordable Housing

Number of units	Percentage
40	40%

Non-Residential Development

Use Type	Floorspace (sqm)

Residential Vehicle Parking Provision – Phase 1

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	None	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	

2	1.50	
3	2.25	
4+	3.00	
Total required		257
Proposed provision		296

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

Parking Zone	Outside current urban boundary therefore so Zone 4 used	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	9
2	2.00	52
3	2.50	58
4+	3.00	159
Total required		278
Accessibility reduction	Up to 25%	
Resulting requirement		209
Proposed provision		296

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. These are the standard figures.

In this case the application proposes substantive levels of peripheral open space, village greens and children's play space within the development (LEAP and NEAP). As the application is recommended for refusal discussions regarding maintenance arrangements have not been pursued. The Planning obligations section above details other significant financial obligations that would be sought. The proposals would also require substantive highway works that would be addressed through a S.278 Agreement were permission to be granted.

The application is accompanied by a Draft S.106 Heads of Terms document but were the application to be approved subject to a S.106 Agreement further negotiation would be required on its detail.

Obligation	Amount sought by EH Planning obligations SPD in respect of Phase 1	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	40%	
Parks and Public Gardens			
Outdoor Sports facilities	£105,884.11		
Amenity Green Space			
Provision for children and young people			
Maintenance contribution - Parks and public gardens			
Maintenance contribution - Outdoor Sports facilities			
Maintenance contribution - Amenity Green Space			
Maintenance contribution - Provision for children and young people			
Community Centres and Village Halls	£28,277.00		