

## DEVELOPMENT MANAGEMENT COMMITTEE – 13 NOVEMBER 2024

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/24/0294/FUL  |
| <b>Proposal</b>           | a) Outline approval for a residential development for around 200 new market and affordable homes, including self-build and custom build homes, new public open space, new ecological areas and other public realm, new pedestrian, cycle and vehicular networks within the site, potential pedestrian connections to The Causeway and Aldridge Way, and associated drainage and SuDs infrastructure. With all matters reserved for later approval.<br><br>b) Full planning approval for the construction of new Medical Centre, car parking area, related drainage, and SuDs infrastructure, with associated access to Hare Street Road and enabling works to the existing highway, as defined on the Land Use Parameter and Detailed Access Plans |
| <b>Location</b>           | Land North of Hare Street Road Buntingford Hertfordshire   |
| <b>Parish</b>             | Buntingford Parish Council   |
| <b>Ward</b>               | Buntingford  |

|  |                                |
|--|--------------------------------|
| <b>Date of Registration of Application</b> | 27 <sup>th</sup> February 2024 |
| <b>Target Determination Date</b>           | 31 <sup>st</sup> July 2024     |
| <b>Case Officer</b>                        | Steve Fraser-Lim               |

### **RECOMMENDATION**

That planning permission be GRANTED subject to a Section 106 Legal Agreement and subject to the conditions set out at the end of the report.

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

1.1 The application seeks a) Outline approval for a residential development for around 200 new market and affordable homes, including self-build and custom build homes, new public open space, new ecological areas and other public realm, new pedestrian, cycle and vehicular networks within the site, potential pedestrian connections to The Causeway and Aldridge Way, and associated drainage and SuDs infrastructure. With all matters reserved for later approval. b) Full planning approval for the construction of new Medical Centre, car parking area, related drainage, and SuDs infrastructure, with associated access to Hare Street Road

and enabling works to the existing highway, as defined on the Land Use Parameter and Detailed Access Plans

- 1.2 The site is not specifically allocated for any use or development within the East Herts District Plan 2018 and is outside of but adjacent to the Buntingford Settlement Boundary. As such the site is within the 'rural area beyond the greenbelt'.
- 1.3 The application site measures circa 13.34 hectares in area and comprises undeveloped agricultural land to the north side of Hare Street Road and the south side of the Causeway, on the eastern edge of Buntingford. An earlier recent residential development adjoins the site to the west and agricultural land adjoins to the east.
- 1.4 The application as submitted comprised the following plans for approval:
  - Site and parameter plans by Stantec: (RG-03-1-P; RG-M-11-B; RG-M-12-C; RG-M-13-B)
  - Detailed plans and elevations of the medical centre by BM3 Architects: (D001 RevA; D002 RevD; D003RevB; D004 RevA; D100 RevD; D101 RevD; D102; D200; D201RevA; D202 RevA; D300 RevA; D301; D400 RevA;
  - Detailed landscape plans for full planning application site area (P23-116-EM-0013-B-0001-HPP; P23-116-EM-0013-B-0001-PP; P23-116-EM-0013-B-0002-PP; P23-116-EM-0013-B-0003-PP; P23-116-EM-0013-B-0004-PP)
- 1.5 In addition, the following documents have also been submitted as supporting documents:
  - Illustrative masterplan by Stantec (ref: RG-M-08-H)
  - Design and Access Statement (whole site) by Stantec
  - Design and Access Statement (medical centre) by BM3
  - Planning Statement by Turley
  - Statement of Community Involvement by Turley
  - Transport Assessment by I Transport
  - Flood Risk Assessment and Drainage Strategy by SLR
  - Ecology and Biodiversity Assessment by Ecology Solutions
  - Heritage Archaeology Assessment by CSA Environmental
  - Air Quality Assessment by SLR
  - Energy and Sustainability Statement by Stantec
  - Noise Assessment by SLR

- Landscape Visual Impact Assessment (LVIA) by Pegasus
- Arboriculture Assessment by Keen
- Utilities Assessment by SLR
- Economic Benefits and Social Value Statement by Stantec.
- Site access plan by I Transport

1.6 Following receipt of neighbour / consultee comments during the first round of consultation, revisions / additional information in connection with the application were provided on the 9<sup>th</sup> August and included the following:

- Updated Flood Risk Assessment and drainage strategy by SLR dated 7<sup>th</sup> August to respond to LLFA comments.
- Updated Parameter Plan by Stantec (RG-M-14 RevB, to supersede RG-M-11-B), including more detail on different character areas across the site, location of key buildings, street types and street tree planting.
- Updated Biodiversity Metric, to respond to HCC ecology.
- Revised medical centre plans / elevations (D001 RevB; D002 RevJ; D003RevD; D004 RevB; D100 RevF; D101 RevG; D102 RevC; D200 RevD; D201RevE; D202 RevC; D300 RevC; D301 RevC; D400 RevE; D401; D402; D403; D404; D405; D406). Design changes improve the appearance of the south elevation of the building facing Hare Street Road.
- Updated Design and Access Statement (RevC Medical Centre) by BM3 to explain design changes
- Transport Assessment Addendum by I Transport dated 7<sup>th</sup> August, submitted in response to HCC highways comments, and illustrating improvements to walking cycling routes along Hare Street Road to the site.

1.7 The main issues for consideration are:

- Principle of housing development
- Acceptability of the proposed medical centre in this location
- Transport
- Urban design / architecture / landscape
- Landscape impact
- Impact on heritage assets
- Drainage
- Ecology / Biodiversity
- Air / Ground pollution
- Sustainability

- Socio economic impacts
- Infrastructure requirements
- Planning Balance

1.8 All of the above plans and documents have been considered as part of the assessment of this planning application and committee report.

## **2.0 Site Description**

2.1 The site comprises agricultural fields, outside of but at the periphery of the eastern edge of Buntingford. Hare Street Road bounds the site to the south and The Causeway bounds the site's northern edge. Recent housing developments dating from circa 2017 adjoin the site to the west (Taylor Wimpey) and on the opposite side of Hare Street Road to the south (Wheatley). These sites comprise the current extent of the built-up area of the eastern side of Buntingford, as further agricultural fields adjoin to the east.

2.2 The northern part of the site is in proximity to Buntingford Conservation Area. The group of trees along the northern boundary of the site with The Causeway is protected by a Tree Preservation Order (TPO) (152-G4). The site is identified as an Area of Archaeological Significance. The site is outside of but adjacent to the Buntingford settlement boundary, within the East Herts District Plan 2018. The site is adjacent to designated open space (allotments). The site falls within the 'rural area beyond the green belt' within the East Herts District Plan 2018 and comprises grade 2 (Best Most Versatile) agricultural land. The site was included within the Strategic Land Availability Assessment (SLAA) as part of the evidence base for the 2018 District Plan.

## **3.0 Design Evolution**

3.1 The National Design Guide (2021) advises in paragraph 16 thereof that an expressed 'story' for the design concept is akin to producing well designed places and buildings. This 'story' should inform and address all ten characteristics:

1. *Context – enhances the surroundings.*
2. *Identity – attractive and distinctive.*
3. *Built form – a coherent pattern of development.*
4. *Movement – accessible and easy to move around.*
5. *Nature – enhanced and optimised.*
6. *Public spaces – safe, social, and inclusive.*

7. *Uses – mixed and integrated.*
8. *Homes and buildings – functional, healthy, and sustainable.*
9. *Resources – efficient and resilient.*
10. *Lifespan*

- 3.2 The site has not been allocated within the district plan and has not been subject to a formal masterplan process, and there is no adopted Masterplan Framework for the site. However, the design proposals have evolved through a staged process which has included pre-application engagement with the local planning authority, NHS Integrated Care Board, Hertfordshire County Council Highway Authority and other stakeholders. A pre-application public consultation event was also held prior to submission of the application.
- 3.3 A Hertfordshire Design Review (DR) was held on 26<sup>th</sup> January 2024, to discuss the emerging design of the proposed development, including the design of the medical centre and the overall masterplan for the site. The feedback from the DRP discussions has informed the design development of the proposals.
- 3.4 The applicants have submitted a Statement of Community Involvement, as well as information within the Design and Access Statements, which sets out the steps undertaken to engage with the local community and stakeholders, to ensure high quality design is embedded within emerging proposals.
- 3.5 In addition, the application was subject to a petition request that the proposals should be debated at a Development Management Forum (DMF) meeting. The DMF took place on 31<sup>st</sup> July 2024. The petitioner's main concerns which were raised at the meeting were as follows:
- The proposal should be looked at as part of the District Plan review, not as part of a premature planning application, and the application should therefore be determined against the current Neighbourhood Plan and District Plan;
  - Buntingford has limited infrastructure and the site is not in a sustainable location for new housing;
  - The location of the proposals would harm the Ribb Valley setting and landscape setting of this part of Buntingford;
  - There is insufficient Infrastructure in the town to support the development, in particular drainage, sewage and transport infrastructure.

3.6 In response the applicant team noted that:

- The key driver for the applicants and petitioners in favour is a sustainable Medical Centre capable of meeting demographic change;
- The proposed medical building has been altered to reflect local architecture and will be designed to be sustainable with a BREEAM 'excellent' rating;
- The proposals include active / public transport improvements including footpath to the site, pedestrian linkages and a bus stop;
- The current surgery is deemed not fit-for-purpose, with no opportunity to extend, other sites are not suitable and there is no plan b for an alternative site;
- The Buntingford Medical Practice is under time pressure to find alternative premises quickly and cannot wait to promote the site through the District Plan review process;
- Housing will help deliver East Herts housing target requirements and achieve 40% affordable housing.

3.7 The applicants have responded to the DMF debate through submission of additional information with regard to; surface water drainage, transport information with regard to active travel connections to the site, and changes to the parameter plan to introduce different density ranges across the site with a lower density in the eastern part of the site which was most visible from the rural area to the east.

#### **4.0 Planning History**

4.1 The land has historically been in agricultural use with limited planning history. Planning permission was granted for 160 dwellings and allotments to the west of the site, which extended the settlement boundary eastwards, following an appeal to the Planning Inspectorate in January 2014 (ref: 3/13/1000/FP). This application included change of use of part of the current application site to a cemetery accessed from The Causeway. The housing and allotments have since been constructed by the same Applicant proposing this new development, but not the cemetery, which has since been provided on an alternative site.

4.2 In addition, an outline application for development of 350 dwellings, with up to 4,400 sq m of commercial and services floorspace (Use Class E and B8) and up to 500 sq m of retail floorspace (Use Class E) and other associated works (ref/23/1447/OUT) was refused by the Council.

The application was subject to an appeal to the Planning Inspectorate and considered at a recent public inquiry (appeal ref: APP/J1915/W/24/3340497). The Planning Inspectors decision letter was released on 22<sup>nd</sup> of August allowing the appeal. This appeal decision is significant in terms of providing advice from the Planning Inspectorate to the Council on the weight to be attached to various planning considerations for new housing development in Buntingford, and a snapshot of the Councils 5-year housing land supply position. The Inspectors decision considered that the Council could only demonstrate a supply of 4.2-4.49-year housing land supply at the time of the Inquiry.

## 5.0 **Main Policy Issues**

5.1 These relate to the relevant policies in the National Planning Policy Framework 2023 (NPPF), the adopted East Herts District Plan 2018 (DP), and the Buntingford Community Area Neighbourhood Plan (Adopted May 2017) (NP).

| <b>Main Issue</b>                                       | <b>NPPF</b>           | <b>DP policy</b>  | <b>NP policy</b>    |
|---|-----------------------|---|---------------------|
| Principle / type / mix / quality of Housing Development | Chapters 5, 11        | INT1, DPS1, DPS2, DPS3, DPS4, DPS5, GBR2, BUNT1, HOU1, HOU2, HOU3, HOU7, HOU8 | HD1, HD2, HD4 HD7,  |
| Principle of medical centre / social infrastructure     | Chapter 5             | DPS4, DPS5, GBR2, CFLR9   | INFRA1              |
| Design / landscape                                      | Chapters 8,11 and 12. | HERT3, DES1, DES2, DES3, DES4, DES5, HA1                                      | ES1, HD2, ES8       |
| Transport   | Chapter 9             | TRA1, TRA2, TRA3, CFLR3   | T1, T2, T3, T4, T6, |
| Heritage Assets   | Chapter 16            | HA1, HA2, HA3, HA4, HA7   | HD6                 |
| Sustainability and Climate Change                       | Chapters 2, 14        | CC1, CC2, WAT4  | ES3, INFRA5         |
| Trees / Ecology Biodiversity                            | Chapter 15            | DES2, NE1, NE2, NE3, NE4  | ES1; ES5, ES7, ES8  |
| Open / green / amenity space / sports provision         |                       | CFLR1, CFLR9, NE4   | ES5, ES8            |

|   |            |  |          |
|---|------------|--|----------|
| Flood Risk and Drainage                           | Chapter 14 | CC1, NE4, WAT1, WAT2, WAT3, WAT4, WAT5, WAT6 | INFRA4   |
| Environmental impacts (noise / air ground / light | Chapter 15 | EQ1, EQ2, EQ3, EQ4                           |          |
| Neighbour Amenity                                 | Chapter 12 | DES2, DES3, DES4, DES5, EQ2, EQ3, EQ4        | LR3, ES5 |

## 5.2 **Equality Act 2010**

Section 149 of the Equality Act (2010) confirms that a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic, and local) and any relevant supplementary guidance. The policies and guidance referenced in the committee report and this updated report have all been subject to an equalities impact assessment (EqIA) therefore, the planning policy framework is considered to meet the first stage in the process. Officers have duly considered the equalities impacts on protected groups in the context of the development proposals, subject to this planning application which is set out in Section 8 of this report.

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

5.4 Other relevant Policy Considerations include the adopted, Supplementary Planning Guidance (Affordable Housing and S106 Agreements/Planning Obligations) and the Equality Act are referred to in the 'Consideration of Relevant Issues' section below.

## 6.0 **Summary of Consultee Responses**

6.1 The following consultee responses have been received and considered as part of the preparation of this report:

6.2 HCC Highway Authority: The DFT decarbonisation plan sets a target that 50% of journey's within towns and cities are walked or cycled. Given the limited scale and range of services available in Buntingford,



the applicant's Transport Assessment does not consider this to be achievable but sets a target for increase of trips by sustainable modes from one fifth to a third of journeys arising from the development. As such a range of sustainable transport measures in terms of improved footway / cycleway connections and improvements to bus services are required to achieve this vision.

- 6.3 Following submission of additional information to address initial concerns and subject to sustainable transport measures being secured by the following planning conditions / S106 obligations the Highway Authority raised no objection to the grant of planning permission.
- 6.4 Conditions regarding the following are requested: active travel connection to the east; Traffic Regulation Order change to speed limit; offsite highway works; public rights of way details; car and cycle parking details; construction management plan; on-site highway design.
- 6.5 In addition the following planning obligations as part of S106 agreement are also requested to mitigate transport impacts: travel plan; financial contribution of £800,000 (over 5 years) towards improvements to bus service 386 to Bishop Stortford; £250,000 towards Herts Lynx on demand service; sustainable travel contribution of £1,365,000 towards measures such as Project Phoenix shared space, 20mph zones, A10 roundabout improvement, town centre one way system; S278 agreement with regard to off-site highway works.
- 6.6 HCC Historic Environment Unit The archaeological work to the north of the road has progressed further, and this area has undergone geophysical survey (Archaeological Services WYAS 2012), trial trenching (Northamptonshire Archaeology 2012, Oxford Archaeology East 2014) and subsequent open-area excavation (Oxford Archaeology East 2015). An area directly to the north of the road and west of the proposed development site, was subject to open area excavation, and this excavation revealed Middle and Late Iron Age ditches, pits, and a probable Middle Iron Age roundhouse, along with some Roman pits. The Middle Iron Age features are of high significance, as this period is poorly represented in Hertfordshire, and several of the ditches contained large quantities of pottery of this date, which is extremely rare in the county.

- 6.7 As such a planning condition is required to secure a programme of archaeological evaluation (in the form of trial trenches) of the proposed development site, prior to any development commencing.
- 6.8 HCC Ecology Application can be determined with no Ecology Objections. BNG information is sufficient for determination, showing a 13.02% Net Gain which exceeds requirements and there is no reason to believe that the Biodiversity Net Gain Condition will not be met.
- 6.9 HCC Minerals and Waste Authority – Recommend condition requiring preparation of Site Waste Management Plan for the construction period.
- 6.10 HCC Lead Local Flood Authority All drainage queries raised by the LLFA in relation to the medical centre have been addressed and this element of the application can be granted subject to conditions regarding: drainage system construction details; interim drainage measures; management and maintenance details; verification reports.
- 6.11 Unless there is sufficient evidence that the drainage network in the existing development to the west can accommodate greater than 5 l/s, the LLFA raise serious concerns over whether the rest of the outline application site can discharge to the western outfall at a total of 5 l/s (i.e. 3.7 l/s for the Medical Centre and 1.3 l/s for the dwellings).
- 6.12 If the LPA is minded to grant permission for the outline application, LLFA have serious concerns over achievability of a very low discharge rate for the western catchment. We strongly recommend more information is provided regarding the allowance for discharge into the neighbouring development before permission is granted, to ensure that flood risk is not increased by the building of this development. However, we do offer potential conditions if the LPA is minded to grant permission. These conditions include requiring evidence of the details of drainage design including restriction of not more than 5l/s discharge in drainage system of the adjacent site; SUDS phasing plan; interim drainage measures; maintenance and management; verification report; details of any proposed watercourse alteration;
- 6.13 HCC Growth and Infrastructure – Request the following contributions to meet the needs of the development, in accordance with adopted guidance: First Education Contribution (£2,428,211 (which includes land costs of £192,448); Nursery / middle school Education contribution (£1,461,829); Upper Education Contribution (£1,823,505); Childcare Contribution (£16,525); Childcare Contribution towards increasing the

capacity of 5-11 year old childcare facilities at Buntingford First School (£2,987); Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) (£258,244); Library Service Contribution (£69,100); Youth Service Contribution (£43,485); Waste Service Transfer Station Contribution (£21,084); Monitoring Fees.

- 6.14 EHDC Landscape Advisor The proposals will impact on the context of the settlement edge of Buntingford and Hare Street Road due to the loss of the arable land and replacement of these areas with built development. The submitted assessment of impacts on landscape character has identified that the significance in its local landscape context would be 'moderate to major adverse' at completion (Year 1), falling to 'moderate adverse' at Year 15. The landscape strategy for mitigation includes provision of green infrastructure and open space and new landscape planting, that should visually help to contain the proposed development over time, as well as to deliver the fabric associated with BNG. However, the size and scale of change is large due to the extent and proportion of loss of existing landscape elements and the degree of alteration to aesthetic or perceptual aspects. Duration of impacts would be long term and reversal of the impact is not likely and in practical terms would not be achievable.
- 6.15 EHDC Environmental Health (Land / Air): Recommend conditions regarding contaminated land risk assessment, low emission boilers, EV charging provision, Construction Environmental Management Plan.
- 6.16 EHDC Conservation and Urban Design: The site is located to the east of Buntingford outside its settlement boundary. The topography is gently sloping east and west with a central ridge running north-south along the public bridleway (Buntingford 13) through the site. The landform of the site where it creates a west facing slope relates more strongly to the existing settlement edge to the east, and the design responds to this in terms of the placement of the medical centre and proposed density within the settlement blocks.
- 6.17 Given the scale of the site, it has been possible to incorporate generous areas of green infrastructure around the site, with the settlement contained well within this, allowing physical and visual containment of the proposed development. This is welcomed.
- 6.18 Designated heritage assets in the surroundings include Buntingford Conservation Area, the Grade II\* listed Former Church of St

Bartholomew, and Grade II listed buildings at Alswick Hall. However, the former is fairly distant from the site, and it is anticipated that no harm will be caused to its setting. With regards to the Grade II listed buildings at Alswick Hall, the existing and proposed landscape infrastructure and trees between this heritage asset and the development will provide mitigation, and any impact of the development on views towards these heritage assets would be at the lowest end of less than substantial level.

- 6.19 A parameter plan has been issued by the applicant which includes the principles of development block structure, landscape infrastructure extents, density, street hierarchy, primary frontages and landmark buildings and locations of SUDs features. The parameter plan subsequently issued by the applicant is considered acceptable for this outline application.
- 6.20 It is recommended that a design code should be submitted and approved as part of reserved matters stage. The Design code should be based on the structure in the parameters plan and design intent stated in the Design and Access Statement and other documents, and should provide further design principles as stated under recommended conditions below.
- 6.21 Amendments were also sought to the Medical centre design, the key ones being refinements to the roof pitch design and front gable to ensure an activated and interesting east façade fronting on to the open space, and an aesthetic presence when viewed from Hare Road. Subject to these changes the design of the Medical Centre is now acceptable.
- 6.22 EHDC S106 Contributions: Financial contributions sought in accordance with the Councils adopted SPD.
- 6.23 Environmental Services (Waste / Recycling). Recommend that planning permission is not granted at present as insufficient information has been provided with regard to the following: Vehicle tracking; waste provisions; No detailed plans of properties and access; No communal bin store locations; No information on pulling distances; Road surfacing/ paving.
- 6.24 Active Travel England: Development should be determined in accordance with ATE standing advice.

- 6.25 Thames Water: Regarding FOUL WATER sewerage network infrastructure capacity, have no objection to the above planning application, based on the information provided. The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.
- 6.26 Affinity Water: No comment received.
- 6.27 NHS Hertfordshire West Essex Integrated Care Board (HWE ICB): Express disappointment that this planning application has been submitted to East Herts District Council in the absence of any pre application engagement with the appropriate NHS body by the applicant. The HWE ICB fully recognises there is a need to address primary healthcare provision in Buntingford and its vicinity due to planned and unplanned growth in Buntingford. The HWE ICB is also fully supportive of the need for patient access to good health infrastructure for existing and new residents of Buntingford. Planned growth in Buntingford will result in additional demand for health services in Buntingford and its immediate vicinity, with the Buntingford Medical Centre impacted directly by an increase in patient numbers. The need to expand health facilities in the town has previously been identified. As such the HWE ICB has been in discussion with the Practice covering Buntingford, exploring options to increase primary care capacity, which could include extending or relocating the current practice to provide sufficient space to increase resources and clinical services. The HWE ICB is supportive in principle of the General Practice relocating its current practice, however, this is subject to a business appraisal of all options, including other possible relocation opportunities.
- 6.28 This planning application is therefore considered to be premature, advancing ahead of the NHS' own business case assessments, scrutiny, and due diligence processes. Therefore, the NHS needs to follow its own approval processes first, which can and should run alongside any pre application process, which in this case, for reasons unknown, did not happen. In reviewing the proposed medical centre design/specification plans and drawings, the HWE ICB's own assessment of the size of medical facility required for Buntingford, points to a need for a smaller facility/footprint, with less parking spaces. As such the size of the facility proposed is yet to be justified in a business case and supported by the HWE ICB.

- 6.29 Fire and Rescue: Have commented that a condition is required to secure hydrants and no cost to the council or fire and rescue.
- 6.30 CPRE - The land for this proposed development is identified as Rural Area Beyond the Green Belt in the adopted East Herts District Plan, which should be protected as a rural resource. The proposals would be inappropriate development within the Rural Area. The proposals are located outside of the settlement boundary in a location which previous inspectors considered unsuitable for development and would result in loss of grade 2 agricultural land. The town lacks a train station, and has limited public transport, and therefore the proposed housing and medical centre is unsustainable and will be dependent upon private car use.

## **7.0 Town/Parish Council / Councillor Representations**

- 7.1 Buntingford Town Council: Application was subject to public consultation and most respondents opposed the development. The proposed location for a new Health Centre is not considered suitable. The proposed location is at the top of a hill, outside of the settlement boundary of the town. Elderly residents, the disabled and parents with buggies would struggle to reach the location by foot, although the applicant and Herts County Council are promoting modal shift to walking and cycling. Alternative, sustainable sites have been suggested to the Partners and all have been dismissed.
- 7.2 The East Herts District Plan October 2018 states that the development of approximately 1,100 dwellings in Buntingford has been approved since 2011, therefore the development strategy for Buntingford is focused on seeking to ensure that the impact of development can be mitigated and managed within the overall infrastructure of the town. This application is contrary to policies in the NPPF, the East Herts District Plan October 2018 and the Buntingford Community Area Neighbourhood Plan.
- 7.3 Concerns are also raised regarding foul water sewage network infrastructure. The applicant is requesting permission to discharge foul water from the site into a local manhole in Hare Street Road. Thames Water has no objection to this, but foul water from the adjacent Taylor Wimpey site also discharges into this manhole. The submitted drainage plan shows that the foul water flows downhill east to west to a pumping station located in the western end of the site. When this pumping station is full the foul water is pumped back up the site, west

to east and into the manhole located on Hare Street Road. There is a smell of raw sewage around the area of the manhole and there is evidence of raw sewage flooding the bottom of Hare Street Road at its junction with Station Road to the west of the site.

- 7.4 It is noted from the drainage plan for this current application that a similar system is envisaged with a foul water pumping station being located to the east of this site. According to the drainage drawings submitted by the developer the foul water from this site will be pumped up hill from east to west and connect into the existing foul water network on the adjacent site, and then to the Sewage Treatment Works. The proposals will result in increased foul water discharge to a system which already struggles to cope with demand, particularly during rainfall events, resulting in discharges effluent into the River Rib which is a Chalk Stream, one of only 200 in the world, a valued environmental asset to the town.
- 7.5 Cllr David Woolcombe – The site lies outside of the Neighbourhood Plan settlement boundary, there are other more suitable sites for the medical centre. The inclusion of the medical centre in the development is a bribe not supported by residents.
- 7.6 Cllr Jeff Jones - The proposed development is outside the town development boundary and not a defined development site in the District and Neighbourhood plan for Buntingford. By allowing this application it would set a precedent for future development outside the town settlement boundary.
- 7.7 Cllr Sue Nicholls - The site falls outside of the Buntingford Community Area Neighbourhood Plan in a sensitive position on the eastern plateau above the Rib Valley. As such development in this location would adversely affect the landscape setting of the town. The proposals would also ignore requirements of the early planning permission for housing to the west, that there would be no further development to the east. Ridge heights on the approved development were limited to protect impacts on landscape in this area, which would be exacerbated by the development.
- 7.8 The application site is not a suitable location for the medical centre as it is located at the top of a hill outside of the town, and inaccessible for those wishing to walk to the surgery. Buntingford is also not a sustainable location for development as it lacks a train station, has limited public transport and a limited employment opportunities in the

town. As such these factors mean the proposals will result in increased unsustainable car journeys.

7.9 In addition, there is insufficient waste sewage capacity to meet the needs of recent housing development in the town, and this situation will be worsened by the proposals.

## **8.0 Summary of Other Representations**

8.1 In the first round of consultation many consultation responses have been received, including 731 objections, 6 comments and 33 in support of the application raising a wide number of issues, which are grouped in the following topics:

### **8.2 Principle of Development**

- The proposed development is contrary to the neighbourhood and district plans, outside the town boundary and on top of a hill. In addition, the council can demonstrate a 5-year Housing Land Supply so there is no justification for overriding the plan.
- Proposals will result in loss of agricultural land, which is needed to grow food.
- Buntingford has already been overdeveloped increasing congestion and this will worsen the situation.
- With an adequate plan for the area speculative developments of this type could be avoided.
- Buntingford is not a sustainable location for further new housing as it lacks a train station, has poor public transport and other health / education / leisure employment facilities are limited, resulting in car commuting.
- Buntingford has already received a lot of development, which affects community cohesion and needs to be absorbed and no more housing is required.
- There are other alternative sites in East Herts which are better suited to accommodate housing development as Buntingford has already delivered its quota.
- Housing such as this is not required.
- Proposals will result in harm to an area of outstanding natural beauty.
- Housing should be provided on the west side of the town where it will be more accessible from the bypass.



## Medical centre

- Redevelopment of the existing Medical Centre site or Nevetts would be preferable as these sites are more accessible.
- Locating the medical centre at the top of a hill, too far outside of the town centre will make it inaccessible, for young, old and those with health / mobility problems. As such the proposed location would increase car use.
- Using threat of medical centre closure and using the medical centre as leverage for housing is inappropriate.
- Public transport to take patients from the town centre to the site is inadequate.
- There are other more suitable sites in the town settlement boundary which can accommodate the medical centre.
- S106 financial healthcare contributions have been provided from other developments which should meet healthcare needs and therefore there shouldn't be a requirement for housing to fund a new medical centre.
- ICB should decide where medical centre is located not developers.
- There is no guarantee the new medical centre will be commissioned, fitted out and staffed.

## Transport

- The proposed cycle route will cross private drives.
- The footpath along Hare Street is unsuitable to meet the needs of the development.
- Speed limit changes / traffic calming is required along Hare Street Road.
- Proposals will result in excessive congestion on Hare Street Road, and the proposed junctions will result increased traffic accidents.
- Proposals will result in reduced accessibility for horses along the causeway and bridleways across the site.
- There will be increased vehicle traffic along the Causeway, in front of Layston Primary School from this and other housing developments.
- There will be increased congestion throughout the town, and connecting roads such as the A10, with increased risk of accidents.

## Drainage

- Drainage and sewerage infrastructure is struggling already and would be unable to cope with the additional demands of the development, resulting in increased sewage spills in the river Rib.
- Tankers already take away sewage twice a week and the proposals from the sewage works over the fragile Aspenden Bridge and the proposals would result in this increasing.
- The location of the proposed drainage basin will increase flood risk to neighbouring houses to the south, particularly as the existing basin in the Knights Walk development floods in heavy rain and is inadequately maintained.
- Proposals will result in further water demand, increasing pressure on the Chilton's / aquifers.

### Urban design / Landscape

- The proposed footpath on the south side of the southern drainage basin is adjacent to the back of neighbouring gardens and is a security risk.
- The proposals are in a position on the eastern plateau above the Rib Valley. It is of concern that the plan for a two-storey medical centre and around 200 houses would not 'respect the valley landscape' as noted in the Neighbourhood Plan.

### Environmental

- Proposals would increase vehicle journeys with associated noise and air pollution.
- The amenity of the area, and quality of life for existing residents will be reduced.
- Proposals will reduce accessibility of existing residents to green space / rural environment, with associated harms to health and wellbeing.
- Proposals will have an adverse impact on wildlife and result in habitat destruction.
- Construction will result in noise and pollution.
- Proposals will result in disruption to users of Layston Cemetery.
- Harm to below ground archaeology

### Social infrastructure

- Existing services such as police, schools, doctors and dentist surgeries, supermarkets and leisure uses such as the swimming

school are inadequate to meet the needs of the town and will be made worse by the development.

- The town is already overdeveloped, and the population has grown too much in recent years. Further development cannot be accommodated.
- Infrastructure in Buntingford should be improved first before new housing is built.

#### Other matters

- The proposals will lower house prices of adjacent houses.
- Developers should be bound to build the development they say they will build.
- Crime has risen as a result of all the housing development, and this will worsen as a result of the proposals

#### Support

- Land is currently neglected and proposals would help ease the housing crisis.

8.3 During the second round of consultation, 28 comments were received, raising similar issues to the first round of consultation as well as the following additional comments:

- Some of the proposed cycle route options will cross private drives.
- Additional cycling on the Causeway and Wyddial Road should not be encouraged.
- Revisions do not cover original objections.

## **9.0 Consideration of Issues**

### **Principle of development**

9.1 *Principle of development overview and 5-year housing land supply considerations:* Several policies within the East Herts District Plan 2018, Buntingford Community Neighbourhood Plan and the National Planning Policy Framework are of relevance to the principle of the development. The overall development strategy in the East Herts District Plan 2018 is summarised in adopted Policy DPS1 which identifies the need to deliver new housing growth, with 18,458 new homes required over the plan period 2011-2033 (839 new homes per year) to meet identified needs. Policy DPS2 of the District Plan (DP) sets out the Council's development

strategy for East Hertfordshire, which seeks sustainable housing development, within identified settlements or on allocated sites to accommodate sufficient housing to meet the district plan housing requirements.

- 9.2 The site comprises grade 2 Best Most Versatile agricultural land, located adjacent to the eastern edge of the Buntingford settlement boundary. As such the site falls within the 'rural area beyond the greenbelt' as part of the District Plan. As such the following policies are relevant to development in this location.
- 9.3 Policy BUNT1 of the district plan states that the strategy for the town is to focus on the delivery of existing sites with planning permission, with no new allocations, to reflect the fact that substantial housing development has taken place since 2011.
- 9.4 Policy GBR2 of the district plan states that I. In order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, the following types of development will be permitted, provided that they are compatible with the character and appearance of the rural area: (a) buildings for agriculture and forestry; (b) facilities for outdoor sport, outdoor recreation; (c) new employment generating uses; (d) the replacement, extension or alteration of a building, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas; (e) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land); (f) Rural Exception Affordable Housing Sites; accommodation for Gypsies and Travellers and Travelling Showpeople; (h) development identified in an adopted Neighbourhood Plan.
- 9.5 The Buntingford Neighbourhood Plan considers the landscape around Buntingford as being one of the most highly valued in the district. The NP emphasises that proposals for housing should be focused within existing settlement boundaries. For development outside of settlement boundaries the NP also highlights the desirability of conserving and respecting the valley setting of Buntingford. The NP policies (ES1 and HD2) and supporting text recommend that future development of Buntingford is carried out in such a way that the landscape views across the Town are not adversely affected. This requires that building on higher ground is limited in height and that any further housing is developed within the valley setting.

- 9.6 In addition NPPF paragraph 11d is of relevance and states that "*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes applications for housing where the local planning authority cannot demonstrate a 5-year housing land supply), granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*". The balancing exercise with a presumption in favour of housing development, identified above is termed the 'tilted balance' elsewhere in this report.
- 9.7 The proposals are considered to conflict with policy GBR2, as the proposals would result in large-scale urban development within the rural area, and they would not meet any of the exceptions within policy GBR2. The proposals would have an urbanising effect on the rural landscape at the eastern edge of Buntingford and there would therefore be conflict with Buntingford Neighbourhood Plan and district plan policies regarding landscape impact (landscape impacts are considered further below). In addition, the proposals would result in the loss of grade 2 agricultural land. These policy conflicts will be attributed weight in the overall planning balance.
- 9.8 However, the proposals would contribute towards the District Plan policies objectives regarding housing delivery. As noted in the recent appeal decision in relation to land to the east of the A10, the Council can only demonstrate a 4.2-to-4.49-year housing land supply. As such the 'tilted balance' within NPPF paragraph 11d is engaged. This requires that a balancing exercise is undertaken to weigh any adverse impacts against the benefits of housing delivery which are given greater weight in decision making. A full balancing exercise is undertaken at the end of this report following assessment of the proposals against all relevant policies.
- 9.9 Concerns are noted from Councillors and members of the public that Buntingford is not a sustainable location for new housing development as it lacks a train station, limited shops and services, and employment opportunities within the town. As such there are concerns that new housing would result in increased car journeys and out commuting from the town.

- 9.10 This issue was considered as part of the appeal in connection with land to the east of the A10, Buntingford (appeal ref: APP/J1915/W/24/3340497). In this case the inspector noted that *"The appeal site is located on the edge of but outside the urban area of Buntingford, one of the 5 market towns. Buntingford is not included in the list of settlements where urban extensions are supported and through policy BUNT1 of the District Plan it does not seek to allocate any additional development beyond that which already had planning permission at the time of adoption of the development plan in 2018. As the appeal site is located outside of the confines of Buntingford, for the purposes of the District Plan it is located within the Rural Area Beyond the Green Belt..."*
- 9.11 *Buntingford is identified as being a small town located at the centre of a large rural area in the northern half of the district. It functions as a rural service centre for outlying villages in the north of the district. The District Plan identifies that the town has an extensive range of services and facilities that serve the day to day needs of residents. The Council accepts that the development would be accessible to those services and facilities...*
- 9.12 *The development would conflict with Policies DPS2 and GRB2 of the District Plan because it would not be in a location that aligns with the spatial strategy of the District Plan in terms of accessibility. It would also conflict with the part of Policy TRA1 of the District Plan that identifies that development should primarily be located in places that enable sustainable journeys to be made to key services and facilities. However, the conflict is reduced because of the day to day services and facilities that are available in the town and because some economic and retail opportunities are proposed as part of the scheme and the proposed measures to improve public transport provision. For those reasons I give conflict with the policies moderate".*
- 9.13 As such the above appeal decision provides guidance to decision makers that the principle of additional housing development on unallocated sites adjacent to Buntingford would result in some policy conflict on sustainability grounds. However, this conflict can be mitigated by the range of services and amenities available in the town, as well as well as any infrastructure provided by the proposals. In this case, the housing development is preceded by the provision of the Medical Centre which would be used by residents in the development and existing residents within Buntingford and the wider area. Further assessment with regard to transport and accessibility is provided within

the transport section of the report, and any potential policy conflicts with regard to sustainability are taken into account as part of the balancing exercise at the end of this report.

- 9.14 *Housing:* As noted above the overall District Plan strategy seeks to deliver housing growth and policy DPS1 seeks to deliver 839 new homes per year, located within existing settlements or sustainably located urban extensions. Policy HOU1 (mix and type of housing) states that new housing developments should provide an appropriate mix of housing tenures, types and sizes, in order to create mixed and balanced communities, appropriate to local character and taking account of the latest Strategic Housing Market Assessment and other up to date evidence; should include provision of affordable housing in accordance with Policy HOU3 (Affordable Housing); specialist housing will be encouraged for older people and vulnerable groups; provision of accessible and adaptable dwellings to meet the changing needs of occupants over their lifetime; self-building housing in accordance with policy HOU8; Where appropriate, provision of specialist accommodation will be expected for Gypsies and Travellers and Travelling Showpeople and Non-Nomadic Gypsies and Travellers and Travelling Showpeople.
- 9.15 The application proposals comprise around 200 new dwellings submitted in outline with reserved matters to follow. However, an indicative housing mix has been included, to accompany the illustrative masterplan which shows how a mix of housing could be incorporated on the site. This includes a tenure split of 55% open market, 40% affordable (25% affordable ownership / affordable or social rent) and 5% custom build.
- 9.16 A mix of dwelling sizes is also suggested as part of the indicative mix:

| Dwelling Type   | Private    | Affordable | Custom and Self-build | Total      |
|-----------------|------------|------------|-----------------------|------------|
| 1 Bed Apartment | 6          | 4          | 0                     | 5%         |
| 2 Bed Apartment | 6          | 4          | 0                     | 5%         |
| 2 Bed House     | 24         | 16         | 0                     | 20%        |
| 3 Bed House     | 49         | 36         | 5                     | 45%        |
| 4 Bed House     | 19         | 16         | 5                     | 20%        |
| 5 Bed House     | 6          | 4          | 0                     | 5%         |
| <b>Total</b>    | <b>110</b> | <b>80</b>  | <b>10</b>             | <b>200</b> |

- 9.17 The above housing mix would make a significant contribution towards meeting housing need in the district. In particular provision of 40% affordable housing would help to meet affordable housing need in the district, where the Inspector in the appeal decision for land east of the A10 (ref: APP/J1915/W/24/3340497), noted that there had been previous under delivery. The tenure split of affordable ownership / social and affordable rent would also be similar split to that sought from previous developments. However, the precise housing mix, and tenure mix for each residential phase would be secured as part of future reserved matters submissions. A condition is proposed requiring future reserved matters submissions to have regard to up to date Councils Strategic Housing Market Assessments. As such the above indicative housing mix is broadly in accordance with policies HOU1 and HOU3.
- 9.18 Policy HOU8 states that to support prospective self-builders, on sites of more than 200 dwellings, developers will be expected to supply at least 1% of dwelling plots for sale to self-builders, having regard to the need identified on the Council's Self-Build and Custom Build Register. The application proposals comprise 10 self-build units within the indicative housing mix (5%) within the development. This provision would help to meet identified need for self-build accommodation in accordance with policy HOU8 and is a benefit of the proposals within the planning balance.
- 9.19 Policy HOU7 requires that new housing is adaptable for accessible needs in accordance with Building Regulations standard M4(2) and that a proportion of new housing designed to be suitable for potential future wheelchair occupiers in accordance with standard M4(3). No detail has been provided with regard to the design housing to meet accessibility



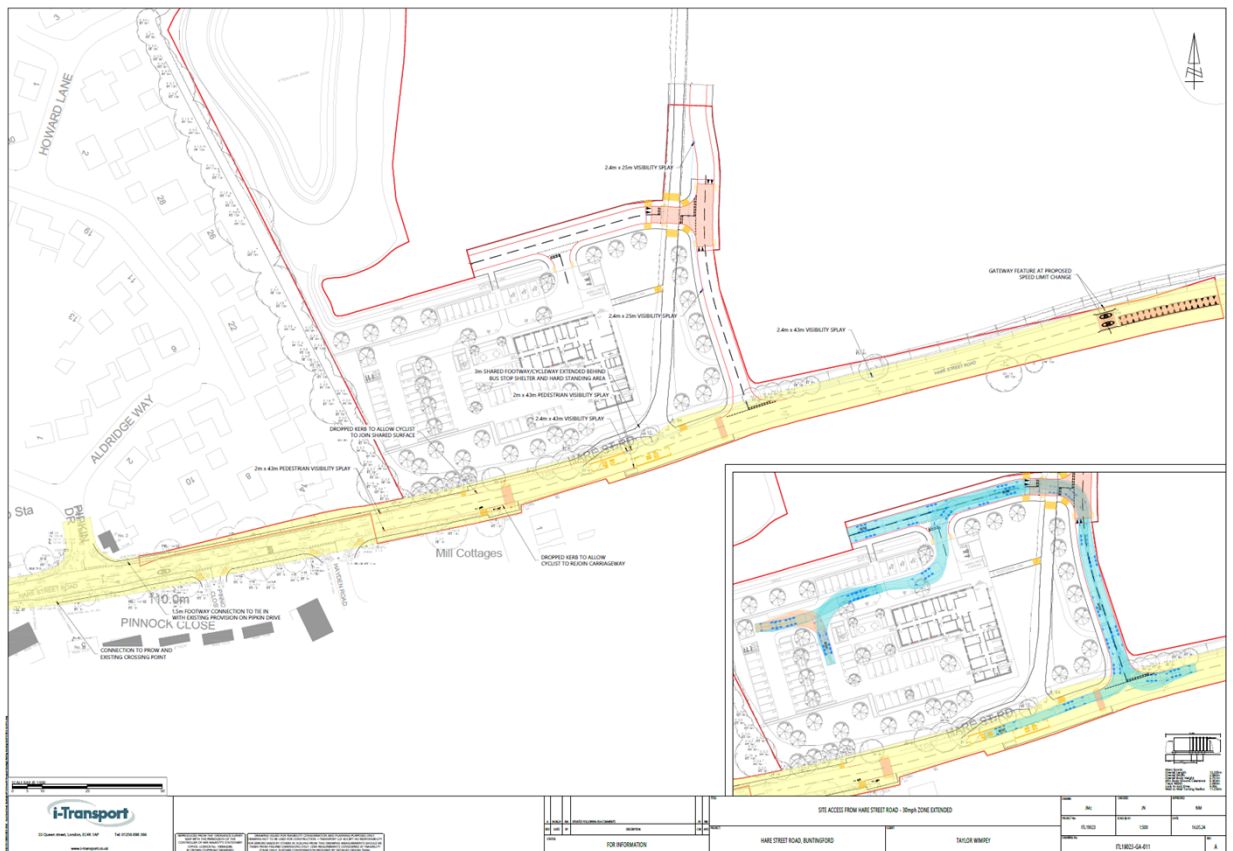
requirements as this is this would be subject to future reserved matters submissions. However, conditions are proposed to require that reserved matters submissions include 90% of housing is designed to M4(2) adaptable standards, and the remaining 10% to M4(3) wheelchair standards. This level of provision of wheelchair accessible units would be similar to the levels secured as part of other major developments. As such the proposals will ensure provision of housing to meet a range of accessibility requirements in accordance with policy HOU7.

- 9.20 *Principle of proposed medical centre:* Policy DPS4 considers the infrastructure required to meet the growth identified in the plan and states that: "*Infrastructure needed to support development must be phased appropriately with the delivery of residential and other development to ensure that capacity is provided and impacts are satisfactorily mitigated in a timely manner*". Healthcare facilities are noted to be required amongst other infrastructure.
- 9.21 Policy CFLR9 (Health and wellbeing) states that: "*All development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. In particular, regard shall be had to providing the necessary infrastructure to encourage physical exercise and health, including accessible open space, vegetation and landscaping, sport and recreation facilities, cultural facilities and safe, well promoted, walking, and cycling routes. II. Where new health facilities are planned, these should be located where there is a choice of sustainable travel options and should be accessible to all members of the community. III. Contributions towards new or enhanced health care facilities will be sought to ensure the health care requirements arising from new developments are met and to prevent a shortfall or worsening of provision*".
- 9.22 The application proposals comprise a new medical centre building to accommodate the relocated Buntingford Medical Centre Practice. Full details of the medical centre are submitted as part of the application, and the new building is proposed to be delivered at an early stage, prior to first occupation of any residential units (a condition is proposed to require this). The medical centre is required to be delivered at an early stage to meet the requirements of Buntingford Medical Centre Practice for a new premises by January 2026. The proposed building will provide a larger, fit for purpose medical centre building which will better meet the healthcare needs of existing Buntingford residents as well as potential future occupiers than the existing building. The expanded healthcare facility will allow for provision of a wider range of

medical services and clinics than can currently be provided within the existing buildings. As such the principle of provision of new medical facilities is supported by policy DPS4 and CFLR9.

9.23 It is noted that the proposed medical centre is located beyond the eastern periphery of Buntingford and would replace the existing Medical Centre Practice building which is located within Buntingford Town Centre. Many public comments are noted which raise concerns with regard to the accessibility of the proposed medical centre by sustainable transport modes, in particular more vulnerable or mobility impaired patients such as elderly or young children.

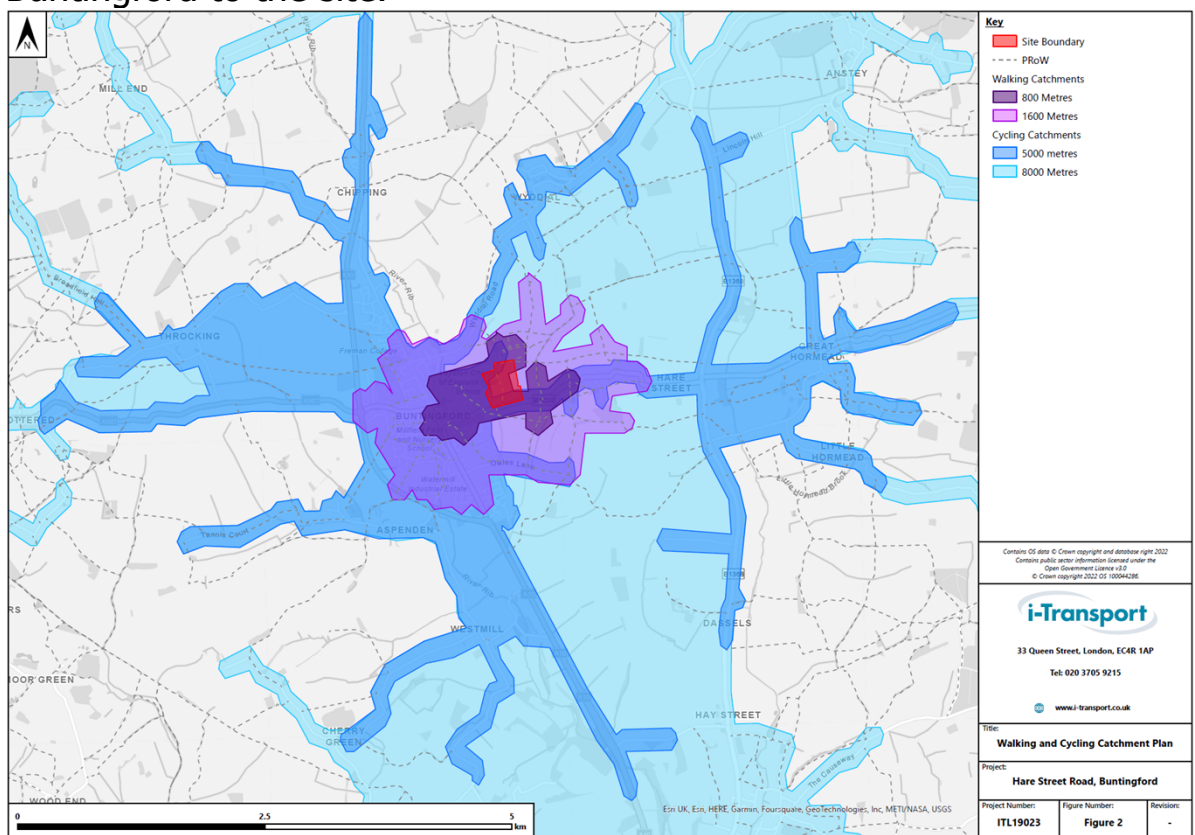
9.24 Policy CFLR9 does not require that new medical facilities should be located within town centres but does require that they should be accessible by a variety of transport modes. It is noted that the that provision of an enhanced new footway along Hare Street Road to the site (illustrated in the plan below), along with a new pedestrian connection to Howard Lane within the existing residential development to the south, will ensure that the medical centre can be accessed by pedestrians and cyclists.



9.25 In addition, Buntingford has a linear form, on a north / south axis with the town centre located at the centre of this north / south axis. Whilst

the proposal site is located outside and to the east of Buntingford Town Centre, it would still be positioned in a relatively central position on the towns north / south axis. As such most of the town would be within the walking or cycling catchment of the proposed new medical centre (1600m walking or 8km cycling distance). In addition, the town centre is around a 10-minute walk to west of the site, as illustrated within the below extract from the submitted Transport Statement.

- 9.26 A financial contribution is also proposed towards the Buntingford Community Transport scheme which assists those in Buntingford with mobility constraints or lack of access to a car to travel from around Buntingford to the site.



- 9.27 In addition, Buntingford Medical Practice serves a wide area including Buntingford and surrounding rural area. As such a significant number of patients enrolled at the Medical Centre do not live within Buntingford but travel to the medical centre from the wider area. Provision of bus transport connections as well as suitable car parking would be of most benefit to these users.

- 9.28 The application proposals include provision of a bus stop adjacent to the medical centre, and associated financial contributions towards timetabled bus services, including route 386 which runs towards Bishops Stortford and a separate contribution to the on-demand Herts Lynx service provided by Herts County Council.

- 9.29 Given the above considerations, it is considered that the site will be sufficiently accessible for pedestrians / cyclists and public transport to accord with the accessibility requirements of policy CFLR9. The provision of a new medical centre alongside new housing, affordable housing, and custom build housing are significant public benefits of the proposals which are considered further within the planning balance section of this report.
- 9.30 Several submitted comments have also suggested that there are alternative sites for the proposed medical centre in more accessible locations within the town centre, such as the Nevetts site. As noted above policy CFLR9 does not require that medical facilities are located either in the town centre, or the sequentially most preferable site. Rather the policy requires that proposals are located sustainably and are accessible by a variety of transport modes. Officers consider that the submitted information demonstrates that this is the case with the application site.
- 9.31 In addition, the applicants have provided further information for background purposes which demonstrates that the Practitioners have undertaken a comprehensive review of alternative sites, before opting for the proposed site. Buntingford Fire Station, the Library, the Cricket Field, Edwinstree School, the Nevetts site as well as other parcels of privately owned land around Buntingford, including the turning circle on the Redrow estate have all been considered.
- 9.32 However, the sites considered are either not suitable, available or viable. In addition, the Practitioners considered that there would be significant doubts that these sites could be developed within a sufficient timescale to accommodate the medical practice requirements.
- 9.33 It is considered by officers that the Applicant has provided sufficient information (sourced from the Medical Practice) to evidence the reasons why these alternative sites have been discounted. Although it should be noted that officers attach only limited weight to this information as the Policy does not require a sequential form of assessment to demonstrate compliance with relevant policies.
- 9.34 Comments from the NHS ICB are also noted. The ICB have noted the need for expanded healthcare provision in Buntingford but have raised concern over the timing and engagement by the applicants as part of

the development proposals, as well as concern regarding the size of the site and level of car parking.

- 9.35 In order to achieve NHS funding, it will be necessary for the proposals to receive the necessary approvals as part of the NHS ICBs own processes. However, NHS approval processes are based on a separate set of financial / operational considerations and are separate from the planning application process. In addition, officers are not clear at this stage whether NHS ICB concerns could be overcome by the applicants / Buntingford Medical Practice, following the determination of this planning application.
- 9.36 Officers consider that assessment of acceptability of the medical centre proposals as part of the planning application should be based on District Plan policies and other relevant planning policy including the NPPF. It is noted above that the proposals are in accordance with policy CFLR9 with regard to healthcare provision and an assessment of the medical centre against relevant transport and design policies is provided below. As such officers do not consider that the NHS ICB comments would alter officers' assessment against relevant planning policies or represent a reason to refuse the application.
- 9.37 However, officers acknowledge that NHS ICB support for the proposals at this stage would increase the likelihood that the proposals can achieve any required approvals for NHS funding. This would increase the likelihood of future delivery and future operation of the proposed Medical Centre building. As such, the lack of NHS ICB support at this stage increases uncertainty around delivery and funding. This could be a factor in how much positive weight is attributed to the medical centre as part of the overall planning balance. This is discussed in the planning balance section below.

### **Transport**

- 9.38 Sustainability / accessibility: Policy TRA1 states that to achieve accessibility improvements and promotion of sustainable transport in the district, development proposals should: primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction; Ensure that a range of sustainable transport options are available to occupants, including improvement of pedestrian links, cycle paths, passenger transport network (including bus and/or rail facilities) and community transport initiatives; ensure that site layouts prioritise walking, cycling and, where

appropriate, passenger transport; allow for the early implementation of sustainable travel infrastructure; protect existing rights of way.

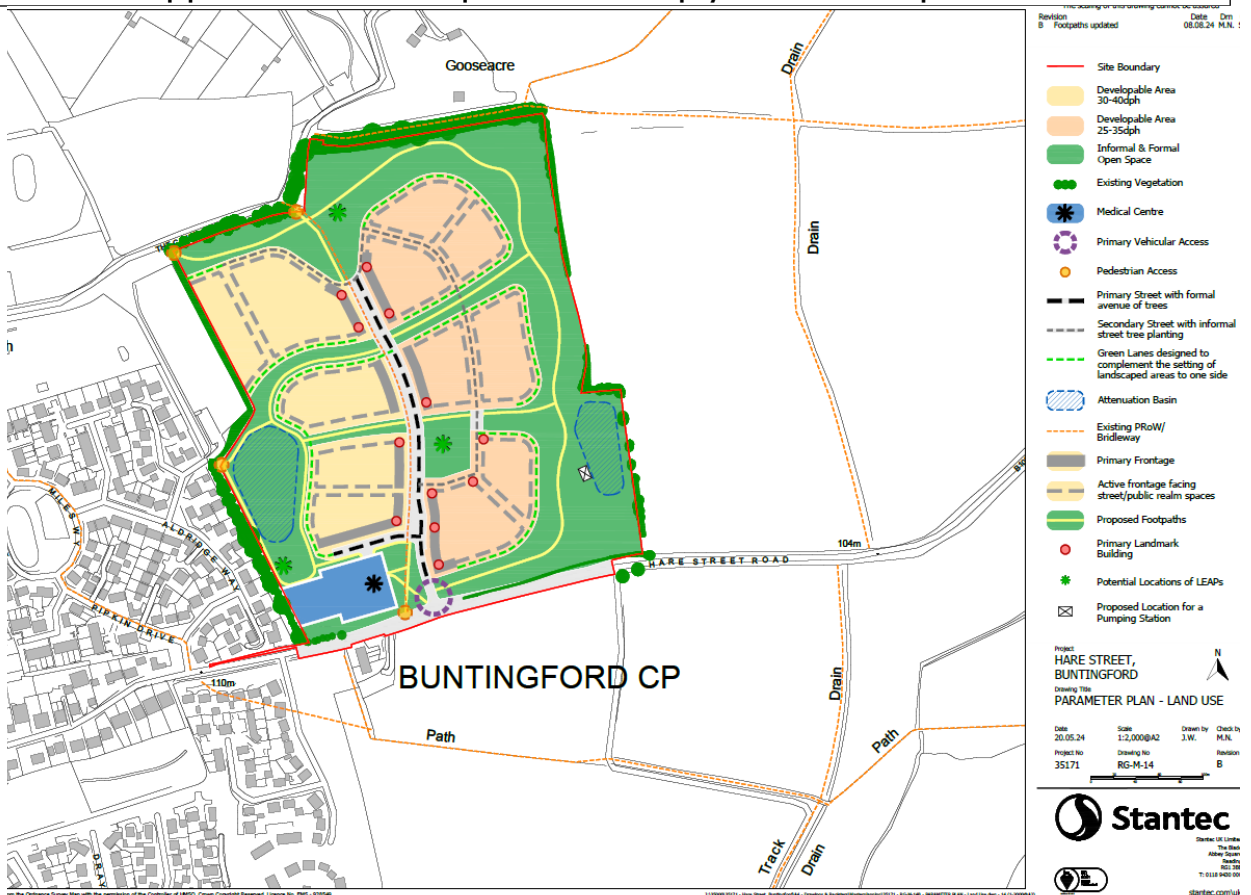
- 9.39 The applicant's transport Assessment (TA) adopts a 'vision and validate' approach as recommended by the Highway Authority in order to set targets for trips by sustainable modes, with a DfT target for 50% of journeys in towns and cities to be walked or cycled. The TA notes that although there are a range of shops and services within a walkable or cyclable distance from the site (1600m walking distance or 8km cycle distance), given the limited scale of Buntingford and services within the town, it is not reasonable to target a reduction in car journeys from 83% of trips (as currently surveyed in the recent adjacent development) to 50%. Instead, the TA sets a target for an increase in trips by sustainable modes from a fifth to a third.
- 9.40 In order to achieve the proposed increase in trips by sustainable modes a range of measures are proposed, including: off carriageway cycle lane adjacent to Hare Street Road, from Pipkin Drive heading westward to the site; provision of a 3m wide footway / cycleway within the site along Hare Street Road to connect to the medical centre and main site entrance; uncontrolled pedestrian crossing with refuge across Hare Street Road; new bus stops on north and south side Hare Street Road to serve the development with associated financial contributions towards bus improvements; new pedestrian / cycle connections to Howard Lane to the west and the Causeway to the north; new pedestrian and cycle routes within the development. It should be noted that additional information has been submitted during the application to demonstrate improved pedestrian connections along Hare Street Road, as well as the design of the main vehicle pedestrian entrance into the site.
- 9.41 The Highway Authority initially raised concerns regarding the design of pedestrian and cycle access to the site; the design of the site vehicle entrance and that insufficient information had been provided to consider potential improvements to wider connections into the town, and how high-quality pedestrian links could be provided. This was due to the fact that no footway was proposed along the northern site of Hare Street Road connecting from Pipkin Drive to the site entrance. However, following submission of additional information with an improved pedestrian / cycle access along Hare Street Road, their objections have been withdrawn. Although concerns remain that the proposed footpath, although predominantly 1.8m in width would reduce to 1.5m at one point outside of the application site. Full details of the design of this

footway would be secured as part of a S278 agreement between the applicant and the highway authority.

9.42 In addition, the highway authority has noted that cycle routes from the site to Buntingford Town Centre are via busy roads (Hare St Road) or unnecessarily long (The Causeway). As such financial contributions towards sustainable transport improvements (as specified in the Highways Officer comments) are necessary to improve provision in the town in the longer term.

9.43 A number of cycle pedestrian linkages are proposed through the application site. The existing Public Right of Way (Bridleway) which runs northwards from Hare Street Road to the Causeway is retained and will be located at the side of the main spine route within the development. A condition is requested by the highway authority to secure details of the bridleway within the development to ensure it is suitable for a full range of users including horse riders. A series of east west routes run through the site, as well as footpaths through the areas of open space with the eastern and northern edges of the development. The parameter plan below illustrates the routes within the site and connections to the wider area:

Above: Submitted parameter plan RG-M-14 RevB. Future reserved matters applications are required to comply with these parameters.



- 9.44 Officers are also mindful of Planning Inspector comments in relation to the appeal on the site at land east of the A10, Buntingford at paras 8-13 of the Decision Notice. Para 8 states: "*Buntingford is identified as being a small town located at the centre of a large rural area in the northern half of the district. It functions as a rural service centre for outlying villages in the north of the district. The District Plan identifies that the town has an extensive range of services and facilities that serve the day to day needs of residents. The Council accepts that the development would be accessible to those services and facilities.*
- 9.45 Para 9 states: "*Residents of the new development, along with existing residents of the town however would be required to travel to larger nearby towns for comparison shopping trips which is why Buntingford is regarded as a Minor Town Centre*".
- 9.46 Para 10 states: "*Buntingford is not served by a railway. Bus service connections to other settlements are limited and as such there is a reliance on the private car to access larger nearby settlements for employment and leisure. The Council identified that in the 2021 census 34% of residents travel over 10km to work. However, the extent to which the development of the proposed 350 dwellings would exacerbate the mis-match between housing, employment, retail, community facilities and infrastructure would be tempered to some extent by the proposed employment and retail elements of the scheme*".
- 9.47 Para 11 states: "*The scheme also proposes a financial contribution to the Highways Authority who has indicated that it would be used to upgrade an existing bus service serving the town and wider area. This would supplement an on-demand bus service introduced in 2021 and extend the options available to residents to travel via public transport to major towns and rail connections for onward journeys*".
- 9.48 Para 12 states: "*Interested parties have raised concerns about the ability of services and facilities such as doctors surgeries, dentists and schools to accommodate additional development. The concern raised by residents is noted but it is for the service providers to manage the provision and the scheme seeks to manage the impact through the planning obligations. I return to this matter later in my decision*".
- 9.49 Para 13 states: "*In conclusion, the development would conflict with Policies DPS2 and GRB2 of the District Plan because it would not be in a location that aligns with the spatial strategy of the District Plan in terms of accessibility. It would also conflict with the part of Policy TRA1 of the*



*District Plan that identifies that development should primarily be located in places that enable sustainable journeys to be made to key services and facilities. However, the conflict is reduced because of the day-to-day services and facilities that are available in the town and because some economic and retail opportunities are proposed as part of the scheme and the proposed measures to improve public transport provision. For those reasons I give conflict with the policies moderate weight”.*

- 9.50 Officers consider that the application site has significant similarities to the appeal application in terms of its distance from Buntingford Town centre and accessibility to associated shops and services. Refusal of the application on the grounds of sustainability / accessibility would therefore be unlikely to be defensible reason for refusal in the event of a planning appeal, particularly without credible and robust evidence of harm, verified by the Highways Authority and Active Travel England.
- 9.51 It is notable that the Highway Authority have stated that subject to the transport measures identified above, the proposals would be acceptable in transport terms and be sufficiently accessible by a variety of sustainable transport modes. Given the above, officers consider that the proposals would accord with the requirements of policy TRA1.
- 9.52 Transport Impact: Policy TRA2 states that Development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should: (a) Be acceptable in highway safety terms; (b) Not result in any severe residual cumulative impact; and (c) Not have a significant detrimental effect on the character of the local environment.
- 9.53 The traffic impact of the development has also been assessed within the Transport Assessment submitted with the application. Potential trip generation has been assessed following surveys from Pipkin Drive within the adjacent development to the west. The proposed dwellings are forecast to generate 96 two-way vehicle movements in the am peak and 108 in the pm peak. The medical centre is forecast to generate 38 two-way vehicle movements in the am peak, and 30 in the pm peak. This is a worse case assessment as it assumes no connection / duplication between residential and medical centre trips. The 'vision' based measures identified above are anticipated to result in a reduction in forecast single occupancy vehicle trips of 17% although this is not taken into account in the traffic impact assessment.

- 9.54 The impact of these proposed additional trips upon nearby junctions including the site access, Hare Street Road / Station Road / High Street, and other junctions with the A10 has been assessed, taking into account other relevant consented developments. Junction modelling considers that all on and off-site junctions (with the exception of the Hare Street, Station Road, High Street junction) will operate within capacity with minimal queuing at peak times on and off-site junctions.
- 9.55 The Hare Street Road, Station Road, High Street junction is anticipated to experience greater pressure and moderate queuing at peak times (up to 8 vehicles) but would still operate within capacity, with impact on the junction not considered to be severe.
- 9.56 The proposed highway access from Hare Street Road has been subject to a Road Safety Audit and the entrance design revised as part of the package of additional information submitted. An additional 37 passengers from the development are anticipated to use bus services at peak times, which can be accommodated by additional services, with some financial contributions towards bus service improvements provided by the development.
- 9.57 The highway authority note that transport impacts are generally acceptable, although they note the Hare Street Road, Station Road, High Street junction would approach capacity. As such mitigation measures are noted of being of importance in achieving the reduction the 17% reduction in vehicle trips envisioned in the Transport Assessment. The following mitigation measures are sought by the highway authority: travel plan; financial contribution of £800,000 (over 5 years) towards improvements to bus service 386 to Bishop Stortford; £250,000 towards Herts Lynx on demand service; sustainable travel contribution of £1,365,000 towards measures such as Project Phoenix shared space, 20mph zones, A10 roundabout improvement, town centre one way system.
- 9.58 Officers note that these contributions will be sought as part of the S106 and S278 legal agreements associated with the application. Subject to these legal agreements officers consider that the transport impacts of the proposals can be fully mitigated in accordance with policy TRA2.
- 9.59 Car / cycle parking: Policy TRA3 states that vehicle parking provision will be assessed on a site-specific basis and should consider the provisions of the District Council's currently adopted Supplementary

Planning Document on vehicle parking. This includes requirements for secure covered, cycle parking.

- 9.60 The Car parking SPD seeks a minimum of 3 spaces per consulting room and one space per employee for new medical facilities. The proposed medical centre comprises 7 consulting rooms and an estimated 42 employees (although they will not all be onsite simultaneously). Full details of car parking for medical centre have been submitted comprising 28 staff parking spaces, 32 patient car parking spaces and 2 visitor drop off spaces. This provision includes 2 disabled spaces and three parent and child spaces. With a total provision of 60 spaces this would be broadly in accordance with the requirements of the SPD.
- 9.61 The ICB comments which seek a lower level of car parking are noted. However, it is understood that this is due to NHS financial considerations, rather than a transport needs-based assessment of the proposals. Proposed car parking provision for the medical centre only just meets the requirements of the SPD and as such any further reduction in car parking would conflict with the Councils car parking SPD requirements.
- 9.62 11 cycle parking spaces are proposed in a secure, covered, and lit enclosure. It is noted that the location of the cycle enclosure has been revised so that it is better surveyed and more convenient for users. As such the proposed provision would accord with SPD requirements of 1 space per consulting room, and 1 space per 10 staff on duty at one time. A condition is proposed requiring details of the cycle enclosure to be submitted for approval to ensure its design is fit for purpose.
- 9.63 No details of car or cycle parking have been submitted for the proposed dwellings. However, this element of the proposals has been submitted in outline only and as such full details of these elements will be required to be submitted as reserved matters. In addition, the proposed Design Code which will be secured by condition (see design section below) will include information with regard to design principles for residential car and cycle parking. As such the proposed car parking provision is considered to accord with policy TRA3.

### **Urban Design / Architecture / Landscape proposals**

- 9.9 *Master planning process:* Policy DES1 of the DP requires that all significant proposals will be required to prepare a Masterplan setting out the quantum and distribution of land uses, sustainable high quality

design and layout principles, necessary infrastructure, the relationship between the site and adjacent land uses, landscape and heritage assets and other relevant matters. The Masterplan should be prepared collaboratively with the Council, town and parish councils and other relevant stakeholders including a public consultation process.

- 9.10 As the application site is not allocated within district plan, a formal masterplan process, with establishment of a steering group and eventual adoption by the Council of a Masterplan Framework has not been undertaken. However, a number of the steps within this process have been undertaken by the applicant. The proposals have been subject to public consultation events at the pre-application stage. The proposals were also subject to a review process by the Hertfordshire Design Review Panel, at the pre-application stage. The design of the Medical Centre, the illustrative masterplan, and parameter plans have evolved because of this process. Most recently the application proposals were discussed at the Development Management Forum. As such officers consider that several of the key design development stages as envisaged by policy DES1 have been undertaken.
- 9.11 *Urban design (whole site):* Policy DES4 states that All development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals are expected to: (a) Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area; (b) Incorporate homes, buildings and neighbourhoods that are flexible to future adaptation; (c) Avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land; (d) Incorporate high quality innovative design, new technologies and construction techniques, and make appropriate provision for high speed broadband connectivity, (e) Make provision for the storage of bins and ancillary household equipment, including electric vehicle charging points; (f) All new residential developments should meet the requirements of Policy HOU7, and ensure all internal rooms are of an appropriate size and dimensions; II. Proposals must not prejudice the development opportunities of surrounding sites; III. Development proposals which create new or have a significant impact on the public realm should: (a) Maximise legibility and accessibility of the public realm through the layout of buildings, landmarks, use of colour, landscaping, paving, high quality public art, street furniture and legible signposting, (b) Maximise opportunities for urban greening, (c) Avoid creating 'left-over' spaces with no clear purpose or function; (d) Ensure that long-term maintenance and

management arrangements are in place for the public realm as appropriate; (e) Engage the Hertfordshire Design Review Panel as part of the Pre-application stage and throughout the Development Management process.

- 9.12 The parameter plans and illustrative masterplan for the site comprise a main vehicle pedestrian entrance to the site from Hare Street Road. The medical centre as an important community building is located in a prominent position adjacent to Hare Street Road, and the site entrance. The medical centre has been designed to provide an attractive active frontage facing a public square at the frontage of the site. A main tree lined street runs in a northerly direction adjacent to the retained existing bridleway. A series of perimeter blocks are located to the east and west of this route, intersected by green corridors and a 'village green' open space at the centre of the development. Areas of open space are located at the northern and eastern periphery of the site adjacent to the surrounding agricultural fields.
- 9.13 The illustrative masterplan and the design of the medical centre has evolved following the Design Review Panel debate and is now considered to provide an appropriate design response to the site. The proposed public square at the site entrance would be framed by the active frontage of the medical centre and provide an attractive arrival experience into the development from the site entrance / bridleway. The proposed blocks and street types would retain a sense of informality and diversity of different character areas. The proposed perimeter blocks would provide a high degree of permeability with potential for more intimate, less car dominated streets away from the main route through the development. Pedestrian / cycle linkages would also be provided to the west (Aldridge Way) and north (Causeway). The proposed drainage basins on the east and west sides of the development are intended to be of shallow design with limited requirement for protective fencing, well integrated into the proposals and would provide attractive natural features. In addition, a series of green corridor spaces have been extended in an east west development linking the rural eastern edge of the site with the town edge to the west.



Above: Submitted Illustrative layout plan (this is illustrative only, as the layout is subject to future reserved matters applications).

- 9.14 The Design Review Panel raised several queries regarding the detailed design and character of the streets, spaces, footpaths / cycle routes, such as the village green, and the built edge of the eastern edge of the development, facing the proposed open spaces. Full details of these elements will be provided as part of a design code (secured by condition) and subsequent submission of reserved matters. Subject to these conditions the proposed parameter plans are considered to establish a high-quality design response for the site in accordance with policy DES4.
- 9.15 *Medical Centre Architectural approach:* The medical centre has been designed as an important community building which is visible at the entrance to the site and from Hare Street Road. The architectural concept for the building is as a contemporary interpretation of a large-scale agricultural barn type building, with pitched roof form, metal clad upper storey and a projecting lower height wing. A double height reception area and associated full height glazing would face the public square to the east helping to activate this space and create a welcoming entrance into the medical centre. The building is part single, part 2 storey in scale with reception area, consulting / treatment / phlebotomy

rooms at ground floor level. Some larger office / meeting / training rooms are located at first floor level.

- 9.16 The design of the building has evolved as part of the design review process. The panel supported the barn vernacular design approach, but questioned whether the building should be celebrated further as a community feature and have more prominence when viewed from Hare Street Road. As such the design has been revised with the projecting wing increased in height (although it would still be lower in height than the main part of the proposed building), and some glazing introduced to southern elevation. These changes have increased its prominence in street views from the south.
- 9.17 Officers consider that the proposed medical centre would provide a well-designed, fit for purpose medical centre building, which would also form an attractive, welcoming feature at the entrance to the site, and from street views, in accordance with policy DES4.
- 9.14 *Proposed landscaping; open / green space provision:* Policy DES3 states that development proposals must demonstrate how they will retain, protect, and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure that there is no net loss of such features. II. Where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site.
- 9.15 The Councils Planning Contributions SPD sets out requirements for provision of communal parks / gardens / amenity green space (14,000sqm per 1000 residents), children's play space (2500sqm per 1000 residents), natural / semi natural green space (32,000sqm per 1000 residents) and allotments (3000sqm per 1000 residents) as part of new development, based on average number of occupiers per dwelling (2.32).
- 9.16 The application proposals retain existing trees and hedgerows along the northern and eastern site boundaries, although some trees and hedgerows are proposed for removal near the site entrance and the southern boundary of the medical centre with Hare Street Road. The proposed parameter plan includes extensive areas of formal / informal open space on the northern and eastern sides of the development, along with green corridors through the site, village green and public square at the site entrance, and street tree planting along primary streets.

- 9.17 The illustrative landscape plan suggests that these spaces could accommodate a range of landscape features including children's play areas, wildflower meadows, bulb and shrub planting, and new tree planting. Details of landscaping in these parts of the site are subject to future reserved matters submissions, and detailed requirements within the Design Code required by condition.
- 9.18 In addition, detailed planting plans have been submitted for the areas of the site surrounding the medical centre, and the western drainage basin, which will be delivered alongside the medical centre. Details comprise a variety of planting, including reed bed / semi aquatic planting around the proposed drainage basin. New tree and hedge planting is also proposed surrounding the medical centre, including new trees and hedge planting along the southern boundary with Hare Street Road and the northern boundary of the medical centre car park. Tree planting is also proposed within the medical centre car park and lawn areas and tree planting in the public square at the entrance to the medical centre. However, it is noted that these landscape drawings have not been updated to take into account the change in design of the car park area to relocate the cycle storage. Further conditions are therefore proposed to secure updated landscaping details, delivery and ongoing management of this element of the proposals.
- 9.19 Subject to the above conditions and reserved matters the proposed landscaping is considered to respond to the site context, retain landscape features where possible and include new landscape features which would mitigate and enhance the appearance of the development in accordance with policy DES3.
- 9.20 The amount of the site comprising open space (inclusive of the drainage attenuation basins) is 6.17ha (61,700sqm), out of a total site area of 13.34ha. The Planning Contributions SPD requirements for children's play space, parks / gardens / amenity open space, natural / semi natural space, and allotments for a development of this size (200 dwellings / 464 occupiers) would be 23,896sqm. As such the proposals include enough space to meet the above requirements.
- 9.21 The precise areas of the site which are designed and provided to meet these different open space requirements will be established following submission of future reserved matters submissions, and it will be necessary at this point to ensure sufficient space is provided to meet separate requirements for the different types of space. However, given the above surplus of available open space within the development it is



considered that future reserved matters applications would be able to meet the standards within the Councils SPD.

### **Landscape / visual impacts**

- 9.22 Policy DES2 states that "*Development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape...Appropriate mitigation measures will be taken into account when considering the effect of development on landscape character/landscaping...Where relevant, development proposals will have regard to the District Council's currently adopted Landscape Character Assessment Supplementary Planning Document*".
- 9.23 Buntingford Community Area Neighbourhood Plan (BCANP) policy ES1 states that "*Development proposals should be appropriate to and maintain the Rib Valley setting of the BCA. Development on the fringes of Buntingford which extends on to the higher ground surrounding the Rib Valley could have a harmful effect on the landscape of this area and parts of the Cherry Green Arable and Wyddial Plateaux*".
- 9.24 BCANP policy HD2 states that "*All new housing developments should be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding countryside. All development proposals should demonstrate how they conserve, enhance or strengthen the character and distinctive features of the BCA landscape. Where appropriate, a Landscape and Visual Impact Assessment should be provided to ensure that impacts, mitigation and enhancement opportunities are appropriately addressed*".
- 9.25 A landscape Visual Impact Assessment (LVIA) has been submitted with the application which assesses the landscape context of the site as well as the visual impact of the proposals in the shorter to longer term. The LVIA notes the areas characterisation within the East Herts Landscape Character SPD as being within the Wyddial Plateau Character Area: "*The character area comprises an elevated arable landscape with extensive views over a gently undulating plateau. There is a moderately strong historic character to the north resulting from the winding lanes, retained field patterns, and scattered woodland cover while to the south the character is more open. Settlement typically comprises isolated farms and occasional cottage groups. The most distinctive areas are located near the larger houses including Alswick and at Wyddial where the hall and core of the village retain an important focus. The major detractors*

*are the high voltage electricity cables and pylons that dwarf local features on the plateau and the Sainsbury's warehouse at Buntingford".*

- 9.26 The LVIA identifies a number of potential viewpoints of the site from public footpaths and public highway, for which the proposals would have an adverse visual impact, particularly in some closer range views from Hare Street Road to the south and further to the east. Impacts from these viewpoints range from 'major' or 'moderate' to major adverse' in the worst case at year 1. However, the LVIA considers that visual impacts would reduce by year 15 of the development to 'minor' or minor to moderate adverse. This is due to several mitigation measures within the proposals. The developable areas within the parameter plan are pulled away from the eastern boundary of the site, with areas of higher density development located on the western side of the site adjacent to the existing built-up edge of Buntingford. Lower density development is proposed on the eastern side of the site closer to the adjacent agricultural fields. In addition, the eastern part of the site will feature new landscaping and tree planting which will soften the visual impact of the proposals over time.
- 9.27 The Councils landscape officer considers that the conclusions of the LVIA are sound and considers that there would be some adverse visual impact upon the landscape from the proposals, particularly in the short term. As such the proposals would result in some conflict with policy DES2, albeit this would be mitigated to some extent by the design of the development and the proposed landscaping strategy. This adverse visual impact and conflict with District Plan policy DES2, and BCANP policies ES1 and HD2 will need to be considered as part of the proposals overall planning balance.

### **Impact on heritage assets / Archaeology**

- 9.28 *Impact on above ground heritage assets:* District Plan Policy HA1 states that development proposals should preserve and where appropriate enhance the historic environment...proposals that would lead to substantial harm to the significance of a designated heritage asset will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Less than substantial harm should be weighed against the public benefits of the proposal.
- 9.29 A heritage Statement has been submitted with the application which identifies the heritage assets potentially affected by the proposals to be

the grade II\* listed Church of St Bartholomew located around 200m to the north of the site, and grade II listed Alswick Hall, located around 500m to the south east. The submitted statement considers that there would be no harm to the Church of St Bartholomew given the intervening landscaping and limited change to views of the Church Spire from the site. However, there would be some intervisibility between Alswick Hall and the application site, and an alteration in the view from the around the hall. This would arise in winter months when there would be less screening from trees. Views would be possible from upper floors of the development / Alswick Hall. This is considered to result in less than substantial harm (at the very lowest end of the harm spectrum) to this heritage asset.

- 9.30 As noted in within conservation / design officer comments, officers accept the conclusions of the Heritage Statement that there would be some less than substantial harm (at the lowest end of the harm spectrum) to Alswick Hall as a result of the proposals. A full balancing exercise regarding public benefits which could outweigh this harm (as noted in policy HA1) is undertaken towards the end of this committee report.
- 9.31 *Archaeology:* District Plan policy HA3 states that where a site has the potential to include heritage assets with archaeological interest (whether scheduled or unscheduled), applicants should submit an appropriate desk based assessment and, where necessary, the results of a field evaluation...where development is permitted on sites containing archaeological remains, planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the subsequent storage and display of material.
- 9.32 A desk-based Archaeology Assessment has been submitted with the application, which noted that neolithic, iron age and roman period activity on the adjoining site to the west, with potential for this activity to have continued into the application site. As such further survey and evaluation of the site is recommended to establish if this is the case. HCC's Archaeology advisor has recommended that a planning condition is attached securing a scheme of further evaluation. Subject to recommended conditions the proposals would accord with policy HA3.

## **Drainage**

- 9.33 Policy WAT1 of the District Plan states that development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people or property on site and to neighbouring land or further downstream. Policy WAT3 of the District Plan states that development proposals will be required to preserve or enhance the water environment.
- 9.34 *Surface Water Drainage*: Some areas of the site have low to medium risk of flooding within the Environment Agency surface water flooding mapping system, where they form drainage channels to the east and west. The submitted drainage strategy includes measures for dealing with surface water drainage. The site comprises two drainage catchment areas with the west side of the site draining downhill to the west towards the River Rib, and the eastern part of the site draining eastwards towards existing watercourses. The proposed drainage strategy proposes that the two parts of the site will be drained to two onsite drainage basins, with sufficient storage capacity to manage a 1 in 100-year rainfall event. The western basin will then drain into the existing drainage network within the recent housing development to west before discharging to the River Rib. The eastern basin will connect beneath adjacent agricultural fields (which are within the applicant's control), before discharging into a watercourse.
- 9.35 The submitted details have been reviewed by the LLFA who initially raised concerns around the lack of information available to demonstrate that the existing drainage network to the west had capacity to accommodate surface water discharge from the development, and that a connection from the eastern basin to the nearest watercourse was achievable. The applicants have submitted additional information to address these concerns, and an updated response from the LLFA has confirmed that their initial objection has been removed.
- 9.36 However, the LLFA response raises a concern that there around the limited information available with regard to the capacity within the drainage system within the adjacent development to the west to accommodate the potential drainage flow rates from the western drainage catchment from the site. Several conditions are recommended in the LLFA response which could address these concerns. Subject to these measures being secured, officers consider that surface water drainage proposals would adequately manage flood risk and would accord with policy WAT1.

- 9.37 *Foul water drainage:* Foul water drainage from the proposed medical centre and dwellings will be discharged to existing public network and from there to existing Thames Water treatment facilities. Concerns are noted, including from Buntingford Town Council regarding capacity of wastewater treatment facilities to manage any increased demand. However, Thames Water have commented that they have no objection to the application proposals, and in separate correspondence Thames Water have confirmed to the applicants that there is currently sufficient wastewater drainage capacity to serve the development.
- 9.38 In addition, separate legislation requires that water companies such as Thames Water have a duty to accept connections from new developments to the wastewater drainage network, but water companies can require developers to make contributions to increase capacity if required. A condition is proposed requiring liaison between the applicant and Thames Water regarding any mitigation measures if required. As such officers do not consider that foul drainage strategy is acceptable and that there are any grounds for refusal of the planning application in relation to this issue.

### **Ecology / biodiversity**

- 9.39 Policies NE1 and NE3 of the District Plan state that proposals should not result in detrimental impacts to biodiversity and should seek to enhance biodiversity and create opportunities for wildlife. Policy NE2 of the District Plan outlines that all proposals should achieve a net gain in biodiversity (BNG). The Environment Act 2021 requires that new developments achieve a minimum BNG of 10%.
- 9.40 The applicants submitted Ecology Report states that the existing site baseline conditions comprise arable land of limited ecological value. The proposed development would retain most existing features of value such as trees and hedgerows. In addition, the proposals will comprise areas of open green space which provide new habitats, such as grassland, wetland, tree and shrub planting.
- 9.41 The HCC ecology team initially raised some queries with regard to the submitted information but have now confirmed that the submitted Ecology Report and BNG metric are supported and will be secured by the Standard BNG condition demonstrating a 13% BNG. A further condition is proposed to secure biodiversity enhancements such as bird and bat boxes to the proposed buildings. As such the proposals would accord with policies NE1, NE2 and NE3 of the District Plan. Provision of areas of

open / green space alongside a BNG of 13% are considered to a benefit of limited positive weight within the planning balance.

## **Sustainability**

- 9.42 Policies CC1 and CC2 of the District Plan state that all proposals must demonstrate how the design, materials, construction, and operation of the development would minimise overheating, reduce the need for heating, integrate green infrastructure and minimise carbon dioxide emissions. Policy WAT4 of the District Plan states that development must minimise the use of mains water through water saving measures, the recycling of grey water, and reducing mains water consumption.
- 9.43 The submitted Sustainability Statements for the medical centre and residential elements of the application outline a range of sustainability measures. The medical centre is designed to achieve BREEAM 'excellent' accreditation. The BREEAM assessment requires the design of the medical centre to meet a wide range of sustainability requirements including energy efficiency and reduction of embodied carbon emissions from construction materials.
- 9.44 In addition, the proposed dwellings will be designed to be capable of meeting forthcoming 'Future Homes' Building Regulations requirements. This includes regard to the energy hierarchy with measures in the first instance to reduce carbon emissions through building fabric measures such improved insulation and air tightness. In addition, Future Homes requirements are likely to include further measures such as all electric supply of heating and hot water through Air Source Heat Pumps, smart heating controls and incorporation of photovoltaic (PV) panels to some dwellings.
- 9.45 The applicant is undertaking research on the performance of new dwellings at an alternative site, which incorporate a range of measures including PV panels, high levels of insulation, triple glazing, infrared panel heating, wastewater heat recovery, battery storage, Mechanical Ventilation Heat Recovery (MVHR), in order to establish which techniques would most effectively meet new housing performance standards. There is potential that some of the measures trialled within this project could be incorporated into the development, in order to achieve Future Homes Standards although this is uncertain at present. Further details of sustainability measures are required to be submitted at reserved matters stage.

- 9.46 Given the above measures the proposals are considered to demonstrate an acceptable response to climate change and have been developed in accordance with sustainable design principles in accordance with the requirements of policy CC1 and CC2.

### **Socio economic impacts**

- 9.47 A Health Impact Assessment (HIA) Economic Benefit Statement has been submitted with the application. The HIA considers that the proposals will have a neutral to positive health effect, through provision of new housing, healthcare facilities, and measures within the development to promote accessibility, active travel and access to nature.
- 9.48 The Economic Benefits Statement considers that during the construction phase the proposals would result in around 51 new construction jobs in connection with the medical centre, and 120 construction jobs in connection with the residential element of the proposals, with around 50% of these jobs taken by East Herts residents. An Employment Skills Plan and Social Value Strategy have also been submitted which suggest some measures the developer will incorporate to promote local employment within construction.
- 9.49 In the operational phase around 42 new employment posts could be created at the medical centre (although some posts may be relocated from the existing Medical Centre), along with new commercial expenditure from residents of the new dwellings. The economic benefits of the proposals are considered to comprise moderate positive weight within the overall planning balance.

### **Ground / air pollution**

- 9.50 *Noise*: Policy EQ2 states that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Consideration should be given to the proximity of noise sensitive uses. A Noise report has been submitted with the application which states that both the proposed medical centre and dwellings would be capable of meeting internal and external noise standards.
- 9.51 However, some mitigation measures would be required to the most southerly residential dwellings facing Hare Street Road, such as higher performing windows, with Mechanical Ventilation Heat Recovery (MVHR). Subject to a condition requiring details of mitigation measures,

the proposals are considered to provide an acceptable noise environment for future users / occupiers, in accordance with policy EQ2.

- 9.52 *Air Quality:* Policy EQ4 states that the effect of development upon air quality is a material consideration. All applications should take account of the Council's Air Quality Planning Guidance Document.
- 9.53 The applicants Air Quality Assessment considers the air quality impacts arising from the development. Construction phase air quality impacts such as dust from construction vehicles are considered medium risk. However, this issue is mitigated through a condition requiring submission of construction and logistics management plans which can ensure measures reduce dust are implemented.
- 9.54 The occupiers of the development are not considered to be at risk of adverse air quality. In addition, the proposed buildings would be air quality neutral. Whilst there would be some adverse emissions from transport arising from the development, this will be mitigated by increasing use of electric vehicles. As such the proposals are considered to accord with policy EQ4.
- 9.55 *Light pollution:* Policy EQ3 requires that external lighting schemes must not have an unacceptable adverse impact on neighbouring uses or the wider landscape. A planning condition is proposed requiring submission of lighting details and subject to these measures the proposals would not result in undue light pollution in accordance with policy EQ3.
- 9.56 *Ground contamination:* Policy EQ1 states that the remediation of contaminated land to ensure that land is brought back into use is encouraged. The Council will require evidence, as part of any application, to show that unacceptable risks from contamination and land instability will be successfully addressed through remediation without undue environmental impact.
- 9.57 The ground contamination risk assessment submitted with the application considers that the ground conditions at the site would result in a low risk to human health and controlled waters as no potential sources of significant contamination were identified. A watching brief is recommended during construction phase, so that if contamination is discovered, appropriate investigation and if required remediation is carried out. As such conditions are proposed requiring that appropriate investigation reports are undertaken for each phase. Subject to these



conditions the proposals the proposals are considered to accord with policy EQ1.

### **Infrastructure Requirements**

- 9.58 Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable using conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 9.59 A range of contributions have been requested by this Council and HCC to ensure that the infrastructure in the town can support the additional residents arising from the proposals:

#### **HCC Growth and Infrastructure**

- Contribution towards first school provision (£2,428,211 (which includes land costs of £192,448) index linked to BCIS 1Q2022)
- Contribution towards expansion of Edwinstree Middle School and/or provision serving the development (£1,461,829 index linked to BCIS 1Q2022)
- Contribution towards expansion of Freman College and/or provision serving the development (£1,823,505 index linked to BCIS 1Q2022)
- Childcare Contribution towards a new 0-2 childcare setting in Buntingford, or increasing the capacity at Buntings Nursery, and/or provision serving the development (£16,525 index linked to BCIS 1Q2022)
- Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Buntingford First School and/or provision serving the development (£2,987 index linked to BCIS 1Q2022)
- Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£258,244 index linked to BCIS 1Q2022)
- Library Service Contribution towards increasing the capacity of Buntingford Library and/or provision serving the development (£69,100 index linked to BCIS 1Q2022)

- Youth Service Contribution towards detached youth work in Buntingford and/or provision serving the development (£43,485 index linked to BCIS 1Q2022) Waste Service Transfer Station Contribution towards the new provision at Eastern Transfer Station and/or provision serving the development (£21,084 index linked to BCIS 3Q2022)

### HCC Transport

- Travel Plan;
- Financial contribution of £800,000 (over 5 years) towards improvements to bus service 386 to Bishop Stortford;
- £250,000 towards Herts Lynx on demand service;
- Sustainable Travel contribution of £1,365,000 towards measures such as Project Phoenix shared space, 20mph zones, A10 roundabout improvement, town centre one way system;
- S278 agreement with regard to off site highway works.

### EHDC contributions

- Recycling Contribution - financial contribution required per Dwelling and calculated £72 per individual dwelling and £76 per dwelling with communal facilities (PLUS INDEXATION from Oct 2008 to be added)
- Allotments contribution of £35,371.00, payable on identified Occupation triggers & RPI Indexed from May 2020.
- Buntingford Community Transport Scheme (BCAT) Contribution - financial contribution based on a maximum of 200 Dwellings = £100,000 payable on identified Occupation triggers & RPI Indexed from date of resolution.
- Community Centres & Village Hall contribution - financial contribution based on a maximum of 200 Dwellings = £138,574.00 – “towards the provision of facilities, improvements, and maintenance of the Seth Ward Community Centre and/or other community centre, facilities within Buntingford including Norfolk Road Sports Pavilion, payable on identified Occupation triggers & RPI Indexed from May 2020.
- Fitness Gyms Contribution - financial contribution based on a maximum of 200 Dwellings = £50,877.00 - for Fitness gym provision & improvements – “towards the costs of provision of facilities, improvements, and maintenance to the fitness gym space(s) at Grange Paddocks Leisure Centre and/or other community halls in the vicinity of Buntingford providing indoor

fitness gym facilities as used by the residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.

- Studio Space Contribution - financial contribution based on a maximum of 200 Dwellings = £21,017.00 – "towards the costs of provision of facilities, improvements, and maintenance to the studio space(s) at Grange Paddocks Leisure Centre and/or other community halls in the vicinity of Buntingford providing indoor sports and fitness facilities as used by the residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.
- Swimming Pool Contribution - financial contribution based on a maximum of 200 Dwellings = £117,069.00 - "towards the provision of facilities, improvements, and maintenance of the swimming pool facilities Grange Paddocks Leisure Centre and/or at the Ward Freman Pool (if applicable) as used by the residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020
- Bowls Contribution - financial contribution based on a maximum of 200 Dwellings = £48,170.00 - "Towards the costs of provision, improvement and maintenance of Bowls Club facilities including bowling green and clubhouse at Buntingford Bowls Club and/ or any other local Bowls Club (including indoor bowls) as used by residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.
- Outdoor Tennis Contribution – financial contribution based on a maximum of 200 Dwellings = £33,000.00 – "Towards the costs of provision, improvement, and maintenance of the outdoor tennis courts facilities at Ward Freman pool and/or the MUGA at Norfolk Road Playing Fields and/or other facilities as used by residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.
- Playing Pitches Contribution – financial contribution based on a maximum of 200 Dwellings = £104,719.00 (amount based on Sport England calculations for grass pitches) – "Towards the costs of provision of facilities, improvements, and maintenance of the playing pitches at Luyne's Rise Recreation Area and/or towards proposed public playing pitches as outlined in the Buntingford Community Area Neighbourhood Plan 2014-2031 as used by the residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.
- Sports Hall Contribution - financial contribution based on a maximum of 200 Dwellings = £114,481.00 - "Towards the costs

of provision of facilities, improvements, and maintenance of the Norfolk Road Sports Pavilion and/or other community sports halls including indoor sports provision at the Seth Ward Community Centre as used by the residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.

#### NHS Healthcare

- Financial contribution to mitigate the primary health care impacts arising from new housing development of £352,600.00 (would be required only in the event that medical centre not delivered prior to housing).

#### Non Financial obligations

- Affordable Housing: Provision of affordable housing comprising 40% of total residential units, in accordance with unit mix for each phase secured by condition.
- Provision of a minimum of 5 self-build dwellings.
- Details of longer-term stewardship, maintenance and managements
- Off site highway improvement works (likely covered by separate S278 agreement with highway authority)

#### S106 Monitoring fees

EHDC Monitoring fee: £4,200.00 (14 EHDC obligations x £300 + £300)

HCC Monitoring fee

9.60 All the above contributions are proposed to be secured by heads of terms within the legal agreement. In accordance with policies DEL1, DEL2 and DEL3 of the East Herts Local Plan (2018)

#### **Other Matters**

9.61 Some public comments raising some concerns, not addressed within the sections above are considered below:

9.62 Potential increase in crime: Some comments are noted that the new housing development would increase crime rates within Buntingford. The Planning Inspector considered this issue within the appeal decision on the site at land on the east side of the A10, Buntingford, and noted that there was no evidence to suggest that new housing development would increase incidents of crime within the town.

- 9.63 The submitted parameter plan and design principles within the design and access statement indicate the proposals will incorporate a series of connected streets, with new housing fronting onto these spaces providing natural surveillance, and clear and attractively designed boundaries between public and private spaces. These design principles would help to reduce potential for crime and can be further secured through the design code condition, and future reserved matters submissions. Separate conditions are also proposed with regard to lighting, and the design of pedestrian linkages into the site. Subject to these measures the proposals are not considered likely to result in increased crime, in accordance with policy DES5.
- 9.64 Reduction in house prices: Concerns are noted that the proposals could reduce local house prices. The impact of the application on local house prices is not a material planning consideration, although the impact of the proposals upon the amenity of neighbouring properties in terms of issues such as daylight, sunlight and overlooking are relevant.
- 9.65 In this case the development parcels within the parameter plan, as well as the footprint of the medical centre are set well away from the boundary with the nearest dwellings to the west. As such the proposals would not result in any undue adverse impacts upon the amenity of neighbouring properties in accordance with policy DES4.
- 9.66 Increased demand for water supply from new housing: Concerns are noted that the proposals would result in increased demand for water supply, and increased pressure on the Chilton Aquifer. The relevant water company for the area (Affinity Water) has a legal duty under separate legislation to supply water to new housing development and is required to prepare and submit a Water resources Management Plan (WRMP) to the governments water regulator (ofwat) to show how water can be provided for existing and new development, without resulting in undue adverse environmental impacts. WRMPs are required to consider forecast housing growth as part of development plans of local planning authorities in their area.
- 9.67 As such issues around water supply are predominantly considered as part of separate legislation and at the strategic plan making level. The principle of the proposed development in relation to the District Plan, and its housing supply aspirations are discussed above. If any water supply infrastructure upgrades are required to supply the development, these can be requested by Affinity Water, in separate discussions with the applicant.

## **10 Planning Balance and Conclusion**

- 10.1 The report provides a comprehensive officer consideration of the Outline planning application and its supporting documentation, including the further/additional information submitted and any representations received. The report has considered the proposals in light-of the adopted development plan policies and other material considerations or representations relevant to the environmental effects of the proposals.
- 10.2 In addition, regard needs to be given to the 'titled balance' and 'the presumption in favour of sustainable development', which is currently engaged in the decision-making process, as the Council are currently unable to demonstrate a five-year housing land supply. Paragraph 11(d) of the NPPF states that for decision taking this means: (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.3 The NPPF explains that, due to the lack of a five-year housing land supply, the policies relating to the provision of housing should be viewed as out-of-date.
- 10.4 In terms of paragraph 11(d)(i), the NPPF defines 'areas or assets of particular importance' as: habitat sites, Sites of Special Scientific Interest, Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. None of these listed areas or assets would be adversely impacted by the development.
- 10.5 Paragraph 11(d)(ii) requires a balancing exercise to be undertaken to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
- 10.6 As noted above the proposed scheme would give rise to a number of benefits, which range from limited to significant and when taken cumulatively, would attract significant positive weight in favour of the

proposal. However, some adverse impacts and conflict with development plan policies have also been noted (which range from limited to significant and cumulatively attract moderate adverse weight). Both these positive and negative impacts are set out in the table below. Planning considerations not listed in the table below are of neutral value:

| <b>Planning issue</b>   | <b>Positive weight</b>      | <b>Negative weight</b> |
|---|-----------------------------|------------------------|
| Provision of around 200 new dwellings contributing towards the Councils 5YHLS.  | Significant positive weight |                        |
| 40% of new dwellings to be affordable (25% Affordable ownership / 75% rent)   | Significant positive weight |                        |
| Provision of Self/Custom Build Housing x 5 plots  | Significant positive weight |                        |
| Provision of new fit for purpose medical centre   | Significant positive weight |                        |
| Financial contributions towards community and education infrastructure to meet the needs of the development                       | Limited positive weight     |                        |
| Financial contributions towards bus services and sustainable transport initiatives in the town, of benefit to the wider community | Moderate positive weight    |                        |
| Provision of new green space with a Biodiversity Net Gain of 13%  | Limited positive weight     |                        |
| Economic benefits of new employment during construction / operational phases, and increased local                                 | Moderate positive weight    |                        |

|   |  |   |
|---|--|---|
| expenditure from local residents.   |  |   |
| Conflict with development plan strategy, as they comprise large scale development in the Rural Area Beyond the Greenbelt. |  | Moderate negative weight (given parts of the development plan relevant to housing delivery should be considered out of date as required by para 11d). |
| Loss of agricultural land (grade II BMV)  |  | Limited negative weight.  |
| Adverse landscape visual impact   |  | Significant negative weight, reducing to moderate by year 15.   |
| Less than substantial harm to the setting of Alswick Hall (grade II listed)   |  | Limited negative weight.  |
| Reliance on motor vehicle and increased number of vehicle trips   |  | Moderate negative weight  |

- 10.7 Given the above assessment officers consider that public benefits of the proposal principally in terms of delivery of new housing, affordable housing, custom and self-build housing and a new medical centre are significant and would outweigh the identified adverse impacts, on balance.
- 10.8 Officers have carefully weighted the benefits and adverse impacts for this development, on the basis of the merits of the application whilst acknowledging the recent Appeal decision and the approach undertaken by the Inspector in that instance. Of particular significance is the weight applied to the District Plan and the most relevant policies DPS1, DPS2, GBR2, TRA1, DES1, DES2 and DES3. With regards to the DPS2 and GBR2 in particular, which are supply based policies and cover development within the Rural Area beyond the Green Belt, there are significant similarities which apply to both the Appeal scheme and the current application site. Therefore, Officers have applied the conflict with these policies moderate weight in the balance and this amounts to



a moderate level of harm overall, on the basis which is consistent with the approach taken by the Inspector in the Appeal scheme.

- 10.9 The Inspector considered East Herts to have less than 5 years supply of housing and that the District Plan is over 5 years old. Therefore, only moderate weight is afforded to the most important policies in the Appeal, which is considered applicable in the case of the application site. Officers consider that the proposals will result in significant adverse landscape impacts (on Year 1) but this would reduce to moderate adverse by year 15 following the landscaping assimilating with the context over time. Notwithstanding these cumulative moderate adverse impacts, officers consider that these do not amount to a sufficient level of harm to 'significantly or demonstrably' outweigh the significant cumulative benefits to arise from the development.
- 10.10 As such in accordance with the requirements of NPPF paragraph 11d the grant of planning permission is recommended, subject to the required conditions and planning obligations.

## **11 RECOMMENDATION**

- 11.1 That planning permission is GRANTED subject to the conditions/reasons and the completion of a Section 106 agreement.

### **Heads of Terms to be secured by S106 legal agreement**

#### HCC Growth and Infrastructure

- Contribution towards first school provision (£2,428,211 (which includes land costs of £192,448) index linked to BCIS 1Q2022)
- Contribution towards expansion of Edwinstree Middle School and/or provision serving the development (£1,461,829 index linked to BCIS 1Q2022)
- Contribution towards expansion of Freman College and/or provision serving the development (£1,823,505 index linked to BCIS 1Q2022)
- Childcare Contribution towards a new 0-2 childcare setting in Buntingford, or increasing the capacity at Buntings Nursery, and/or provision serving the development (£16,525 index linked to BCIS 1Q2022)
- Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Buntingford First School and/or provision serving the development (£2,987 index linked to BCIS 1Q2022)
- Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£258,244 index linked to BCIS 1Q2022)

- Library Service Contribution towards increasing the capacity of Buntingford Library and/or provision serving the development (£69,100 index linked to BCIS 1Q2022)
- Youth Service Contribution towards detached youth work in Buntingford and/or provision serving the development (£43,485 index linked to BCIS 1Q2022)
- Waste Service Transfer Station Contribution towards the new provision at Eastern Transfer Station and/or provision serving the development (£21,084 index linked to BCIS 3Q2022)

#### HCC Transport

- Travel Plan;
- financial contribution of £800,000 (over 5 years) towards improvements to bus service 386 to Bishop Stortford;
- £250,000 towards Herts Lynx on demand service;
- sustainable travel contribution of £1,365,000 towards measures such as Project Phoenix shared space, 20mph zones, A10 roundabout improvement, town centre one way system;
- S278 agreement with regard to off site highway works.

#### EHDC contributions

- Recycling Contribution - financial contribution required per Dwelling and calculated £72 per individual dwelling and £76 per dwelling with communal facilities (PLUS INDEXATION from Oct 2008 to be added)
- Allotments contribution of £35,371.00, payable on identified Occupation triggers & RPI Indexed from May 2020.
- Buntingford Community Transport Scheme (BCAT) Contribution - financial contribution based on a maximum of 200 Dwellings = £100,000. Payable on identified Occupation triggers & RPI Indexed from date of resolution.
- Community Centres & Village Hall contribution - financial contribution based on a maximum of 200 Dwellings = £138,574.00 – “towards the provision of facilities, improvements, and maintenance of the Seth Ward Community Centre and/or other community centre
- facilities within Buntingford including Norfolk Road Sports Pavilion, payable on identified Occupation triggers & RPI Indexed from May 2020.
- Fitness Gyms Contribution - financial contribution based on a maximum of 200 Dwellings = £50,877.00 - for Fitness gym provision & improvements – “towards the costs of provision of facilities, improvements, and maintenance to the fitness gym space(s) at Grange Paddocks Leisure Centre and/or other community halls in the vicinity of Buntingford providing indoor fitness gym facilities as used by the residents of the development.” Payable on identified Occupation triggers & RPI Indexed from May 2020.

- Studio Space Contribution - financial contribution based on a maximum of 200 Dwellings = £21,017.00 – “towards the costs of provision of facilities, improvements, and maintenance to the studio space(s) at Grange Paddocks Leisure Centre and/or other community halls in the vicinity of Buntingford providing indoor sports and fitness facilities as used by the residents of the development.” Payable on identified Occupation triggers & RPI Indexed from May 2020.
- Swimming Pool Contribution - financial contribution based on a maximum of 200 Dwellings = £117,069.00 - “towards the provision of facilities, improvements, and maintenance of the swimming pool facilities Grange Paddocks Leisure Centre and/or at the Ward Freman Pool (if applicable) as used by the residents of the development.” Payable on identified Occupation triggers & RPI Indexed from May 2020
- Bowls Contribution - financial contribution based on a maximum of 200 Dwellings = £48,170.00 - “Towards the costs of provision, improvement and maintenance of Bowls Club facilities including bowling green and clubhouse at Buntingford Bowls Club and/ or any other local Bowls Club (including indoor bowls) as used by residents of the development.” Payable on identified Occupation triggers & RPI Indexed from May 2020.
- Outdoor Tennis Contribution – financial contribution based on a maximum of 200 Dwellings = £33,000.00 – “Towards the costs of provision, improvement, and maintenance of the outdoor tennis courts facilities at Ward Freman pool and/or the MUGA at Norfolk Road Playing Fields and/or other facilities as used by residents of the development.” Payable on identified Occupation triggers & RPI Indexed from May 2020.
- Playing Pitches Contribution – financial contribution based on a maximum of 200 Dwellings = £104,719.00 (amount based on Sport England calculations for grass pitches) – “Towards the costs of provision of facilities, improvements, and maintenance of the playing pitches at Luynes Rise Recreation Area and/or towards proposed public playing pitches as outlined in the Buntingford Community Area Neighbourhood Plan 2014-2031 as used by the residents of the development.” Payable on identified Occupation triggers & RPI Indexed from May 2020.
- Sports Hall Contribution - financial contribution based on a maximum of 200 Dwellings = £114,481.00 - “Towards the costs of provision of facilities, improvements, and maintenance of the Norfolk Road Sports Pavilion and/or other community sports halls including indoor sports provision at the Seth Ward Community Centre as used by the residents of the development.” Payable on identified Occupation triggers & RPI Indexed from May 2020.

NHS Healthcare

- Financial contribution to mitigate the primary health care impacts arising from new housing development of £352,600.00 (may not be required if new medical centre delivered prior to housing).

#### Non Financial obligations

- Affordable Housing: Provision of affordable housing comprising 40% of total residential units, in accordance with unit mix for each phase secured by condition.
- Details of longer term stewardship, maintenance and managements
- Off site highway improvement works (likely covered by separate S278 agreement with highway authority)

#### S106 Monitoring fees

EHDC Monitoring fee: £4,200.00 (14 EHDC obligations x £300 + £300)

HCC Monitoring fee

### **Conditions**

#### Time Limit (phase 1 medical centre)

1. Phase 1 (medical centre) of the development hereby permitted shall be begun before the expiration of 3 (three) years from the date of this permission.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### No commencement until reserved matters approved

2. No following phases (excluding phase 1) of the development (other than Preliminary Works) (as set out in the approved Phasing Plan) shall be begun until Reserved Matters approval for that Phase, Subphase or Development plot has been obtained from the local planning authority in writing. The development shall be carried out fully in accordance with the details as approved.

Reason: The application as submitted does not give particulars for some phases sufficient for consideration of the Reserved Matters.

#### Submission of reserved matters

3. Applications for approval of Reserved Matters, namely details of layout, scale, appearance, and landscaping (hereinafter called "the Reserved Matters") for all following phases (excluding phase 1) shall be made to the Local Planning Authority no later than 3 years from the date of this

permission.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Commencement within 2 years (reserved matters)

4. All following phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last Reserved Matters.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

Approved Plans

5. The development hereby approved shall be carried out in accordance with the approved plans listed below:

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications: Location Plans and updated Parameter Plan by Stantec (RG-M-12-C; RG-M-13-B; RG-M-13-BRG-M-14 RevB); medical centre plans / elevations (D001 RevB; D002 RevJ; D003RevD; D004 RevB; D100 RevF; D101 RevG; D102 RevC; D200 RevD; D201RevE; D202 RevC; D300 RevC; D301 RevC; D400 RevE; D401; D402; D403; D404; D405; D406); Tree Constraints / Protection Plans (2145-KC-XX-YTREE-TPP01RevO; 2145-KC-XX-YTREE-TCP01RevO); Drainage Plans (001B; 002B; 003B).

Scope of development

6. The outline element of the development hereby permitted is for around (not materially different to) 200 Residential Units (Use Class C3).

Reason: In order to comply with the provisions of the outline planning permission including the parameters assessed, considered, and established by this permission.

Delivery of medical centre

7. No residential dwellings within the following phases of the development hereby approved shall be occupied, until details of the fit out of the Medical centre within phase 1 have been submitted for approval to the local planning authority. No residential dwellings shall be occupied until the medical centre is

constructed and fitted out in accordance with the approved details.

Reason: To ensure delivery of social infrastructure to meet the requirements of Buntingford, in advance of housing development, as envisaged by the planning application in accordance with District Plan policies DPS4 and CFLR9

### Pre-commencement

#### Phasing plan

8. Site-wide phasing proposals (hereinafter called the "Phasing Plan") for the development shall be submitted for approval by the local planning authority prior to commencement of any part of the development. The Phasing Plan shall include the following: a) A plan of the site showing the extent of each proposed Phase and Sub-Phase of the development; b) A timetable for the delivery of the development and associated infrastructure; and, c) Mechanisms for monitoring the implementation of and delivery of the development and its associated infrastructure. No development (except Preliminary Works) shall be begun until the Phasing Plan has been approved in writing by the local planning authority.

Reason: To ensure that the development is delivered and developed in a manner which is coherent and compliant with Development Plan policies.

#### Design Code

9. No Reserved matters shall be approved until a Design Code has been submitted and to and approved by the Local Planning Authority. The Design Code shall be produced in general accordance with the approved documents, DAS, and associated planning conditions. The Design Code will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the village. As a minimum the code shall include principles for the following:

1. Design
  - Block structure
  - Public Realm
  - Green and blue infrastructure including multifunctional SuDS
  - Routes and movement network, integrating with the wider movement network
  - All modes parking typologies
  - Street hierarchy and character types
  - Land uses
  - Density ranges
  - Building heights

- Edges, nodes, and gateways
  - Frontage, access, and servicing
  - Built form
  - Identity
  - Areas that will be publicly lit, including streets, recreation areas and other public spaces in accordance with the lighting design principles in the Development Specification
  - Indicative materials palette
  - Indicative Planting strategy
2. Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code.
  3. Design Code Compliance Checklist.

All subsequent Reserved Matters shall accord with the approved Design Code and shall be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.

Reason: In order to achieve a coordinated approach to development and high-quality design outcomes in accordance with policies, DES1 and DES4 of the East Herts District Plan.

#### Construction Traffic Management Plan

10. Prior to the commencement of all phases of the development hereby approved, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The 'Construction Traffic Management Plan' shall set out: the phasing of construction and proposed construction programme; the methods for accessing the site, including wider construction vehicle routing; the numbers of daily construction vehicles including details of their sizes, at each phase of the development; the hours of operation and construction vehicle movements; details of any highway works necessary to enable construction to take place; details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway; details of any hoardings; details of how the safety of existing public highway users and existing public right of way users will be maintained; management of traffic to reduce congestion; control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels; the provision for addressing any abnormal wear and tear to the highway; the details of consultation with local businesses or neighbours; the details of any other construction sites in the local area; and waste management proposals. Thereafter, the construction phase of the development shall only be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highways safety, in accordance with Policy TRA2 of the East Herts District Plan 2018.

Phase II ground investigation report / remediation scheme

11. No development within in each phase of development shall commence until the following are submitted to and approved by the local planning authority: 1) Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment. 2) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined. The relevant phase of development shall thereafter be undertaken in accordance with these approved details.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

Archaeology

12. No development shall take place within each phase of the proposed development site, until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority for each phase. This condition will only be discharged when the Local Planning Authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: To secure the protection of, and proper provision for, any archaeological remains, in accordance with Policies HA1 and HA3 of the East Herts District Plan 2018.

Detailed design of surface water drainage scheme for Medical Centre

13. Prior to the commencement of development for the medical centre (phase 1), construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and



a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (dated August 2024, REF 410.065125.00001 UK.055150 04) and Technical Note (Drainage Note in Response to LLFA Comments, dated 04 October 2024, REF 410.065125.00001) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF, Policies of East Herts Borough Council.

Detailed design of surface water drainage scheme (excluding phase 1 medical centre)

14. Prior to or in conjunction with the submission of each reserved matters application (excluding phase 1 medical centre), in accordance with the submitted FRA and Technical Note (Flood Risk Assessment, Surface Water Drainage Strategy and Foul Water Drainage Strategy, dated August 2024, REF 410.065125.00001 UK.055150 04) and (Drainage Note in Response to LLFA Comments, dated 04 October 2024, REF 410.065125.00001), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) to show viability of soakaways and be undertaken along the length and proposed depth of any infiltration feature/s and representative geographical spread across the site.

or

A. Eastern Catchment: If infiltration is proven to be unfavourable, then Greenfield runoff rates and volumes for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

and  
B. Western Catchment: If infiltration is proven to be unfavourable, runoff rates and volumes will be restricted to a total of 5 l/s for all development including the full application medical centre, to the spur in the development to the west.  
II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and

including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).  
III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
- 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- All supporting calculations will include the use of the CV value of 1 for impermeable areas, urban creep allowances and the most up to date rainfall parameters (FEH13 or FEH22).

IV. The design of the infiltration / attenuation / detention basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Drawings to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

V. Finished ground floor levels of properties are a minimum of 300mm above expected design flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including the provision of source control, above ground green infrastructure and appropriate treatment stages for water quality prior to discharge.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

#### SUDS phase plan

15. Prior to or in conjunction with the submission of each Reserved Matters application (excluding phase 1 medical centre) a detailed Site SuDS Phase plan which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase does not exceed the agreed discharge rates for that phase

and that source control measures are installed within each phase to adequately address the phases own surface water runoff. The plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The plan shall show all exceedance routes throughout the site clearance and construction of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of

#### Interim drainage measures

16. Development shall not commence on any phase until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF

#### Details of alteration to watercourses

17. Prior to or in conjunction with any reserved matters submission for any phase (excluding phase 1 medical centre), a detailed design shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority for any proposed watercourse alteration that demonstrates the design is in strict accordance with the Land Drainage Act 1991 (culverting shall only be acceptable for access purposes). Details submitted for any proposed watercourse alteration must demonstrate there is adequate space for each watercourse to be naturalised and enhanced, that flood risk is suitably managed for all storms up to and include the 1% Annual Exceedance Probability (AEP) (1 in 100 year) plus climate change, that exceedance events of the channels do not impact the proposed development and that they are easily maintainable and accessible. The details shall include long sections and cross sections of the proposed watercourses

including details of any proposed crossings. The development shall be constructed in accordance with the approved plans. Prior to the first occupation of the development, a detailed maintenance and management plan for all watercourses on site shall be submitted to and approved in writing by the Local Planning Authority and adhered to for the lifetime of the development.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts Borough Council.

#### Broadband Connectivity

18. Prior to the commencement of each phase hereby approved, apart from enabling works, details of the measures required to facilitate the provision of high-speed broadband connections for that phase 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 unit. Once approved, high-speed broadband infrastructure shall be implemented thereafter in accordance with the approved details, including the timetable and method of delivery.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development, in accordance with Policies ED3 and DES4 of the East Herts District Plan 2018 and the NPPF.

#### Site Waste Management Plan

19. Prior to the commencement of each phase hereby approved, a Site Waste Management Plan (SWMP) for the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to, for that phase. The development shall be carried out in full accordance with the approved SWMP.

Reason: To ensure that measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012.

#### Construction Environmental Management Plan

20. Prior to the commencement of each phase of the development hereby approved, a Construction Environmental Management Plan (CEMP), detailing how emissions with the potential to adversely impact the local air quality are to be mitigated throughout construction works for that phase, shall be submitted to, and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved CEMP for the duration of the construction process for that phase.

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

#### Surface water drainage away from the highway

21. Prior to the commencement of any phase of the development hereby permitted, details for that phase of the arrangement for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway must be submitted to the Local Planning Authority.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Materials

22. Prior to the commencement of each phase of the development, with the exception of below ground construction works, details and specifications of all the external materials of construction and finishes for that phase of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented, in accordance with the approved details.

Reason: In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

#### Sustainable Design

23. Prior to the commencement of any above ground construction works for each phase, details of the sustainability measures to be incorporated within each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. These sustainability measures shall be based on the recommendations of the Energy Strategy Statement (Prepared by: Briary Energy, Dated: July 2023) and shall include details of:

- Energy efficient construction techniques;
- Energy efficient lighting and fittings;

- Services and controls;
- Efficient energy supply (including details of air source heat pumps);
- Water efficiency measures, which demonstrate compliance with the water consumption target of 110 litres, or less, per head, per day; and
- Compliance with the Future Homes Standard (unless otherwise agreed)
- BREEAM rating (no less than 'excellent' unless otherwise agreed)

Thereafter, the development shall be implemented and maintained, in accordance with the approved details.

Reason: In the interests of minimising carbon emissions and promoting the principles of sustainable construction, in accordance with Policies CC1 and WAT4 of the East Herts District Plan 2018.

#### Off site highway works

24. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings numbered (ITL19023-GA-011 Rev A, ITL19023-GA-012 Rev A) have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include all offsite works, including but not limited to, the site access works, highway, footway, cycleway and bus stop enhancements. Such scheme must include:

- A minimum 1.8m width footway on the northern side of Hare Street Road between the site and Pipkin Avenue.
- Bus shelters, kessle kerbs and real time information boards at the proposed eastbound and westbound bus stops on Hare Street Road.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Rights of Way

25. A) Design Approval Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### On-Site Highway Design

26. No development shall commence until full details have been submitted to and approved in writing to the Local Planning Authority that the on-site highways will be design for a 20mph speed limit in-line with the HCC Highways Place and Movement Planning and Design Guide.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

#### Prior to Occupation / commencement of the use

##### Traffic Regulation Order

27. Prior to the first occupation of the development hereby permitted the Traffic Regulation Orders (TROs) as indicated on drawing number TL19023-GA-011 Rev A must be secured in place and implemented. Such scheme will need to be submitted to and approved in writing to the HCC Speed Management Strategy Group.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

##### Maintenance and management of SUDS

28. No phase of development hereby approved shall be occupied until details of the maintenance and management of the sustainable drainage scheme for that phase have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter

managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation.
- II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Hertfordshire District Council.

#### SUDS verification report

29. Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts Borough Council.

#### External Lighting

30. Prior to the first occupation of each phase of the development hereby approved, details of any external lighting proposed in connection with each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.



Reason: In order to ensure inappropriate light pollution does not occur, in line with Policy EQ3 of the East Herts District Plan 2018.

#### Ground contamination validation report

31. Prior to first occupation / use of each phase of development the following shall be submitted and approved by the local planning authority: A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved by the Local Planning Authority prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

#### Parking Spaces

32. Prior to first occupation use of each phase of the hereby approved development, details of car / cycle parking provision for each phase, which shall have regard to the Councils Vehicle Parking SPD shall be submitted for approval by the local planning authority. The approved vehicle parking shall thereafter be implemented prior to first occupation, retained, and maintained in full accordance with the approved details.

Reason: In order to promote sustainable transport and reduce environmental impacts in the District in accordance with Policy TRA1 Sustainable Transport, EQ4 Air Quality, DES4 Design of Development of the adopted East Herts District Plan 2018 and the East Herts Vehicle Parking Standards SPD 2007.

#### Electric Vehicle Charging Points

33. Prior to the first occupation of each phase of the development hereby approved, details of the siting, type and specification of electric vehicle charging points (EVCPs), together with details of the energy sources and a management plan for the supply/maintenance of the EVCPs, for that phase shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details and permanently maintained and retained thereafter. No dwelling shall be

occupied / use commenced until the EVCP serving that dwelling / use has been installed.

Reason: In the interests of promoting use of electric vehicles, in accordance with Policies DES4 and TRA1 of the East Herts District Plan 2018.

### Refuse Stores

34. Prior to the first occupation / use of each phase of the development hereby approved, details of waste and recycling stores shall be submitted for approval to the local planning authority. Thereafter, the refuse stores shall be retained. Prior to first occupation / use of that phase.

Reason: To ensure adequate refuse storage is provided, in accordance with Policy DES4 of the East Herts District Plan 2018.

### Foul drainage capacity

35. No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development.

### Play Spaces

36. Prior to the first occupation of the following phases of the development hereby approved (excluding phase 1), details of the proposed Locally Equipped Area for Play (LEAP) and Local Area for Play (LAP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a site plan showing the detailed layout of the play spaces;
- scaled drawings of new play equipment and furniture;
- scaled drawings of any boundary treatments; and
- information on any surface coverings.

No dwelling within the phase hereby approved shall be occupied until the LEAP and LAP have been installed in accordance with the approved details.

Reason: To ensure the provision of high-quality play spaces, in accordance with Policies DES4 and CFLR1 of the East Herts District Plan 2018.

### Landscaping

37. Prior to the first occupation / use of each phase of the development hereby approved, full landscaping details for that phase shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Hard surfacing materials;
- Soft landscaping proposals;
- Retained landscape features;
- Planting plans detailing schedule of plants, species, planting sizes and density of planting.; and
- An implementation timetable.

Thereafter, the site covered by that phase shall be landscaped in full accordance with the approved details and implementation timetable.

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).

### Landscape Maintenance

38. Prior to the first occupation / use of each phase of the development hereby approved, a schedule of landscape maintenance for a minimum period of five years, following completion of that phase of the development, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be maintained, in accordance with the approved schedule.

Reason: To ensure the maintenance of landscaping, in accordance with Policy DES3 of the East Herts District Plan 2018.

### Biodiversity Net Gain Plan and Landscape Environmental Plan

39. Prior to the first occupation / use of each phase development hereby approved, a Biodiversity Net Gain Plan and Landscape Environmental Management Plan (LEMP), informed by the Statutory Metric, shall be submitted to and approved in writing by the Local Planning Authority for that phase. This Biodiversity Net Gain Plan and LEMP shall demonstrate that a biodiversity net gain would be achieved on the site and shall also include:

- Descriptions and evaluations of features to be managed;
- Aims and objectives of management;

- Appropriate management options for achieving target condition for habitats as described in the metric;
- Details of management actions;
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met;
- Details of species and mixes selected to achieve target habitat conditions as identified in the metric.

The phase of development shall be implemented and retained in full accordance with the approved Biodiversity Net Gain Plan and LEMP.

Reason: To ensure that a biodiversity net gain is delivered and habitats are appropriately managed, in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018.

#### Ecological Enhancements

40. Prior to the first occupation / use of each phase of development hereby approved, details of the ecological enhancements on that phase of the site, including bat boxes, bird boxes, swift boxes, bee bricks and hedgehog nest domes, as outlined in the submitted Ecological Appraisal, shall be submitted to, and approved in writing by the Local Planning Authority. No occupation / first use for that phase shall take place until the approved details have been implemented in full.

Reason: In order to create opportunities for wildlife, in accordance with Policy NE3 of the East Herts District Plan 2018.

#### Footpath connections

41. No phase of the hereby approved development shall be occupied / use commenced until details of any relevant pedestrian footpath / cycleway connections from the site to the adjacent housing development / causeway / PROWs / adopted highway are submitted for approval to the local planning authority. The relevant phase of development shall not be occupied / use commenced until the approved details are implemented in full prior and shall be retained and maintained thereafter.

Reason: To support active travel and to ensure that the development integrates appropriately with surrounding built environment.

#### Reserved matters mix of unit sizes

42. Concurrent with the submission of reserved matters for each following phase (excluding phase 1), the housing mix for that phase shall be submitted to and agreed in writing with the local planning authority. This shall include a schedule of the mix of house types and sizes to be provided within the reserved matters, which shall take account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence, unless otherwise agreed. The approved details shall be adhered to in the reserved matters applications submitted for that Phase.

Reason: To ensure that an adequate mix of housing by unit/tenure/position is provided

#### Travel Plan Statement

43. At least two months before first occupation / use of each phase, a Travel Plan Statement shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall consist of a written agreement with the County Council setting out a scheme to encourage, regulate, and promote sustainable travel measures for owners, occupiers, and visitors to the development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development'. The Plan shall be implemented in full thereafter.

Reason: To promote sustainable travel measures to the development, in accordance with paragraphs 110-112 of the NPPF and HCC's LTP4 policies 1, 3, 5, 6, 7, 8, 9, 10.

#### Fire Hydrants

44. Prior to occupation / use of each phase of development details of fire hydrant provision for that phase shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented, retained, and maintained in full prior to first occupation / use of the development.

Reason: In order to make adequate provision for fire hydrants and to ensure fire safety for future occupiers.

#### BREEAM post construction stage assessment

45. Within 2 months of first use of phase 1 (medical centre) of the hereby approved development, a BREEAM post construction stage assessment shall be submitted to and approved in writing by the local planning authority demonstrating achievement of a minimum BREEAM 'excellent' rating.

Reason: In the interests of minimising carbon emissions and promoting the principles of sustainable construction, in accordance with Policies CC1 and WAT4 of the East Herts District Plan 2018.

#### Noise mitigation measures

46. Prior to first occupation / use of each phase of development closest to the southern boundary of the site, details of noise mitigation measures, to ensure internal noise levels within that part of development accord with relevant standards shall be submitted to and approved by the local planning authority. The hereby approved details shall thereafter be implemented, retained and maintained in perpetuity.

Reason: in order to safeguard the amenity of future occupiers.

#### Medical centre cycle parking

47. Prior to commencement of the use of medical centre (phase 1) a detailed scheme for the Cycle Parking including provision for mobility impaired / wider cycles and security measures are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of 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).

#### Compliance Conditions

##### Active travel route along southern site boundary

48. Any future Reserved Matters application must include a DfT LTN/120 compliant active travel route along the southern boundary of the site (parallel to Hare Street Road) and must link to the eastern boundary, alongside providing a transition at the south east corner of the site onto Hare Street Road.

Reason: To ensure the construction of a satisfactory and sustainable development in accordance with Policies 1 and 5 Hertfordshire's Local Transport Plan (adopted 2018).

##### Accessible and Adaptable Dwellings

49. All dwellings within the development (except those completed to M4(3) requirements) hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4(2) 'accessible and adaptable

dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

Reason: To ensure that the proposed development is adequately accessible for future occupiers.

#### Wheelchair User Dwellings

50. At least 10% of all dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development is adequately accessible for future occupiers.

#### NDSS

51. Reserved Matters Applications shall demonstrate that all of the residential units hereby approved will be designed and constructed as far as practicable to meet the standards contained within the Nationally Described Space Standards (unless otherwise agreed).

Reason: To ensure that reasonable living conditions for future occupiers

#### Checklist against Buntingford Neighbourhood Plan Design Code

52. Reserved matters applications shall be accompanied by a checklist against the Buntingford Neighbourhood Plan Design Code.

Reason: In order to ensure a high standard of design and accordance with the Buntingford Neighbourhood Plan.

#### Landscaping Implementation

53. 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 maintenance of landscaping, in accordance with Policy DES3 of the East Herts District Plan 2018.

### Tree and Hedge Retention

54. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

### Tree Protection Plan

55. The construction phase of the development shall be undertaken in full compliance with the Tree Protection Plan XXXXX.

Reason: To ensure adequate protection of trees during construction, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

### Previously Unidentified Contamination

56. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the remediation strategy shall be implemented as approved.

Reason: To ensure that the development does result in risk of water pollution and in the interests of ensuring that the occupiers of the development are not at risk from unidentified contamination sources, in accordance with Policies WAT3 and EQ1 of the East Herts District Plan 2018.

### Hours of construction



57. No plant or machinery shall be operated on the site during the construction phase of the development hereby permitted before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with Policy EQ2 of the East Herts District Plan 2018.

Residential Cycle Parking in accordance with HCC design Guide

58. The proposed cycle parking for the Outline element of the application must be designed in line with the best practices set out in HCC's Highways Place and Movement Planning and Design Guide and the DfT's LTN1/20.

Reason: To ensure the provision of 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).

**Informatives**

Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk) Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

AN1) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as

not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN2) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN3) Works within the highway (section 278): 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 road 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN4) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application [access to medical centre and active travel links] as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development->

[management/highways-development-management.aspx](https://www.hertfordshire.gov.uk/services/highways-development-management.aspx) or by telephoning 0300 1234047.

AN5) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available

on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN6) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing

travelplans@hertfordshire.gov.uk