

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 15 July 2026

Application Number	3/25/1270/FUL
Proposal	Erection of 25 dwellinghouses with associated access from Ermine Street, including carports, parking, landscaping and enabling works, following the demolition of existing buildings.
Location	Toreen Ermine Street Buntingford Hertfordshire SG9 9RT
Parish	Cottered
Ward	Buntingford

Date of Registration of Application	8th September 2025
Target Determination Date	14th February 2026
Reason for Committee Report	Major Application
Case Officer	James Mead

RECOMMENDATION

That planning permission be **GRANTED** subject to a S106 legal agreement and the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

1.1 This application seeks full planning permission for the erection of 25 dwellings (use class C3), together with a new vehicular access from Ermine Street, internal access roads, carports, parking areas, cycle storage facilities, landscaping and other associated works. It is also proposed to demolish an existing bungalow and two agricultural buildings that are currently on the site.

- 1.2 The application site is not allocated for development in the East Herts District Plan (2018), nor the Buntingford Community Area Neighbourhood Plan (2017). The land sits outside of, but adjacent to, the northern extent of the settlement boundary of Buntingford. The location of the site beyond the settlement boundary of this town means that the land is within the Rural Area Beyond the Green Belt.
- 1.3 This scheme proposes the construction of 25 new homes, following the demolition of the existing bungalow (net increase of 24 new homes). 5 of the proposed houses would front onto Ermine Street, while the remaining dwellings would be positioned behind the site frontage. A new vehicular access would be created from Ermine Street, with an internal access road running west into the site, and then south. The proposed dwellings would all be accessed via private and shared driveways extending off the main internal access road.
- 1.4 An area of open space and soft landscaping would be provided relatively centrally within the development and to the south of the main internal access road. An attenuation pond would be created within this open space. In addition, two further attenuation ponds would be constructed on the eastern side of the site, between the proposed houses and Ermine Street.
- 1.5 The site layout for the proposed development is shown in the image below.



- 1.6 All the proposed dwellings would be of two storey height and comprise of a pitched roof design. Brickwork, render, weatherboarding and tiling would be the main external materials for the new houses. Parking for the proposed dwellings would be supplied on driveways and within carports. Individual cycle sheds would be provided for each of the proposed houses.
- 1.7 A mix of two-bedroom, three-bedroom and four-bedroom houses would be delivered on the site. The overall housing mix is set out in the table below.

Housing Type	Number of Dwellings
Two-Bedroom Houses	9
Three-Bedroom Houses	13
Four-Bedroom Houses	3

- 1.8 The scheme proposes to deliver 10 affordable dwellings, which constitutes 40% affordable housing. Within this affordable housing provision, 8 of the units would be for the affordable rent tenure, while the other 2 dwellings would be shared ownership homes. This represents a tenure split of 80% affordable rent and 20% shared ownership. The affordable homes would be provided as either two-bedroom, three-bedroom or four-bedroom houses. The overall affordable housing mix is outlined in the table below.

Size of Affordable Unit	Affordable Rent	Shared Ownership
Two-Bedroom Houses	5	0
Three-Bedroom Houses	2	2
Four-Bedroom Houses	1	0

- 1.9 The application documents and plans submitted for approval are listed below. All of these have been considered in the preparation of this report.

Drawing Number	Drawing Title
BUN-PL001	Site Location Plan
BUN-PL002 Rev D	Site Layout
BUN-PL003 Rev E	Materials Layout

BUN-PL004 Rev D	Tenure Layout
BUN-PL005	Demolition Layout
BUN-PL006 Rev B	Floor Plans – House Type 852
BUN-PL007	Elevations – House Type 852
BUN-PL008 Rev B	Floor Plans – House Type 1003
BUN-PL009	Elevations – House Type 1003
BUN-PL010 Rev C	Floor Plans – House Type 852 and 1287 V1
BUN-PL011 Rev A	Elevations – House Type 852 and 1287 V1
BUN-PL012 Rev B	Floor Plans – House Type 1287
BUN-PL013 Rev A	Elevations – House Type 1287
BUN-PL014 Rev C	Floor Plans – House Type 1287 V1
BUN-PL015	Elevations – House Type 1297 V1
BUN-PL018 Rev A	Floor Plans – House Type 1237
BUN-PL019 Rev A	Elevations – House Type 1237
BUN-PL020	Floor Plans – House Type 1780
BUN-PL021	Elevations – House Type 1780
BUN-PL022 Rev C	Floor Plans – House Type 1247
BUN-PL023 Rev A	Elevations – House Type 1247
BUN-PL024 Rev B	Plans and Elevations – Single Carport
BUN-PL025 Rev B	Plans and Elevations – Double Carport
BUN-PL026 Rev A	Proposed Stret Scene
BUN-PL027	Existing Site Section
BUN-PL028 Rev B	Proposed Site Section
BUN-PL031 Rev A	Floor Plans – House Type 1828
BUN-PL032 Rev A	Elevations – House Type 1828
BUN-PL033	Floor Plans – House Type 1237 V2
BUN-PL034	Elevations – House Type 1237 V2

1.10 The documents submitted in support of this application are listed below. All of these have been considered in the preparation of this report.

Document
Biodiversity Net Gain Design Stage Report (Prepared by: Optimis Consulting, Dated: 8th April 2026, Reference: ECO141)
Design and Access Statement (Prepared by: Abbeymill Homes, Dated: July 2025)

Ecological Appraisal Revision B (Prepared by: Optimis Consulting, Dated: 01/04/2026, Reference: ECO141)
Energy Statement V3 (Prepared by: Ashby Energy Assessors, Dated: 23/06/2025)
Flood Risk Assessment and Drainage Strategy Revision A (Prepared by: Broughton Beatty Wearing, Dated: March 2026, Reference: 1356/A)
Heritage Impact Assessment (Prepared by: HCUK Group, Dated: October 2025)
Highways Response Technical Note (Prepared by: Paul Basham Associates, Reference: 1052.0003/HRTN/1)
Landscape and Visual Impact Appraisal P01 (Prepared by: EnPlan, Dated: July 2025)
Landscape Strategy Plan (Reference: LSP/100 Revision B)
Planning Statement (Prepared by: Abbeymill Homes, Dated: July 2025)
Statutory Biodiversity Metric Revision A
Sustainability Checklist (Prepared by: Abbeymill Homes,
Transport Statement (Prepared by: Paul Basham Associates, Dated: 27.06.25, Reference: 1052.0003/TS/2)
Tree Survey Review, Arboricultural Impact Assessment and Arboricultural Method Statement Revision A (Prepared by: The Landscape Partnership, Dated: 26 March 2026)

1.11 The main planning issues for consideration relate to the balance between the benefits of the scheme (for example, housing delivery and affordable housing provision), weighed against any negative aspects arising from the proposal. When considering the proposed development, regard must be had to the policies within the East Herts District Plan 2018, the Buntingford Community Area Neighbourhood Plan 2017 and the National Planning Policy Framework (NPPF) 2024.

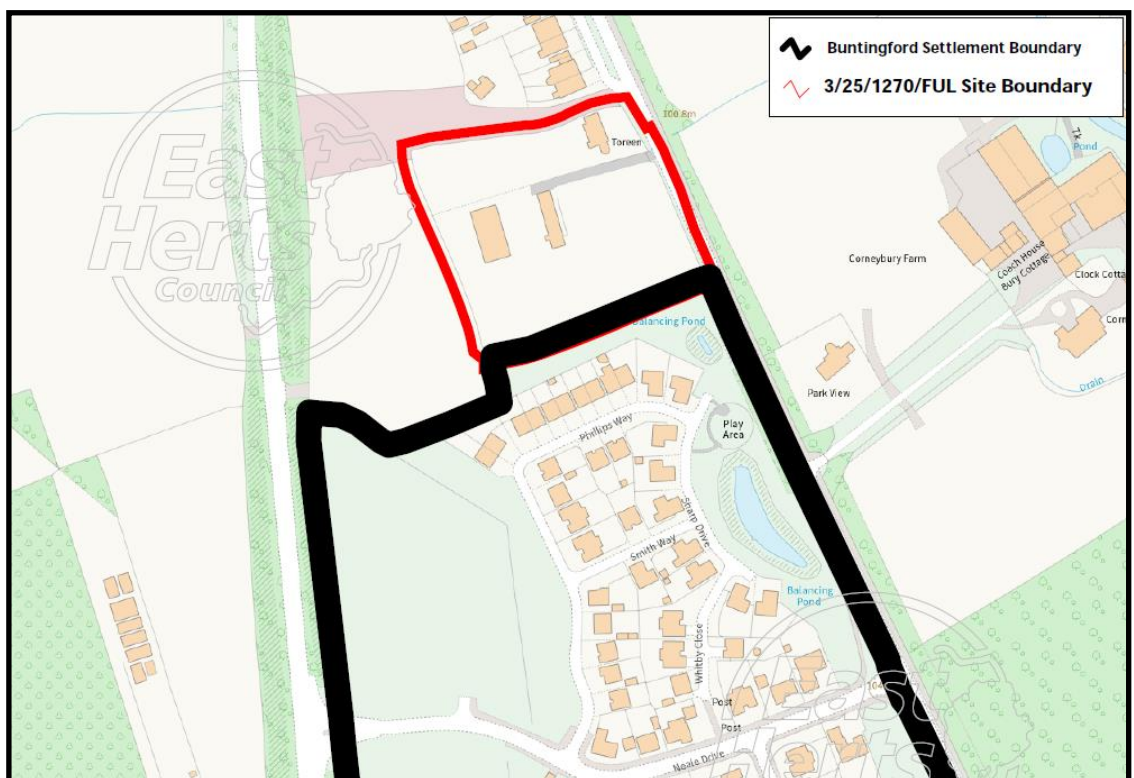
1.12 The key issues for consideration are:

- Principle of Development;
- Affordable Housing and Housing Mix;
- Design Quality;
- Landscape Character and Visual Impacts;

- Impacts on Heritage Assets;
- Neighbouring Amenity;
- Access, Highways and Transport;
- Trees, Biodiversity and Ecology;
- Flood Risk and Drainage;
- Sustainable Design and Climate Change;
- Pollution, Land Contamination and Other Matters;
- Infrastructure Requirements; and
- Planning Balance and Conclusion.

2.0 Site Description

2.1 The application site is made up of a grassed field, together with two former agricultural buildings and a bungalow at Toreen. The full site measures approximately 1.09 hectares in area. The land is located on the western side of Ermine Street and is directly to the north of the town of Buntingford. The site is adjacent to, but outside of, the settlement boundary of Buntingford. The position of the site beyond the settlement boundary means that the land is within the Rural Area Beyond the Green Belt. The below image shows the application site edged in red and the settlement boundary of Buntingford marked in black.



- 2.2 Most of the application site is made up of overgrown grassland, however there are two agricultural structures found in the central and western parts of the field. These former agricultural buildings have been unused for many years and are in very poor condition. The bungalow at Toreen, and its associated residential curtilage, is in the north-eastern corner of the site. This bungalow faces onto Ermine Street.
- 2.3 Land levels on site generally slope away to the north-east, with the lowest point of the site being in the north-eastern corner adjacent to the bungalow. The site boundaries are all well vegetated being lined with trees and hedging. Adjacent to the eastern site boundary and on the grass verge along Ermine Street there is a grade II listed milestone. There are currently two vehicular accesses into the site from Ermine Street. One of these is close to the north-eastern corner and serves the bungalow, whilst the second access is further to the south and is used for access into the field.
- 2.4 Directly to the south of the site there is a modern housing development on the edge of Buntingford (reference: 3/13/1375/OP). Whereas, to the north there is a line of bungalows on Parkside and a recently constructed small development of 5 x chalet style bungalows at Prestwick Drive (reference: 3/23/1881/FUL). The site comprises a gap site within the street scene, as it is located between two different areas of housing along Ermine Street. To the west of the site there is a small overgrown field and beyond this is the A10 road. On the opposite side of Ermine Street, and to the east, there are various open fields that form part of a locally listed park and garden at Corneybury Farm. There is also a group of buildings at Corneybury Farm, which includes a grade II* listed manor house, together with a grade II listed coachhouse, barn, stables and gate piers.
- 2.5 The site is not within a Conservation Area, and aside from the listed milestone and buildings at Corneybury Farm, there are no other listed buildings in the vicinity. The land is fully within Flood Zone 1, and therefore is at low risk from fluvial flooding. Surface water flood risk on the site is also low.

3.0 Planning History

- 3.1 There is no relevant planning history for this site.
- 3.2 Two pre-applications proposing residential developments on this land were however submitted in 2021 and 2022 (references: M/21/0031/MPREAP and M/22/0015/MPREAP). These pre-applications were assessed at a time when the Local Planning Authority could demonstrate a five year housing land supply. Therefore, these pre-applications were considered in a different policy context, when compared to this current application.

4.0 Main Policy Issues

- 4.1 The main policy considerations relate to the relevant policies in the National Planning Policy Framework (2024) (NPPF), the East Herts District Plan (2018) (DP) and the Buntingford Community Area Neighbourhood Plan (2017) (BCANP).

Main Issue	NPPF Chapters	DP Policies	BCANP Policies
Principle of Development	2, 5, 9 and 11	INT1, DPS1, DPS2, DPS3, GBR2, BUNT1, ED2 and TRA1	HD1
Affordable Housing and Housing Mix	5	HOU1, HOU3 and HOU7	HD7
Design Quality	8, 11 and 12	GBR2, HOU2, HOU7, DES3, DES4 and DES5	ES1 and HD4
Landscape Character and Visual Impacts	15	GBR2 and DES2	ES1 and HD2
Impact on Heritage Assets	16	HA1, HA2, HA3, HA7 and HA8	-
Neighbouring	11, 12 and 15	DES4 and EQ2	HD4

Amenity			
Access, Highways and Transport	9 and 12	TRA1, TRA2 and TRA3	T1, T2, T4 and T6
Trees, Biodiversity and Ecology	12 and 15	DES3, DES4, NE2, NE3 and NE4	ES7, ES8
Flood Risk and Drainage	14	WAT1 and WAT5	INFRA4
Sustainable Design and Climate Change	12 and 14	DES4, ED3, CC1, CC2 and WAT4	ES3, HD3 and INFRA5
Pollution, Land Contamination and Other Matters	15	EQ1, EQ2, EQ3 and EQ4	-
Infrastructure Requirements	2, 8, 9 and 12	DPS4, TRA1, CFLR1, CFLR3, CFLR7, CFLR9, CFLR10, DEL1 and DEL2	-

4.2 A revised NPPF was recently out for consultation, with the consultation closing on 10 March 2026. This draft national policy includes specific and separate plan-making and decision-making policies. The revised NPPF is proposed to be more directive of decision-making in support of appropriate housing and commercial developments. The consultation document explains that the amended NPPF is underpinned by three principal objectives, as set out below:

- To ensure that national planning policy is accessible and understandable for everyone who uses it;
- To establish a comprehensive suite of national policies on general planning matters which will apply across the country; and
- To make the policy which it contains more 'rules-based' and certain.

4.3 While the revised NPPF is noted for information, very limited weight is currently given to this document, in light of its draft status. The current NPPF, the DP and the BCANP continue to contain the policies most important for the assessment of this application.

5.0 Equality Act 2010

5.1 Section 149 of the Equality Act (2010) confirms that a Public Sector Equality Duty (PSED) came into force in April 2011 and this requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equality 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 referred to in this committee report have all been subject to an Equalities Impact Assessment (EqIA), and 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.

6.0 Summary of Consultee Responses

Note: East Herts District Council (EHDC) and Hertfordshire County Council (HCC).

6.1 HCC Highway Authority: Do not wish to restrict the grant of permission, subject to conditions regarding vehicular access, pedestrian crossing and visibility splays.

6.2 The Highway Authority notes that the development would generate a low level of vehicular movements, and therefore would not result in severe residual cumulative impacts. The proposed bellmouth access and associated visibility splays are considered acceptable. The new pedestrian crossing would provide a safe and direct connection to the footway network on the eastern side of Ermine Street.

- 6.3 This consultee considers that the internal shared surface arrangement is appropriate. Suitable swept path analyses have been provided to demonstrate that refuse and emergency vehicles can safely enter, turn and exit the site.
- 6.4 The Highway Authority comments that the site benefits from reasonable access to non-car modes. A footway is present along Ermine Street connecting the site to the Town Centre. Bus stops are also available approximately 560 metres to the south of the site, providing access to services to Hertford, Stevenage, Royston and Bishop's Stortford. Existing pedestrian and cycle infrastructure is located approximately 200 metres to the south, including a cycleway and shared use route. Given the scale of the development, a direction connection to this cycleway is not considered proportionate. There are also land constraints to delivering such a connection, without rediverting the carriageway.
- 6.5 HCC Ecology: No objection, subject to conditions regarding a bat license, a great crested newt conservation certificate, compensation/mitigation measures for protected species and a species enhancement plan. This consultee also advises that the significant on-site biodiversity net gain enhancements, as well as a Habitat Management and Monitoring Plan, should be secured in a Section 106 Legal Agreement.
- 6.6 The Ecology Advisor notes that a bat roost is present on site, and therefore a license should be obtained prior to commencement of works. This consultee also explains that a great crested newt license/certificate is required, as nearby ponds have not been surveyed. The Ecology Advisor is satisfied that there is not an active barn owl roost on site. Measures to avoid impacts on reptiles, nesting birds and badgers are recommended.
- 6.7 This consultee acknowledges that the scheme would result in a net loss of biodiversity in both habitat and hedgerows units on the site. Therefore, it is advised that off-site biodiversity net gain will be required. However, the Ecology Advisor notes that some of the on-site habitat enhancements would be significant.

- 6.8 HCC Fire and Rescue Service: No objection, subject to a condition securing fire hydrants.
- 6.9 HCC Growth and Infrastructure: No objection, subject to the following financial contributions being secured:
- Middle Education Contribution – £199,886 (index linked to BCIS 1Q2024 and BCIS Regional Factor);
 - Upper Education Contribution – £230,760 (index linked to BCIS 1Q2024 and BCIS Regional Factor);
 - Childcare Contribution (0 – 2 years) – £5,899 (index linked to BCIS 1Q2024);
 - Childcare Contribution (5 – 11 years) – £384 (index linked to BCIS 1Q2024);
 - Special Educational Needs and Disabilities Contribution – £46,774 (index linked to BCIS 1Q2024 and BCIS Regional Factor);
 - Libraries Contribution – £6,780 (index linked to BCIS 1Q2024)
 - Youth Service Contribution – £6,729 (index linked to BCIS 1Q2024);
 - Transfer Station Contribution – £4,001 (index linked to BCIS 1Q2024); and
 - Fire and Rescue Service Contribution – £597 (index linked to BCIS 1Q2024).
- 6.10 HCC Historic Environment Unit: No objection, subject to a condition securing a programme of archaeological work.
- 6.11 This consultee notes that the site is adjacent to an Area of Archaeological Significance, which is known to contain archaeological remains dating from the prehistoric period through to the post-medieval period. The site is also adjacent to the course of a Roman road. Therefore, it is considered that there is potential for unidentified archaeological remains to be present on the site.
- 6.12 HCC Local Lead Flood Authority: No objection, subject to details of the sustainable drainage network, a verification report and a Construction Phase Surface Water Management Plan being secured

via condition. This consultee comments that the maximisation of above ground SUDs is supported.

- 6.13 HCC Minerals and Waste: No objection, subject to a Site Waste Management Plan being secured via condition.
- 6.14 EHDC Conservation Officer: No objection. This consultee notes that the buildings to be demolished are of no heritage value. The Conservation Officer also comments that the roadside setting of the listed milepost would be unchanged.
- 6.15 This consultee considers that neither the listed buildings, nor the locally listed park and garden at Corneybury Farm would be impacted by the development. The proposal would be well separated from these designated and non-designated heritage assets. In addition, the significance of the listed buildings, in terms of their setting, is considered to derive from their relationship with one another and also the landscape to the east of Ermine Street. The application site contributes little to this setting, especially given the context of the surrounding existing development.
- 6.16 EHDC Environmental Health Officer (Contamination and Air Quality): No objection, subject to conditions securing a scheme to deal with contamination, requiring the provision of electric vehicle charging points and restricting the use of certain boilers.
- 6.17 EHDC Environmental Health Officer (Noise and Light): No objection, subject to a Noise Assessment, details of plant/machinery, details of lighting and a Construction Management Plan being secured via condition.
- 6.18 EHDC Housing Officer: No objection. The provision of 40% affordable housing is considered acceptable and the supply of affordable houses rather than flats is welcomed.
- 6.19 This consultee recommends that a tenure split of 80% affordable rent and 20% shared ownership should be provided. It is also

suggested that a four-bedroom house should be changed to an affordable rent unit, rather than a shared ownership home.

- 6.20 The Housing Officer advises that the homes meet the national space standards, apart from some wheelchair units which are 1 square metre below the relevant standards. It should be demonstrated that bedrooms can accommodate two single beds and that living areas within three-bedroom homes are able to serve five people. The provision of M4(3) wheelchair user homes is acceptable.
- 6.21 EHDC Landscape Officer: No objection, however recommends that the turning head at the front of plots 17 and 18 be re-located. There is concern that this area would be used for parking. It is also suggested that paved areas be provided to enable convenient movement of bins and bikes. This consultee notes that tree protection and method statements must be implemented.
- 6.22 The Landscape Officer comments that the scheme has been through a round of layout iterations in response to previous landscape advice. The most notable amendment is the re-location of open space into the main access street. This is considered to be a positive change, as it enables more effective landscape and visual mitigation, as well as opportunities for higher quality place-making.
- 6.23 This consultee considers that the overall landscape effects would be moderate adverse, given that the site would experience a major magnitude of change from a predominantly open grassed parcel to a suburban residential development. This consultee generally agrees with the submitted Landscape and Visual Impact Assessment's conclusions on the visual impacts of the development.
- 6.24 EHDC Section 106 Officer: No objection, subject to the following financial contributions being secured:
- Allotments Contribution – £4,248 (index linked to RPI from May 2020);
 - Bowls Contribution – £5,784 (index linked to RPI from May 2020);

- Childrens Play and Provision for Young People Contribution – £51,528 (index linked to RPI from May 2020);
- Community Centre Contribution – £16,632 (index linked to RPI from May 2020);
- Fitness Gym Contribution – £6,096 (index linked to RPI from May 2020);
- Monitoring Contribution – £300 per contribution + £300 (index linked to RPI from date of resolution);
- Natural and Semi-Natural Green Space Contribution – £9,960 (index linked to RPI from May 2020);
- Outdoor Tennis Contribution – £3,960 (index linked to RPI from May 2020);
- Parks and Gardens and Amenity Green Space Contribution – £23,664 (index linked to RPI from May 2020);
- Playing Pitches Contribution – £12,600 (index linked to RPI from May 2020);
- Recycling Contribution – £1,800 (index linked to RPI from October 2008);
- Sports Hall Contribution – £13,728 (index linked to RPI from May 2020);
- Studio Space Contribution – £2,520 (index linked to RPI from May 2020);
- Swimming Pool Contribution – £14,040 (index linked to RPI from May 2020);

6.25 EHDC Sustainability Officer: No objection, however recommends that paved areas are provided to enable convenient movement of bins and bikes. Further clarification is also sought regarding the provision of swift bricks, bat bricks and hedgehog highways, as well as the supply of facilities for rainwater harvesting.

6.26 EHDC Waste Services: No objection.

6.27 Affinity Water: No objection.

6.28 Herts Constabulary: No objection.

6.29 Historic England: No objection.

6.30 Thames Water: No objection.

6.31 UK Power Networks: No objection.

7.0 Town/Parish Council Representations

7.1 Buntingford Town Council comments that the proposal will have a significant impact on the town, including, but not limited to, traffic flow and use of services. The Town Council considers that foul drainage infrastructure needs to be established before the application is considered. This consultee notes that the site is on an unrestricted road, with no facilities for pedestrians and cyclists. The Town Council advises that they will be submitting bids for Section 106 contributions.

8.0 Summary of Other Representations

8.1 The application has been advertised by neighbour consultation with notification letters sent to local residents. Press notices have been published in a local newspaper and site notices have been displayed in the locality.

8.2 Across two rounds of public consultation 8 responses have been received from local residents and amenity groups. 4 of these comments object to the application, whilst 4 comments are neutral. These comments are summarised below.

- It is questioned whether there is sufficient infrastructure to accommodate the development (e.g. education and health services).
- The scheme would be of excessive density and would not be an appropriate transition from urban to rural.
- The scheme would be overly urban in character to the detriment of the rural landscape.
- Speed limits on Ermine Street should be reduced or this road should be made one-way.
- There is concern regarding pedestrian and cyclist safety.

- Insufficient parking would be provided.
- It is questioned whether a tree is protected.
- There is concern regarding impacts on wildlife and landscape character, if a path is provided along the western side of Ermine Street.
- It is questioned whether the proposal would impact bats.
- North East Herts Swift Group, Sawbridgeworth Swifts and a further third party recommend a condition securing swift bricks on the new houses.

9.0 Consideration of Issues

9.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan, unless there are material considerations that indicate otherwise.

9.2 A number of recent appeal decisions have concluded that the Council cannot currently demonstrate a five year housing land supply (5YHLS). It is estimated that the Council's current 5YHLS stands at between 3.4 years and 3.7 years. The consequence of not having a 5YHLS is that the 'presumption in favour of sustainable development' and the 'tilted balance' are engaged in the decision-making process. These relate to Paragraph 11(d) of the NPPF, which outlines that where the policies that are most important for determining the application are out of date (such as when a 5YHLS cannot be demonstrated) the application should be approved, unless:

- (i) the application of policies within the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 9.3 In this context, the policies that are considered to be out of date include those relating to the development strategy and the delivery of housing, which are referred to in this report.

Principle of Development

Development Strategy

- 9.4 DP Policy DPS2 sets out the spatial development strategy for the District. This policy notes that housing need and sustainable development will be delivered by following a hierarchy, which refers to sustainable brownfield sites, sites within urban areas, urban extensions and limited development in villages. Chapter 6 of the DP – ‘Buntingford’ outlines that the strategy for the town is to focus on the delivery of existing sites with planning permission, with no new housing allocations identified. This approach reflects the fact that substantial housing development has taken place in the town since 2011.
- 9.5 The historic and lawful agricultural use of the field means that this part of the site is not brownfield land. Due to this, the full site cannot be viewed as a ‘sustainable brownfield site’. In addition, the site is outside the urban area of Buntingford and is not allocated in the DP or the BCANP as an urban extension to this town. The site is also not within a village. Therefore, the proposed scheme would not comply with the locational hierarchy for development, set out at DP Policy DPS2, nor would it accord with the spatial development strategy for the District.
- 9.6 The location of the site beyond the settlement boundary of Buntingford means that the land is within the Rural Area Beyond the Green Belt. The Rural Area Beyond the Green Belt is a policy designation that covers around two-thirds of the District. In order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, DP Policy GBR2 identifies certain types of development that can be permitted in this area, provided that they are compatible with the character and appearance of the rural area. Included within the list of development types at DP Policy GBR2 is:

(e) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, in sustainable locations.

(h) development identified in an adopted Neighbourhood Plan.

- 9.7 BCANP Policy HD1 also notes that housing development outside the settlement boundary of Buntingford can be permissible if it constitutes 'small scale infill development within or immediately adjoining significant existing clusters of development'.
- 9.8 Neither 'limited infilling', nor 'small scale infill development' are defined in the DP, BCANP or NPPF. However, infilling is a frequently used concept in planning decisions that is generally understood to mean built development that would fill a gap between existing buildings, often on an already built-up street frontage. In this instance, the site is located between two different areas of housing, with a modern residential development on the edge of Buntingford to the south, and properties at Parkside and Prestwick Drive neighbouring to the north. The proposal would fill an undeveloped gap along Ermine Street between these existing areas of housing.
- 9.9 While this is acknowledged, a development of 25 homes would not be 'limited' or 'small scale' in nature. Therefore, the proposal would not constitute 'limited infilling' or 'small scale infill development'. On this basis, the proposed scheme would not comply with DP Policy GBR2(e) or BCANP Policy HD1.
- 9.10 DP Policy GBR2(e) also allows for the 'redevelopment of previously developed sites' in the Rural Area Beyond the Green Belt, where the site is in a sustainable location. 'Previously developed land' (PDL) is defined in the NPPF as 'land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure, including the curtilage of the developed land'.
- 9.11 There are two agricultural structures present in the central and western areas of the field, whilst there is also a bungalow in the

north-eastern corner of the site. Therefore, some of the site is occupied by buildings. The land occupied by the bungalow, and the residential curtilage associated with this property, would be PDL. However, the NPPF clarifies that land occupied by agricultural buildings is not PDL. Given this, the part of the site containing the agricultural structures, together with the undeveloped grassed areas of the field, would not be PDL. This means that the majority of the site would not constitute PDL, and due to this, the full scheme would not represent 'redevelopment of a previously developed site'. As such, the proposal would not accord with DP Policy GBR2(e).

9.12 'Development identified in an adopted neighbourhood plan' can be permissible in the Rural Area Beyond the Green Belt, under DP Policy GBR2(h). This site is not allocated for housing development in the BCANP, and as such the proposal would not comply with DP Policy GBR2(h). The proposed scheme would also not fall within the scope of any of the other types of development listed at DP Policy GBR2. Therefore, the proposal would not be a form of development generally considered acceptable, in principle, in the Rural Area Beyond the Green Belt. The scheme would conflict with DP Policy GBR2 and BCANP Policy HD1.

9.13 Overall, in terms of the principle of development, the proposal would not comply with the locational hierarchy for development at DP Policy DPS2, nor would it accord with the spatial development strategy for the District. In addition, the proposed scheme would not be a type of development generally supported in the Rural Area Beyond the Green Belt. Therefore, the proposal would be contrary to DP Policies DPS2 and GBR2, as well as BCANP Policy HD1. This policy conflict attracts negative weight in the final planning balance.

Housing Delivery

9.14 DP Policy DPS1 identifies the need to provide housing growth in the District, with a minimum of 18,458 new homes (839 new homes per year) required over the plan period (2011 - 2033). However, this figure is currently out of date and has been increased under the NPPF's revised standard methodology for calculating housing need.

Section 5 of the NPPF sets out that the government maintains the objective of significantly boosting the supply of homes.

9.15 The proposed scheme would supply a net increase of 24 new homes on the site. As such, the proposal would make a meaningful contribution towards housing targets in the District. In addition, this housing delivery would assist the Council in addressing the current 5YHLS deficit and housing shortfall in the District. The modest scale of this development (in the context of major schemes) means that all the new dwellings could reasonably be delivered within the next 5 years. Therefore, the proposal would contribute towards housing delivery in the short term and would boost the Council's 5YHLS figures over the current five year period. This housing provision is a key benefit of the scheme that attracts support from Section 5 of the NPPF, and should be assigned significant positive weight in the final planning balance.

Access to Services and Facilities

9.16 DP Policy TRA1 outlines that developments should primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction. Paragraph 110 of the NPPF notes that significant developments should be focused on locations which are, or can be made, sustainable through limiting the need for travel and offering a genuine choice of transport modes.

9.17 The application site is directly to the north of Buntingford. Paragraph 6.1.2 of the DP outlines that Buntingford has 'an extensive range of services and facilities that serve the day-to-day needs of residents'. However, Paragraph 6.1.5 of the DP later explains that Buntingford 'is the only town in East Herts that is not served by a railway, and bus service connections to other settlements are limited, resulting in a reliance on the private car as a means of transport to access larger nearby settlements for employment and leisure'.

9.18 The site is located on the western side of Ermine Street and there are recent major housing developments neighbouring directly to the south. This stretch of Ermine Street does not have a footpath or

cycleway on the western side. There is however a footpath on the eastern side of Ermine Street, directly opposite the site. The applicant and the Highway Authority have explored the potential of extending existing pedestrian and cycle infrastructure, so to connect to this site. However, through these discussions, it was established that there is insufficient available land to link this site to the footways and cycleways found to the south. Therefore, instead a new pedestrian crossing at the site access is proposed, which would connect to the footpath on the eastern side of Ermine Street.

- 9.19 After using this new crossing, the future residents of the development could walk southwards along the existing footpath and into Buntingford. The Buntingford Town Centre is a roughly 15 – 20 minute walk to the south. Therefore, the future residents would have the option of walking into the town centre to access shops and services. In addition, there are other services and facilities within walking distance of the site, including Freman College Upper School, Edwinstree Middle School, the medical centre, playing fields and employment uses at Park Farm Industrial Estate.
- 9.20 The future residents could also cycle southwards into Buntingford. There is a dedicated cycleway, as well as a shared footway/cycleway, approximately 200 metres to the south of the site on Ermine Street. Residents could use these active travel routes to access the services and facilities within the town. While there is no cycle infrastructure directly outside the site, the Highway Authority note that traffic levels along this part of Ermine Street are generally low. Therefore, this consultee considers that it would be possible for residents to cycle on the main carriageway for a short distance before joining the cycle network roughly 200 metres to the south for onwards travel.
- 9.21 From the above paragraphs, it is evident that the residents of the development would have the option of walking or cycling southwards into Buntingford to access services and facilities within the town. However, it is well established that Buntingford contains limited employment uses, no large supermarkets and minimal leisure facilities. As such, the future residents would have to travel to larger settlements to access some essential services.

- 9.22 There is no railway station in Buntingford, and therefore travelling to larger settlements by train would not be a viable option. Bus stops are present in the vicinity, with two new bus stops found approximately 480 – 560 metres to the south on Neale Drive and Ermine Street (close to Norris Way). Once fully operational, these bus stops will provide access to the 331 and 18 bus services, which run to Hertford, Ware and Royston on a roughly 1 – 2 hour basis in the week. There are also bus stops available close to the town centre that offer access to services that travel to Stevenage and Bishop's Stortford on an approximate 2 hour timetable. The availability of these bus services means that there would be some scope for future residents to reach facilities in larger settlements by public transport.
- 9.23 The potential for some bus travel is noted, however the available bus services in the locality are relatively limited, in terms of the frequency and number. Due to the bus service offer in this area, and the lack of convenient access to certain bus stops, officers consider that bus travel would not be the main mode of transport used by future residents to reach larger settlements. Instead, there would be a reliance on the private vehicle for some essential journeys, including trips to access employment or large supermarkets. Therefore, the development would result in some unsustainable journeys, meaning there would be a degree of conflict with DP Policy TRA1 and Paragraph 110 of the NPPF.
- 9.24 The above policy conflict attracts negative weight in the planning balance. However, the Highways Technical Note estimates that the development would only generate a total of 119 two-way daily vehicular trips. This is considered to be a low level of vehicular journeys spread across a full day. Noting this, and given the potential for future residents to undertake some essential journeys via sustainable and active modes (i.e. trips to school or local shops), officers consider that the conflict with DP Policy TRA1 and Paragraph 110 of the NPPF would not be substantial. As such, the level of negative weight applied to the generation of unsustainable journeys should be significantly tempered in the final balance.

Rural Economy and Loss of Agricultural Land

- 9.25 DP Policy ED2 outlines that where a proposal would result in the loss of an agricultural or employment use in a rural area evidence will be required to demonstrate that: (a) the current agricultural or employment use is no longer needed or viable; (b) that improvements to the site would not make alternative employment generating uses viable; and (c) the retention of the employment generating use is unable to be facilitated by partial conversion to a non-employment generating use.
- 9.26 Footnote 65 of the NPPF outlines that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Paragraph 187(b) of the NPPF notes that the benefits of the best and most versatile agricultural land should be recognised.
- 9.27 No information has been submitted with this application to specifically address the requirements of DP Policy ED2. Officers note that this scheme would result in the loss of agricultural land. However, this small field and the derelict buildings have clearly not been actively used for commercial agricultural purposes for a number of years. Given the unused nature of the site, and the poor condition of the existing buildings, officers are satisfied that the current agricultural use is not needed or viable. As such, there would be no conflict with DP Policy ED2(a). In addition, the absence of an active employment generating agricultural use means that the proposal would not be contrary to DP Policy ED2(c).
- 9.28 The relatively small size of this field also means that the site would be of limited value to a wider agricultural enterprise. Therefore, even if reasonable improvements were made to the site, it is very unlikely that a new commercial agricultural use or alternative employment use would be viable. This means that there would be no material conflict with DP Policy ED2(b). Overall, officers do not consider that the scheme would be contrary to aims of DP Policy ED2, as the proposals would not result in the loss of an active agricultural use, nor cause any harm to the wider rural economy.

9.29 Available mapping from Natural England indicates that roughly two-thirds of the site is grade 3 agricultural land (moderate to good quality), while the remaining third is grade 2 agricultural land (very good quality). The proposal would result in the loss of this moderate to very good quality agricultural land, and due to this there would be some conflict with Section 15 of the NPPF. This attracts some negative weight in the final balance.

Affordable Housing and Housing Mix

Housing Mix

9.30 DP Policy HOU1 and BCANP Policy HD7 require housing developments to deliver an appropriate mix of housing tenures, types and sizes, taking into account the latest Strategic Housing Market Assessment (SHMA), or any up-to-date evidence.

9.31 DP Policy HOU7 expects developments to meet Building Regulations Requirement M4(2) 'Accessible and Adaptable Dwellings'. This policy also requires major schemes to provide a proportion of dwellings that comply with Building Regulations Requirement M4(3) 'Wheelchair User Dwellings'.

9.32 The proposal would provide a mix of two-bedroom, three-bedroom and four-bedroom houses, as set out in the table below.

Housing Type	Number of Dwellings
Two-Bedroom Houses	9
Three-Bedroom Houses	13
Four-Bedroom Houses	3

9.33 The most recent SHMA indicates that the highest housing need in the District, in terms of size, is for three-bedroom houses. This study also identifies a significant demand for two-bedroom and four-bedroom houses. The BCANP suggests that since 2011 there has been an under provision of new three-bedroom dwellings in the neighbourhood plan area, although this claim is based on data that is not necessarily fully up to date.

9.34 The proposed development would directly address the housing need specified in the SHMA by prioritising the delivery of three-bedroom houses. In addition, the provision of a high proportion of three-bedroom units could assist in addressing a potential under supply of this type of property in the BCANP area. Officers also support the delivery of two-bedroom and four-bedroom dwellings, given that the SHMA identifies these housing sizes as being in demand. Therefore, overall, the scheme would provide an appropriate housing mix that would address established needs within the District. The proposal would comply with DP Policy HOU1 and BCANP Policy HD7.

9.35 The applicant has confirmed that all of the new houses would be built to M4(2) 'Accessible and Adaptable' standards. In addition, 7 of the new units (Units 1, 5, 10, 19, 20, 22 and 24) would be designed to meet M4(3) 'Wheelchair User Dwellings' requirements. This provision of M4(2) and M4(3) compliant dwellings is supported and can be secured by condition, in accordance with DP Policy HOU7.

Affordable Housing

9.36 DP Policy HOU3 seeks to secure 40% affordable housing on schemes of 15 or more dwellings. This policy expects developments to incorporate a mix of tenures, taking into account the Council's most up-to-date evidence. This policy also outlines that affordable units should be integrated into the open market housing using appropriate design methods (i.e. tenure blind and pepper potting).

9.37 The development would provide 40% affordable housing (10 units), in accordance with DP Policy HOU3. A tenure split of 80% affordable rent (8 units) and 20% shared ownership (2 units) is proposed. This split would closely align with the District-wide tenure requirements, as specified in the DP. Therefore, the Housing Officer is content with the tenure split, which would also comply with DP Policy HOU3.

9.38 A mix of two-bedroom, three-bedroom and four-bedroom houses would be provided within the affordable tenures, as shown in the table below.

Size of Affordable Unit	Affordable Rent	Shared Ownership
Two-Bedroom Houses	5	0
Three-Bedroom Houses	2	2
Four-Bedroom Houses	1	0

- 9.39 From the table, it is evident that the scheme seeks to deliver affordable houses, rather than flats. The Housing Officer supports this, as in recent years there has been a general under provision of affordable houses and an over supply of affordable flats. As such, the proposal would contribute towards addressing this under supply of affordable houses in the District.
- 9.40 It is also proposed to provide a good proportion of larger homes within the affordable tenures (4 x three-bedrooms and 1 x four-bedroom houses). This is again supported, given the high demand for family-sized affordable homes in the District. Through the course of this application, the scheme has been revised to include a four-bedroom unit for affordable rent, at the request of the Housing Officer. Therefore, this comment from the Housing Officer has been satisfied.
- 9.41 The submitted drawings show no distinction, in terms of the design quality, between the affordable and market homes. As such, officers are confident that the scheme would be genuinely tenure blind, as required by DP Policy HOU3. On a major development of this modest size, there is limited scope to 'pepper pot' the affordable homes across the site. Nonetheless, officers are content that the affordable houses would be appropriately positioned within the development, as shown in the below image.

Layout, Density and Landscaping

- 9.45 The proposed housing development would be accessed from Ermine Street, with a new internal access road running westwards into the site, before diverting to the south. This access road would be a shared surface. 5 of the new houses would front onto Ermine Street, while the other dwellings would be located behind the site frontage and would be accessed off the internal access road. An area of open space and tree planting would be provided within the central area of the development. There would also be an attenuation pond created in this central open space. Two further attenuation ponds would be constructed in the green space at the front of the site.
- 9.46 The scheme originally proposed the erection of 26 dwellings, with some open space located on the southern side of the site. However, the Landscape Officer raised concerns that this initial layout was overly dominated by hard surfacing and parked vehicles. This consultee also suggested that the open space felt separated from the housing, meaning that it would not contribute towards softening the development. Following this, the applicant revised the scheme by removing one dwelling, so that the proposal would deliver 25 new houses. The open space was also re-located to the centre of the site, while other changes were made, including widening of the front green space, removing parking and providing an additional attenuation pond. The original layout and the final layout are shown below.



central green space, and the associated trees, would soften the appearance of the development and screen some views into the site from the access point. Officers consider that the proposed scheme would, overall, be well greened, and therefore it would be suitably sensitive to this setting, near to the countryside. Final details of the landscaping for the site can be secured via condition.

- 9.49 The buildings would be constructed at set-back locations from Ermine Street, with trees and planting provided between the houses and the site frontage. Due to this positioning, it is not considered that the houses would appear overly dominant in views along the road. The dwellings would generally be laid out in straight building lines, and this is appropriate, as it relates well to both the housing developments to the south and the ribbon of houses present to the north. Several of the buildings would also be orientated to face onto the green space and access road. Officers support this, as it would ensure that these areas of the development would be appropriately activated. The larger SUDs features are proposed on the eastern side of the site. This would be reflective of the layout at the modern developments to the south, and as such is considered acceptable.
- 9.50 The Landscape Officer has suggested that the proposed turning head is awkwardly located. While officers note this comment, the turning head is positioned towards the end of the southern stretch of the access road. This is a typical location for a turning head on a residential development, and therefore officers are satisfied with the positioning of this turning area.

Scale, Architectural Approach and Materiality

- 9.51 All the proposed houses would be of two storey height. It is noted that there are several bungalows neighbouring the site, however there are also examples of two storey dwellings on the modern development to the south. Given this, officers are content that two storey form of the houses would not be out of keeping in this locality. Furthermore, restricting buildings heights to two storey would ensure that the new houses would not appear unduly bulky within the site, the setting or in wider views.

9.52 The scheme would include a mixture of detached, link attached and semi-detached houses. This mix of typologies is considered acceptable, as it would add variety to the development and avoid over uniformity in housing designs. In addition, there are various examples of detached and semi-detached houses in the locality, meaning that the proposed typologies would be reflective of the setting.

9.53 Pitched roof designs would be adopted for the new houses. These simple roof forms would not be intrusive and would respect the character of the area, as there are various pitched roof houses in the vicinity. The housing designs would incorporate features such as front facing gable-ends, porches and chimneys. Officers consider that the incorporation of these design features would add sufficient visual interest to the street scenes and result in the massing of the houses being appropriately broken up. Examples of the proposed housing designs are shown in the images below. It is also intended to provide numerous carports on the site. These carports would be modestly proportioned and subservient structures that would suitably integrate into the development.



9.54 A mix of external materials is proposed including brickwork, render, weatherboarding, slate tiling and plain tiling. There is a variety of external materials present on dwellings in the area. Therefore, officers are content that the proposed material palette would not result in the new houses appearing alien or incongruous in the locality. In addition, the use of a different materials would assist in

providing variety to the development. A condition is recommended to secure final details of the external materials to ensure that high quality materiality is used on site.

Quality of Accommodation

- 9.55 DP Policy DES4 notes that developments should ensure that internal rooms are of appropriate size and dimension, so that the intended function of each room can be achieved. The Nationally Described Space Standards (NDSS) outline guidance on internal floor area requirements for new dwellings. The BCANP Design Code sets space standards for outdoor garden spaces, whilst also providing advice on privacy, light and outlook for new developments.
- 9.56 All the house types would have internal floor areas that either exceed the NDSS, or are marginally below these standards (below by 1 square metre). Whilst this marginal non-compliance with these standards is acknowledged, the NDSS is only guidance and is not adopted policy. Officers consider that all the homes would be appropriately laid out with good sized rooms. Therefore, the function of the internal spaces could be comfortably carried out and the scheme would provide an acceptable quality of accommodation for the future occupiers, in accordance with DP Policy DES4.
- 9.57 The proposed houses would all be dual-aspect, providing adequate outlook, suitable levels of light availability and opportunities for cross ventilation. In addition, none of the new dwellings would be invasively overlooked, and as such they would benefit from appropriate privacy. Therefore, acceptable internal living standards would be delivered, in line with the advice of the BCANP Design Code.
- 9.58 Most of the proposed dwellings would be provided with gardens that exceed the outdoor amenity space standards of the BCANP Design Code. However, 3 of the homes would be served by garden spaces that are marginally below the BCANP recommended sizes (Units 17, 19 and 21). While this is noted, officers still consider that these garden spaces would be of reasonable dimensions, and therefore the future occupiers of these units would have acceptable access to a

private outdoor space. As such, the marginal non-compliance with the BCANP Design Code recommendations would not result in the living standards of the dwellings being inadequate.

- 9.59 The rear gardens would accommodate areas for bin/cycle storage. The Landscape Officer and Sustainability Officer suggest that the Site Plans should be updated to show hard surface paths between these bin/cycle stores and the front of the properties. These consultees note that this would allow easy movement of bins and bikes in all weather conditions. While these comments are noted, the routes between the bin/cycle storage areas and the front parts of the properties would be short. As such, it is not necessary for paths to be provided. If future residents consider that such a path is required, then this could be installed at a later date.

Design Conclusions

- 9.60 Through the application process, various amendments have been secured to the proposals, which have elevated the quality and sensitivity of the scheme.
- 9.61 The final proposal would be a relatively low density development that would be well greened. This appropriate to the edge of settlement location and semi-rural setting. The layout of the scheme would be reflective of the arrangement of built development evident on adjacent sites. Building heights have also been restricted to two storeys and this would respect the scale of built form in the area, whilst also ensuring the development would not appear overly bulky in wider views. The housing designs would be of acceptable quality, incorporating design features and materiality that would add variety. The homes would provide good quality accommodation and living conditions for the future occupiers.
- 9.62 Therefore, overall, officers consider that the scheme would be of good quality design. The proposals would be compatible with the character and appearance of the site, the street scene, the surrounding area and the wider locality. As such, in design terms, the scheme would satisfy DP Policies GBR2, HOU2 and DES4, as well as BCANP Policy HD4 and Sections 11 and 12 of the NPPF.

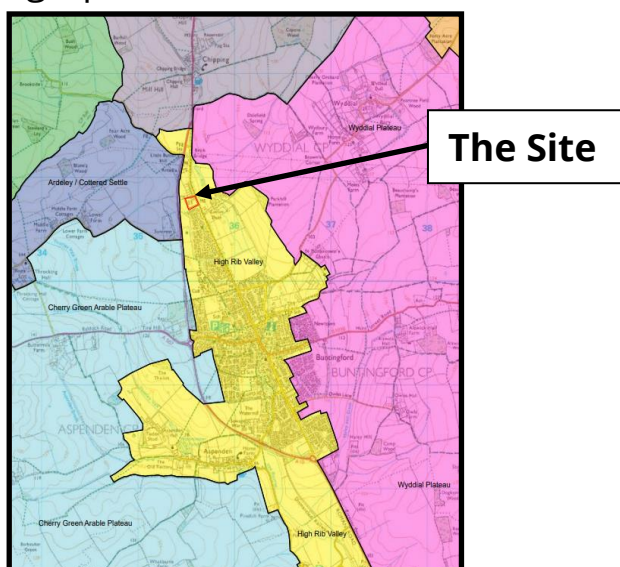
Landscape Character and Visual Impacts

9.63 DP Policy DES2 notes that proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the District's landscapes. BCANP Policy HD2 outlines that schemes should be sensitive to the landscape and not adversely impact on views from the countryside. BCANP Policy ES1 sets out that developments should maintain the Rib Valley setting of the neighbourhood plan area. Paragraph 187 of the NPPF explains that developments should protect and enhance valued landscapes, and recognise the intrinsic character and beauty of the countryside.

Landscape Character

9.64 The Landscape Character Assessment SPD identifies that the site is within Landscape Character Area (LCA) 142 – the High Rib Valley. This LCA is divided into two sub-areas, as it covers land to the south and south-west of Buntingford, as well as the landscape to the north and north-east of this town. The site is towards the northern side of this LCA, as shown in the below image.

9.65 LCA 142 is described as 'the last section of the River Rib that retains a distinctive valley form'. The SPD notes that key characteristics of this LCA are the relatively narrow valley feature, the mixed land uses including arable and pasture, the urban influence of Buntingford and the A10 corridor. This LCA is not a 'valued landscape' for the purposes of Paragraph 187 of the NPPF.



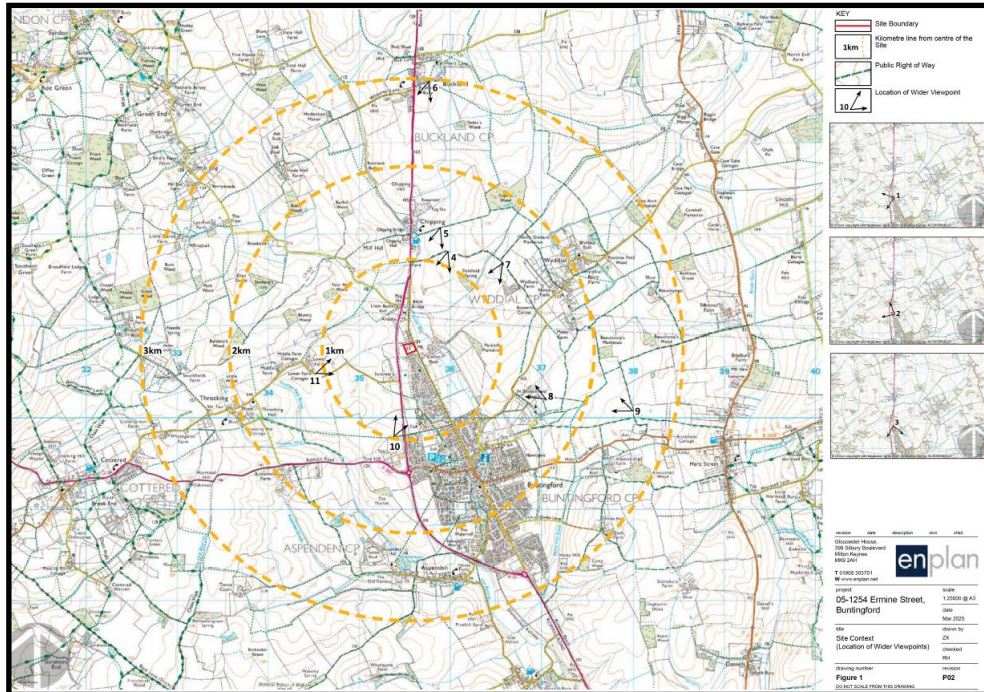
- 9.66 The application site itself consists of a grassed field, together with two former agricultural structures and a bungalow. The site is on the western side of Ermine Street and sits between two different areas of housing. Land levels on site generally drop away gently to the north-east. On the opposite side of Ermine Street and approximately 170 metres to the east is the River Rib. The Landscape and Visual Impact Assessment (LVIA) submitted with this application notes that the site forms part of the shallow valley side of the River Rib.
- 9.67 The LVIA assesses the effect of the proposals on landscape character and concludes that any impacts would be highly localised. Therefore, specific landscape receptors have not been identified in the LVIA. Instead, this submitted report considers the landscape impacts, in the context of the immediate setting and the general landscape character of this part of the LCA. The Landscape Officer has not questioned this methodology, and as such officers are content that this approach is suitable, in this case.
- 9.68 The proposed scheme would clearly intensify the level of built development on the site, with buildings, access roads, domestic curtilages and associated paraphernalia replacing areas of open grassland. This would be a significant change in land use terms, which would urbanise the character of the site and conflict with the historically undeveloped nature of this part of the River Rib valley. As such, there would inevitably be some harm to the rural landscape character of this part of the LCA.
- 9.69 While this is noted, the LVIA considers that the site has low sensitivity in landscape terms, due to its well contained nature and the lack of a visual relationship with the wider High Rib Valley landscape. On this basis, the LVIA concludes that the introduction of built development onto the site, and the associated urbanising effects, would only result in minor adverse impacts on landscape character. The Landscape Officer does not fully concur with this conclusion, with this consultee suggesting that a higher level of landscape harm would arise, potentially at a moderate adverse level.

- 9.70 Officers agree with the LVIA in that the site lacks a visual relationship with the wider High Rib Valley landscape. The typical valley landscape in this locality is on the eastern side of Ermine Street, where open fields drop away gently towards the river. The site does not appear as part of this valley landscape, as is separated from it by Ermine Street. Instead, the site is heavily influenced by modern housing developments along the western side of Ermine Street. Given this, officers do not consider that this proposed residential scheme would appear as an alien addition to the landscape to the north of Buntingford.
- 9.71 The site is also well contained, as it sits between two existing areas of housing and is enclosed by well vegetated boundaries, which are largely proposed to be maintained. The contained nature of the site means that, in officer's view, any impacts on landscape character would be highly localised, being focused on the site and its immediate surroundings. This assessment again aligns with the conclusions of the LVIA.
- 9.72 In summary, the proposals would result in some harm to landscape character, as the scheme would urbanise the site, with built development replacing areas of open grassland. Due to these adverse landscape impacts, there would be some conflict with DP Policy DES2 and BCANP Policies ES1 and HD2. However, the site is already heavily influenced by existing areas of housing on the western side of Ermine Street, whilst also being clearly separated from the rural valley landscape to the east. The site is also well contained, meaning that the harm to the landscape character is highly localised. Given this context, officers consider that a minor adverse landscape impact would result from the development. This limited harm to landscape character attracts negative weight in the final balance.

Visual Impacts

- 9.73 The LVIA has also considered the visual impact of the proposal from 11 viewpoints in the area. This includes 3 close-up views from Ermine Street (viewpoints 1 – 3) and 8 longer distance views from public rights of way (PROWs) and other footways (viewpoints 4 – 11). These

viewpoints are shown in the below image. Officers consider the assessment of this number of viewpoints to be proportionate to a development of this size and context. Therefore, the LVIA forms an appropriate basis to judge the visual impact of the development.



Viewpoints 1 – 3 (Ermine Street)

9.74 These viewpoints are taken from positions along Ermine Street that are close to the application site. Given this, the introduction of built development onto the land would clearly be evident in these views. The LVIA accepts this noting that following completion of the development at year 1 there would be moderate to major adverse visual impacts on these views. However, the LVIA suggests that after 15 years new planting would have matured to provide additional screening. Due to this, the LVIA concludes that in the long term the level of harm would be reduced down to minor to moderate adverse.

9.75 The Landscape Officer has not questioned this assessment. Officers agree that at year 1 the addition of housing development onto this largely open site would result in major to moderate adverse visual impacts on these views. However, a good level of planting would be provided along the eastern side of the site, which would, in the long term, screen some views from Ermine Street. In addition, through the application process the scheme has been amended to include new tree planting in the central area of the development. This planting

will, once it matures, soften westwards views through the access point and into the site. Therefore, overall, it is considered that sufficient mitigation planting would be provided to ensure that, in the long term, visual impacts on these views would be restricted to minor to moderate adverse.

Viewpoints 4 – 11 (PROWs and Other Footways)

9.76 There are limited PROWs in the immediate vicinity of the site. As such, viewpoints 4 – 11 generally cover relatively long distance views. This includes views towards the site taken from the countryside to the north, east, south and west. Due to the longer distance nature of these views, and the presence of intervening vegetation and landscapes, the LVIA explains that there would be limited to no visibility of the proposed development in these views. On this basis, the LVIA concludes that visual impacts would generally be minor to moderate adverse at both year 1 and 15.

9.77 The Landscape Officer does not dispute the LVIA's conclusions, and notes that the site is generally well screened in longer distance public views. Officers agree with this, as intervening vegetation and landscapes would largely screen the new houses in longer views. Where glimpses of proposed housing may be possible, the development will be viewed together with the adjacent modern residential schemes along Ermine Street. As such, the proposals would not appear prominent in any of the longer views. Given this, officers consider that, overall, the proposed scheme would result in minor adverse visual impacts on the longer distance views in both the long and short term.

Visual Impact Conclusions

9.78 In summary, the proposals would result in long term minor to moderate adverse visual impacts on close distance views from Ermine Street. Whereas, impacts on longer distance views would be minimal and would, overall, be minor adverse in magnitude. The existence of some adverse visual impacts means that there would a degree of conflict with DP Policy DES2 and BCANP Policies ES1 and HD2. This attracts some negative weight in the final balance. However, given the localised nature of the higher level adverse visual

impacts, and the absence of any significant impact on longer countryside views, officers consider that the conflict with these policies would be limited.

Impacts on Heritage Assets

- 9.79 DP Policy HA1 outlines that developments should preserve, and where appropriate, enhance the historic environment. Paragraph 212 of the NPPF explains that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.80 DP Policy HA7 explains that proposals should preserve the setting of listed buildings. This policy reflects Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special regard to be had to the desirability of preserving a listed building or its setting.
- 9.81 DP Policy HA8 also notes that a level of protection should be afforded to locally important historic parks and gardens. In addition, DP Policy HA2 sets out that when a proposal would impact a non-designated heritage asset regard should be had to the scale of any harm or loss and the significance of the asset.

Existing Agricultural Buildings

- 9.82 The Conservation Officer initially highlighted that available 19th century mapping appears to show structures on the site. Given this, this consultee queried whether the existing former agricultural buildings are of any heritage interest. Following this, the applicant submitted a Heritage Impact Assessment (HIA), which notes that the structure evident on historic mapping was in fact a pond. This pond has since been removed. The HIA explains that the existing agricultural structures are of no heritage significance, as they date from the mid-20th century, and consist of brickwork, concrete, timber and corrugated sheeting.
- 9.83 The Conservation Officer has reviewed the HIA and further considered the form of the agricultural structures. This consultee has

now confirmed that the former agricultural buildings are clearly of no heritage value. Therefore, officers are content that the demolition of these structures would not result in any harm to the significance of designated or non-designated heritage assets. There would be no conflict with heritage related policies in the DP or the NPPF, nor the Planning (Listed Buildings and Conservation Areas) Act 1990.

Listed Milestone

9.84 Directly to the east of the site and on the grass verge along Ermine Street there is a grade II listed milestone. The HIA notes that this milestone dates from the 18th century and is of significance due to being a surviving feature from early transport networks. The milestone is outside the site boundary and the scheme does not propose any works to this heritage asset. Therefore, the only consideration is whether the setting of this listed structure would be impacted by the development. The HIA explains that the setting of the milestone is informed by its roadside position. This reflects the function of the milestone as part of the 18th and 19th century transport network.

9.85 The roadside setting of the milestone would not change, as a result of the proposals. Hedging would also be maintained between the listed structure and the housing development, providing screening. Given the retention of the roadside position of the milestone, the Conservation Officer is content that the setting of this heritage asset would not be impacted. In addition, the development would not alter the way in which the milestone can be appreciated from Ermine Street. Therefore, officers conclude, overall, that the setting of the listed milestone would not be harmed by the proposals. The setting and significance of this heritage asset would be preserved, in accordance with DP Policies HA1 and HA7, Section 16 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Corneybury Farm

9.86 On the opposite side of Ermine Street and to the east of the site there is a group of buildings at Corneybury Farm. Within this cluster of buildings there is a grade II* listed manor house, dating from the 16th century, as well as several other grade II listed buildings and

structures, including a barn, stables, coach house and gate piers. These grade II listed buildings date from the 17th and 18th centuries. The HIA notes that these buildings have individual architectural and historic significance, whilst also holding group value as an important manor site, and due to their farming history.

- 9.87 The application site is not known to have any historic functional association with Corneybury Farm. Therefore, from this perspective, the significance of heritage assets at Corneybury Farm would not be impacted. However, the effect of the proposals on the setting of this group of listed buildings must also be considered. The Conservation Officer explains that the setting of these heritage assets is informed by their relationship with each other, and also with the surrounding landscape and parkland on the eastern side of Ermine Street.
- 9.88 The location of the site on the opposite side of the road means that the land contributes little to the setting of Corneybury Farm. The listed buildings at Corneybury Farm can be appreciated in eastward views from Ermine Street and across the parkland. The proposals would not impact on, or obscure, any of these views, nor alter the relationship of the listed buildings with the surrounding parkland. Furthermore, the proposed development would be over 115 metres from the group of buildings at Corneybury Farm. Due to this separation, the relationship and visual interaction between the individual listed buildings would not be impacted. Therefore, officers consider that, overall, the setting of the listed buildings at Corneybury Farm would be unaffected by the proposals. The setting and significance of these heritage assets would be preserved, in line with DP Policies HA1 and HA7, Section 16 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.89 The Historic Parks and Gardens Supplementary Planning Document suggests that the parkland at Corneybury Farm is of post-medieval origin. However, the HIA claims that the parkland is more likely to date from the late 19th century. Regardless of this disagreement, the parkland is still considered to be of local significance, given its contribution to the setting of listed buildings at Corneybury Farm. As such, the parkland is a non-designated heritage asset.

9.90 The proposed development would be well separated from the parkland, being located on the opposite side of Ermine Street. No important views across the parkland would be blocked or impacted by the development. Therefore, officers are content that the character, appearance and setting of the locally important park and garden would not be compromised. The significance of this non-designated heritage asset would be preserved, in accordance with DP Policies HA1, HA2 and HA8, and Section 16 of the NPPF.

Archaeology

9.91 DP Policy HA3 outlines that where development is permitted on sites containing archaeological remains, conditions should be applied requiring appropriate investigation and recording.

9.92 The site is located adjacent to an Area of Archaeological Significance, and therefore HCC Historic Environment Unit was consulted on the application. This consultee notes that previous archaeological investigations in the area revealed remains dating from the prehistoric period through to post-medieval times. In addition, the site is alongside the course of Roman Ermine Street. Given this context, HCC Historic Environment Unit conclude that the development should be viewed as likely to impact on heritage assets of archaeological interest. On this basis, this consultee advises that a programme of archaeological work should be secured via condition. This condition forms part of this recommendation and would ensure that appropriate provisions are made to secure any archaeological remains.

Neighbouring Amenity

Residential Amenity

9.93 DP Policy DES4 notes that proposals should avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land, and ensure that environments are not harmed by inadequate daylight, privacy or overshadowing. The BCANP Design Code sets separation distance standards for new

developments, whilst also providing guidance on minimising losses of light and privacy.

Parkside

9.94 To the north there is a line of bungalows on Parkside. The closest property at Parkside to the site is No.1. The proposed house in the north-eastern corner of the development (Unit 1) would be the nearest new dwelling to Parkside. This new house would be approximately 13 metres from the boundary with No.1 and approximately 16.5 metres from the flank wall of this neighbour. These separation distances are sufficient to ensure that neither No.1, nor any other property on Parkside, would be materially impacted by losses of light, overshadowing, restriction of outlook or overbearing effects.

9.95 Unit 1 would not have any flank windows on its northern elevation, and therefore from this perspective, inappropriate overlooking towards Parkside would not arise. There would be some views possible across the rear gardens of dwellings on Parkside from the upper floor windows of Units 1, 3 and 4. However, some visibility over rear gardens is commonplace, and generally accepted, for residential properties. Noting this, and given the separation distances involved (roughly 17 – 28 metres), as well as the availability of screening from boundary vegetation, it is not considered that invasive overlooking of gardens would occur.

Prestwick Drive

9.96 To the north and north-west there is a group of 5 new build chalet-style bungalows at Prestwick Drive. The proposed houses towards the north-western corner of the development (Units 7 and 8) would be the closest new dwellings to these neighbours. The built part of Units 7 and 8 would, at the nearest point, be approximately 21 metres from the properties on Prestwick Drive. Officers consider this separation distance to be sufficient to ensure that undue losses of light, overshadowing, restriction of outlook or overbearing effects would not impact these neighbours.

- 9.97 The two dwellings on the western side of Prestwick Drive are to the north-west of the application site. It is proposed to insert a western facing upper floor window into the flank wall of Units 7 and 8. However, these neighbouring properties would be over 40 metres from this new window. Due to this separation distance, it is not considered that inappropriate overlooking towards these neighbours would arise.
- 9.98 The line of three chalet bungalows on the eastern side of Prestwick Drive would be directly to the north/north-west of Units 7 and 8. The southern elevations of these neighbouring properties (front elevation) include one upper floor window each (serving bedrooms), together with various ground floor windows. These neighbouring windows all have varying degrees of intervisibility with the application site.
- 9.99 The middle and western of these three chalet bungalows would be over 26 metres from the rear elevation of Units 7 and 8. This separation distance would be sufficient to ensure that inappropriate overlooking towards these neighbours would not result. In addition, this level of separation would comply with the guidance of the BCANP Design Code, which advises that separation distances between windows serving habitable rooms should be at least 23 metres.
- 9.100 The easternmost chalet bungalow at Prestwick Drive would be slightly closer to Units 7 and 8. At the nearest point, there would be approximately 21 metres between the front windows of this neighbour and the rear elevation of Units 7 and 8. As such, there would be a minor breach of the BCANP Design Code. While this is noted, it is proposed to retain trees along the northern site boundary and these would screen views towards this neighbour. In addition, the level of intervisibility at upper floor would be minimal, given that this chalet bungalow only has one first floor window. In officer's view, the provision of reasonable separation distance (minimum 21 metres), coupled with the availability of screening and the limited intervisibility at upper floor level, means that there would not be invasive overlooking towards this chalet bungalow. Therefore, whilst

there would be minor non-compliance with the BCANP Design Code, it would not result in undue harm to the privacy of this neighbour.

Phillips Way

9.101 There are modern dwellings on Phillips Way (Nos. 1 – 23) to the south of the site. The proposed houses would be over 25 metres from the boundaries of these neighbouring properties. In addition, the proposed development would be separated from these neighbours by an area of open space. Given the available separation, it is not considered that the properties on Phillips Way would be materially impacted by losses of light, overshadowing, restriction of outlook or overbearing effects.

9.102 The flank elevations of Units 15, 16 and 25 would face south towards Phillips Way. These flank walls would all incorporate upper floor windows. Whilst this is noted, the separation distances to properties on Phillips Way (over 25 metres) would be sufficient to ensure that inappropriate overlooking into the windows, or over gardens, would not occur.

Amenity Conclusions

9.103 In summary, the proposed houses would be adequately separated from the adjacent properties, and therefore the amenity and living conditions of all the neighbours would be maintained. As such, there would be no conflict with DP Policy DES4, nor BCANP Policy HD4.

Noise

9.104 DP Policy EQ2 requires developments to be designed to minimise impacts of noise on the surrounding environment.

9.105 This proposed housing development is not a use that, by its nature, would generate excessive noise. Therefore, from this perspective, the amenity of neighbouring properties would not be unduly impacted by noise, and there would be no conflict with DP Policies DES4 or EQ2.

9.106 It is however proposed to provide an air source heat pump (ASHP) for each of the new dwellings. This renewable technology can

generate noise. No details of the proposed model or siting of ASHPs have been provided with this application. As such, it is not currently possible to fully assess potential noise impacts from ASHPs. While this is noted, the proposed houses would be well separated from neighbouring properties. Given this, officers are satisfied that ASHPs could be installed on the site at sufficient separation distances from neighbours to avoid any adverse noise impacts.

9.107 Through a condition securing final details of the ASHPs, officers can ensure that a suitable model is used and that the technology is positioned at appropriate distances from neighbours. In addition, this condition can require compliance with MCS standards (national standards for ASHP installation), which include limits for noise generation from ASHPs. Subject to this condition, ASHPs can be installed on site, without resulting in adverse noise impacts on the amenity of neighbours. As such, there would be no conflict with DP Policies DES4 or EQ2, nor BCANP Policy HD3.

Access, Highways and Transport

Trip Generation

9.108 DP Policy TRA2 notes that proposals should not result in severe residual cumulative impacts. Similarly, Paragraph 116 of the NPPF outlines that development should only be prevented on highways grounds, if residual cumulative impacts on the road network, following mitigation, would be severe.

9.109 This application is supported by a Highways Technical Note (HTN), which contains a trip generation calculation. This trip generation calculation estimates that the proposed development would result in a total of 119 two-way vehicular trips across the day. This would include 14 two-way vehicular journeys in the AM Peak and 13 two-way vehicular trips in the PM Peak. This trip generation is shown in the table below.

Hours	Two-Way Vehicular Trips
AM Peak (08:00 – 09:00)	14
PM Peak (17:00 – 18:00)	13

Daily	119
-------	-----

9.110 The Highway Authority has reviewed the HTN and has not questioned the trip generation calculations. In addition, this consultee has confirmed that vehicular trip generation associated with the development would be low and would not result in a material impact on the local highway network. Officers agree that the number of vehicular journeys created would be limited, and as such there would not be a severe impact on the local highway network, in terms of traffic flow or congestion. There would be no conflict with DP Policy TRA2, nor Paragraph 116 of the NPPF.

Access Arrangements and Highways Safety

9.111 DP Policy TRA2 outlines that developments should provide safe and suitable access for all users. This policy and Paragraph 116 of the NPPF note that proposals should not result in unacceptable impacts on highways safety.

9.112 The scheme proposes to create a new vehicular access from Ermine Street. The HTN includes tracking drawings, which demonstrate that cars, refuse vehicles and emergency vehicles would all be capable of safely entering and exiting the site at this access point. In addition, an access arrangement plan has been submitted, which shows that, subject to some minor trimming of vegetation on the grass verge, suitable visibility along Ermine Street would be available from the access. The Highway Authority has reviewed the relevant drawings and they consider the access to be acceptable. Given this, officers are satisfied that the new vehicular access would not compromise highways safety. There would be no conflict with DP Policy TRA2, nor Paragraph 116 of the NPPF. The provision of the new access, and the associated visibility splays, can be secured via condition.

9.113 Directly to the north of the new access, it is proposed to provide a pedestrian crossing. The future residents of the development could use this crossing to reach the footpath on the eastern side of Ermine Street. The Highway Authority initially requested that this crossing be subject of a Stage 1 Road Safety Audit. This audit has been undertaken, and it confirms that there are no material safety issues

with this crossing. The Highway Authority has not disputed this conclusion. Therefore, it is considered that the crossing would be acceptable in highways safety terms. There would be no conflict with DP Policy TRA2 or Paragraph 116 of the NPPF. A condition is recommended to secure the delivery of the pedestrian crossing.

9.114 An access road would extend westwards from the new access and into the development, before diverting southwards within the site. All the proposed houses would be accessed directly off this internal access road. This road would be a 5.5 metre wide shared surface and the Highway Authority has confirmed that this carriageway design would comply with their guidance. In addition, tracking drawings have been provided within the HTN to show that cars, refuse vehicles and emergency vehicles would all be able to travel along the access road and turn within the site. Both the Highway Authority and EHDC Waste Services have reviewed the application, and neither consultee has raised concerns with the internal highway layout. As such, officers are content that the scheme has been designed to allow all relevant vehicles to manoeuvre within the site, in accordance with DP Policy TRA2.

9.115 A comment has been received from a local resident outlining that the speed limit should be reduced on Ermine Street, or this road should be made one-way. This comment is acknowledged, however the Highway Authority have not suggested that such measures are necessary. The Highway Authority are content that the development would be acceptable, in highway safety terms, without such alterations being made to Ermine Street.

Car and Cycle Parking

9.116 DP Policy TRA3 notes that vehicle parking should be assessed on a site-specific basis, taking into account the SPD 'Vehicle Parking Provision at New Development'. BCANP Policy T1 sets parking standards for the neighbourhood plan area that are slightly higher than the SPD standards. This policy explains that these standards should be followed unless there is clear justification for a lower standard to achieve sustainable development.

- 9.117 DP Policy TRA3 and BCANP Policy T2 expect secure, covered and waterproof cycle storage to be provided. DP Policy DES4 also encourages the provision of electric vehicle charging points for new homes.
- 9.118 This development would give rise to a demand for either 60 or 69 on-site parking spaces, depending on whether the scheme is assessed against the SPD or the BCANP. The proposal would supply 53 parking spaces on driveways and within carports. As such, there would be an under provision of on-site parking, when considered in the context of both the SPD and the BCANP.
- 9.119 The scheme originally proposed a higher level of on-site parking, with 69 spaces identified for 26 dwellings. However, this original layout included areas of tandem parking, where three vehicles were shown parked back-to-back. The Highway Authority raised concerns with this arrangement. In addition, the Landscape Officer felt that this original layout was not sufficiently greened, incorporating excessive levels of hardstanding. To address these consultee comments, the applicant amended the scheme to remove tandem parking of three vehicles, and to provide further soft landscaping, including the central green space. These changes led to the number of on-site parking spaces being reduced to 53 to serve 25 new houses.
- 9.120 Officers consider that these amendments have resulted in a higher quality scheme that incorporates increased soft landscaping. Due to this elevated level of greenery, the development would be more sensitive to the edge of settlement location and the nearby open countryside. The scheme also still includes a good level of on-site parking (over two parking spaces per house). Therefore, officers are content that the parking needs of the development can be accommodated on site, without a requirement for the new residents to regularly park on-street on local roads. Given this, it is not considered that material issues with on-street parking capacity in the area would arise from the development.

- 9.121 In addition to the above, reduced on-site parking should encourage more sustainable and active travel behaviours from the future residents. Officers accept that the lack of certain key facilities in Buntingford means that there would be a degree of reliance on use of the private vehicle. However, some trips (i.e. to school or the town centre) could be undertaken by walking or cycling, while there is also potential to use bus travel for wider journeys. The option of using alternative modes of travel to the private vehicle reduces, to a certain degree, the reliance on multiple car ownership. This further justifies a lower level of on-site parking, then required by the SPD or BCANP.
- 9.122 Overall, officers consider that a suitable balance has been struck between maximising soft landscaping and still providing sufficient on-site parking. In addition, the potential to undertake some journeys via sustainable and active modes, and not by the private vehicle, further justifies a reduced level of on-site parking. Therefore, it is considered, on balance, that the lower standard of on-site parking (53 parking spaces) is acceptable, in this case, as it would enable the delivery of a higher quality and more sustainable development. The proposal would not be contrary to DP Policy TRA3, nor BCANP Policy T1. A condition is however considered necessary to restrict the use of carports and driveways to parking, in order to maintain the level of on-site parking.
- 9.123 The submitted plans indicate that individual cycle storage facilities would be provided for each of the new dwellings. This would appropriately encourage this sustainable mode of travel, in accordance with DP Policies TRA1 and TRA3, and BCANP Policy T2. However, full details of the cycle stores have not been provided. Therefore, a condition is recommended to secure final details of the cycle storage facilities.
- 9.124 The Planning Statement confirms that electric vehicle charging points would be provided for each of the new houses. This would suitably promote use of electric vehicles, in accordance with DP Policy DES4. Final details of the electric vehicle charging points can be secured via condition.

Trees, Biodiversity and Ecology

Trees and Arboriculture

- 9.125 DP Policy DES3 requires proposals to demonstrate how existing landscape features of amenity and biodiversity value will be retained and enhanced. DP Policy NE3 explains that developments resulting in the loss of, or significant damage to, trees or hedges should be resisted. These policies also note that where losses are unavoidable, and justified, compensatory planting should be sought.
- 9.126 The application is supported by a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (AIA). This document identifies the landscape features on the site, assesses the quality of the existing trees and considers the arboricultural impacts of the development.
- 9.127 The central areas of the site are predominantly free from trees and hedging, apart from a small number of low quality specimens (category C) present around the existing agricultural structures and the bungalow. The site boundaries however are well vegetated, being made up of moderate quality (category B), low quality (category C) and a small number of poor quality (category U) landscape features. There are no high quality (category A) or veteran trees on, or directly adjacent to, the site.
- 9.128 A limited level of tree and hedge works are proposed, with only 7 individual trees and 4 hedges identified for removal. Small sections of 2 other hedges would also be removed. The landscape features proposed for removal would either be poor quality boundary trees (category U), low quality specimens at the proposed access point (category C) or low quality features within the site (category C). All the moderate quality trees (category B) would be maintained. Therefore, officers are satisfied that tree removal would be kept to a minimum, with landscape features of amenity value retained, in accordance with DP Policies DES3 and NE3. The scheme also includes the planting of 56 new trees, and as such any loss of on-site trees would be more than compensated for.

9.129 The proposed buildings would be positioned outside the root protection areas (RPAs) of retained trees. Therefore, from this perspective, trees would not be harmed in the long-term. Some landscaping would be undertaken within RPAs, however the AIA makes several recommendations to ensure that trees would be protected during these works, including hand digs and checks by an Arboriculturist. The AIA also includes a Tree Protection Plan that shows protective fencing being installed around trees during the construction phase. Subject to the advice in the AIA being followed, officers are content that retained trees would not be adversely impacted, in line with DP Policies DES3 and NE3. A condition is recommended requiring adherence to the measures in the AIA.

Biodiversity Net Gain (BNG)

9.130 The Environment Act (2021) introduced a statutory requirement for 10% BNG to be delivered through new developments. This legislation states that every planning permission granted is subject to the biodiversity gain condition. The Biodiversity Gain Hierarchy advises that developers should first seek to provide BNG on site through enhancement of existing habitats and creation of new habitats. However, if it is not possible to deliver 10% BNG on site, then applicants are able to use registered off-site gains or biodiversity credits.

9.131 The existing site is made up of a large area of neutral grassland, together with hedgerows, a small pocket of scrub and some tall forbs. The baseline habitat conditions of the site also include the existing agricultural structures, a disused track, the bungalow and the residential curtilage at Toreen. The existing habitats on site are shown on the plan below.



9.132 The proposed development would result in the loss of several existing habitats, most notably significant areas of neutral grassland. The scheme seeks to partly offset these losses by enhancing existing habitats such as hedgerows and retained grassland. In addition, new on-site habitat creation is proposed, including 56 trees, shrubs, scrubs and modified grassland. The areas of new habitat are shown on the plan below. While the scheme proposes to provide new and enhanced habitats, the submitted BNG Metric still confirms that the proposals would, overall, result in a net loss of 12.85% in habitat units. Therefore, it is not proposed to provide mandatory BNG on site. Instead, the applicant intends to deliver the required BNG off site through a habitat bank.



9.133 The reduction in on site habitat units is largely due to the substantial loss of neutral grassland (habitat of medium distinctiveness), and the introduction of vegetated garden and developed land to the site (habitats of low/very low distinctiveness). This change of habitats is inevitable for a modest housing development on existing grassland. Officers consider that the applicant has taken all reasonable steps in aiming to provide mandatory BNG on site (i.e. through planting a significant number of trees). Therefore, the Biodiversity Gain Hierarchy has been followed. However, due to the modest size of the site, and the lack of available space for further habitat creation, it is

not reasonably possible to achieve 10% BNG on site. Therefore, in line with the Biodiversity Gain Hierarchy, it is acceptable for registered off site biodiversity gains from a habitat bank to be used for mandatory BNG. The final approach to delivering mandatory BNG would be agreed through the biodiversity gain condition.

9.134 While the scheme would not provide an overall BNG on site, some of the new and enhanced habitats would be of medium distinctiveness (i.e. trees, scrub and neutral grassland). Given this, HCC Ecology consider that these enhancements should be viewed as significant, meaning that they should be secured for 30 years in a Section 106 Agreement. Officers agree with this approach, and therefore it is recommended that the on-site enhancements, together with a Habitat Management and Monitoring Plan, are included within the Section 106 Agreement. Provision of off-site BNG cannot constitute a reason for refusal, as the proposal complies with the mandatory requirements.

9.135 HCC have recently published the Hertfordshire Local Nature Recovery Strategy (LNRS). This document is a guide that can be used to assist with nature recovery. Site-specific and area-specific actions for nature recovery are also shown on the LNRS mapping. Officers have reviewed the LNRS and its associated mapping, however none of the habitat related actions relevant to this site are applicable to the current proposals.

Protected Species and Wildlife Enhancements

9.136 DP Policy NE3 notes that protected species should not be adversely impacted by proposals. This policy and BCANP Policy ES8 require integrated features for wildlife to be provided in new developments.

9.137 The application is supported by an Ecological Appraisal (PEA), which considers the potential of protected species using the site, and also assesses whether any of these species would be impacted by the proposals.

9.138 The PEA outlines that bat emergence surveys have been undertaken to determine whether, or not, this species roosts within buildings on

site. These surveys revealed that one of the agricultural structures contains a bat roost. The scheme would involve the demolition of this agricultural building, and therefore a bat roost would be lost. HCC Ecology have acknowledged this and advise that a mitigation license from Natural England will be required to undertake the works. Therefore, this consultee recommends a condition securing details of the license prior to commencement of development. This condition forms part of this recommendation, and subject to this, officers are content that appropriate mitigation would be put in place to avoid impacts on roosting bats, in line with DP Policy NE3.

9.139 During the initial survey of the site, evidence was found of a barn owl using one of the agricultural structures. Following this, further surveys were undertaken, which confirmed the agricultural building as a temporary rest site for barn owls and not a nesting site. The PEA recommends mitigation and avoidance measures to ensure that barn owls would not be harmed, including provision of a nest box and a pre-demolition check by an Ecologist. HCC Ecology are content that these measures would ensure that impacts on barn owls are avoided. Implementation of these measures can be secured via condition, in line with DP Policy NE3.

9.140 The PEA notes that there are five water bodies within 500 metres of the site that could be used by great crested newts. The site is also identified as containing suitable habitats for this species. The applicant intends to obtain a great crested newt district license from Natural England to ensure that mitigation is put in place to avoid potential impacts. HCC Ecology have not objected to this approach, and advise that details of this license can be secured via condition. This condition is included as part of this recommendation and would ensure that suitable mitigation is provided. Subject to this, great crested newts would not be harmed and there would be no conflict with DP Policy NE3.

9.141 The PEA also advises several measures to ensure that impacts on protected species (bats, barn owls, badgers, nesting birds, hedgehogs and reptiles) are avoided during the construction and operational phases of the development. HCC Ecology support these

measures and recommend that conditions should be imposed requiring them to be undertaken on site. These conditions form part of this recommendation and would ensure that protected species would not be adversely impacted. There would be no conflict with DP Policy NE3.

9.142 The provision of numerous wildlife enhancements has been recommended within the PEA. However, limited details of where these wildlife features would be installed on site have been set out. Therefore, conditions are considered necessary to secure a Species Enhancement Plan and a scheme for integrated bird boxes/swift bricks. Subject to these conditions, the proposal would appropriately create opportunities for wildlife, in line with DP Policy NE3 and BCANP Policy ES8.

Flood Risk and Drainage

Flooding and Surface Water Drainage

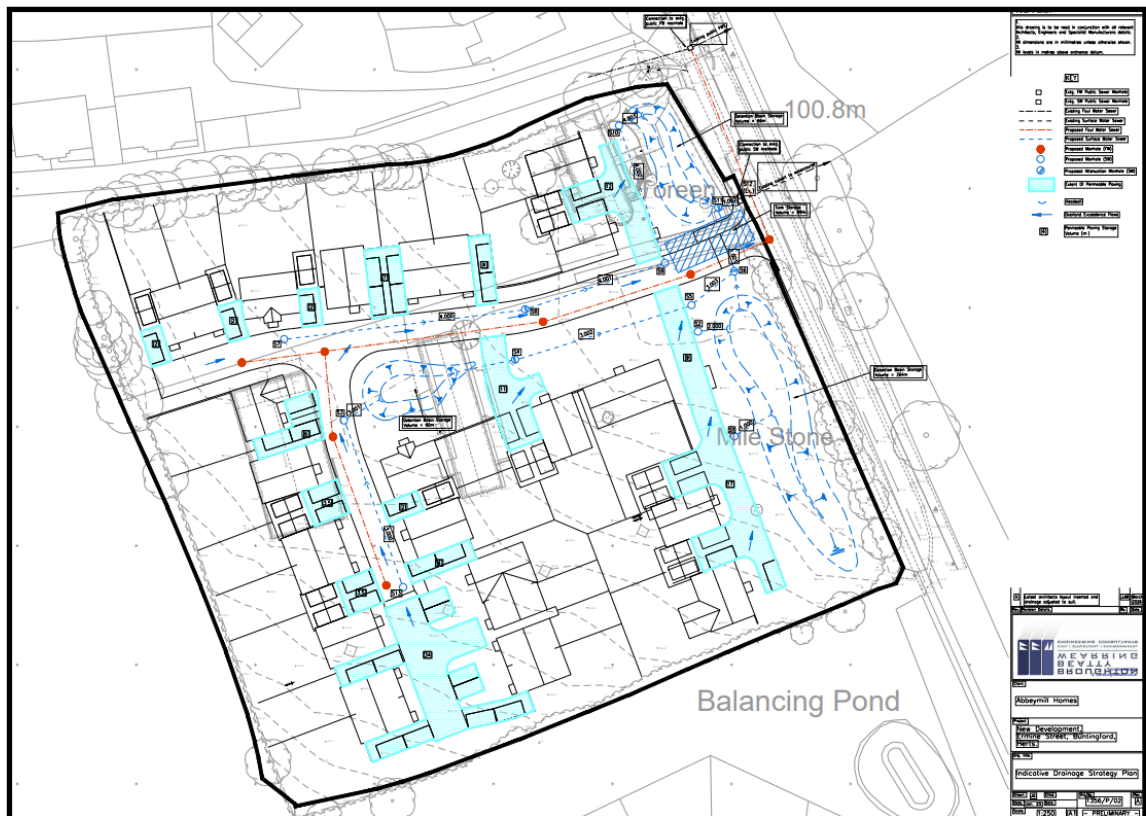
9.143 DP Policy WAT1 notes that developments should not increase the likelihood or intensity of any form of flooding, both on site and off site. DP Policy WAT5 outlines that the most sustainable forms of drainage systems should be used, in accordance with the SUDs hierarchy. This policy also requires developments to achieve greenfield run off rates and ensure that surface water is managed as close to its source as possible.

9.144 The site is located fully within Flood Zone 1, and as such is at low risk of flooding from fluvial sources. In addition, available mapping from the EA shows that the site is at low risk of surface water flooding. Therefore, flood risks on the site are generally low. However, in line with DP Policies WAT1 and WAT5, the scheme must still demonstrate that the development would not increase flood risks either on site or off site. As part of this, an appropriate drainage strategy is required.

9.145 This application is supported by a Flood Risk Assessment and Drainage Strategy (FRA), which sets out the proposed approach to managing surface water on site. The LLFA initially raised concerns with the drainage strategy, due to the inadequate provision of above

ground SUDs, the absence of key calculations and the lack of clarity on the discharge point. Following this, the applicant updated the FRA to address the missing information and provide clarity on discharge routes. In addition, the drainage strategy was revised to include further surface water storage in attenuation basins and reduce the reliance on underground tanks.

9.146 The updated FRA explains that it is proposed for surface water to drain into a new underground sewer network through permeable paving and manholes. The surface water would then run, via gravity, into one of the three attenuation basins, or into the single underground tank. Once within the basins or tank, the surface water would be discharged at a controlled rate into an existing culvert that runs under Ermine Street. The surface water would then ultimately discharge, via the culvert, into a watercourse that is present on the eastern side of Ermine Street. The proposed surface water drainage strategy is shown in the below image.



9.147 The LLFA have reviewed the updated drainage strategy and are now content with the proposed approach. This consultee further notes that they are pleased that the amended scheme seeks to maximise above ground SUDs. The LLFA have recommended several conditions

relating to details of the drainage network, a verification report and a construction phase surface water management plan. Subject to these conditions, officers are satisfied that a suitable surface water drainage scheme would be delivered. Therefore, it is considered that surface water would be appropriately managed, with flood risks not increased. On this basis, the proposal would comply with DP Policies WAT1 and WAT5.

Foul Water Drainage

9.148 DP Policy WAT6 notes that developments must ensure that adequate wastewater infrastructure capacity is available.

9.149 The FRA explains that new foul water sewers would be provided within the site. These sewers would connect to the public foul water network at a point just to the north-east of the site on Ermine Street. This arrangement would enable foul water to drain in a north-eastern direction via gravity, following the land levels of the site, before then discharging into the public sewer network. Thames Water have commented on this application and have not objected to this foul water drainage strategy. This consultee has also not raised concern with the capacity of the public foul water drainage network in the area. On this basis, officers are satisfied that sufficient capacity exists within the public foul water network to accommodate this development. There would be no conflict with DP Policy WAT6.

Sustainable Design and Climate Change

9.150 DP Policy CC2 requires developments to minimise carbon emissions, taking into account the Energy Hierarchy. This policy also encourages energy efficiency standards above Building Regulations. DP Policy CC1 sets out that proposals should demonstrate how the design, materials, construction and operation of the development would limit overheating. BCANP Policies ES3 and HD3 support green energy principles in new developments, where appropriate.

9.151 DP Policy WAT4 and BCANP Policy INFRA5 note that schemes should minimise use of mains water. These policies require housing

developments to meet a water consumption target of 110 litres per head, per day.

9.152 This application is supported by an Energy Statement (ES), which sets out the proposed approach to minimising carbon emissions through the development, based on the 'be lean, be clean and be green' hierarchy. The ES explains that the dwellings have been laid out and designed to allow solar gain to be used and this would assist in reducing heating and lighting demands. In addition, a fabric first approach to construction is proposed and this would enable Building Regulation requirements relating to u-values to be exceeded. The ES also notes that energy efficient fittings and features would be installed to further reduce energy usage. In terms of renewables, it is proposed for ASHPs to be provided to each of the new dwellings. This technology would supply heating and hot water to the houses.

9.153 The ES outlines that through use of solar gain, adoption of a fabric first approach, installation of efficient fittings and provision of ASHPs, the scheme can deliver a carbon reduction of 65.89% - 66.74% above Building Regulations. The Sustainability Officer has not questioned these conclusions. Delivering this level of carbon emission reduction means that the development would meet and exceed the requirements of DP Policies CC1 and CC2, and satisfy BCANP Policies ES3 and HD3. Whilst this is noted, it is considered necessary to secure final details of the sustainable design credentials of the development through condition, in order to ensure that the stated carbon emission reduction is achieved at construction stage.

9.154 Limited details have been provided with this application to explain how the scheme would minimise instances of overheating, as required by DP Policy CC1. While this is acknowledged, all the proposed dwellings would be dual-aspect enabling cross and natural ventilation to assist with minimising overheating. Therefore, officers do not have significant concerns in terms of excessive levels of overheating. However, it is considered appropriate to secure further details of the measures required to limit overheating via condition. This will ensure full compliance with DP Policy CC1.

9.155 The ES also explains that water efficient fixtures and fittings would be installed within the new dwellings. Through this approach, it is explained that a water consumption level of 102.9 litres per head, per day would be achieved. This level of water consumption would meet and exceed the requirements of DP Policy WAT4 and BCANP Policy INFRA5. A condition is recommended to ensure that the water consumption targets of these policies are met on site.

Pollution, Land Contamination and Other Matters

Contamination Risk

9.156 DP Policy EQ1 requires developments to demonstrate that risks from contamination would be appropriately addressed through remediation.

9.157 The former agricultural use of the site means that there is some potential for contamination to be present. In order to ensure that any contamination is suitably remediated prior to a residential use being introduced to the site, the Environmental Health Officer has recommended a condition securing a scheme to deal with contamination. This condition forms part of this recommendation, in accordance with DP Policy EQ1.

Light Pollution

9.158 DP Policy EQ3 notes that lighting schemes should not result in adverse impacts on neighbouring uses or the wider landscape. This policy also requires glare and light spillage to be minimised.

9.159 No details of external lighting have been provided with this application. In order to ensure that any external lighting scheme is sensitive to this location and avoids undue light spillage into the countryside, the Environmental Health Officer has recommended a condition securing details of any external lighting. This condition forms part of this recommendation and will enable officers to ensure that the external lighting scheme complies with DP Policy EQ3.

Air Quality

9.160 DP Policy EQ4 outlines that developments should minimise air quality impacts and adopt best practice in design, construction and operation.

9.161 During the construction phase, there would be construction vehicles travelling to/from the site. These vehicles would generate some exhaust emissions. However, a development of this scale would result in a relatively low number of daily construction vehicle movements. Given this, exhaust emissions from construction vehicles would be minimal and there would not be a material impact on air quality. As such, from this perspective, there would be no conflict with DP Policy EQ4.

9.162 There is potential for air quality to be impacted by dust generation during construction. The Environmental Health Officer has acknowledged this and recommends that a Construction Management Plan is secured via condition. Through this condition, officers can ensure that appropriate measures are put in place to minimise dust generation during construction, in accordance with DP Policy EQ4.

9.163 Once occupied, the development would generate some vehicular journeys, as residents and others travel to/from the site. These vehicular trips would result in a level of exhaust emissions. While this is noted, the number of vehicular journeys created by a development of this scale would be modest, meaning that exhaust emissions at the occupation stage would be low. In addition, it is proposed to provide each of the new houses with an electric vehicle charging point to encourage use of electric vehicles. This would further reduce exhaust emissions. Given the limited number of vehicular trips generated, and the associated low level of exhaust emissions, officers are satisfied that the scheme, at occupational stage, would not result in material adverse impacts on air quality. There would be no conflict with DP Policy EQ4.

Minerals and Waste

9.164 HCC Minerals and Waste were consulted on this application. This consultee has not raised any concerns with potential sterilisation of

mineral resources. However, a condition has been recommended requiring submission of a Site Waste Management Plan. This condition is considered necessary, in order to ensure that suitable waste management arrangements are adopted on site, in accordance with the Waste Core Strategy and Development Management Policies DPD (2012). Therefore, this condition forms part of this recommendation.

Infrastructure Requirements

9.165 DP Policy DEL1 notes that for individual proposals adequate infrastructure should be provided on site and off site. DP Policy DEL2 outlines that a range of planning obligations will 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. This policy requirement reflects Paragraph 58 of the NPPF and Regulation 122 of Community Infrastructure Regulations (2010) (CIL Regs).

9.166 No statutory consultees have objected to this scheme on the basis of the capacity of relevant infrastructure or utilities. However, EHDC's Section 106 Officer and the HCC Growth and Infrastructure Team have requested financial contributions towards infrastructure and community facilities. These contributions are summarised below and included in full in the Heads of Terms.

Infrastructure/Facility	Contribution
EHDC Contributions	
Allotments	£4,248 (plus relevant indexation)
Bowls	£5,784 (plus relevant indexation)
Children's Play and Young People	£51,528 (plus relevant indexation)
Community Centre	£16,632 (plus relevant indexation)
Fitness Gym	£6,096 (plus relevant indexation)

Monitoring	£4,200 (plus relevant indexation)
Natural and Semi Natural Green Space	£9,960 (plus relevant indexation)
Outdoor Tennis	£3,960 (plus relevant indexation)
Parks and Gardens and Amenity Green Space	£23,664 (plus relevant indexation)
Playing Pitches	£12,600 (plus relevant indexation)
Recycling	£ 1,800 (plus relevant indexation)
Sports Hall	£13,728 (plus relevant indexation)
Studio Space	£2,520 (plus relevant indexation)
Swimming Pool	£14,040 (plus relevant indexation)
HCC Contributions	
Childcare (0 – 2 years)	£5,899 (plus relevant indexation)
Childcare (5 – 11 years)	£384 (plus relevant indexation)
Fire and Rescue	£597 (plus relevant indexation)
Libraries	£6,780 (plus relevant indexation)
Middle Education	£199,886 (plus relevant indexation)
Monitoring	£420 per trigger point
Special Education Needs and Disabilities	£46,774 (plus relevant indexation)
Transfer Station	£4,001 (plus relevant indexation)
Upper Education	£230,760 (plus relevant indexation)
Youth Service	£6,729 (plus

	relevant indexation)
--	----------------------

9.167 The contributions would be used to either improve existing services, or in some instances, would go towards the provision of new facilities and infrastructure. It is necessary to enhance existing services, and deliver new facilities, so to ensure that local infrastructure is able to accommodate the increase in population that would result from this proposal. As such, officers are satisfied that the requested contributions 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. Therefore, the contributions pass the tests for planning obligations, set out at DP Policy DEL2, Paragraph 58 of the NPPF and Regulation 122 of the CIL Regs. The contributions can be secured as part of the Section 106 Legal Agreement.

9.168 The primary purpose of the financial contributions is to mitigate the impact of this development. However, the contributions would result in wider public benefits, as the new or enhanced infrastructure would be used by existing residents. This is a public benefit that attracts positive weight in the final balance.

10.0 Planning Balance and Conclusion

10.1 This report provides a comprehensive officer consideration of this planning application and its supporting documentation, including the further/additional information submitted and all representations received. The report has considered the proposal, in light of the adopted East Herts District Plan 2018, the adopted Buntingford Community Area Neighbourhood Plan 2017, the NPPF 2024 and all other material considerations.

10.2 The current lack of a 5YHLS in the District means that the housing supply based policies in the DP and BCANP are out of date. Paragraph 11(d) of the NPPF, the 'tilted balance' and the 'presumption in favour of sustainable development' are therefore engaged.

10.3 Paragraph 11(d) of the NPPF outlines that where the policies which are most important for determining an application are out of date, permission should be granted unless:

- (i) *the application of policies in the NPPF that protect areas or assets of particular importance provides a strong 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 the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

10.4 In relation to Paragraph 11(d)(i), the areas or assets of particular importance are listed at footnote 7 of the NPPF. None of these areas or assets would be adversely impacted by the proposal. As such, there is not a strong reason for refusing the development under Paragraph 11(d)(i).

10.5 In terms of Paragraph 11(d)(ii), this requires a balancing exercise to be undertaken to determine whether, or not, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. When undertaking this balance, regard should be had to the key policies listed at footnote 9 of the NPPF.

10.6 This report has concluded that the proposal would give rise to a several benefits that attract positive weight in favour of the scheme. However, some adverse impacts and conflicts with the development plan have also been identified. The benefits and adverse impacts are set out in the table below. Any planning considerations of neutral weight are not included in the table.

Planning Issue	Weighting	Officer Comment
Provision of a net increase of 24 dwellings	<u>Significant Positive Weight</u>	In light of the current lack of a 5YHLS, this housing delivery should attract <u>significant positive weight</u> .

Provision of 40% affordable housing (10 units)	<u>Significant Positive Weight</u>	The provision of affordable homes, particularly houses and family sized units which are in high demand in the District, should attract <u>significant positive weight</u> .
Financial contributions towards local infrastructure	<u>Limited Positive Weight</u>	Contributions would go towards enhancing existing, or providing new, local infrastructure. This should attract <u>limited positive weight</u> .
Economic benefits	<u>Limited Positive Weight</u>	Employment would be created during the construction phase and the future residents would provide additional expenditure for local businesses/facilities. These economic benefits should attract <u>limited positive weight</u> .
Location not in accordance with development strategy hierarchy	<u>Limited Negative Weight</u>	The location of the site outside the settlement boundary of Buntingford means that the proposal would not comply with the spatial development strategy. However, the modest scale of the development, coupled with the position adjacent to the town, means that the departure from the development strategy would be minor. Therefore, this non-compliance with the development plan should attract <u>limited negative weight</u> .
Creation of some unsustainable	<u>Limited Negative</u>	Future residents would have some reliance on private vehicles for

journeys	<u>Weight</u>	certain trips (i.e. to large supermarkets or to employment). However, the modest scale of the development, coupled with the potential to undertake some journeys via sustainable modes, means that the number of unsustainable trips would be low. Therefore, this should attract <u>limited negative weight</u> .
Loss of Agricultural Land	<u>Limited Negative Weight</u>	A small amount moderate to very good quality agricultural land would be lost. This should attract <u>limited negative weight</u> .
Adverse Landscape and Visual Impacts	<u>Limited Negative Weight</u>	The scheme would result in highly localised adverse landscape and visual impacts. This should attract <u>limited negative weight</u> .

10.7 Given the above conclusions, officers consider that the benefits of the scheme, taken cumulatively, would attract significant positive weight. Whereas, cumulatively, the adverse impacts would be assigned limited to moderate negative weight. Therefore, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits.

10.8 On this basis, and applying the NPPF's 'presumption in favour of sustainable development', it is recommended that planning permission be granted, subject to conditions and a Section 106 Legal Agreement.

11.0 Recommendation

11.1 That planning permission be **GRANTED**, subject to conditions and the completion of a Section 106 Legal Agreement.

HEADS OF TERMS TO BE SECURED IN SECTION 106 AGREEMENT

HCC Contributions

- Middle Education Contribution – £199,886 (index linked to BCIS 1Q2024 and BCIS Regional Factor) to go towards the expansion of Edwinstree Middle School and/or provision serving the development.
- Upper Education Contribution – £230,760 (index linked to BCIS 1Q2024 and BCIS Regional Factor) to go towards the expansion of Freman College and/or provision serving the development.
- Childcare Contribution (0 – 2 years) – £5,899 (index linked to BCIS 1Q2024) to go towards increasing the capacity of 0 – 2 year old childcare facilities in the East Herts Rural North East Family Centre reporting locality and/or provision serving the development.
- Childcare Contribution (5 – 11 years) – £384 (index linked to BCIS 1Q2024) to go towards increasing the capacity of 5 – 11 year old childcare facilities at Layston Church of England First School and Edwinstree Middle School and/or provision serving the development.
- Special Educational Needs and Disabilities (SEND) Contribution – £46,774 (index linked to BCIS 1Q2024 and BCIS Regional Factor) to go towards new severe learning difficulty (SLD) special school places (EAST) and/or provision serving the development.
- Library Service Contribution – £6,780 (index linked to BCIS 1Q2024) to go towards increasing the capacity of Buntingford Library and/or provision serving the development.

- Youth Service Contribution – £6,729 (index linked to BCIS 1Q2024) to go towards increasing the capacity through a new Buntingford Young People's Centre and/or provision serving the development.
- Transfer Station Contribution – £4,001 (index linked to BCIS 1Q2024) to go towards increasing capacity through the provision of the new Eastern Transfer Station and/or provision serving the development.
- Fire and Rescue Service Contribution – £597 (index linked to BCIS 1Q2024) to go towards increasing the capacity through provision of new appliances and/or equipment necessary to support additional fire and rescue service delivery at Buntingford Fire Station and/or provision serving the development.

EHDC Contributions

- Allotments Contribution – £4,248 (index linked to RPI from May 2020) to go towards the costs of facilities provision, improvements and maintenance of allotment(s) at Ermine Street and/or Hare Street Road and/or other community growing spaces within Buntingford.
- Bowls Contribution – £5,784 (index linked to RPI from May 2020) to go towards the costs of provision, improvements and maintenance of bowls club facilities, including the bowling green and clubhouse at Buntingford Bowls Club and/or other bowls clubs (including indoor bowls) in the local area as used by the residents of the development.
- Children's Play and Provision for Young People Contribution – £51,528 (index linked to RPI from May 2020) to go towards the costs of provision, improvements and maintenance of children's play and young people's facilities at Norfolk Road Playing Fields and/or at Hare Street Road Recreation Ground and/or facilities for young people at the Seth Ward Community Centre.

- Community Centre Contribution – £16,632 (index linked to RPI from May 2020) to go towards the costs of provision of facilities, improvements and maintenance of the Seth Ward Community Centre and/or Norfolk Road Pavilion and/or other community facilities within the vicinity of Buntingford as used by the residents of the development.
- Fitness Gym Contribution – £6,096 (index linked to RPI from May 2020) to go towards the costs of provision of facilities, improvements and maintenance of the fitness gym at Grange Paddocks Leisure Centre and/or other community facilities in the locality providing indoor fitness.
- Natural and Semi-Natural Greenspace Contribution – £9,960 (index linked to RPI from May 2020) to go towards the costs of provision, improvements and maintenance of green space areas at Layston Court Gardens and/or the Millennium Wildlife Area at Hare Street Road Recreation Ground and/or the Glade area off Luyne Rise in Buntingford.
- Outdoor Tennis Contribution – £3,960 (index linked to RPI from May 2020) to go towards the costs of provision, improvements and maintenance of tennis court facilities at the MUGA at Norfolk Road Playing Fields and/or other public tennis courts in Buntingford.
- Parks and Gardens and Amenity Greenspace Contribution – £23,664 (index linked to RPI from May 2020) to go towards the costs of provision, improvements and maintenance of parks and gardens and amenity green space facilities at Layston Court Gardens and/or Norfolk Road Playing Fields and/or other public parks, gardens and amenity greenspaces in Buntingford.
- Playing Pitches Contribution – £12,600 (index linked to RPI from May 2020) to go towards the costs of provision, improvements and maintenance of the playing pitches at Luyne Rise Recreation Area and/or Norfolk Road Playing Fields and/or other playing pitches in Buntingford.

- Recycling Contribution – £1,800 (index linked to RPI from October 2008) to go towards the Council's costs for the provision of recycling and refuse containers to the dwellings on the development.
- Sports Hall Contribution – £13,728 (index linked to RPI from May 2020) to go towards the costs of provision of facilities, improvements and maintenance of the indoor community sports facilities at Norfolk Road Pavilion and/or other community halls in the locality providing facilities for indoor sports.
- Studio Space Contribution – £2,520 (index linked to RPI from May 2020) to go towards the costs of provision of facilities, improvements and maintenance to the studio space(s) at Grange Paddocks Leisure Centre and/or other community facilities in the locality providing indoor sport and fitness.
- Swimming Pool Contribution – £14,040 (index linked to RPI from May 2020) to go towards the costs of provision of facilities, improvements and maintenance of the swimming pool facilities at Ward Freman Swimming Pool and/or Grange Paddocks Leisure Centre.

Monitoring Fees

- HCC Monitoring Fee – £420 per distinct trigger point (adjusted for inflation against RPI January 2024).
- EHDC Monitoring Fee – £4,200 (index linked to RPI from date of resolution).
- Biodiversity Net Gain Monitoring Fee – £6,045 (index linked to RPI from date of resolution).

Non-Financial Obligations

- Affordable Housing – 40% of total housing units, equating to 10 dwellings, with a tenure split of 80% affordable rent (8 units) and 20% shared ownership (2 units).
- Biodiversity Net Gain – 30 year maintenance clause for on-site habitat enhancements and Habitat Management and Monitoring Plan.

CONDITIONS

Three Year Time Limit

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

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

Approved Plans

- 2) The development hereby approved shall be carried out in accordance with the approved plans listed below:
 - BUN-PL001
 - BUN-PL002 Rev D
 - BUN-PL003 Rev E
 - BUN-PL004 Rev D
 - BUN-PL005
 - BUN-PL006 Rev B
 - BUN-PL007
 - BUN-PL008 Rev B
 - BUN-PL009
 - BUN-PL010 Rev C
 - BUN-PL011 Rev A
 - BUN-PL012 Rev B
 - BUN-PL013 Rev A
 - BUN-PL014 Rev C
 - BUN-PL015
 - BUN-PL018 Rev A
 - BUN-PL019 Rev A
 - BUN-PL020

- BUN-PL021
- BUN-PL022 Rev C
- BUN-PL023 Rev A
- BUN-PL024 Rev B
- BUN-PL025 Rev B
- BUN-PL026 Rev A
- BUN-PL027
- BUN-PL028 Rev B
- BUN-PL031 Rev A
- BUN-PL032 Rev A
- BUN-PL033
- BUN-PL034

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

Sustainable Drainage Network

- 3) Prior to the commencement of any development hereby approved, the development construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a clearly labelled drainage layout plan showing pipe networks, attenuation ponds and any other SuDS features. The plan shall identify all pipe 'node numbers' referenced in the network calculations, and include invert and cover levels for manholes, as well as finished floor levels for all buildings. The scheme shall then be constructed as per the agreed drawings, method statement and the Flood Risk Assessment and Drainage Strategy Revision A (Prepared by: Broughton Beatty Wearing, Dated: March 2026, Reference: 1356/A), and remain 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 Planning Authority.

Reason: To ensure the delivery of appropriate drainage infrastructure, in accordance with Policy WAT5 of the East Herts District Plan 2018.

Construction Phase Surface Water Management Plan

- 4) Prior to the commencement of any development hereby approved, a detailed construction phase surface water management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved details.

Reason: To ensure the delivery of appropriate drainage infrastructure, in accordance with Policy WAT5 of the East Herts District Plan 2018.

Construction Management Plan

- 5) Prior to the commencement of any development hereby approved, a Demolition Method Statement and Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- Control measures for dust;
- Control measures for noise and vibration;
- Construction phase lighting (if any);
- Delivery and loading locations;
- Hours of working; and
- Public display of contact details for site manager.

Thereafter, the development shall only be carried out in full accordance with the approved CMP.

Reason: To minimise disruption, in accordance with Policy DES4 of the East Herts District Plan 2018.

Bat License

- 6) Prior to the commencement of any development hereby approved, evidence of a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall at all times proceed in accordance with the requirements of the licence.

Reason: To ensure that protected species are not harmed, in accordance with Policy NE3 of the East Herts District Plan 2018.

District Level License – Great Crested Newts

- 7) Prior to the commencement of any development hereby approved, evidence of a District Level License for great crested newts shall be submitted to and approved in writing by the Local Planning Authority. This shall confirm that the development has been formally admitted to the District Level Licensing Scheme. Thereafter, the development shall at all times proceed in accordance with the requirements of the licence.

Reason: To ensure that protected species are not harmed, in accordance with Policy NE3 of the East Herts District Plan 2018.

Contamination Scheme

- 8) Prior to the commencement of any development hereby approved, a scheme to deal with contamination of land/ground gas/controlled waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- (a) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
- (b) A 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.
- (c) 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.

- (d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.
- (e) 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, which shall be submitted to and approved in writing prior to first occupation of the development. 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 ensure any land contamination is dealt with, in accordance with Policy EQ1 of the East Herts District Plan 2018.

Site Waste Management Plan

- 9) Prior to the commencement of any development hereby approved, a Site Waste Management Plan (SWMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The SWMP shall aim to reduce the amount of waste produced on site and shall contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote sustainable management of waste, in accordance with the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

Programme of Archaeological Work

- 10) No development shall take place within 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. This condition will only be considered to 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 any archaeological remains, in accordance with Policy HA3 of the East Herts District Plan 2018.

Materials

- 11) Prior to the commencement of any above ground construction works for the development hereby approved, details and specifications of all the external materials of construction 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 good design, in accordance with Policies DES4, HA1 and HA4 of the East Herts District Plan 2018.

Landscaping Scheme

- 12) Prior to the commencement of any above ground construction works for the development hereby approved, full landscaping details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a. Hard surfacing materials;
- b. Soft landscaping proposals;
- c. Retained landscape features;
- d. Planting plans (based on the principles shown on drawing number: LSP/100 Revision B) detailing schedule of plants, species, planting sizes and density of planting; and
- e. An implementation timetable.

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

Reason: In the interests of good design, in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

Sustainable Design

13) Prior to the commencement of any above ground construction works for the development hereby approved, details of the sustainable design measures to be incorporated within 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 Statement V3 (Prepared by: Ashby Energy Assessors, Dated: 23/06/2025) and shall include details of:

- a. Energy efficient construction techniques and materials;
- b. Energy efficient lighting and fittings;
- c. Services and controls;
- d. Efficient energy supply (including details of air source heat pumps);
- e. Measures to minimise overheating; and
- f. Water efficiency measures.

Thereafter, no dwelling shall be occupied until the development is fully implemented in accordance with the approved details.

Reason: In the interests of minimising carbon emissions and promoting sustainable design, in accordance with Policies CC1, CC2 and WAT4 of the East Herts District Plan 2018.

Species Enhancement Plan

14) Prior to the commencement of any development hereby approved, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include a graphical plan providing details of the location, number and type of wildlife enhancements to be provided. This plan shall be informed by the recommendations of the Ecological Appraisal Revision B (Prepared by: Optimis Consulting, Dated: 01/04/2026, Reference: ECO141). Thereafter, no dwelling shall be occupied until the features/enhancements have been installed in accordance with the approved details. The approved features/enhancements shall be retained for the lifetime of the development.

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

Swift Bricks and Bird Boxes

- 15) Prior to the commencement of any above ground construction works for the development hereby approved, a scheme for the provision of bird boxes and swift bricks shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the model and siting of integrated bird boxes and swift bricks on the site. The approved bird boxes and swift bricks shall be installed before any part of the roof of the buildings is constructed, which includes the fitting of any cappings or copings, roof ties, roof trusses or rafters according to construction method. Thereafter, the bird boxes and swift bricks shall be retained for the lifetime of the development.

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

Landscape Maintenance

- 16) Prior to the first occupation of the development hereby approved, a schedule of landscape maintenance shall be submitted to and approved in writing by the Local Planning Authority. This schedule shall detail how the agreed areas of soft landscaping and trees outside of individual residential properties are to be maintained following completion of the development. Thereafter, the development shall be maintained in accordance with the approved schedule for the lifetime of the development.

Reason: To ensure the long-term retention and maintenance of trees and soft landscaping, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

Means of Enclosure and Boundary Treatments

- 17) Prior to the first occupation of the development hereby approved, full details of all walls, fences, gates and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied until the means of enclosure and boundary treatments have been installed in accordance with the approved details.

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

Vehicle Access and Pedestrian Crossing

18) Prior to the first occupation of the development hereby approved, details and specifications of the vehicular access and pedestrian crossing, as shown on drawing number: 1052.0003-0004 Revision P02, shall be submitted to and approved in writing by the Local Planning Authority. The vehicular access and pedestrian crossing shall be completed in accordance with the approved details prior to occupation of any dwelling, and shall thereafter be retained.

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

Visibility Splays

19) Prior to the first occupation of the development hereby approved, a visibility splay shall be provided in full accordance with the details shown on drawing number: 1052.0003-0004 Revision P02. Thereafter, the splay shall be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

External Lighting

20) Prior to the first occupation of the development hereby approved, details of any external lighting proposed in connection with 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 and prior to first occupation.

Reason: To minimise light pollution, in accordance with Policy EQ3 of the East Herts District Plan.

Air Source Heat Pumps

21) Prior to the first occupation of the development hereby approved, details of the model and siting of air source heat pumps (ASHPs) shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate that the air source heat pumps would comply with MCS Planning Standards (or any equivalent standards). Thereafter, no dwelling shall be

occupied until the ASHP serving that dwelling is installed and operational in accordance with the approved details.

Reason: In the interests of controlling noise generation, in accordance with Policies DES4 and EQ2 of the East Herts District Plan 2018.

Hard Surfaces

- 22) Prior to the first occupation of any dwelling hereby approved, all hard surfaces, as shown on the approved plans, shall be provided in full.

Reason: To ensure the agreed internal highway layout is delivered, in accordance with Policy TRA2 of the East Herts District Plan 2018.

Car Parking

- 23) Prior to the first occupation of any dwelling hereby approved, the approved parking spaces for that dwelling shall be provided in full.

Reason: To ensure the provision of an appropriate level of parking, in accordance with Policy TRA3 of the East Herts District Plan (2018).

Electric Vehicle Charging Points

- 24) Prior to the first occupation of the development hereby approved, details of the siting, type and specification of electric vehicle charging points (EVCPs) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the EVCP serving that dwelling has been installed in accordance with the approved details.

Reason: In order to promote the use of electric vehicles, in accordance with Policy DES4 of the East Herts District Plan 2018.

Cycle Parking

- 25) Prior to the first occupation of the development hereby approved, full details of the design and siting of cycle parking facilities, including number of cycle parking spaces, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no dwelling shall be occupied until the cycle

parking facilities for that dwelling have been provided in full accordance with the approved details.

Reason: To promote active travel, in accordance with Policies TRA1 and TRA3 of the East Herts District Plan 2018.

Drainage Survey and Verification

26) Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development, a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 3. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the delivery of appropriate drainage infrastructure, in accordance with Policy WAT5 of the East Herts District Plan 2018.

Fire Hydrants

27) Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the fire hydrants have been installed as approved. Thereafter, the fire hydrants shall be retained in their approved form.

Reason: To ensure fire safety, in line with Building Regulations and Policy DES5 of the East Herts District Plan 2018.

Water Usage

28) Prior to the first occupation of any dwelling hereby approved, that dwelling shall be fitted out so that the potential consumption

of wholesome water by persons occupying the dwellings shall not exceed 110 litres per person, per day.

Reason: In order to minimise use of mains water, in accordance with Policy WAT4 of the East Herts District Plan 2018.

M4(2) 'Accessible and Adaptable Dwellings'

29) All dwellings hereby permitted shall be constructed to meet Category M4(2) (Part M) of the Building Regulations (apart from those constructed to meet Category M4(3) requirements). Thereafter, the dwellings shall be retained in the approved form.

Reason: To secure the provision of accessible and adaptable homes, in accordance with Policy HOU7 of the East Herts District Plan 2018.

M4(3) 'Wheelchair User Dwellings'

30) Units 1, 5, 10, 19, 20, 22 and 24, as shown on drawing number: BUN-PL002 Rev D, shall be constructed to meet Category M4(3) (Part M) of the Building Regulations. Thereafter, the dwellings shall be retained in the approved form.

Reason: To secure the provision of wheelchair user homes, in accordance with Policy HOU7 of the East Herts District Plan 2018.

Carport Restriction

31) The carports hereby approved shall be used for the housing of private vehicles only and shall not be used as additional living accommodation or for any commercial activity.

Reason: To ensure retention of off-street parking, in accordance with Policy TRA3 of the East Herts District Plan 2018.

Arboricultural Method Statement and Tree Protection Plan

32) The development hereby approved shall be carried out in full accordance with the Arboricultural Method Statement (Paragraphs 7.1 - 7.17) and the Arboricultural Strategy (Drawing Number: 603 Revision A) as found in the Tree Survey Review, Arboricultural Impact Assessment and Arboricultural Method Statement Revision A (Prepared by: The Landscape Partnership, Dated: 26 March 2026).

Reason: In order to protect trees during construction, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

Trees and Hedge Retention

- 33) All existing trees and hedges shall be retained, apart from those shown on drawing number: 603 Revision A (Arboricultural Strategy) 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: In the interests of retaining trees, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

Protected Species

- 34) The development hereby approved shall be carried out in full accordance with the mitigation and avoidance measures outlined at Paragraphs 5.11 – 5.28 of the Ecological Appraisal Revision B (Prepared by: Optimis Consulting, Dated: 01/04/2026, Reference: ECO141).

Reason: To ensure that protected species are not harmed, in accordance with Policy NE3 of the East Herts District Plan 2018.

INFORMATIVES

- 1) Other Legislation
- 2) Justification
- 3) Storage of Materials
- 4) Obstruction of Highway
- 5) Debris on the Highway
- 6) Works within the Highway
- 7) Groundwater Risk Management Permit
- 8) Slopes of Attenuation Basins
- 9) Secured by Design
- 10) Section 106 Agreement