

## DEVELOPMENT MANAGEMENT COMMITTEE - 2 MARCH 2022

<b>Application Number</b>	3/20/1950/FUL
<b>Proposal</b>	Construction of 23 residential dwellings (use Class C3), and associated works including internal road network, associated highways works, landscaping, utilities and drainage infrastructure, car and cycle parking and waste storage.
<b>Location</b>	Land east of Aspenden Road, Buntingford, Hertfordshire
<b>Parish</b>	Buntingford Town Council
<b>Ward</b>	Buntingford

<b>Date of Registration of Application</b>	19 October 2020
<b>Target Determination Date</b>	30 March 2022
<b>Reason for Committee Report</b>	Major application
<b>Case Officer</b>	Femi Nwanze

### **RECOMMENDATION**

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

That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions and to refuse the application in the event a legal agreement acceptable to her is not completed within 3 months of the committee's decision.

#### **1.0 Summary of Proposal and Main Issues**

1.1 This application seeks full planning permission for the construction of 23 dwellings plus associated works including access, highways, landscaping, and infrastructure works.

- 1.2 The site is situated immediately north of a development of 65 dwellings which is currently under construction (under planning permission reference 3/18/2457/FUL). (That site is specifically identified in Policy BUNT 1 (d) as a site that will provide around 56 homes on land off Aspenden Road).
- 1.3 This site is situated within the settlement of Buntingford where Policies DPS1, DPS2 and BUNT 1 of the East Herts District Plan 2018 are applicable and the policies of the Buntingford Community Area Neighbourhood Plan 2014-2031(BCANP).
- 1.4 The main considerations in the determination of the application are:
- Principle of development;
  - Layout and design including residential amenity;
  - Energy and sustainability;
  - Housing mix;
  - Highway impact, mitigation and parking provision;
  - Flood risk and sustainable drainage;
  - Impact on the natural environment;
  - Infrastructure delivery
- 1.5 The main issue for consideration is whether or not the proposed quantum and type of development proposed is appropriate at this site; having regard to policies in the East Herts District Plan 2018 , the Buntingford Community Area Neighbourhood Plan 2014-2031(BCANP) and the National Planning Policy Framework 2021.

## **2.0 Site Description**

- 2.1 The site comprises open land of approximately 0.73 hectares in area. The site is located at the southern edge of Buntingford, bounded to the south by the recently consented (and currently under construction) development of 65 houses and beyond that, the A10. Aspenden Road. Watermill Industrial Estate

borders the application site to the west. There is residential development to the east and north of the site.

### 3.0 Planning History

Reference	Proposal	Decision	Date
3/13/1399/OP	Outline planning permission for Residential development (up to 56 dwellings) and open space, including vehicular/cycle/pedestrian access to Aspenden Road, alterations to levels, footpath / cycleway, landscaping and related works	Refused  Granted on appeal	14.03.2014  27.05.2016
3/18/2457/FUL	Erection of 65 residential dwellings and associated works including internal road network and associated highway works, landscaping, utilities and drainage infrastructure, car and cycle parking and waste storage.	Granted with conditions	28.10.2019

### 4.0 Main Policy Issues

- 4.1 The main policy issues relate to the relevant planning policies in the East Herts District Plan 2018, the Buntingford Community Area Neighbourhood Plan 2014-2031(BCANP) and the National Planning Policy Framework 2021 (NPPF) as set out below.

<b>Key Issue</b>	<b>NPPF</b>	<b>District Plan</b>	<b>BCANP</b>
Principle of development	Chapter 5 Chapter 11	BUNT1,INT1,DP S1 DPS2,DPS3,DPS 4 HOU1,HOU2, HOU3	HD1
Design and layout	Chapters 8, 11 and 12	DES1,DES3,DES 4, DES5, HOU2 HOU7, CFLR1 CFLR9 ,	HD2, HD4, ES1 ES5
Energy and Sustainability	Chapter 14	CC1,CC2 WAT4	
Housing mix	Chapter n 5	HOU1 HOU2 HOU3 HOU7	HD7
Highway impacts and parking	Chapter 9	TRA1,TRA2,TRA 3	T1, T2, T4,
Flood risk management	Chapter 14	WAT1, WAT5,WAT6,	ES2 INFRA5
Natural Environment	Chapter 15	DES2,NE1,NE2, NE3 NE4	ES5, ES7
Infrastructure delivery and planning obligations	Section 2 Section 4	DEL1,DEL2 , CFLR1, CFLR7 CFLR10	INFRA2, INFRA4
Overall sustainability	Section 2	Chapter 1 INT1	

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

## **5.0 Summary of Consultee Responses**

- 5.1 CPRE Hertfordshire: object to the application as being contrary to Policy BUNT1 (d) of the East Herts District Plan which allocates around 56 homes on land off Aspenden Road. This figure has already been exceeded.
- 5.2 The site represents the last piece of accessible natural green space in this part of Buntingford. Both the East Herts District Plan and the Buntingford Community Neighbourhood Plan states that such areas will be protected and enhanced.
- 5.3 The illustrative master plan submitted indicates a banal standard layout of units filling the site with minimal public amenity space or children's play space. The revised layout continues the standard unit approach to the south and offers no improvement to make up for the loss of valuable local community amenity space.
- 5.4 This proposal will affect the site's biodiversity. The Landscape Specification and Ecological Management Plan seeks to address this but the apparent comprehensive treatment cannot hide the fact that the area affected is minimal and effectively limited to the edges of the proposed development.
- 5.5 EHDC Conservation and Urban Design: comments that amendments have addressed earlier issues and recommends grant subject to recommended condition that seeks provision and retention of a permeable fence on eastern edge of the site in order to provide visual passive surveillance of the disused railway site.
- 5.6 EHDC Environmental Health (Air and Land): No objection subject to conditions.
- 5.7 EHDC Environmental Health (Noise): comments that an up-to-date and improved odour assessment has been submitted

Thames Water are also satisfied with this odour assessment, it having been commissioned on their behalf, based on which they have removed their original objection to this proposed development too.

- 5.8 EHDC Environmental Services: advises that the vehicle tracking is welcome, but there is no indication of the turning capability of the freighter used. We would need to see that a freighter with a kerb-to-kerb radius of 12.1m could access, turn and egress the site in forward gear.
- 5.9 EHDC Housing Development: notes the provision of affordable housing which is policy compliant. No objection is raised to the proposed tenure mix within the affordable housing element which will provide affordable rent and shared ownership housing. The affordable housing in the proposal is considered to be sufficiently integrated.
- 5.10 EHDC Landscape advises that the site cannot reasonably be described in its current condition as accessible or amenity space and represents housing infill site rather than an extension of development along Aspenden Road. Minor revisions to the plot layout could achieve improvements to plant bed shapes on one plot.
- 5.11 The Ecological Appraisal appears to have found evidence of badger occupation and activity and this should normally be considered as a constraint on development. Notably Herts Ecology raised no objections on ecological or biodiversity grounds.
- 5.12 The On Plot Planting Drawing 8460-L-18- Rev E shows lists of plant species with an arrow to particular plant beds. The planting plan needs to show which species or groups of species are to be planted and where within beds. General comment on the submitted drawing is that larger groups of fewer species should be used as beds are small – simplicity being preferred

and the fully grown size of plants need to be taken into account  
- more info / amendments required.

- 5.13 Environment Agency: advises that they have no comments to make regarding the proposed development. They have suggested an informative regarding the need for a Flood Risk Activity Permit.
- 5.14 HCC Ecology: advises that they support the approach outlined in the Ecological Appraisal which identifies a population of slow worms on the site and recommended their translocation. A contiguous population of slow worms was previously translocated in 2019 from an adjacent development site to a receptor site south of the A10.
- 5.15 This receptor site is to be extended and habitats enhanced to provide a suitable environment to accommodate the translocated slow worms from the present site. It is proposed that the receptor site is planted up with native scrub and underplanted with a tussock grass mix and managed for the long-term benefit of the slow worms. They further advise that a method statement for the translocation of these slow worms should be the subject of a pre – commencement condition that is submitted to the Local Planning Authority for their consideration.
- 5.16 They acknowledge the provision of a Landscape and Ecological Management Plan (LEMP) and that it contains suitable mitigation measures to safeguard protected species during construction and advise that it should be followed in full.
- 5.17 Biodiversity net gain and enhancements are spread between the proposed site and the area south of the A10 which is the reptile translocation area. The proposals will deliver a 10% biodiversity net gain in line with the Environment Act 2021 (although this obligation does not yet apply). They advise that the delivery of the uplift is dependent on the implementation of suitable management measures. Details regarding the long

term management of this area have not been provided and should be provided either prior to determination or secured by planning condition.

- 5.18 With regards the Ecology Statement by fpcr (report date 20 December 2021), they are satisfied that as the infra-red camera survey of the two sets S1 and S2 revealed no evidence of occupation, that badgers do not need to be considered a constraint to the development. However, since there is a history of use of the site by badgers precautionary measures should be taken and it advised that the following informative is added to any consent given.

*“Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.”*

- 5.19 HCC Growth and Infrastructure: request financial planning obligations towards nursery education, child care, primary education, secondary education, youth provision, library provision and the provision of fire hydrants.
- 5.20 HCC Highway Authority: notes the planning history connected with the development site to the south and the additional number of units sought as part of this planning application. The Highway Authority has raised concerns with particular respect to pedestrian connectivity and safety to/from the development site along Aspenden Road towards the junction with London Road. In response to the Highway Authority's concerns, the applicant has commissioned further work by their transport consultant.
- 5.21 A scheme which enhances pedestrian connectivity and safety has been submitted to the Highway Authority which is close to



being acceptable (refer to condition 10 below). The Highway Authority notes that these improvements to safety and connectivity, including provision of a new section of footway to the eastern side of Aspenden Road and an infrastructure scheme to make the existing footway on Aspenden Road safer and more user friendly (inclusive of the new street lighting, vegetation clearance, guardrail upgrade and the footway resurfacing) presents a significant improvement over and above the previously consented scheme to the south.

- 5.22 Given the improvements to highway safety (signalised shuttle scheme) and pedestrian connectivity proposed as part of the planning application, the development may be considered compliant with the policies set out within LTP4.
- 5.23 In summary, the Highway Authority does not wish to restrict the grant of planning permission, although wish to recommend the infrastructure improvements (to be secured via planning conditions).
- 5.24 Since the Highway Authority's previous consultation response the applicant has been in contact with the Highway Authority to further tweak the proposed design, in particular to try and address continuing concerns about two large vehicles being able to pass by one another on the new signalised stop lines.
- 5.25 The applicant has now widened the carriageway at the southern stop line to 6.5 metres width, and this will enable two articulated lorries to pass by one without the risk of needing to mount the footway. Tracking of two passing articulated lorries at the northern stop line is also now acceptable.
- 5.26 The applicant continues to assert that the provision of a push button for the individual dwelling access to call its own vehicle phase onto the new signal controlled section is not possible, and instead seeks to address this with a presence detector. Our signals team states that the light could be operated remotely (for example, not having to push a button unless there is a

remote failure), but accept that an adequately set up presence detector may be feasible, assuming that no vehicles are likely to accidentally trigger it (which would otherwise lead to vehicles/pedestrians waiting longer than necessary on the main road). Nevertheless, this detailed matter can be dealt with by way of a condition.

- 5.27 HCC Lead Local Flood Authority: does not wish to restrict the grant of permission, subject to recommended conditions.
- 5.28 HCC Minerals and Waste: raise no objection to the proposals subject to the provision of a Site Waste Management Plan (SWMP) in accordance with the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012. In addition they advise that the applicant must consider and be aware of the nearby Household Waste Recycling Centre. This waste facility is safeguarded under Policy 5: Safeguarding of Sites within the Waste Core Strategy and Development Management Policies Document (2012). The applicant must consider the impact that the proposed works will have on the waste facility. Any construction activities and impacts from the finished development must not prejudice the operation of the facility.
- 5.29 Thames Water: advises that they have no objection to the development.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

## **6.0 Town/Parish Council Representations**

- 6.1 Aspenden Parish Council : comments with regard to the initial plans (prior to amendment) are summarised as:
- 6.1 Objection: Serious concerns over highway safety as the proposed works do not create a safe environment for road users, pedestrians or cyclists. The Transport Statement does not

acknowledge the existing significant HGV movements generated by the existing surrounding uses and local farm traffic – the research data for the assessment of trip generation is based on residential only.

- 6.2 2 metre footpath proposed on the eastern side of Aspenden Road serves no purpose, whereas increasing the width of the western footpath to 1.5 m would be more beneficial and safer for pedestrians. The pedestrian crossing point has been placed at the narrowest and most dangerous section. The development will increase the volume of traffic using Aspenden Road and no proposal has been submitted to ease congestion at the junction of Aspenden Road and London Road.
- 6.3 Since the partial completion of Phase 1, there has been a significant increase in flooding alongside the entrance to the site, just before the bridge. Despite the Construction Management Plan in place for Phase 1, frequent pooling water and mud was evident along Aspenden Road and outside the site compound.
- 6.4 The proposed car parking does not comply with the Buntingford Community Area Neighbourhood Plan's minimum criteria and is insufficient.
- 6.5 The site is not designated for housing and there is a lack of play area within the development.
- 6.6 In response to a second consultation the following comments have been received:
  - A zebra crossing located just before a bridge that is only wide enough for only one vehicle will ultimately cause confusion and congestion, especially located so close to the entrance to the Watermill Industrial Estate, the recycling centre and the aggregate yard;

- The introduction of street lighting will simply bring “town life” closer to the village, which currently enjoys no light pollution;
- The introduction of a south bound vehicle priority system will encourage speeding traffic as the road slopes down towards the village;
- A 4.5m pinch point, on a dangerous unsighted bend in the road, remains;
- The narrow footway along the road remains whereby pedestrians have to step into the road to pass each other whilst trying to avoid passing traffic;
- Car parking provision is inadequate as evidenced by the parked cars already scattered on the Phase 1 estate roads;
- Unlike Phase 1, the site comprising Phase 2 is not designated for housing within the East Herts District Plan. We believe the development of Phase 2 with the accompanying highway works further blurring it’s distinction from Buntingford. The District Plan specifically states *“to the south-west (of Buntingford), the open character of the countryside between Aspenden and Buntingford will be preserved, thereby avoiding coalescence between the two communities”*.

6.7 Buntingford Town Council comments are summarised as:

6.8 The proposals are contrary to Policy BUNT1, The site in question cannot be considered as a ‘windfall’ site. The District Plan states that windfall sites normally comprise a previously developed site. This site is not and never has been developed and represents the last piece of accessible natural green space in this part of Buntingford The Vision Statements in both the East Herts District Plan 2018 and the Buntingford Community Area Neighbourhood Plan (BCANP) state that such areas will be protected and enhanced and Policy ES7 in the BCANP requires development to “protect and enhance biodiversity.”

6.9 The proposal will exacerbate existing problems on Aspenden Road despite proposed mitigation measures. The application

does not take into account the increase in HGV movements from planning permission for 26 B1 units at Watermill Industrial Estate.

- 6.10 The proposals do not represent safety for pedestrians with proposals to widen the footway on the opposite side to the development, with a crossing provided at the most narrow and dangerous section of the road.
- 6.11 Over the past few years Buntingford has seen growth far in excess of the 500 dwellings allocated in the District Plan; to date some 1300 dwellings have been approved with little evidence of additional infrastructure. The proposals allow for 56 parking spaces; however the BCANP parking standards requires 67 parking spaces for the development.

## **7 Summary of Other Representations**

- 7.1 51 neighbouring properties have been consulted by letter. 36 responses have been received from 25 neighbouring properties objecting to the proposals on the following grounds:
- Buntingford has already been excessively developed in recent years compared to what was evidenced in the review of the Local Plan (493 dwellings compared to in excess of 1,387 that have been approved).
  - Previous application for the southern site was granted by a planning inspector only because the site was in the District Plan and the District did not have an up to date District Plan at the time. This site is not mentioned in the District Plan and is a substantial windfall above District Plan requirements.
  - The proposal will result in the loss of green space between Buntingford Town and Aspenden Village and result in overcrowding and uncontrollable sprawl. Is there a need for this 0.8 ha of environmental biodiversity to be lost to the well-being of established communities.

- There is no green space or play area within Phase 1 and there is also no green space or play area within this phase of the development.
- The BCA focuses on providing green spaces and enhancing biodiversity. This proposal does not comply with that aim.
- Aspenden Road is completely inadequate and unsafe for any increase in traffic, particularly for pedestrians. Unsuitable also for construction traffic. A safer solution to the road width must be adopted; this application lacks that solution.
- There has been no vehicle (including HGV) survey since 2014 and in that time Buntingford and vehicle movements has almost doubled in size.
- Traffic survey provided covers cars only, no reference to expanding industrial estate, recycling site, landscape and aggregate depot and HGV storage facility which all use HGV's.
- Road widening has led to increased speeds but there is still a substandard pinch point and a blind uphill bend. The road is unsafe, there are skid marks on the road, footpaths are very narrow and are never kept clear of growing bushes/brambles; making it dangerous for prams/pushchairs and the elderly. The alternative footpath via watermill Industrial Estate is narrow and is the subject of flooding.
- No improvements have been carried out on Aspenden Road relating to the Dandra South site. If this proposal gains approval Aspenden Road improvements and ROW027 are likely to be further delayed against a backdrop of substantial increase in traffic movements on Aspenden Road. The stopping zone for the Aspenden Bridge has not been reinstated.
- Road does not meet minimum standards for road width. The Planning Inspector's justification "*Whilst vehicles are required to mount the Pedestrian Footpath when two vehicles travelling in opposite directions meet on the narrow section of Aspenden Road they would be travelling so slowly as to not cause danger to pedestrians*" completely ignores that it is

illegal to drive a motorised vehicle on a Public Footpath ( objector has indicated that he is prepared to remove this objection if a suitable solution for the widening of Aspenden Road along the narrow section ( which lies on a blind bend) can be achieved).

- Proposal does not meet BCANP (Buntingford Community Area Neighbourhood Plan 2014-2031) car parking criteria.
- Not a suitable location for flats and creates amenity issues for established residents.
- Proposal is an overdevelopment of the site which will lead to more noise and traffic.
- There is no biodiversity gain – report indicates that there will be loss of a colony of common lizards. Proposal should include integrated bat and swift bricks per dwelling.
- Habitat loss; slow worms and other wildlife inhabit this green space.
- This area has lost many shops, its only bank, a care home, a GP practice and a car park. The roads are congested with traffic, parking on the road and pavements, traffic speed has increased and the road floods due to excess building over land where water should be draining into. Even if the road is widened it cannot take any more traffic safely due to increased house building and an increase in units at Watermill Industrial Estate.
- Inadequate infrastructure – no train station and limited bus service, inadequate internet/wifi phone coverage, no medical facilities open to new residents and schools are full, low employment opportunities in Buntingford will lead to residents having to drive to work ; leading to more traffic on the A10 and A507.
- Plan is incorrect and encroaches into neighbouring garden. There is no agreement to sell this land to the applicant. There is a badger's sett on site and these animals are protected.
- Existing problems of excess water, road being narrow and traffic should be addressed before allowing more housing.

- Previous residential applications were granted due to the lack of a District Plan. Now that the District Plan has been adopted, applications should be determined in accordance with its policies. The District Plan makes no provision for residential development on this parcel of land and should be refused.
- The loss of this area will remove a vital green lung for surrounding residents by removing open land and providing an unbroken block of housing down to the bypass.
- Proposed road widening is flawed as it will not address the pinch point that will remain at the blind bend by the White Cottage (Southview) as that land is not in the applicant's ownership and therefore cannot be included in the road widening.
- If this development is approved – construction traffic access should be through the existing development.
- Water supply issues arising from population growth in the south east of England and climate change. This is a chalk stream river environment; abstraction levels have increased with population growth. Water usage in Hertfordshire is one of the highest in the country and each new development increases demand on the entire system.
- Information to support the application is not correct, for example walking time to nearest Barclays Bank (which is in Royston – 8 miles away) is shown as 12 minutes.
- Loss of undeveloped site will increase rainwater run off issues. The south site rain water run off measures has not stopped volumes of water flooding down the site onto Aspenden Road.
- Concerns raised regarding the content of the landscape Specification and Ecological management plan compared to the layout plan.
- The applicant has pre – emptied approval by doing their own deforestation without approval from the Landscape Officer.
- Will increase flooding in an area that already suffers from flooding.



- Six submissions of mitigating proposals have been submitted for Aspenden Road which shows that previously approved versions are badly flawed. None have been discussed with the town or parish councils or local people. The safety audit and transport assessment are flawed. The proposals for the two sites should be considered as one development and should have required a full transport assessment
- Concerns raised regarding the accuracy of the content of the odour assessment and the extent of the noise assessment which Environment and Health have based their observations on.
- Proposal provides no benefit to established communities or biodiversity – there is no evidence based need or windfall argument for this development.
- Length that the application has remained undetermined makes the consultees arguments out of date.
- Recent ecology report cites no badgers due to the total destruction of the wild habitat by the developer.

## **8 Consideration of Issues**

### Principle

- 8.1 The site is 0.7ha in area and comprises of undeveloped land which is partially overgrown with trees and shrubs. The application does not require screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended (EIA) as it has been determined that the proposed development does not exceed the relevant threshold.
- 8.2 The site lies immediately north of an adjoining residential development for 65 residential units which is currently under construction by the same applicant.

- 8.3 Policy DPS1 (Housing, Employment and Retail Growth) states that the council will provide a *minimum* of 18,458 new homes in the District during the plan period.
- 8.4 Policy DPS2 (The Development Strategy 2011-2033) of the East Herts District Plan outlines that the strategy of the Plan is to deliver sustainable development in accordance with a hierarchy of sites.
- 8.5 The application site is considered to fall within the second category 'sites within urban areas', Buntingford.
- 8.6 The site is located within the settlement of Buntingford where Policy BUNT1 (Development in Buntingford) advises that the settlement will provide a *minimum* of 1074 dwellings during the plan period.
- 8.7 Reference is also made to appeal decision APP/J19915/A/14/2224660 for the southern site whereby both the Planning Inspector ( and subsequently the Secretary of State for Communities and Local Government who reviewed the Planning Inspector's recommendation ) indicated that the constraints presented by the road width at this location does not preclude further development.
- 8.8 The site is within the settlement boundary of Buntingford under policy HD1 of the BCANP. That policy says new housing development will be permitted where it is consistent with policies HD2 TO HD7. The proposal is consistent with those policies and therefore should be permitted under policy HD1.
- 8.9 The proposal would deliver 23 additional dwellings in this location.
- 8.10 The proposal is not considered to be contrary to Policy BUNT1 which sets out the minimum number of homes that will be provided in Buntingford. No indication has been given of maximum numbers as that would be subject of further

assessment on a case by case basis. This is consistent with the Government's objective of "significantly boosting the supply of homes" (NPPF, paragraph 60).

- 8.11 Given the above considerations, the principle of this development is considered to be acceptable; subject to further detailed considerations below.

### Design and layout

- 8.12 The overall layout of the proposal has been designed to integrate with the southern part of the site (where 65 residential units are currently under construction). In this regard, the site will be accessed from the new (main) access road leading off Aspenden Road into the southern part of the site. From there, a new vehicular access point will be created in order to provide semi circulatory (cul de sac) route in the northern part of the site.
- 8.13 The proposed layout incorporates dwellings that will face the street frontage; both within the existing setting fronting Aspenden Road and within the proposed internal road layout within the site. The layout proposed will ensure that there is adequate street surveillance (in accordance with Policy DES5) as well as maintaining appropriate separation distances between facing habitable windows both within the development site itself and in relation to surrounding neighbouring properties.
- 8.14 The separation distances proposed meet the standards of 23 metres for facing habitable windows and in the majority of incidences meet the 13metres habitable window to wall distance outlined in the Buntingford Community Area Neighbourhood Plan. Where the required separation distance has not been achieved, this relates to 4 incidences only (units 1and 23, unit 6 and the flatted block, units 20 and 17 and units 7 and 12) where distances of 9 – 11 metres have been achieved instead.

- 8.15 Notwithstanding the marginal shortfall as outlined above, it is considered that on balance these distances are acceptable with no harm resulting for prospective occupiers in terms of general amenity as regard has been given to the overall layout of the development and the need to comply with a number of issues including parking provision and garden sizes.
- 8.16 In this regard the proposed layout does not present any amenity issues for the prospective occupants of the development or the occupants of surrounding properties and this accords with Policy DES4 of the East Herts District Plan and Policy HD4 Of the Buntingford Community Area Neighbourhood Plan (BCANP).
- 8.17 The development predominantly comprises of two storey semi-detached and detached houses set behind a landscaped front garden with single storey garages adjacent or off street car parking bays adjacent. At the north – western corner of the site, a two storey detached residential building containing 3 flats is proposed. Although this is the only flatted development in this part of the site, the building has been designed such that it, despite its marginally wider footprint, it resembles the appearance of the dwelling houses proposed on the remainder of the site.
- 8.18 The proposed layout has been designed to integrate with the development (under construction) to the immediate south where a small orchard provides a landscaped buffer adjacent to the vehicular access point proposed (at the northernmost point) for the southern part of the site. It is proposed that this landscaped buffer will be enlarged by 154m<sup>2</sup> with additional landscaping including tree provision. This will provide a visual screen to the 4 car parking spaces proposed in this location as well as providing an enhanced landscaped entrance feature to the site(s).

- 8.19 The eastern boundary of the site faces the disused railway site; an area that is not owned by the applicant. The proposed layout plan shows an intention to again, provide a landscaped green edge to this part of the site. This is acceptable however a condition will also be proposed to ensure that fencing along this edge is permeable in order to provide visual surveillance into the disused railway site.
- 8.20 The proposed layout does not provide a significant quantum of additional open space; instead placing reliance on expanding the public open space (orchard) within the northern section of the approved development to the south by 154m<sup>2</sup>. This is considered to be acceptable as the two sites will operate in tandem. From an urban design perspective this is also acceptable as the presence of the orchard in this location will ensure that there is adequate and quality public open space for the proposed development to the north. This aspect of the proposal complies with Policy ES5 of the BCANP.
- 8.21 Similarly, this site, which is smaller than the southern site, does not provide additional children's play area but instead relies on the children's play area in the southern part of the site. Given that once developed, the two adjoining sites will effectively operate as one site, this aspect of the proposal is also considered to be acceptable. In addition it should be noted that the additional 23 dwellings proposed all provide generous private garden space for each dwelling.
- 8.22 The density associated with the proposed development of the site is considered appropriate at 127 habitable rooms per hectare (33DPH - dwellings per hectare). This falls comfortably within the lower amount of what is considered to be a medium range of density (100 - 173 habitable rooms per hectare or 25 - 50 dwellings per hectare) and is appropriate for the site's location within a settlement. In this regard the density is considered to accord with Policy HOU2 of the District Plan and Policy HD7 of the BCANP.

- 8.23 The proposed height and external design of the dwellings is considered to be acceptable and will provide a high quality residential development; displaying a design that will complement the features in the development that is currently under construction at the southern part of the site as well as being reflective of characteristics of the surrounding built environment. This aspect of the proposal complies with Policy DES4 of the District Plan and Policies HD2, HD4 and ES1 of the BCANP.
- 8.24 The proposed units provide an appropriate internal layout with internal room sizes that meet the Department of Communities and Local Government (DCLG) Technical Housing Standards - nationally described space standard 2015.

#### Energy and Sustainability

- 8.25 In terms of sustainability, it is noted that all development must have regard to climate change adaptation and mitigation policies CC1 and CC2 and the building design requirements of Policy DES4, all developments should demonstrate how carbon dioxide emissions will be minimised and how the design, materials, construction and operation of development will minimise heating and cooling requirements.
- 8.26 The supporting material accompanying the application demonstrates that it would not be appropriate, given the size of the development, to explore combined heat and power (CHP) as a means of heating and powering the site. Other technologies such as ground source heat pumps, solar photovoltaic/hot water installations and wind turbines have all been considered and rejected for this site either due to viability issues or the physical characteristics of the site.
- 8.27 Carbon emissions will be reduced predominantly by high standards of insulation and the use of energy efficient installations. These measures will provide an improvement of

3% over the Building Control Standards and therefore comply with Policy CC2 of the District Plan.

### Housing mix

- 8.28 A total of 23 residential units are proposed; the breakdown of which is outlined below:

### Market housing

Type	Number	% Provided	SHMA %
One bed flat	0	0	6
Two bed flat	0	0	7
Two bed house	2	14.2	12
Three bed house	5	35.7	46
Four bed house	7	50.0	23
Five bed house	0	0	6
Total	14		

### Affordable housing

Type	Number	% Provided	SHMA %
One bed flat	2	22.2	19
Two bed flat	1	11.1	11
Two bed house	3	33.3	29
Three bed house	3	33.3	34
Four bed plus house	0	0	7
Total	9		

- 8.29 In accordance with Policy HOU1 of the District Plan and Policy HD7 of the BCANP, the proposed development will provide an appropriate mix of housing types and sizes. 20 dwelling houses and 3 flats are proposed with a range of dwelling sizes from 1 and 2 bedroom flats to 2, 3 and 4 bedroom houses.
- 8.30 The proposed development will also provide a suitable mix of housing tenures with a split of 60% market housing ( 14 units) and 40% affordable housing (9 Units). 73% of the affordable housing units are to be delivered as affordable rented accommodation (rent capped at local housing allowance rate) and 27% Intermediate (shared – ownership) tenure. The proposed affordable units will be provided on site in accordance with Policy HOU3 of the District Plan and will be evenly distributed throughout the development.
- 8.31 The housing mix and affordable housing proposed for this site has been had regard to the latest SHMA (Strategic Housing Market Assessment) as well as a review of residential developments constructed in the area. The Housing Officer has considered that overall mix of housing types proposed and raises no in principle objection.
- 8.32 A condition will be imposed to ensure that all residential units comply with the building Regulations requirement M4 (2): category 2 – Accessible and Adaptable Dwellings. One of the affordable housing units has been designed to M4 (3): category 3 wheelchair user dwellings standard. This is welcomed however there is also a need to ensure that 1 of the market dwellings also meets this standard; in accordance with Policy HOU7 of the District Plan. Accordingly it is considered appropriate to impose a condition that requires further details to be provided to ensure that this can be achieved. Once this has been achieved it is considered that this aspect of the proposal would comply with Policies HOU1, HOU3 and HOU7 of the District Plan and Policy HD7 of the BCANP.

Highways and parking



- 8.33 Aspenden Road is the main thoroughfare to the site; linking London Road to the village of Aspenden to the south. It is a traditional rural road which is limited in its width. The site is also in close proximity to the Watermill Industrial Estate; a site that is associated with the movement of large commercial vehicles. In addition over the years the thoroughfare has seen a general increase in vehicular traffic as a result of local development in the area.
- 8.34 As with the application for the southern site which is currently under construction, vehicular access/road safety on Aspenden Road has been highlighted as a major local concern; having been highlighted by many of the third party comments.
- 8.35 Access to the site off Aspenden Road and within the proposed development site is acceptable as demonstrated in the layout plans. However concerns have been highlighted regarding the constraints that are presented by the limited width and the physical layout of Aspenden Road in conjunction with the increase in vehicular traffic that will be associated with the proposed development.
- 8.36 The road narrows at the (bridge) point that it meets the River Rib and in places is too narrow for two larger vehicles to pass one another without one mounting the pavement which in itself is also narrow. This situation has an impact on pedestrian safety as well as vehicular safety; although it is noted by the Highway Authority that there have been no collisions in this area.
- 8.37 Notwithstanding, pedestrian safety has now been elevated in priority within the Local Transport Plan (LTP4) and given that this proposal will result in additional pedestrian movements in the area, it is evident that improvements will be required in order to provide a satisfactory environment.
- 8.38 The applicant has entered into extensive discussions with the Highway Authority in order to address the need for road safety

improvements along the stretch of Aspenden Road adjacent to the site. A scheme has been developed which will introduce a new 2m wide public footpath on the eastern side of Aspenden Road. In addition, the carriageway at the southern stop line is proposed to be widened to 6.5 metres; this will enable two articulated lorries to pass by one another without the risk of needing to mount the footway. The applicants have also provided further information which demonstrates that two passing articulated lorries can safely navigate at the northern stop line.

- 8.39 The road improvement works will also provide a new pedestrian crossing point and introduce a signalised priority working scheme that will reduce vehicle speeds and the incidences of large commercial vehicles passing each other.
- 8.40 The works proposed in this application have been designed to align with the, yet to be completed, highway works relating to the southern section of Aspenden Road (as part of the development proposals for the site currently under construction to the south).
- 8.41 It is acknowledged that the highway improvement works associated with the southern site are yet to be undertaken and that the grant of planning permission for additional dwellings will further delay that implementation.
- 8.42 The Local Planning Authority have had regard to the assessment of the Planning Inspectorate (supported by the Secretary of State) provided for the southern site, that "safe and suitable access to the (appeal) site can be gained for all modes of transport, and that the highway related improvements associated with the scheme would off-set the impact of additional traffic and would have associated benefits for existing road users."
- 8.43 In its entirety, the proposed highway works will result in slowing traffic as vehicles will have to give way to oncoming traffic. It

will also result in safer pedestrian navigation and therefore improve safety.

- 8.44 It is noted that comments have been raised regarding the number of submissions that the applicants have made to address road safety issues and the fact that they have not been specifically the subject of consultation with the Parish / Town Councils or local residents. However there is no specific requirement to undertake this consultation and general highway safety is a specialist area which is within the remit of the Hertfordshire County Council as the Highway Authority to control. Whilst the Parish/Town Council and local residents have been consulted on the nature of the planning application in general ; the technical details of ensuring that vehicle and pedestrian standards that are applicable throughout the County can be achieved at this site is considered to be a specialist technical area .
- 8.45 Comments have also been received regarding the need for the proposals for the two sites to be considered as one development which would have required a full transport assessment. Whilst the Highway Authority have considered the southern site and the proposed highway works associated with that scheme; it must be acknowledged that the southern part of the site already benefits from planning permission which has been implemented. Accordingly there is no requirement for the two sites to be formally considered together and there is no requirement for a full transport assessment. On its own the size of the proposed development would not require a full transport assessment (the trigger is 80 dwellings).
- 8.46 The Highway Authority, as a result of the proposed road safety improvements, is now satisfied that this development can operate within the locality without detriment to local pedestrian and vehicular safety. With regard to car parking, the application site is located within Zone 4 where a 25% reduction on parking standards can be applied. 56 car parking spaces are proposed at this site in a combination of off street parking spaces and

garages. This provision complies with the maximum level required in a Zone 4 location as outlined in the current parking standards referred to in the District Plan. No reduction has been applied to this parking standard as it is acknowledged that this is a location where pedestrian routes and access to public transport are not at an optimum level at present.

- 8.47 It is acknowledged that the Neighbourhood Plan (Policy T1) sets out higher minimum parking standards for this area, which would mean that a minimum of 67 car parking spaces (as opposed to the 56 proposed) would be required. Whilst this standard has not been achieved and on this occasion, the shortfall is however considered acceptable due to a need to balance a number of factors on this site e.g the physical constraints of the site, the need to provide additional open spaces, and the need to provide a high quality form of development that is not dominated by on street car parking bays; in order to achieve a sustainable form of development.
- 8.48 In this regard consideration has been given to the following factors to justify the shortfall of 9 car parking spaces:-
- 8.49 The site is limited in size, it is constrained by the need to retain and enhance the public open space at the entrance of the site and the density of development proposed is considered to be within the lower range for medium density development. The proposed development has, in the main sought to achieve the specific design requirements outlined in the BCANP to meet enhanced separation distances (distances that exceed national standards) between habitable rooms and to provide the required standards of private garden space for each dwelling. All of these factors have an impact on the finite space on the site. The level of car parking and its layout on the site (with provision being closely associated with the respective dwelling in accordance with Policy T2 of the BCANP) strikes an appropriate balance between ensuring that there is sufficient off street car parking and ensuring that the built environment is not visually dominated by cars.

- 8.50 The site is not isolated or remote and there is access to shops and facilities and to public transport within walking distance. Whilst every residential unit will have access to a car space, in the interests of the air quality in the local environment and local well-being, sustainable alternatives to the car should also be encouraged such as walking and cycling. Secure cycle parking provision has been made throughout the proposed development (1 space for each bedroom). This is considered to be a sustainable alternative to an increase in on-site car parking. Notwithstanding, a condition is proposed to secure the retention of garages and car parking spaces so that are proposed in this development to ensure that there is sufficient provision for the long term use of this residential development.
- 8.51 Notwithstanding the above, a condition will also be imposed to secure further details that demonstrate that 2 parking spaces (serving 1 market dwelling and 1 affordable housing dwelling) are marked designated solely for use by the occupant of a dwelling with full wheelchair accessibility.
- 8.52 Having regard to the above considerations, the proposal is considered to comply with Policies TRA1, TRA2, and TRA3 of the District Plan and Policies T1, T2 and T4 of the BCANP.

#### Flood risk

- 8.53 The development site is not located within a flood zone. However it is located in close proximity to the River Rib and Aspenden Road; the latter of which has been the subject of localised flooding incidents.
- 8.54 Permeable paving is proposed throughout the development. The developer has provided sufficient information to demonstrate that the development proposal would not increase the likelihood of flooding on either the development site or adjacent sites.

- 8.55 The site will use the same surface water drainage proposals already agreed for the southern site. It is noted that a connection will be made between the two sites so that it can accept flows from this site (it has been confirmed that the network has already been designed with sufficient capacity for the two sites).
- 8.56 In this regard it has been demonstrated that the development will not be at risk of flooding and no additional flooding will arise from this development.
- 8.57 The Lead Local Flood Authority and the Environment Agency raise no concerns on flooding grounds subject to conditions. This aspect of the proposal therefore accords with Policies WAT1 and WAT2 of the District Plan.

#### Natural Environment

- 8.58 The site comprises of an area of overgrown scrub land which also contains a number of trees. It has been described by some consultees as 'accessible green space', however given its overgrown and unkempt nature it is not considered to be a site that is accessible like a park would be.
- 8.59 There are no Tree Preservation Orders (TPO's) on the site and the site is not protected by any conservation area status. No objection is raised to the recent partial clearance of the site as important landscape features such as the trees bordering the site's eastern boundary (along the line of the disused railway track) have been retained.
- 8.60 As the site will operate in tandem with the site to the south (owned by the same developer) as mentioned above, the proposal will include additional green Infrastructure on the southernmost part of the site with an enlargement to the orchard (located at the northern most point of the southern site). Further ecological enhancement will be provided by

additional tree planting adjacent to the continuous stretch of trees along the line of the disused railway line. Throughout the residential development enhancement to habitat areas will include planting of native species which will be of benefit to wildlife.

- 8.61 The developer also proposes to provide further ecological enhancements within an additional area of land within their ownership, to the immediate south of the A10; this will include the translocation of slow worms and the enhancement of habitat areas on this site.
- 8.62 Cumulatively the on-site and off-site enhancements will result in a net gain in ecological value of 10% as required by policy. Conditions are proposed to ensure that bird and bat boxes are provided on site for the dwellings.
- 8.63 This aspect of the proposal complies with Policies NE3 and NE4 of the District Plan and Policies ES5, ES7, ES8 of the BCANP.

#### Infrastructure/Planning obligations

- 8.64 Pursuant to District Plan Policies CFLR10, CFLR7 and DEL1 Hertfordshire County Council have requested financial contributions required to offset the impact of the development on Education, Libraries and Youth Services, and for the provision of fire hydrants.
- 8.65 The Highway Authority requests measures to improve the safety and operation of Aspenden Road. These works will be secured by a Section 278 Agreement. Given the costs associated with the required works, no additional financial contribution is being sought by the Highway Authority.
- 8.66 In accordance with the Open Space, Sport and Recreation SPD May 2020 it is recommended that contributions be sought in respect of community/village hall provision, open space for

children and young people and for outdoor sport provision as set out at the end of this report.

- 8.67 Additional contributions as outlined below ( section 11) are sought to offset the impact of the proposed development on the local community. All obligations comply with the CIL Regulations 2010.

#### Response to third party comments

- 8.68 Responses to the majority of the comments received have been addressed within the body of the report. With regard to the remaining points the following applies:

- Inaccurate plan that encroaches on the neighbouring garden – This plan has now been corrected (LN38 – PL-1001 Rev PL2); all development is on land within the applicant’s ownership.
- Water supply issues – No adverse comments have been received from water suppliers. In addition, conditions are proposed that will limit water usage so that it does not exceed 110 litres per day per dwelling.
- Information to support the application in terms of walking distances to locations is incorrect – This point is noted; however it has not had a bearing on the assessment of this application for additional dwellings in an area that already has residential development in the surrounding locality.
- Inadequate infrastructure – Planning obligations have been sought for this development; commensurate with its size and the likely impact on existing facilities in accordance with Development Plan policy and the Council’s Supplementary Planning Guidance documents.
- Length of time taken to determine the planning application and the relevance of the objections - The complex nature of this application and the site constraints; in the particular highway considerations has led to a lengthy determination period for this application. The National Planning Policy Framework encourages Local Planning Authorities to work



in a positive and proactive manner in the determination of planning applications in order to secure sustainable development. The length of time that the application has been under consideration does not however reduce the validity of any of the comments received concerning this application; which have all been duly considered in this report.

- Recent ecology report cites no badgers due to the total destruction of the wild habitat by the developer –Badgers are a legally protected species and it is an offence to disturb or harm them. There is no evidence that the recent clearance of the site has resulted in an offence, but that would have to be reported to the police in any event.
- Accuracy of the content of the odour assessment and the extent of the noise assessment which Environment and Health has based their observations on. – Environmental Health maintain that their assessment is accurate. The odour assessment in particular has also been examined by Thames Water who raises no objection.
- Proposal provides no benefit to established communities or biodiversity – there is no evidence based need or windfall argument for this development – The proposal will provide benefits to the established community in the form of additional housing , including affordable housing , improved highway safety measures for vehicles and pedestrians, improvements in terms of local infrastructure provision , 10% ecological enhancement improvements and which can be provided in an enhanced built environment; without detriment to local amenity. There is no requirement to show a need for additional housing.

## **9.0 Planning Balance and Conclusion**

- 9.1 The proposal will deliver 23 dwellings as part of the District Plan development strategy, including (40%) affordable units. The housing and tenure mix is considered to be acceptable

- 9.2 Overall, it is considered that the design of the layout and buildings is of good quality, such that it complies with policies in the East Herts District Plan and the BCANP.
- 9.3 The proposed development will provide acceptable vehicular and pedestrian access to the development. An appropriate level of vehicle and cycle parking provision will be provided within the site to enable the residential development to operate without detriment to the local environment.
- 9.4 Whilst it is acknowledged that the physical constraints of Aspenden Road are currently challenging, it should be noted that the Planning Inspectorate (and indeed the Secretary of State) have advised that in itself these are not a constraint to development. The applicant has already agreed a scheme of measures to improve road safety at the southern part of the site. As part of this scheme further road safety measures have been agreed to be implemented prior to occupation of the development that is the subject of this application. Cumulatively these works will result in a welcomed improvement in road safety in this part of Aspenden Road; for the benefit of the local community.
- 9.5 The proposal will deliver appropriate levels of financial contribution towards local infrastructure improvements and will enhance the public amenity space on the southern part of the site with additional land as well as providing a landscaped buffer to the disused railway site to the east of the site.
- 9.6 It has been demonstrated that the proposed development will not adversely affect the general amenity of the occupants of neighbouring sites.
- 9.7 Overall, on the balance of considerations the scheme is considered to be of good design quality and a sustainable form of development.

## **10.0 RECOMMENDATION**

- 10.1 That planning permission is **GRANTED**, subject to the satisfactory completion of a legal agreement and the conditions set out at the end of this report.

That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions and to refuse the application in the event a legal agreement acceptable to her is not completed within 3 months of the committee's decision.

## **11.0 Legal Agreement Terms**

- 11.1 The provision of 9 units of affordable housing (75% affordable rent (rent capped at local housing allowance rate) and 25% shared ownership) and retained in perpetuity.
- 11.2 HCC contribution towards new First School and Nursery provision at new school in Buntingford (£167,511.00).
- 11.3 HCC contribution towards expansion of Edwinstree Middle School (£111,261.00).
- 11.4 HCC contribution towards expansion of Freman College Upper School (138,705.00).
- 11.5 Special Educational Needs and Disabilities (SEND) towards the new East Severe Learning Difficulty School (£25,038.00).
- 11.6 HCC contribution towards enhancement of Buntingford Library (£2,214.00)
- 11.7 HCC contribution towards increasing capacity at the Buntingford Young People's Centre (£3,516.00)
- 11.8 HCC monitoring fee £340.00 per distinct trigger point

11.9	Provision of Fire Hydrants	
11.10	Allotments	£4,068.00
11.11	Bowls	£5,540.00
11.12	Community/village halls	£5,900.00
11.13	Natural Greenspaces	£3,407.00
11.14	Outdoor Sports Facilities	£22,091.00
11.15	Open Space maintenance (Children and Young People)	£3,073.00
11.16	Recycling Facilities	£1,668.00
11.17	Parks and Open Spaces	£7,984.00
11.18	Sports Hall	£13,165.00
11.14	Swimming Pool	£13,165.00
11.15	EHDC monitoring fee	£3,300.00
11.16	Health	£14,278.40

### **Conditions**

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans, documents and reports listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. Prior to any building works being commenced samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with Policy DES4 of the East Herts District Plan 2018.

4. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the Local Planning Authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 15m of the kerbside of the adopted highway/refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity; in accordance with Policy DES4 of the East Herts District Plan 2018.

5. Prior to the commencement of any above ground works, and notwithstanding the approved plans, further detailed drawings shall be submitted to the Local Planning Authority for their written approval that demonstrate the provision of 1 wheelchair accessible and adaptable - paragraph M4 (3) of schedule 1 to

the Building Regulations 2010 (category 3 - Wheelchair accessible and adaptable dwellings) (market dwelling) on the site. Thereafter the dwelling shall be constructed in full accordance with the details submitted and approved.

Reason: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily wheelchair accessible and adaptable to meet the changing needs of occupants in accordance with policy HOU7 of the East Herts District Plan 2018 and guidance in the NPPF.)

6. No development shall take place until the final design of the drainage scheme is completed and sent to the Local Planning Authority for their written approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy reference 18274- FRA-02 V2 dated July 2020. The scheme shall also include:
  1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
  2. Detailed engineered drawings of all aspects of the proposed drainage scheme.
  3. Demonstrate appropriate SuDS management and treatment (including the access road) and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.
  4. Silt traps for protection for any residual tanked elements.
  5. Detailed infiltration testing in accordance with BRE Digest 365 at the proposed location of permeable paving. Where

infiltration is not feasible the permeable paving should connect back into the wider site system.

6. Timetable for implementation

The development shall be carried out in accordance with the approved scheme

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policies WAT1 and WAT5 of the East Herts District Plan 2018.

7. No development shall take place until a method statement for the translocation of slow worms identified in the Ecological Appraisal by fpcr (report date October 2020) has been submitted and approved in writing by the Local Planning Authority. Thereafter no dwelling may be occupied until the contents of the method statement have been implemented.

Reason: To ensure that the development accords with Policy NE3 of the East Herts District Plan 2018.

8. No development shall take place until an updated Landscape and Ecological Management Plan, including long-term design objectives and mitigation actions has been submitted to, and approved in writing by, the Local Planning Authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- 1 details of any new habitat created on site
- 2 details of treatment of buffers around water bodies, including lighting schemes.

- 3 the Biodiversity value of a site, determined by applying a locally approved Biodiversity Metric where appropriate.
- 4 details of invasive species management plan.
- 5 details for the long – term management of the area.

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with National Planning Policy Framework and East Herts District Plan Policy NE3.

9. No development or demolition shall take place until An Air Quality and Dust Management Plan (AQDMP) of the development has been submitted to, and approved in writing by, the Local Planning Authority. The Air Quality and Dust Management Plan (AQDMP) shall be produced in accordance with the following guidance:
  1. The Institute of Air Quality Management's Guidance on the assessment of dust from demolition and construction, Version 1.1, IAQM, June 2016;
  2. The Institute of Air Quality Management's Guidance<sup>4</sup> on Monitoring in the Vicinity of Demolition and Construction Sites, Version 1.1, IAQM, October 2018;
  - The Air Quality and Dust Management Plan Must mitigate against negative impact on air quality and receptors in the vicinity of the development; · Must detail the measures that will be taken to reduce the impacts on air quality during all construction phases (Demolition, Construction, Earthworks, Trackout) as relevant Include a maintenance schedule of the dust mitigation measures; ·Undertake to carry out air quality monitoring before and during demolition and construction works. Parameters to be monitored, duration, locations and monitoring techniques must be approved in writing by the Council prior to commencement of



monitoring.

- The submission shall include a plan showing the location of the entrance of the site, water supply/suppressor point, the monitoring plan (noise and dust) showing potential receptors, the wheeled wash, location of the hoarding and fencing.

Thereafter the contents/ measures outlined in the Air Quality and Dust Management Plan (AQDMP) shall be implemented to the full satisfaction of the Local Planning Authority.

Reason: To ensure an adequate level of amenity in accordance with Policy EQ4 of the East Herts District Plan 2018.

10. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan /Statement shall include details of:
  - a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e. Siting and details of wheel washing facilities;
  - f. Cleaning of site entrances, site tracks and the adjacent public highway;
  - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.
- l. Details of consultation and complaint management with local businesses and residents.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA2 of the East Herts District Plan 2018.

11. Prior to the commencement of any above ground works, written details of the proposed location of 11 bird boxes and 12 bat boxes for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Bird and bat box provision shall be implemented thereafter in accordance with the approved details and shall be made available for use in respect of the relevant dwelling prior to any occupation.

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with National Planning Policy Framework and East Herts District Plan Policy NE3.

12. Prior to the commencement of any above ground works, details of the measures required to facilitate the provision of high speed broadband internet connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each residential dwelling.

Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details and shall be made available for use in respect of each residential dwelling prior to the first occupation of that residential dwelling to which it relates.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with Policy DES4 of the East Herts District Plan 2018.

13. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy reference 18274- FRA-02 V2 dated July 2020, including the following mitigation measures:
  1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
  2. Limiting the surface water run-off generated by the 1 in 100 year + climate change to a maximum of 2.3l/s.
  3. Implementing appropriate SuDS measures to include permeable paving and underground tank.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies WAT1 and WAT 5 of the East Herts District Plan 2018.

14. Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a complete set of as built drawings for site drainage.
2. A management and maintenance plan for the SuDS features and drainage network.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; in accordance with Policies WAT1 and WAT5 of the East Herts District Plan 2018.

15. The residential dwellings hereby approved shall be constructed in accordance with the AIRO Environmental Noise Assessment Report No. DLW/7313/B dated 15th September 2020 submitted in support of this application so as to achieve the internal room and external amenity noise standards in accordance with the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings'. The works shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

16. In connection with all site preparation, construction and ancillary activities, working hours shall be restricted to 08:00 – 18:00 hours on Monday to Friday, 08:00 – 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

17. With the exception of the 2No wheelchair accessible and adaptable dwellings - (paragraph M4 (3) of schedule 1 to the Building Regulations 2010) that are to be provided in this development, the remainder of the development shall be carried out so that the requirements of paragraph M4 (2)1 of schedule 1 to the Building Regulations 2010 (category 2 - accessible and adaptable dwellings) are satisfied.

Reason: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily accessible and adaptable to meet the changing needs of occupants in accordance with policy HOU7 of the East Herts District Plan 2018 and guidance in the NPPF.

18. The development shall be carried out so that, the requirements of paragraph M4 (3) of schedule 1 to the Building Regulations 2010 (category 3 - Wheelchair accessible and adaptable dwellings) as shown on drawing No LN38 – PL- 1304 Rev PL2 are satisfied.

Reason: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily wheelchair accessible and adaptable to meet the changing needs of occupants in accordance with policy HOU7 of the East Herts District Plan 2018 and guidance in the NPPF.

19. The development hereby approved shall be implemented in full accordance with the details and recommendations within the submitted Sustainability Statement – Aspenden Road Developments Ltd – Buntingford North Site (dated: September 2020; produced by Briary Energy). These mitigation measures shall be retained as such thereafter.

Reason: To ensure that the development delivers against the climate change and adaption objectives of Policies CC1, CC2, and CC3 of the District Plan 2018.

20. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 has been submitted to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and thereby increase the sustainability of the development and minimise the use of mains water in accordance with Policy WAT4 of the East Herts District Plan 2018, the Sustainability SPD and guidance in the NPPF.

21. No dwelling shall be occupied until the vehicular access has been provided and thereafter retained at the position shown on the approved plan drawing number LN38-DA-1010 Rev PL3 Cycle Parking/Access Plan.

Reason: To ensure satisfactory access into the site in accordance with Policy TRA2 of East Herts District Plan 2018.

22. No dwelling shall be occupied until, additional plans and information has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering works and measures to be installed along Aspenden Road, as shown indicatively on drawing number ITL16120-GA-004 Rev J. This includes, but is not limited to:

- i) Fine details of measures to be installed / implemented to ensure exiting vehicles from the private access within the controlled signalised area can do so safely, for example

- installation of a pedestrian demand unit or motion detector to call its own signal phase.
- ii) Fine details of signalised phasing/staging and resultant capacity outputs, alongside signalised design check plans.
  - iii) The introduction of “look both ways” road markings at the pedestrian crossing point.
  - iv) Full details of vehicle access to the site.
  - v) A new 2 metre wide footway on the eastern side of Aspenden Road with a pedestrian crossing facility to connect with the western footway of Aspenden Road (also being widened).
  - vi) Footway surface improvements with new wearing course at maximum possible existing width.
  - vii) Safety rail to be replaced and extended to meet the two new entrances to Buntingford Footpath 27.
  - viii) Two new streetlights to be installed to Hertfordshire County Council’s current specifications at the two new entrances to Buntingford Footpath 27.
  - ix) Vegetation clearance / cut-back throughout, to maximise the useable safe footway width.
  - x) Any other mitigation measures identified in a stage 2 Road Safety Audit.

The approved works shall be fully implemented before the development is first occupied, and thereafter retained for this purpose.

Reason: To ensure the development safely provides for all public highway users, encourages the use of sustainable and active travel modes, and provides for protected characteristics under the Equality Act, in accordance with NPPF (2021) paragraph 110-112 and LTP4 (2018) policy 1.

23. (Pedestrian access ramp) No dwelling shall be occupied until a pedestrian access ramp to connect with Aspenden Road has been provided, as shown on the drawing Ramp Access Plan LN38-DA-1011 Rev PL1 and maintained thereafter.

Reason: In the interests of pedestrian accessibility and safety; and to ensure protected characteristics under the Equality Act are complied with.

24. No dwelling shall be occupied until additional plans have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show improvements to the informal pedestrian crossing at the junction of Luynes Rise with Aspenden Road, to include the provision of tactile paving, and potential footway extension around the southern-side of the bellmouth and kerb radii tightening on both sides (subject to vehicle tracking).

The approved works shall be fully implemented before the development is occupied and thereafter retained for this purpose.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and sustainability in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA2 of the East Herts District Plan 2018.

25. (EV charging points): No dwelling shall be occupied until the details of the siting, type and specification of the Electric vehicle charging points (EVCPs), the energy sources and the strategy/management plan for supply and maintenance of the EVCPs have been submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the uses on site and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of the Hertfordshire's Local Transport Plan 4 and Policy TRA1 of the East Herts District Plan 2018.



26. (Cycle parking): No dwelling shall be occupied until a scheme for long stay and short stay parking of cycles including details of the design, level and siting of the proposed parking has been submitted to and approved in writing by the Local Planning Authority. Long stay cycle parking shall be provided in fully secure and lockable private stores. The approved scheme shall be fully implemented before the development is occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA1 of the East Herts District Plan 2018.

27. Notwithstanding the approved plans, no dwelling shall be occupied until provision has been made within the parking areas for 1 electric charging point per dwelling and 1 per 10 unallocated parking spaces. Details of the provision shall be submitted in writing to the Local Planning Authority for written approval before installation and shall thereafter be provided and retained in perpetuity.

Reason: In order to ensure an adequate level of air quality for residents of the new dwellings in accordance with Policy EQ4 of the East Herts District Plan 2018.

28. No dwelling shall be occupied until, all on site vehicular areas pertaining to that dwelling have been made accessible, surfaced and marked in a manner to the Local Planning Authority's written approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises; in accordance with Policy TRA2 of the East Herts District Plan 2018.

29. No dwelling shall be occupied until details of a post and rail fence on the eastern edge of the site have been submitted to and approved in writing by the Local Planning Authority. The approved post and rail fence shall be fully implemented before the development is occupied or brought into use and shall thereafter be retained.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan 2018.

30. No dwelling shall be occupied until details of landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping details shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018

31. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts.

32. No dwelling shall be occupied until a schedule of landscape maintenance (including details of the arrangements for its implementation) for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority Thereafter the approved landscape maintenance plan shall be implemented and maintained to the standards agreed.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features, in accordance with Policy DES3 of the East Herts District Plan 2018.

33. No dwelling shall be occupied unless a scheme for future maintenance of the public open space [shown coloured green on drawing 8460-L-19 Rev B and 8460-L-17 Rev E] has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the extent and timing of maintenance, responsibilities and funding arrangements. The approved scheme shall be implemented and the land so maintained and available for use for so long as the dwellings are occupied.

Reason: In order to ensure the public open space is properly maintained in the interests of visual and residential amenity and high quality design and in order to continue to meet the needs of residents pursuant to policies DES4 and CFLR1 of the East Herts District Plan 2018.

34. No dwelling shall be occupied until the details of external lighting for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason: To ensure construction of a satisfactory development pursuant to policies DES4 and DES5 of the East Herts District Plan 2018.

35. The garage(s) hereby approved shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and shall not be used as additional living accommodation or for any commercial activity.

Reason: To ensure the continued provision of off-street parking facilities and to protect neighbour amenity in accordance with Policies TRA3 and EQ2 of the East Herts District Plan 2018.

36. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 as amended, or any amending Order, the areas shown for parking on the approved plan(s) shall be retained for such use.

Reason: In the interests of highway safety in accordance with Policy TRA3 of the East Herts District Plan 2018.

37. Notwithstanding the provisions of the Town and Country Planning General Permitted Development ( England ) Order 2015 as amended (or any other order revoking, further amending or re-enacting that order) no means of enclosure of any height shall be erected or constructed adjacent to a highway used by vehicular traffic without the prior written approval of the Local Planning Authority.

Reason: To maintain the open and verdant character of the estate in accordance with the design concept in the interests of design and visual amenity and to ensure that adequate space is maintained for the manoeuvring of larger vehicles including refuse vehicles in accordance with Policies DES4 and TRA2 of the East Herts District Plan 2018.

## **Plans**

<b>Plan Ref</b>	<b>Version</b>	<b>Received</b>
LN38- PL -1001	PL2	04.01.2021
LN38- PL -1002	PL3	16.03.2021
LN38- PL-1003	PL3	16.03.2021
LN38- PL-1004	PL3	16.03.2021
LN38- PL-1011	PL1	21.09.2021
APP D_LN38-DC-402-P2		04.01.2021
LN38_ EMS_1_ PL2		16.07.2021
LN38- PL-1006	PL3	16.03.2021
ITL16120-GA-004	REV J	04.10.2021
ITL16120-GA-013	REV A	04.10.2021
Jubb Consulting Engineers Ltd : Flood Risk Assessment Ref 18274-FRA-02	V2	08.10.2020
8460-LEMP-NORTH	REV F	21.09.2021
8460-L-19	B	08.10.2020
LN38-PL-1201	PL1	08.10.2020
LN38-PL-1202	PL1	08.10.2020
LN38-PL-1203	PL1	08.10.2020
LN38-PL-1204	PL1	08.10.2020
LN38-PL-1205	PL1	08.10.2020
LN38-PL-1005	PL3	16.03.2021
LN38-PL-1301	PL2	17.11.2021
LN38-PL-1302	PL2	17.11.2021
LN38-PL-1303	PL1	08.10.2020
LN38-PL-1304	PL2	15.10.2021
LN38 - DC- 200	C2	04.01.2021
8460-L-17	E	16.03.2021
8460-L-18	E	16.03.2021
LN38- PL-1007	PL4	16.03.2021

LN38- PL-1008	PL3	16.03.2021
LN38- DA-1010	PL3	15.09.2021
LN38- DA-1400	PL3	16.03.2021
LN38- DA-1401	PL4	17.11.2021
LN38- DA-1402	PL2	16.03.2021
AIRO Report no: DLW/7313/B dated 15.09.2020		08.10.2020

## Informatives

1. Other legislation (01OL1)
2. Street naming and numbering (19SN5)
3. Protection of mammals :-Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
4. Highway works (05FC2)
5. Flood Risk Activity Permit
6. Justification – Grant (JG4)
7. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the [Highway Authority website](#)

8. AN2/. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the [Highway Authority website](#)
  
9. AN3/. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the [Highway Authority website](#)
  
10. AN4/. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the [Highway Authority website](#)

11. AN5/. Land dedication to highway and s38 works: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under section 38 (private land dedication to public highway) of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. Further information is available via the [Highway Authority website](#)
  
12. AN6/. In respect of Abnormal Loads the applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 Schedule 5 of Schedule 9, part 1 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the website [Highway Authority website](#) or by telephoning 0300 1234047.

### **Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.



**KEY DATA****Residential Development**

<b>Residential density</b>	<b>Approximately 32DPH 127 habitable rooms/Ha ( medium)</b>	
	Bed Rooms	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	2
	2	1
	3	0
Number of new house units	1	0
	2	5
	3	8
	4+	7
Total		23

**Housing**

<b>Number of units</b>	<b>Percentage</b>
9	40

**Residential Vehicle Parking Provision**

## District Plan Parking Standards

Parking Zone	Zone 4		
Residential unit size (bedrooms)	Spaces per unit	Spaces required	Spaces provided
1	1.50	3	3
2	2.00	12	12
3	2.50	20	20
4+	3.00	21	21

Total required		56	56
Accessibility reduction	N/A		
Resulting requirement			
Proposed provision		56	56