

**5a 3/10/2040/OP - Residential development at Land off Longmead, Buntingford for the Executors' of Mrs Bailey deceased.**

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**Date of Receipt:** 17.11.10

**Type:** Outline - Major

**Parish:** BUNTINGFORD

**Ward:** BUNTINGFORD

**RECOMMENDATION:**

- a) That subject to no objections being raised by the Secretary of State following referral to him as an application involving a departure from the Development Plan, and
- b) The applicants entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:
  1. The provision of a financial contribution per car parking space towards sustainable transport schemes and measures in the vicinity of the site in accordance with the standard charges in East Herts Council's Planning Obligations Supplementary Planning Document October 2008;
  2. The provision of a financial contribution towards recycling facilities in accordance with the standard charges in East Herts Council's Planning Obligations Supplementary Planning Document October 2008;
  3. The provision of library contributions, in accordance with the current HCC Contributions Table;
  4. The provision of Nursery, Middle and Upper Education contributions, in accordance with the current HCC Contributions Table;
  5. The provision of Youth and Childcare infrastructure contributions, in accordance with the current HCC Contributions Table;
  6. The provision of parks and gardens and provision for children and young people contributions, in accordance with the standard charges in East Herts Council's Planning Obligations Supplementary Planning Document October 2008;
  7. The provision of 40% affordable housing comprising 75% rented and 25% intermediate market housing (if 15 or more dwellings are

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proposed);

8. The provision of 15% of the dwellings to be built to 'Lifetime Homes' standards and scaled drawings to be submitted at reserved matters stage of internal layout and external spaces for these dwellings.
- c) The Director of Neighbourhood Services be authorised to **GRANT** outline permission subject to the following conditions:
1. Outline permission time limit (1T03)
  2. Outline – submission of details (2E01) (delete 'the means of access thereto')
  3. The total number of residential units within the development hereby permitted in outline shall not exceed 26 as proposed within the submitted application.

Reason: To ensure the provision of an appropriate form of development that is compatible with the context of the surrounding area; in accordance with the parameters set out within the application and accompanying Design and Access Statement, and in accordance with policy ENV1 of the Local Plan.

4. Approved Plans (2E10) Loc Plan, 01, IT963/TA/01 (SCHEME 05), IT963/TA/01 (SCHEME 06)
5. Programme of archaeological work (2E02)
6. Prior to the commencement of any works on the site, an ecological survey of the site, shall be carried out and details including an assessment of the impact of the proposed development and any appropriate measures to alleviate such impact, shall be submitted to for the written approval of the Local Planning Authority. Mitigation measures shall be carried out in accordance with the approved scheme prior to any works commencing and thereafter be retained where appropriate.

Reason: To enable proper consideration of the effect of the development on the contribution of nature conservation interests to the amenity of the area, in accordance with PPS 9 Biodiversity and Geological Conservation.

7. Construction parking and storage (3V22)

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8. Wheel washing facilities (3V25)
9. Contaminated Land survey and remediation (2E332)
10. Construction hours of working- plant and machinery (6N07)
11. The development shall not be brought into use until all highway works on the site access and Longmead as shown in principle drawing no:IT963/TA/01 (or as otherwise previously agreed in writing by the local planning authority) have been constructed.

Reason: To ensure the access is constructed to the current Highway Authority's specification in the interest of highway safety and amenity in accordance with Policy TR2 of the East Herts Local Plan Second Review April 2007.

12. The access works shall not commence until detailed plans of the site access junction, internal road and car parking have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the access is constructed to the current Highway Authority's specification in the interest of highway safety and amenity in accordance with Policy TR2 of the East Herts Local Plan.

13. The construction of the development shall not commence until details of construction vehicle movements and traffic management measures are submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

#### Directives:

1. Planning Obligation (08PO)
2. Please note that if either before or during construction works it is discovered that the site is contaminated the responsibility for safe development and secure occupancy of the site lies with the developer.

**Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, HSG3, HSG4, HSG6, GBC2, GBC3, TR2, TR7 ENV1, ENV2, ENV11, ENV16, ENV17, BH1, BH2, BH3 and IMP1 and PPS 1: Delivering Sustainable Development, PPS 3: Housing and PPS 9 Biodiversity and Geological Conservation. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

\_\_\_\_\_ (204010OP.FH)

**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. The site is some 1.145ha in size and is located close to the A10 on the western edge of Buntingford. The site is currently used for grazing and contains a small wooden stable block. There are no landscape features on the site itself, however, it is bounded by a mixture of hedgerow and trees which in some parts are significant.
- 1.2 To the east, the site is bounded by residential properties; to the north by a mixture of commercial and residential properties; to the west by the A10 and to the south by arable fields.
- 1.3 The current application seeks outline planning permission to establish the acceptability of a residential development and access to the site. All other detailed matters relating to layout; scale; appearance and landscaping are reserved for later consideration.
- 1.4 Vehicular access is proposed from the western end of Longmead, a small cul de sac of 7 dwellings off Monks Walk. Detailed drawings show the provision of a 4.8 metre wide carriageway with 2 metre wide footway on the southern side.
- 1.5 The application submitted includes a Transport Statement, Flood Risk Assessment, Landscape and Visual Assessment, Tree Survey, Planning Statement and Desktop Contamination Survey. In addition two illustrative layouts of the proposed development have been submitted, the first shows a development of 14 dwellings and the second, a development of 26 dwellings.

**2.0 Site History:**

2.1 The site was originally included as a housing allocation (Sites 217 and 303) at the 2001 Deposit Stage of the East Herts Local Plan Review. However, it was deleted by the Council from the Re-Deposit Version in 2004. The site was deleted as an allocation after the construction of a new house was allowed by an appeal inspector where the Council envisaged the access to the site would be provided. At the time, the Council considered that this decision rendered the site as being undeliverable as access could no longer be provided directly off Baldock Road.

**3.0 Consultation Responses:**

3.1 The District Engineer advises that that the development has no historic flood instances but is located adjacent to Monk Walk where a number of historic instances have been recorded. Within 20 metres of the site is a watercourse and pond. In order to minimise risk from flooding the recommendations as detailed in the Strategic Flood Risk assessment (SFRA) should be employed including the use of sustainable drainage systems.

3.2 The Environment Agency does not object to the proposed development. Conditions regarding the provision of a surface water drainage scheme for the site and the scheme being based upon the principles set out in the Flood Risk Assessment are recommended.

3.3 Environmental Health comments that conditions regarding construction hours of working, dust, bonfires, soil decontamination and refusal disposal facilities should be included on any planning permission

3.4 Thames Water advises that with regards to sewerage infrastructure, there are no objections to the development. It is however noted that there are historic issues with surface water and drainage along Baldock Road and it is the developer's responsibility to ensure that proper provision is made for drainage to ground, water courses or a suitable sewer.

3.5 Hertfordshire Biological Records Centre (HBRC) comments that the site was surveyed in 2003 when 40 plant species were recorded. As a result the site qualifies as a County wildlife site under the adopted Grassland criteria due to the number of indicator species recorded in 2003. It is therefore recommended that the proposed residential development does not go ahead. If however the council wishes to grant

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planning permission, in line with PPS9, the meadow would need to be surveyed at an appropriate time of year (April to June) to identify its botanical importance and the grassland turf would need to be translocated safely and successfully to another site.

- 3.6 Hertfordshire County Council's Planning Obligations Unit advises that the proposal falls within the thresholds whereby financial contributions are sought to minimise the impact of the development on Hertfordshire County Council services for the local community. Contributions towards education, childcare, youth and libraries are sought as is fire hydrant provision.
- 3.7 Hertfordshire County Council's County Development Unit advises that consideration should be given to the Hertfordshire County Council Waste Local Plan 1999 specifically in relation to waste minimisation, the re-use of waste and recycled materials and conditions should be included to ensure its objectives are met.
- 3.8 The Council's Landscape Officer comments that the site is a pleasant and attractive enclosed open space and is classified as a meadow that qualifies as a County Wildlife Site. The site is of moderate landscape sensitivity and high landscape value and therefore has a low landscape capacity rating. Both indicative layouts are out of keeping with and incongruous to the form, density and character of the surroundings, although this is somewhat lessened by the level of visual self containment of the site. It is therefore recommended that a precautionary approach be taken in this case and planning permission be refused in order that new housing proposals are appropriately directed to those sites that have a higher landscape capacity to accommodate such development.
- 3.9 County Highways comments that Longmead is 4.9m wide with 2m footways each side and serves 7 properties, all with off road parking facilities. 'Roads in Hertfordshire' suggests a road having a width of 4.8m is suitable to serve up to 100 dwellings. In addition, in terms of visibility the junction is 'Manual for Streets' compliant. The principle of a limited residential development served off Longmead would therefore be difficult to resist. Whilst it is acknowledged that the amenity of Longmead residents would be affected the traffic generation would not be so significant that a technical highway objection could be sustained, particularly in the light of 'Manual for Streets'. However the indicative layout as submitted does not allow appropriate access and manoeuvring areas within the site for typical service/delivery vehicles and would not be acceptable as shown.

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- 3.10 Conditions are recommended to ensure that the development is not brought into use until all highway works are completed and further details regarding the junction works, internal road and car parking, construction vehicle movements and traffic management, wheel washing and construction storage and vehicle parking are provided. It is also recommended that a financial contribution is provided toward an integrated transport scheme to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms.
- 3.11 The County Archaeologist advises that the site is close to evidence of occupation of possible Late Iron date recoded during the construction of the Buntingford- by-pass in 1988 and to undated pits and ditches excavated during the archaeological evaluation of the former Sunnyside Nursery site. Its development is therefore likely to impact on significant archaeological remains. It is therefore advised that a condition should be included on any planning permission requiring the implementation of a programme of archaeological work.

#### **4.0 Town Council Representations:**

4.1 Buntingford Town Council raises the following concerns:

- The site is not within the settlement boundary of Buntingford and is contrary to Policy GBC3 of the Local Plan;
- The proposed access is inappropriate for the number of vehicles proposed. Longmead is a narrow cul de sac with a restricted view junction;
- The site is contrary to the Local Plan and until the East Herts Core Strategy is adopted, piecemeal development such as this should not be allowed;
- There is a significant difference in land levels not acknowledged in the application;
- Public transport availability in Buntingford is limited and there are few employment opportunities. The proposal, is therefore not sustainable;
- The existing traffic movements appear to be extremely optimistic. Independent records show that the number of vehicles using Monks Walk is far in excess of that stated.

#### **5.0 Other Representations:**

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

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5.2 26 letters of representation have been received, including one from Buntingford Civic Society which raise the following issues:

- The site is outside the town boundary and is contrary to Policy GBC3;
- Loss of visual amenity;
- Increase in traffic in locality with existing congestion problems;
- There are more appropriate sites available, including brownfield sites, which would have a smaller impact upon the countryside;
- The site rises up by 7 to 8 metres and therefore a residential development would be very conspicuous;
- Loss of privacy;
- Loss of uncultivated grassland of botanical interest;
- Inaccurate and misleading transport statement;
- Impact on road safety especially during the school rush hour when the road becomes extremely congested (in relation to Millfield School, located on Monks Walk);
- Unsustainable due to need to commute for work and lack of good public transport and contrary to PPS1;
- Inadequate/ restricted access to site for larger vehicles eg emergency vehicles;
- Impact on local wildlife;
- Inadequate visibility at Longmead/ Monks Walk junction exacerbated by parked vehicles;
- Limited visibility at Monks Walk/ Baldock Road junction
- Inadequate width of Longmead (4.87m);
- No provision is made for further development to either the north or south of the site;
- Insufficient infrastructure to support additional development;
- Pressure on drainage and sewers;
- Noise and disturbance to residents of Longmead;
- Access directly from Baldock Road would be more appropriate;
- The amount of housing that has been provided in Buntingford already exceeds the requirements of the Local Plan;
- Loss of pleasant meadow;
- Permission should not be granted until the outcome of the current consultation on the LDF regarding the provision of housing in East Herts for the period up to 2031 is known.

### **6.0 Policy:**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

- SD1 Making Development More Sustainable
- SD2 Settlement Hierarchy



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HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR2	Access to New Developments
TR7	Car Parking- Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protecting of Existing Hedgerows and Trees
ENV16	Protected Species
ENV17	Wildlife Habitats
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
IMP1	Planning Conditions and Obligations

6.2 In addition, the Regional Plan for the East of England forms part of the Development Plan. Policy H1 of that plan relates to land supply.

6.3 In addition, the following National policy statements are relevant:-

Planning Policy Statement 1: Delivering Sustainable Development;  
Planning Policy Statement 3: Housing  
Planning Policy Statement 9: Biodiversity and Geological Conservation

## **7.0 Considerations:**

7.1 This application seeks outline permission for residential development on the site. The application also seeks to agree access whilst all other detailed matters are reserved. The main issues for consideration are therefore whether the principle of residential development on the site and access are acceptable. When considering the principle of development, consideration needs to be given to the traffic implications of residential development on the surrounding highway network and the impact development is likely to have on the existing landscaping and wildlife on the site and any other relevant detailed considerations.

### Principle of development

7.2 The site lies within the Rural Area beyond the Green Belt, where the aims and objectives of relevant Local Plan policies are placed firmly on growth restraint. Within the Rural Area under the provisions of Local Plan Policy GBC3, permission will not be given for the construction of

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new buildings or changes of use, other than for those purposes listed under the policy as appropriate development. The proposal fails to fall within any of these exception categories and so constitutes “inappropriate” development.

- 7.3 One of the functions of local planning authorities is to plan for the delivery of new homes across the plan period. The East Herts Local Plan Second Review 2007 makes provision for 11,100 homes between 1991 and 2011; this district wide figure being set by the 1998 Hertfordshire Structure Plan.
- 7.4 However, since the East Herts Local Plan was adopted in April 2007, the Government published (May 2008) the Regional Spatial Strategy (RSS) for the East of England: the East of England Plan. The RSS replaces the Structure Plan and together with the East Herts Local Plan currently forms the statutory Development Plan for East Herts District. The RSS sets out an increased housing requirement for East Herts of 12,000 additional dwellings between 2001 and 2021; this equates to a residual average of 660 dwellings per annum.
- 7.5 The Government’s approach to housing provision is set out in Planning Policy Statement 3: Housing (PPS3), published November 2006. In respect of determining planning applications paragraphs 68, 69, 71 and 72 state, respectively, that:

*‘Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations. When making planning decisions for housing developments after 1st April 2007, Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans.*

*In general, in deciding planning applications, Local Planning Authorities should have regard to:*

- *Achieving high quality housing.*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- *The suitability of a site for housing, including its environmental sustainability.*
- *Using land effectively and efficiently.*
- *Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in,*

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*and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues*

*Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.*

*Local Planning Authorities should not refuse applications solely on the grounds of prematurity.'*

- 7.6 Members will be aware that on 6<sup>th</sup> July 2010 the Secretary of State for Communities and Local Government announced the “*revocation of Regional Strategies with immediate effect*”. The consequence of this announcement is that whilst local planning authorities must continue to demonstrate a continuous five-year supply of housing, they are now “*responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets.*”
- 7.7 However, in response to the revocation, a house builder, Cala Homes (South) Ltd challenged the Secretary of State in the High Court. On 10<sup>th</sup> November 2010 the High Court ruled against the Secretary of State, stating that he did not have the power to revoke Regional Strategies in their entirety, and quashed his decision of 6<sup>th</sup> July 2010.
- 7.8 Whilst respecting the court's decision, the Government responded by insisting that the “*ruling changes very little*” and again wrote to local planning authorities stating that they should continue to have regard to the Secretary of State’s intention to abolish Regional Strategies as set out in the letter dated 27<sup>th</sup> May and the then soon to be published Localism Bill.
- 7.9 In light of this, Cala Homes obtained a temporary injunction against the Government’s insistence that the ruling changed very little. This second claim was challenged by the Government, and a compromise was reached that pending a further judicial hearing in January 2011, the Government advised local planning authorities when taking planning decisions that they “*need to consider whether the existence of the challenge and the basis of it affects the weight which may be given to the secretary of state's statements and to the letter of the chief planner.*”

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- 7.10 This second judicial review challenge was heard on 17<sup>th</sup> January 2011 with the judge confirming *“that the intended scrapping of Regional Strategies is a 'material consideration' which can be considered by local planning authorities and planning inspectors when making decisions.”* Cala Homes has appealed this judgment with an expected hearing some time in May 2011.
- 7.11 In addition to the above, it is material to note that the Government has also recently announced that it will implement a presumption in favour of sustainable development through the forthcoming Localism Bill.
- 7.12 With regards to East Herts own housing requirements the Council did not challenge the district housing figure in the East of England Plan of 660 additional dwellings per annum since this figure is broadly in line with demographic projections and the previous County Structure Plan figure of 555 dwellings per annum. More recently, the now scrapped Draft East of England Plan Review to 2031 (published March 2010), proposed a district figure for East Herts of 550 per annum.
- 7.13 Notwithstanding this, the requirement in Planning Policy Statement 3: Housing to maintain a continuous five-year supply of housing remains. PPS3 is a material consideration. Monitoring shows that in 2009/10 East Herts delivered 470 additional dwellings and in terms of its housing trajectory, has identified sufficient sites to deliver the equivalent of either 4.5 or 5.3 years worth of housing, depending on whether a housing figure of 660 or 550 dwellings is used, respectively. To date, the Council has not published revised figures.
- 7.14 Given this situation there are parts of the Development Plan that point in different directions. The Councils Local Plan establishes a policy presumption against the development of this site. The RSS and PPS3 include policies which are inclined in favour of additional development (in general – not this site in particular). Whilst the intended abolition of the RSS is a material consideration, PPS3 still requires the Council to demonstrate an up-to-date five year supply of deliverable sites.
- 7.15 I therefore consider that given the Governments stated intention to implement a presumption in favour of sustainable development; that both PPS3 and the RSS are relevant and post-date the work undertaken in the preparation of the Local Plan and that the Council has yet to publish revised housing figures to replace the 660 additional dwellings per annum set out in the RSS, more weight must be attached to the national and regional policy approach and therefore I feel that, in principle, the development of this site can be supported.

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- 7.16 The submitted application indicates that a residential scheme of between 14 and 26 units would be appropriate for this site given its location; the character of the surrounding area; the constraints of access and the biodiversity value and landscaping of the site's boundaries. In addition, it is indicated that adequate public open space can be provided on the site at those densities.
- 7.17 Whilst matters of layout and the scale of development fall to be considered in detail at the reserved matters stage, I do consider it appropriate to restrict the development to a maximum of 26 units so as to create a relevant parameter which reflects the substance of what is applied for and has been developed through the submitted Design and Access Statement. A greater number of units on the site is not envisaged by, or assessed within, that Statement and Officers consider that a higher number would result in a form of development potentially damaging to the character of the surrounding area and to amenity space provision within the site. I consider therefore that such a condition is both necessary and reasonable in this case in accordance with the requirements of Circular 11/95.

#### Access

- 7.18 I note the concerns raised by local residents regarding the proposed access to the site and the impact an access in this location will have on the amenities of residents in Longmead. The application is accompanied by a Transport Statement which states that the development is to be served off an existing public highway at Longmead and no new highway junction is necessary. It concludes that on the basis of a development of 26 dwellings the likely level of traffic generation is 17 two way trips in both the AM and PM peak hours and therefore the increase in traffic volume is low. County Highways has advised that both Longmead and the new access meet the requirements of both Roads in Hertfordshire and Manual for Streets and that whilst the amenity of Longmead residents would be affected the traffic generation would not be so significant that a technical highway objection could be sustained.
- 7.19 In line with the comments from County Highways and the findings of the Transport Statement, I am satisfied that the proposed access is satisfactory and the scheme is acceptable in this respect. Furthermore I conclude that, whilst there will be an increase in traffic using Longmead which will have some impact upon the amenities of the existing residents, given the low increase in volume predicted, I do not consider the impact would be so significant to warrant refusing the application on these grounds.

- 7.20 I note County Highways concerns regarding the internal road layout as shown on the indicative plans, however these plans are only indicative and I am satisfied that there is sufficient space within the site to ensure that appropriate access and manoeuvring areas for service/delivery vehicles can be provided.

Detailed Considerations - Traffic Implications

- 7.21 Again a significant number of concerns have been raised by local residents regarding the impact the proposal will have on the local road network and specifically pedestrian safety. County Highways has advised that, in highways terms, subject to the imposition of a number of conditions, the principle of residential development is acceptable. County Highways accepts the findings of the Transport Statement which establishes that there would be a low level of vehicular traffic generation from the development and the proposal can be accommodated by the existing road network without detriment to existing highway users. Furthermore, the site is well located in terms of access to local facilities and that there are adequate public transport links.
- 7.22 In line with these comments I consider that the amount of traffic being generated from the development would not adversely impact on the surrounding highway network or on the safety of either pedestrians or vehicles using neighbouring roads and in this respect the proposal is acceptable.

Landscape and Ecology

- 7.23 With regards to any impact the proposal will have on the existing landscaping on the site it is acknowledged that any development will impact upon its visual appearance and there will be a need to remove some landscaping in order to provide access to the site. I note the Landscape Officers reservations however the site is separated from the wider countryside by the A10 road and other development and its visually enclosed nature will ensure that it doesn't adversely impact upon the wider rural area. Furthermore I am satisfied that an appropriate layout can be achieved which compliments the pattern of existing development in the area and provides adequate space for soft landscaping.
- 7.24 Turning to any impact the development of the site will have on existing ecology; the comments from HBRC are acknowledged. However, despite the survey undertaken 8 years ago recording 40 plant species the site has not been designated as a Wildlife Site. Wildlife Sites are

identified by the Wildlife Sites Project, the main partners of which are HBRC, Herts and Middlesex Wildlife Trust and Natural England. It is accepted that a site of this nature will invariably contain a number of different species, and its development could impact on these. The site has however not been allocated as a Wildlife Site in the Local Plan and therefore it does not afford the same level of protection. Furthermore, I am satisfied that adequate mitigation measures can be put in place, as suggested by HBRC, to ensure that existing ecology is not unduly affected. I have included conditions requiring the provision of a detailed ecology survey prior to the commencement of development as well as details of any necessary mitigation.

**Other considerations**

- 7.25 The application is located close to evidence of occupation of possible Late Iron age date, recorded during the construction of the Buntingford by-pass in 1988, and updated pits and ditches excavated during the archaeological evaluation of the former Sunnyside Nursery site. In line with advice from the Historic Environment Unit, I consider that a condition requiring the implementation of a programme of archaeological work is both reasonable and necessary to provide properly for the likely archaeological implications of the development proposed.
- 7.26 With regards to affordable housing, in line with Policy HSG3 and HSG4 of the Local Plan it is considered appropriate and reasonable to require that, should 15 or more dwellings be constructed, 40% of the development be provided as affordable housing. I also consider it appropriate to require 15% of the new dwellings to be built to 'Lifetime Homes' standards as set out in Policy HSG6.
- 7.27 On the matters relating to financial contributions towards sustainable transport, recycling facilities and those provisions requested from the County Planning Obligations Unit, I consider such contributions are appropriate and do not go beyond the tests of what is fairly and reasonably related in scale and kind to the proposed development, which Circulars 11/1995 'Conditions' and 05/2005 'Planning Obligations' state is a material consideration.
- 7.28 In addition the Councils PPG17 Audit and Assessment has identified a shortfall in both parks and public gardens and provision for children and young people in Buntingford. I therefore also consider it appropriate for the Council to seek financial contributions towards these two types of open space to ensure that there is adequate provision to mitigate against the impact of the development.

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- 7.29 The applicant has confirmed that they are agreeable to all the matters listed in the heads of terms outlined at the start of this report being included in the legal agreement.
- 7.30 Finally concerns have been raised regarding loss of privacy. The plans submitted are for illustrative purposes only which does not allow a detailed consideration to be made of whether unacceptable problems such as loss of privacy will arise. My view, at this stage, is that the scale and nature of the site allows for solutions to be found if any detailed development proposals are found to be unacceptable with regard to overlooking and privacy etc.

### **8.0 Conclusion:**

- 8.1 Having regard to the above considerations and progress that has been made in relation to housing planning policies since the adoption of this Councils Local Plan, it is considered that the principle of a residential development of up to 26 dwellings on this site is acceptable. It is therefore recommended that subject to the applicant entering into a Section 106 obligation with the Council, outline planning permission should be granted. Given that this application is contrary to adopted rural area policies in the Councils Local Plan it should be referred to the Secretary of State as a “departure” application.