

Application Number	3/22/1551/FUL
Proposal	Hybrid planning application comprising: (i) Full planning for the development of 350 residential dwellings (Use Class C3), a new highway junction from the A10 with associated works including drainage, access roads, allotments, public open space and landscaping; and (ii) Outline planning (with all matters reserved except for access) for up to 4,400 sqm of commercial and services floorspace (Use Class E and B8), and up to 500 sqm of retail floorspace (Use Classes E).
Location	Land East Of The A10 Buntingford Hertfordshire
Applicant	Vistry Homes Ltd and Wattsdown Developments Ltd c/o agent
Parish	Buntingford
Ward	Buntingford

Date of Registration of Application	10.08.2022
Target Determination Date	09.11.2022
Case Officer	Amit Patel

RECOMMENDATION

That planning permission be **REFUSED**, for the reasons set out at the end of this report.

1.0 Summary

- 1.1 The proposal represents an inappropriate form of development in the Rural Area beyond the Green Belt. However, the Council can currently demonstrate a five year housing supply and, in such circumstances, national planning policy requires that planning permission be granted for sustainable development unless there are significant adverse impacts that would outweigh the benefits of the proposal or where specific policies of the NPPF indicate that development should be restricted.
- 1.2 This report considers the positive weight that can be attached to the provision of housing, including affordable housing against the negative aspects that would result from the development.
- 1.3 The site does not perform well in sustainability terms. The addition of the 350 dwellings proposed in a town where there is limited employment opportunity and residents are heavily reliant on the private car to access employment, main food shopping and comparison shopping elsewhere would adversely impact on the sustainability of the town contrary to the National Planning Policy Framework.
- 1.4 The application proposes the provision of up to 4,400 sqm of commercial and services floorspace (Use Class E and B8), and up to 500 sqm of retail floorspace (Use Classes E).
- 1.5 The proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area.

- 1.6 The application is likely to have a severe impact on the surrounding highway network.
- 1.7 The site adjoins the A10 and is regarded as a noisy environment. However, it has not been demonstrated that mitigation measures could be employed to provide satisfactory internal and external noise levels.
- 1.8 The provision of employment land is a positive aspect of the development.
- 1.9 The layout and design of the proposal would raise concerns on the future residential amenities of the occupiers and delivery of the commercial space. The useability of the green infrastructure is a concern as most of it is adjacent to the A10 or the sewage works.
- 1.10 There are concerns over the residential amenity of some future occupiers as their gardens are shallow in depth and face east or north and would not provide a useable and functional amenity space.

2.0 Site Description

- 2.1 The application site comprises 28.95 hectares of agricultural arable land on the west side of Buntingford to the west of Luynes Rise and existing residential development. The site is bounded to the north and east by the built up area of Buntingford, partially to lower part of the site on the eastern boundary is the employment site of Watermill Industrial Estate, to the south by Buntingford Waste Water Treatment Works (WWTW), and to the west by the A10. The site lies outside the settlement boundary of Buntingford within the Rural Area Beyond the Green Belt, in the current District Plan.
- 2.2 There are two public footpaths running across the site, one from Luynes Rise (RoW 026) towards the A10 and beyond and one from Monks Walk (RoW 029) towards the A10 and beyond.
- 2.3 The site slopes gently down from the northwest to southeast, towards the valley of the River Rib.

3.0 Background to Proposal

- 3.1 The application is submitted in hybrid form with the residential part being in full and the commercial aspect being outline with all matters Reserved apart from access.
- 3.2 A total of 350 dwellings are proposed, of which 40% are to be affordable homes. The density of the proposed residential development would be 36dph.
- 3.3 The application proposes the development of 2.0ha of land to the north of the existing WWTW for employment in the form of up to 4,400 sqm of commercial and services floorspace (Use Class E and B8), and up to 500 sqm of retail floorspace (Use Classes E).
- 3.4 Vehicular access to the development is initially proposed from Luynes Rise with a new access to the A10 to follow after the commencement of the development.

A spine road would run through the development linking Luynes Rise with the new roundabout junction on A10. Part of the proposal also includes land to the west of the A10, which shows a biodiversity area and green fields.

3.5 The application follows two previous applications with 3/14/2304/OP Outline: Up to 400 dwellings (C3), first school site, formal and informal open spaces, playspace, landscaping and internal roads, new junction on the A10 and drainage infrastructure. Full: Phase 1 dwellings including affordable housing access roads, car parking, children's playspace, open space and drainage infrastructure. This application was appealed for non-determination. However, the Council refused the development on the following grounds:

1. The proposals represent an unsustainable form of development and residents would be heavily reliant on the private car to access employment, main food and comparison shopping elsewhere and the harm demonstrably and significantly outweighs the benefits. The proposal would be contrary to Policy INT1 of the emerging East Herts District Plan (November 2016) policy HD1 of the Buntingford Community Area NP and the National Planning Policy Framework.
2. The proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area contrary to Policy ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007, Policy DES1 of the emerging East Herts District Plan (November 2016), Policy ES1 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
3. The proposed layout and design of phase 1 of the development would not serve to provide a visually attractive development or a strong sense of place. The development would not amount to high quality sustainable design or promote health communities through safe well promoted walking and cycling routes as envisaged by Policies ENV1, ENV2 and TR1 of the East Herts Local Plan April 2007, Policies DES2, DES3 and CFLR9 of the emerging East Herts District Plan (November 2016), Policy HD4 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
4. The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development. The proposal would thereby be contrary to Policies IMP1 of the East Herts Local Plan Second Review April 2007, Policies DEL2, CFLR1, CFLR7 and CFLR9 of the emerging East Herts District Plan (November 2016), Policy T6 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.

3.6 The second application reference 3/17/1811/OUT, was for Outline application for all matters reserved except for access comprising: i. Up to 400 dwellings (C3). ii. 2.0 hectares of land for Use Class B1 employment. iii. Formal and informal open spaces including children's playspaces. iv. Structural landscaping and internal roads. v. Formation of a new junction on the A10. vi. Surface and foul water drainage infrastructure. This application was refused on the following grounds:

1. The proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area contrary to Policy ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007, Policy DES1 of the emerging East Herts District Plan (November 2016), Policy ES1 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.

2. The proposals represent an unsustainable form of development and residents would be heavily reliant on the private car to access employment, main food and comparison shopping elsewhere and the harm demonstrably and significantly outweighs the benefits. The proposal would be contrary to Policy INT1 of the emerging East Herts District Plan (November 2016) policy HD1 of the Buntingford Community Area NP and the National Planning Policy Framework.

3. The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development. The proposal would thereby be contrary to Policies IMP1 of the East Herts Local Plan Second Review April 2007, Policies DEL2, CFLR1, CFLR7 and CFLR9 of the emerging East Herts District Plan (November 2016), Policy T6 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.

3.7 The application is supported with the following documents:

- Badger Survey
- Bat Activity Survey Report
- Biodiversity Net Gain Calculations
- Breeding Bird Survey
- Updated Reptile Survey
- UK Power Networks
- Agricultural Land Classification
- Arbouricultural Assessment
- Cable Utilities
- Design Review
- East Herts 5 Year Housing Land Supply
- Economic Impact Assessment
- Electric Utilities
- Energy and Sustainability Statement
- Flood Risk Assessment
- Framework Travel Plan
- Geo-Environmental and Geotechnical Preliminary Risk Assessment
- Industrial Land Use
- Landscape and Visual
- Landscape Strategy
- Local Centre
- Noise Assessment
- Preliminary Ecological Appraisal
- Statement of Community Involvement
- Sustainability Appraisal
- Design and Access Statement
- Planning Statement

- Travel Assessment
- Final Travel Plan

4.0 **Key Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007, the emerging District Plan and the made (adopted) Buntingford Community Neighbourhood Plan (NP):

Key Issue	NPPF	District Plan policy	NP Policy
The principle of the development including sustainability and housing land supply, provision of employment land	Section 1 Section 2 Section 5 Section 6	INT1 GBR2 DPS1 DPS2 DPS3 DPS6 BUNT1 BUNT3 ED1	HD1 BE2
Landscape character	Section 11 and 12	DES1	ES1 HD2
Layout and design	Sections 5, 6 7.	HOU2 DES2 DES3 DES4 CFLR9	HD4
Housing and affordable housing	Section 5	HOU1 HOU2 HOU3 HOU7 HOU8	HD1 HD7
Highways and parking	Section 9	TRA1 TRA2 TRA3	T1 T2 T4
Noise impact	Section 12	EQ2	
Flood risk, water and climate change	Section 14	WAT3 WAT5 WAT6 CC1 CC2	INFRA4 INFRA5 HD3
Natural environment	Section 15	NE2 NE3 NE4	ES7
Planning obligations and infrastructure delivery	Paras 55 to 57	DPS4 DEL1 DEL2 CFLR1 CFLR3 CFLR7	T6

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

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority insufficient information and has doubts over highway safety and sustainability.
- 5.2 Lead Flood Risk Authority (LLFA) previously commented that the Flood Risk Assessment demonstrates a feasible surface water drainage strategy. Detailed surface water run-off calculations have been provided which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+40% Climate Change). The Authority advise that permission could be granted, subject to conditions requiring the submission and approval of a detailed surface water drainage scheme based on the FRA and phasing details.
- 5.3 EHDC Engineer previously advised that the indicative drainage strategy shows a large balancing pond and linking swale allowing flows to bypass the existing culverted water course. The detailed SuDS are of medium to high quality and include green infrastructure SuDS. Green roofs are encouraged for the proposed industrial units. Details will be required.
- 5.4 Environment Agency has no comments.
- 5.5 Waste Services no objection subject to general advice regarding bin collection.
- 5.6 HCC Historic Environment Unit previously commented that the assessment of archaeological potential of this development site should be considered in the wider context of the results of recent archaeological evaluations in the area. The advisor therefore considers that the application site has significant archaeological potential and may contain heritage assets of archaeological interest. The applicant has submitted a satisfactory Written Scheme of Investigation and an initial archaeological evaluation and no objection is raised, subject to a condition.
- 5.7 EHDC Landscape advisor considers that the scale of the proposed development will have significant impact on the landscape character and local distinctiveness of the area. The identity of the locality is that of existing housing development set well back from A10 ring road and looking out onto a landscape that is rural in character. The proposal to expand the town up to the A10 will result in the permanent loss of this identity. The housing development in the higher parts of the site will be prominent in the landscape and the overall sensitivity of the site to the proposals is high. The degree of landscape change and landscape effects will be high with significant adverse visual effects for the properties along the eastern edge of the site, where open, rural views would be lost to the development. There will also be high adverse visual impact on the users of the two public footpaths crossing the site.
- 5.8 Herts Ecology previously recommended conditions requiring a landscape and ecological mitigation plan, a lighting design strategy, and a reptile and badger mitigation strategy.

- 5.9 Natural England has no comments objection.
- 5.10 HCC Development Services seek financial obligations towards education, library and youth services to minimise the impact of the development on HCC services for the local community.
- 5.11 Housing the 140 units for affordable is acceptable. Tenure of the units should be provided and the inclusion of flats is not identified need. Full details of the tenure and plots needs to be provided for the Housing Team to make a full comment.
- 5.12 HCC Minerals and Waste refer to the HCC Waste Core Strategy and Development Management Policies Development Plan Document 2012 and NPPF waste request that due account be taken in determination of the application to ensure that waste management objectives are met.
- 5.13 EHDC Environmental Health Advisor (noise) recommends refusal on the grounds that outdoor amenity space would be protected from noise, unclear as to the data used for the noise modelling and domestic ventilation will play an important role in design and therefore needs to be designed prior to the assessment.
- 5.14 EHDC Environmental Health Advisor (Contamination) Does not wish to restrict the grant of planning permission subject to conditions relating to contamination and air quality.
- 5.15 CPRE objects to the planning application on the ground of conflicting information within the application relating to land constraints, poor design, not in conformity with the Local Plan, Design review panel not being local and inappropriate and unsustainable development.
- 5.16 NHS England comment that the proposed development is likely to result in around 960 new registrations for general medical services, and that the existing surgeries in Buntingford do not have sufficient capacity to absorb this additional requirement. Section 106 contributions are therefore requested to support Buntingford Health Centre to extend its clinical capacity in line with plans previously sent to the Council. They request a contribution of £620.88 per dwelling,
- 5.17 The East and North Herts Clinical Commissioning Group (CCG) comment that they do not know the exact increase in population that this development would create but estimate that the increase could be around 960 residents. This is significant, and when combined with other developments around Buntingford, will have an effect on healthcare. They raise concerns that the development will impact on already overstretched community services and comment that the CCG is in its final stages of developing its five year primary care strategy which will guide the changes needed to deliver higher quality and more accessible care for local people. The CCG would like to work with the Council and NHS England to map out additional health infrastructure and request financial contributions. However, further to this initial response they advised that they are unable to provide details of the proposed investment at this time to justify the contributions requested.

- 5.18 Thames Water comments that the infrastructure of sewage and foul water infrastructure is inadequate for the new development but suggest conditions to overcome this.
- 5.19 Affinity Water advise that the developer to contact the development services and not to use piling as a method for construction. In addition if pollutants are found then to seek proper advice and be constructed in accordance with the British Standards.
- 5.20 Hertfordshire Constabulary does not fully support the application but recommends conditions and informatives should the application be permitted.
- 5.21 Herts and Middlesex Wildlife Trust objection due to lack of information regarding Biodiversity Net Gain, mitigation and compensation strategy, integrated bat and bird boxes and buffer.
- 5.22 East Herts Planning Policy have commented that the site is a speculative development. This site is not an allocated site after an assessment of delivering growth at Buntingford through the District Plan Process due to it being unsustainable. The current proposals therefore represent a clear departure from the development strategy set out in Policy DPS2 of the District Plan and reiterated in Policy BUNT1. DPS2 does not include an urban extension to Buntingford as part of the District's housing supply and the scale of the proposed development does not accord with the definition of development to be included as part of the windfall allowance (less than 10 homes).

There is no evidence that the sustainability reasons for limiting further growth in the District Plan are not still relevant. The inclusion of employment and retail floorspace in the proposed application could have a positive impact on local service provision. However, as this part of the scheme relates to outline permission, there is insufficient detail to assess if any positive impacts will outweigh wider concerns. There is also reference to the potential for a doctor's surgery but no evidence that this is a clear commitment or that there is support or funding from the Integrated Care Board (new name for the Clinical Commissioning Group).

Buntingford does not have good choice of comparison shopping whereby residents already travel outside of town to carry this out. The Highways find the submitted Travel Plan unacceptable as 5 year funding for the Lynx service has not been secured.

For applications involving the provision of housing, policies can be out of date in situations where the local planning authority cannot demonstrate a five year housing land supply; or where the Housing Delivery Test indicates that the delivery of housing is substantially below the housing requirement over the previous three years. This is not the case in East Herts. The Council can demonstrate a 5-year housing land supply and the most recent housing delivery test (2021) result was 130%, clearly demonstrating the Council is delivering housing effectively and that the District Plan is up to date.

The site does not comply with policy GBR2 and should be considered strategically through the plan making process.

The council can demonstrate a 5 year housing land supply.

The proposal is a departure from the neighbourhood plan.

- 5.23 Conservation and Urban Design have commented that there is an objection to the scheme due to the proposal not following the masterplan process, not in a sustainable location, contribution for sustainable travel improvements to the wider area should be secured, the layout of the development raises issues especially a local centre being at the core of the development, the urban grain and density is more akin to the surrounding town rather than the fringes of the town, the proximity to the sewage works for the southern part of the development, the green infrastructure is mainly to the land adjacent to A10 rather than the site, design of apartment blocks, depths of gardens, sustainable development, cycle storage and some plots do not have passive surveillance

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

6.0 Town Council Representations

- 6.1 Buntingford Town Council object to the proposal on grounds summarised as:

- Little has changed since the previously two refused applications.
- The proposal is contrary to specific policies contained within the Neighbourhood Plan and the District Plan.
- Most versatile agricultural land and should be safe guarded for food production.
- Loss of open Public Rights of Way through estates
- Impact of surface water flows to the River Rib must meet quality parameters as designated by the Environment Agency for Chalk Streams
- Lack of Parking
- There is inadequate infrastructure and Thames Water have commented on impacts if the Sewage Treatment Works were to be extended to take account of the development, as the plant cannot cope at present.
- Poor public transport serving the town.
- Should the proposal be permitted against the above reasoning serious consideration should be given to obligations that would benefit the town. The new access from the A10 should also be provided before the development takes place to avoid inconvenience to residents of Luynes Rise.

- 6.2 Aspenden Parish Council

- Not in accordance with the approved local plan
- Sufficient supply of housing within the Local Plan
- No masterplan
- No details on community uses
- Suitability of the commercial uses
- Inadequate parking
- Affordable housing mainly near the A10
- Area between Aspenden and Buntingford should be open and preserved

- Access to the A10 should be used for construction

6.3 Westmill Parish Council

- Unsustainable location
- No infrastructure provision
- Additional traffic on the A10 will lead to highway safety

7.0 Summary of Other Representations

7.1 1061 letters of objection have been received summarised as:-

- Scale of development. Over-development of historic market town which is turning into a New Town.
- Environmental Impact Assessment is required
- Spoil setting of the town.
- The site allocation for Buntingford has already been met and exceeded
- Not in accordance with the Development Strategy or Neighbourhood Plan
- Unsustainable development due to restricted infrastructure in town.
- All local schools are at capacity and children are being placed in schools out of town.
- No capacity in doctors surgeries.
- Increased traffic in and around town which the roads cannot sustain.
- Particular danger in Luynes Road that supports children's activities;
- Poor transport links – residents are reliant on private cars, public transport is inadequate and not fit for purpose.
- Increased congestion at Aspenden Road/London Road/Luynes Road junctions.
- New roundabout to the A10 would be dangerous.
- New roundabout to the A10 should be a priority.
- Luynes Rise should not become a rat run to the A10 so measures are needed to prevent this.
- Adverse impact on existing homes.
- Impact on Listed Building and Conservation Area
- Adverse impact on landscape character.
- Loss of countryside outlook.
- Impact on local wildlife.
- Loss of productive farmland.
- Sewage and water systems cannot cope with all the proposed new developments.
- Location of employment site will impact on existing houses.
- Noise, pollution and health impacts.
- Increase flooding.
- No renewables proposed and will impact the climate.
- Unaffordable house prices.
- High level of commuting as businesses not locating in Buntingford
- Need proper level of expertise from highways and East Herts to determine this application
- Poor design and layout and highly dense
- Overlooking and loss of privacy

- Increase in crime and no policing
- Lack of open and play space
- Loss of walking and air ambulance landing space
- No master planning process
- Council have a 5 year housing land supply
- Additional Community facility not required
- Increase in allotment sizes
- Public Rights of Way should be retained and enhanced including crossings
- The commercial space would not be taken up and utilised
- Boundary dispute with surrounding land owners
- Travel Assessment incorrect in regards to population numbers
- Existing access for cycling are too narrow
- Bus routes not fit for the growth

1 Neutral comment:

Benefit to the profits of landowners and housing numbers and UK economy.
Land ownership issue and outside of settlement boundary

One letters of support for the proposal have been received commenting that it is positive to see the development of land for business.

8.0 Planning History

Ref	Proposal	Decision	Date
3/14/2304/OP	Outline: Up to 400 dwellings (C3), first school site, formal and informal open spaces, playspace, landscaping and internal roads, new junction on the A10 and drainage infrastructure. Full: Phase 1 dwellings including affordable housing access roads, car parking, children's playspace, open space and drainage infrastructure.	Appeal lodged Reported to DM Committee Sept 2017	Inquiry arranged for April 2018 – Withdrawn
3/17/1811/OUT	Outline application for all matters reserved except for access comprising: i. Up to 400 dwellings (C3). ii. 2.0 hectares of land for Use Class B1 employment. iii. Formal and informal open spaces including children's playspaces. iv. Structural landscaping and internal roads. v. Formation of a new junction on the A10. vi. Surface and foul water	6 th Dec 2017	Refused – Appeal withdrawn

	drainage infrastructure.		
--	--------------------------	--	--

9.0 **Consideration of Relevant Issues**

The principle of the development and housing land supply

- 9.1 The site lies outside the settlement boundary of Buntingford and within the Rural Area beyond the Green Belt wherein policy GBR2 of the current Local Plan states that permission will not normally be granted for residential development. Therefore in respect of the 2018 Local Plan, the proposals represent inappropriate development in principle. Since the previous application the Council have adopted a new District Plan and therefore is considered up to date and in accordance with the NPPF.
- 9.2 The East Herts District Plan 2018 was adopted on the 23rd October 2018, as well as identifying a strategy for development and growth, the District Plan also sets out the housing requirement for East Herts. This is contained in policies DPS2. It sets out that housing growth, and other growth can be accommodated by directing development to (in order of hierarchy) sustainable brownfield sites, the urban areas of defined settlements (including Buntingford), urban extensions of defined settlements (not including Buntingford) and limited development in the villages. This strategy shows how the necessary growth in the District can be accommodate in a planned and sustainable fashion. Furthermore policy BUNT1 and BUNT3 set out site allocations and locations for housing growth and employment growth respectively. Neither of these include the application site. Therefore, as long as the development strategy is being delivered, and the Council is providing housing and can show a 5 year housing land supply, the proposal would be contrary to up to date policies on housing and sustainable locations for growth. The NPPF and the PPG set out that the housing requirement figures are identified through adopted strategic policies where the plan was adopted in the last 5 years. Therefore, the housing requirement is prescribed at the level of 839 dwellings per year as set out in Policy DPS2 of the District Plan, alongside this is the adopted method of addressing shortfall.
- 9.3 The Housing Delivery Test (HDT) measures whether planned housing requirements have been met over the last 3 years. The most recent test results are the 2021 results, these were published in January 2022 and demonstrate that East Herts has met 130% of its housing requirement, clearly demonstrating the Council is delivering housing effectively against its needs and subsequently setting out the need to use a 5% additional buffer.
- 9.4 Taking into account the established need, the appropriate method for addressing shortfall and the additional buffer. The Council can demonstrate a five-year supply of deliverable housing sites against the requirements set out in the District Plan. This position is set out in the November 2022 Land Supply Position Statement.
- 9.5 The applicants argue that the council cannot demonstrate a 5 Year Housing Land Supply. The Council have undertaken the exercise for an update to this and can now demonstrate that they have a 5.8 Year Housing Land Supply. As such, the Council is of the opinion that the proposal is contrary to up to date policies on growth and housing growth.

- 9.6 The NPPF states that if Paragraph 11 of the NPPF which sets out a presumption in favour of sustainable development, where no relevant development plan policies or the more important policies for determining the application are out of date, grant permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.7 Footnote 8 of paragraph 11 relating to determining applications with out of date policies explains that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As this is a housing led development and the applicants are testing the 5 Year Housing Land Supply paragraph 74 of the NPPF is also relevant. Paragraph 74 states “Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.” This is not the case in East Herts and the council are delivering 130% of the housing delivery as acknowledged by Central Governments Housing Delivery Test.
- 9.7 In addition to the previous application, there is a material change in policy with the adoption of The Buntingford Neighbourhood Plan and can be given weight. Paragraph 29 states that the Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Policy BUNT1 sets out the housing number of 1074 for the Plan period of 2011 – 2033. The Buntingford Neighbourhood Plan in Appendix 3 shows that post 2011 a total of 1270 dwellings have been approved. Although further analysis shows that the total of 1270 has not reached yet there are large schemes already approved and built and being built.
- 9.8 However, case law (Crane v Secretary of State DCLG (2015) EWHC 425 (Admin) has indicated that where policies for the supply of housing are out of date, restrictive policies in respect of housing cannot be judged to carry less weight or be disregarded. The weight to be given to conflict with the development plan remains a matter of planning judgement.
- 9.9 At this point then the Council is able to demonstrate a sufficient supply of land for housing and deliver its need. Whilst the Councils current housing land supply policies are considered up to date, the Buntingford Community Area Neighbourhood Plan (CANP) is also a recent up to date policy document. Whilst housing delivery can be given significant positive weight, some harm in this respect would be caused if the development proceeded as proposed, as the Buntingford CANP indicates that this area should be protected from development

and other policies in the Development Plan indicate that the required growth can be accommodated without this site being developed.

- 9.10 With regards to policy GBR2 the application site lies outside of a settlement boundary of Buntingford, in the Rural Area Beyond the Green Belt, where the principle of residential development relies upon either rural exception housing, of which this proposal does not qualify, or item (e) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.
- 9.11 Therefore, the principle of development relies on compliance with three factors of Policy GBR2, those being:
Development being compatible with the setting, character and appearance of the rural area (1), whether the parcel of land can be described as an infill plot or the land being 'previously developed land' (1.e) and part c new employment generating uses where there are sustainably located. With regards to point 1 the proposal does not share any characteristics with the rural agricultural setting. The Conservation and Urban Design and Landscape officer have commented that the proposal is more akin to urbanisation of the site rather than reflecting the setting. It is noted that the site would be adjacent to the edge of Buntingford, but outside of the boundary. However, even if you take this to be part of the setting, the proposal is more of an extension to this rather than a transiting form of development from the urban setting to the rural setting and therefore would not be considered acceptable, this is discussed further in the design section below.
- 9.12 With regards to the redevelopment of the site, it cannot be considered that this proposal would be considered as infilling. The proposal is for 350 homes and 2ha of commercial land and as stated above is more akin to an extension of the Buntingford, which is not included in Policy DPS2. In terms of Previously Developed Land the NPPF defines this as being 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' The definition sets out what should be excluded "This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development management procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time." This therefore would not be considered as Previously Developed Land.
- 9.13 Turning to the employment uses, these are considered appropriate only where they are sustainably located (and are compatible with the character and appearance of the rural area). As is set out below, the site is not considered to be sustainably located and so this element of the proposal is also contrary to GB2.Policy ED2 is also relevant regarding rural employment. Policy ED2 supports the principle of employment generating uses, subject to other policies within the plan. Part III of the policy specifies that loss of an agricultural use in a rural area or a change of use to a non-employment generating uses evidence will

be required to demonstrate that the current agricultural use is no longer required. There are no details submitted as the need of the agricultural land not being required but have submitted an Agricultural Land Classification which shows that the land is within 2 and 3a which is classified as very good quality and good quality agricultural land.

9.14

9.15 With regards to policy DPS2 of the East Herts District plan (2018) outlines a hierarchy of development locations which ensure that development takes place in the most sustainable locations. Sustainable brownfield sites are at the top of the development hierarchy. Furthermore, the site was not brought forward in a recent call for development sites and is not identified within the Buntingford Neighbourhood Plan as a site that is appropriate for housing allocation. Policy DPS2 furthermore, adds that sites within the urban area of Buntingford and other towns are appropriate which is not the case here and urban extensions are permissible in certain other towns and Buntingford is not one of them and therefore there is an in principle objection to the proposal.

9.16

9.17 To conclude it is considered that the proposal is not acceptable in principle and would be contrary to policies GBR2, DSP2, BUNT1 and ED2.

Sustainability

9.18 Notwithstanding the 5YHLS position of the council, the NPPF states that if the housing policy was out of date then presumption in favour of sustainable development should be assessed and a tilted balance approached. Whilst the Council is confident that it can demonstrate a 5 Year Housing Land Supply, for the avoidance of doubt, a consideration is made of these issues. Paragraph 8 sets out the three strands of sustainable development, being economic, social and environmental.

9.19 Taking the economic strand, it is noted that the site would be for 350 homes, this would lead to economic benefits during construction and from the future occupiers, who would use the existing facilities in town and wider area by buying goods for construction, provide jobs and would add to the overall economy of the area. The proposal also adds some employment land which would have positive benefits in terms of job creation. It is noted that the commercial aspect of the development is in outline stage and therefore difficult to assess how many jobs would be created and whether there would be any take up of these spaces, especially due to its location, which is discussed below and therefore overall it is considered to have some moderate weight.

9.20 With regards to the social strand, the proposal will provide a range of properties and commercial space. However, there are significant concerns regarding the layout and design of the scheme with the local centre located away from the north of the site, some dwellings not having sufficient amenity space and lack of infrastructure provision, such as additional car movements, lack of facilities, for doctors, dentist and school places makes the proposal have a significant harmful weight.

9.21 The Environmental objective the site is considered an arable agricultural land.

This will mainly be lost over to the development. It is noted that there would be green spaces created and a biodiversity strip created within the site. However, the site is already a open field whereby biodiversity would thrive and flourish. The applicants have submitted a report relating to ecology and Net Biodiversity Gain. There will be open spaces and green infrastructure proposed within the site. However, as noted previously, the town, over all suffers from outward commuting due to the lack of jobs and with the increase of population of a scheme this large this would add to this. In addition, there will be some employment land, but there is no full details in regards to the number of jobs created but it is highly unlikely that this would offset the problem of outward commuting. In addition the lack of infrastructure provision, would mean that the majority of the population within the estate are likely to use motor vehicles to do their day to day activities, such as shopping, leisure etc Although there is a clear objective that vehicle are to be more sustainable in terms of the reduction in use of fossil fuels but there are no guarantees that the new population would have these vehicles and this is considered to be moderate to significant harmful weight in the planning balance.

9.22 Following the above, concerns are raised about the sustainability of the site, the previous applications had raised the same concerns. The applicants have provided a number of reports relating to the employment suitability of the site. The Council commissioned the 2014 Buntingford Employment Study as an independent assessment of the town with regard to the quantity and quality of employment provision and the implications for the sustainability of planning proposals. The 2014 study has been used to inform the emerging District Plan. However, since 2014 a significant number of new residential developments have been approved and a further report was commissioned in 2016 as an update. The consultants Wessex Economics (WE) were asked to consider the Employment implications of planning proposals in Buntingford.

9.23 In that report, it is estimated that there are about 2,000 jobs in the town. However, most of the population, 72%, worked outside the town in 2011. Furthermore, most of those working in the town, around 65%, were from outside the town. In 2011 only 790 people out of a resident working population of 2,680 lived and worked in the town. Only 29% of working residents worked in the town. As a result, it was concluded that Buntingford has a low self-containment ratio and that this is likely to have fallen since 2011.

9.24 The table below sets out planning approvals for residential development in Buntingford since 2009:

Reference	Location	Units	Status
3/08/0840/OP 3/11/1033/RP	Land off Tylers Close, West of Greenways	50	Outline approved Sept 2010 Reserved Matters approved Sept 2011 Completed and occupied
3/09/1061/FP	Land adjacent to London Road	149	Approved November 2009 Completed and occupied
3/10/2040/OP 3/13/0737/RP	Land off Longmead	26	Outline approved Oct 2011 Reserved Matters approved Jul 2011 Under construction, part occupied

3/1131000/FP	Land north of Hare Street Road	160	Allowed on appeal Jan 2014 Under construction, part occupied
3/13/0118/OP	Land south of Hare Street Road (Area 1)	100	Allowed on appeal Jan 2014 Under construction
3/13/1399/OP	Land off Aspenden Road	56	Allowed on appeal Nov 2015
3/13/1379/OP	Land north of Park Farm Industrial Estate	180	Approved Oct 2015
3/14/0528/OP	Land south of Hare Street (Area 2)	100	Allowed on appeal March 2016
3/14/0531/OP	Land south of Hare Street (Area 3)	80	Allowed on appeal March 2016
3/15/0300/OUT	Former Sainsbury's Depot	316	Approved Mar 2016
3/14/1717/FP		Phase 1 82	Approved Sept 2015
3/13/0823/OP 3/16/1392/REM	Land north of Hare Street Road	13	Approved March 2017
3/16/1391/FUL	Land north of Park Farm Industrial Estate	43	Allowed on appeal August 2017
3/20/1950/FUL	Land East Of Aspenden Road	23	Approved 2022
Potential total		1,296	

- 9.25 The above total of 1,296 dwellings granted permission would, when built, represent a 59% increase over the 2,200 dwellings in the town in 2011 and an estimated population increase of around 3,000 people (based on the Buntingford average household of 2.44 in 2011), from around 4,950 people in 2011 to 7,950.
- 9.26 This application for 350 dwellings would increase the population by around a further 854 people. Some 800 jobs were lost in Buntingford between 2004 and 2012. There is currently 6.55ha of employment land in the town either allocated or with planning permission, with a further 3ha is allocated at Buntingford Business Park in the District Plan, This gives 9.55ha in total. However, approximately 1ha has been lost by the approval on appeal of a residential development on land north of Park Farm Industrial Estate (3/16/1391/FUL) and employment land at London Road will be lost if the proposals for a new school here come to fruition.
- 9.27 Full capacity on the existing employment sites within the town would create some 1,110 jobs. However, there is no guarantee of ensuring the scale of development and these figures are merely measures of capacity, not the likelihood of delivery. The appeal of sites and state of the development industry will have a major

bearing on actual delivery of employment floorspace and jobs. Wessex Economics (WE) advised that the market for new build industrial floorspace is limited, and that there is unlikely to be an appetite for speculative development.

- 9.28 It is also necessary to consider to what extent an increase in the population of the town will stimulate job creation in the service sector. In 2011 there were around 1,400 jobs in the town and WE estimate that around 800 of these (57%) were likely to be directly linked to serving the needs of the population of the town and its immediate hinterland. They consider that assuming that the relationship between population and jobs observed in 2011 continues to apply, a significant number of additional jobs will be created in the service sector. WE estimate a reasonable expectation of around 460 additional jobs might be created once all the approved developments since 2011 are completed. It would be anticipated that this site, if developed, would generate some further service employment.
- 9.29 There is no evidence that prevailing patterns of commuting from the town have changed or that they are likely to change in the immediate future. Therefore by implication the substantial level of outward commuting from the town, mainly by car, can be expected to increase substantially as a result of population growth in the town, in the absence of a definitive uplift in local job availability. Although forming part of these proposals, there can be no certainty with regard to the number of jobs which may actually be created.
- 9.30 Even if the full capacity of jobs on existing employment sites within the town were to be achieved this would not match the increased demand for employment from the increase in population resulting from approved schemes for residential development. Buntingford already has a low self-containment ratio and it is considered that further residential development beyond that already approved without certainty of accompanying growth in employment provision would lead to an increase in out-commuting from the town by car. It is considered that this would not be an environmentally sustainable outcome. It is acknowledged that the scheme includes the provision of just below 5,000m² of employment land. However the Council has doubts as to the suitability of this element of the scheme, as set out in the design section below, and whether or not occupiers could be found for these units. As such, without a better employment offer, the proposal would contribute to out-commuting from the town by car and so would not be an environmentally sustainable outcome.
- 9.31 Taking all of the above into account and only if the council would not be able to establish its 5 Year Housing Land Supply the tilted balance would be negative in the presumption in favour of sustainable development.

Landscape character

- 9.32 It is considered that the scale of the proposed development will have a significant impact on the landscape character and local distinctiveness of the area. As the landscape officer has commented, the identity of the locality is that of existing housing development that is set well back from A10 ring road and looking out onto a landscape that is rural in character. The proposal to expand the town up to the A10 will result in the permanent loss of this identity.
- 9.33 The housing development in the higher parts of the site will be prominent in the

landscape and the overall sensitivity of the area to the proposals is high. The degree of landscape change will be high, significant and harmful. Therefore impact on the Rib Valley will also be significant having regard to policy DES3 of the East Herts District Plan (2018) and policy ES1 of the Neighbourhood Plan.

Design and layout

Residential

- 9.34 The proposal is in hybrid form. The residential aspect of the development is in full permission and the commercial aspect is to the south eastern corner of the site. There are concerns raised over the overall design of the scheme in terms of its impact. It is noted that the site is outside of the boundary of Buntingford. The area is characterised of a semi-rural and rural setting. The proposal would introduce built form that would urbanise the area rather than forming a transition between the built up area of Buntingford and the rural area setting. Furthermore, the Urban Design Team have commented that the urban grain of the development does not respect its setting of the rural character.
- 9.35 In addition, the Urban Design team have commented that a scheme of this size and scale should have engaged policy DES1 and been through a master planning process. It is noted that community engagement was done but this also highlighted that the scheme was not supported but no engagement with other stakeholders was carried out. The NPPF advocates the use of Design Review Panels as a tool for ensuring high quality designs. The developer appears to have commissioned a review of the scheme, albeit not from the Herfordshire Design Review Panel, which is aware of the local context and policies. More importantly. It would appear that the scheme reviewed was different from that submitted, with the Panel commenting on a local hub which appears to be different from the local centre proposals currently submitted in outline.
- 9.36 Although the form and scale of the dwellings would be two storey and the apartment blocks 3 storey in height, it is not considered these are against the general heights of buildings in the surrounding area. Concerns are raised regarding the architectural quality of the apartment buildings. These form focal points within the development and the proposed buildings are considered to lack the interest, articulation and architectural quality for such buildings.
- 9.37 Although the addition of green infrastructure is welcomed, however, as noted by the Urban Design Team this is mainly along the A10 boundary rather than being integrated into the design of the proposal. The south eastern parts of the green infrastructure would be adjacent to the commercial element of the development and the sewage works and it is not considered that this would provide a high quality and functional green space.

Out line commercial

- 9.38 The application is submitted in outline and the layout and design of the development is reserved for later consideration. However, an indicative layout has been submitted showing employment development in the southeast corner of the site to the north of the existing WWTW (Waste Water Treatment Works). The area adjacent the WWTW, to its immediate north and west, would be allocated to open space. A spine road through the development would link

Luynes Rise with a new roundabout junction to the A10 sited to the southwest of the WWTW.

- 9.39 As the submission is made in outline form, the proposals have not been scrutinised in detail in this respect. It is anticipated that, if the principal of development were acceptable and/ or the Council was minded to support the proposals in other respects, then it is possible to achieve a form of development that is acceptable in urban design terms and delivers the required number of units on the site. No conclusion is reached on that matter at this stage then and any endorsement of the matter in principle gives no indication that the submitted indicative proposals are acceptable. However, it can be made clear that the provision of open space land located immediately north of the WWTW is not considered to be acceptable if it is proposed that the land is to fulfil an amenity and/or public open space purpose.
- 9.40 There is question marks over the commercial space in this location as it will be adjacent to the WWTW. Even the applicants marketing statement suggests that there may be other factors on whether this space would achieve the demand required. They confirm that market forces have had an impact upon retail, paragraph 4.6 of the marketing report shows that due to changes in the market, retail will be lost. Although some of the uses would be welcomed there are concerns over how these uses would be serviced in the future as they would have the access through the residential part of the estate. There has been no analysis on the existing commercial spaces and the impact of this development would have on this. However, if the application had been approved a viability and vitality statement would be required with full details.
- 9.41 There are residential properties proposed near the commercial part of the development. There are likely to be concerns depending on the uses proposed and this will need to be thought through carefully. Overall, it is considered that provision of a local centre is welcomed its position is not fully integrated into the development and proposed uses for the commercial aspect will need careful consideration in regards to whether the demand for the space in this location would materialise and servicing of these through the residential part of the development.
- 9.42 Finally, regarding the outline section of the scheme, the Parish Council have indicated that they believe that the neighbouring WWTW may need to be extended, and this is supported by Thames Water having commented that there is insufficient capacity in the local network, for both this scheme and others. Whilst Thames Water have indicated that with conditions this scheme could ameliorate its impact, there is a concern that the proposal may impact on future infrastructure delivery in the form of upgrades to the existing WWTW. Should this need to expand, the scheme would present difficulties in this respect. Policy INFRA4 of the Buntingford CANP requires that there is adequate infrastructure both on and off site. This does not appear to have happened and the Council is concerned that the proposed layout would negatively impact on the potential delivery of future infrastructure.

Housing type and mix and affordable housing

- 9.43 Policy HOU3 seeks provision of 40% of affordable housing on sites proposing 15

or more dwellings. The application proposes housing and affordable housing provision in accordance with the District Plan policy. The submitted Planning Statement indicates that a mix of unit sizes will be provided in accordance with the Councils Strategic Housing Market Assessment and that up to 40% of units will be provided as affordable housing. The Housing Team have welcomed the provision of 40% affordable housing, however, they do raise concerns over the use of flats and the tenure mix for this aspect. If the principle of development had been accepted then further negotiations would have taken place and a Section 106 agreement would have secured the need for the authority.

- 9.44 As above, the delivery of housing is given positive weight, along with the delivery of affordable housing in line with the Councils policy requirements.
- 9.45 Policy HOU8 is relevant to the proposal regarding self-build homes. No details for self build have been provided and therefore the proposal would be contrary to policy HOU8 of the East Herts District Plan (2018). This issue could not be overcome through the provision of conditions as potential end-users should be included in the design process.

Education

- 9.46 Hertfordshire County Council Growth and Infrastructure Unit have commented that the proposal is likely to have an increased demand on schools and other public services. They have requested that a section 106 is entered into to provide monies for Primary, Middle and Upped education, as well as Library and Youth services. In addition to this a monitoring fee would be required and this would all need to be secured via a Section 106 agreement.
- 9.47 The forecast at first school level has let the County Council to the conclusion that it need to pursue the provision of a new school. Policy BUNT2 has allocated land for a new First School at land at London Road to enable the delivery of a school. The demand generated by these proposals may be accommodated at either the existing first schools in the town, or at the new provision, once it is made available.
- 9.48 In terms of the education provision, had the application not had an in principle concern and subject to a section 106 agreement the proposal would be acceptable and in accordance with policy BUNT2 of the East Herts District Plan (2018).

Waste

- 9.49 The HCC Waste and Mineral team have commented that the that developments of this nature has to ensure that the proposal will minimise waste through construction and future occupiers. The Waste Authority have commented that concerns may exist regarding the proposed development in close proximity to the Waste Water Treatment Plant and recycling centre and the District Council would need to take this on board, which has already been discussed above.
- 9.50 In regards to minerals the applicants is encouraged to utilise minerals on site for the construction of development.

Highways and Public Right of Way

- 9.51 A Transport Assessment (TA), a framework Travel Plan (TP) and Technical Papers have been submitted with the application.
- 9.52 The site is bounded to the west by the A10 and to the east by residential roads. The majority of residential roads are unclassified local access roads and are subject to a 30mph speed limit.
- 9.53 The application proposes two points of access onto the wider network. Firstly via the small end stub section of Luynes Rise at a point where it turns 90 degrees and becomes Oak End. Secondly a proposed access onto the A10 towards the southern end of the site through the provision of a new roundabout.
- 9.54 The Highway Authority have commented on the submitted plans and do not raise concerns relating to the accesses. The Public Transport Team have raised concerns over the applicants request to make contributions to the HertzLynx service as a commitment will be needed from the applicants that this would require a minimum of a 5 year commitment. In addition to this the Travel Plan for the site is considered unacceptable due to the lack of clear separation between the commercial, retail and residential aspect of the development.
- 9.55 The Highways also raise concerns over the Transport Modelling as this has the potential for creating additional congestion to an already at capacity on A507, Baldock Road.
- 9.56 Paragraph 111 of the NPPF advises that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. In the light of paragraph 111, it is considered that the proposal will have an unacceptable impact upon highway safety and the cumulative impact on the road network would be severe.
- 9.57 The residential aspect of the development is in full. It is clear that all the properties would have off street car parking. A car parking master plan is provided as part of the submission. It shows that there would be a total of 698 car parking spaces would be provided. Although details of how many of each units there will be it appears that the car parking provision would be acceptable and the Highways have not raised any concerns regarding this.
- 9.58 The commercial element is in outline stage and therefore car parking should be provided in full details at reserved matters and would depend upon the use.
- 9.59 The submitted master plan shows that the public right of way Buntingford 026 would be partially lost due to the positioning of the local centre. No details of an agreement have been reached that this would be acceptable. However, it is clear that the Highway Authority accept that the betterment of the access within and outside the site is acceptable.
- 9.60 The requested planning obligations in respect of highway works are detailed in the 'Planning obligations' section below.

Residential Amenity

- 9.61 A Noise Impact Assessment has been submitted as part of the application which details the noise contours across the site and the mitigation measures that could be employed to provide satisfactory internal and external noise levels.
- 9.62 Environmental Health raised concerns in regards to whether the Noise Assessment has fully considered the impact of noise on the future residents as the noise assessment has not confirmed whether the bund along the A10 is sufficient to meet the level of noise in amenity spaces close to the A10, it is unclear whether the entryways have been included in the assessment as commercial vehicle traffic would have an impact upon noise and ventilation strategies should be designed at an early stage as this has the potential to impact noise for future occupiers.
- 9.63 As detailed above there are aspects of the layout that raises concerns, with regard to the amenity of these, the applicants acknowledge that some garden spaces are not in conformity with the Design Code in the Neighbourhood Plan and the urban design team have also raised concerns over sizes of gardens being shallow. It would appear that a small number of units are not in accordance with the Design Code in terms of separation distances for habitable room windows. Gardens facing East and North especially hard up on the gardens with the existing settlement raises concerns regarding the impact of development to the neighbouring occupiers. These gardens are shallow and therefore the built form would be perceived as dominating within the rear gardens.

Future Occupiers

- 9.64 As stated above some gardens do not meet the standard for provision of amenity space. In addition to this, some gardens are shallow in depth and either face east or north and would be overshadowed most of the day and would not be considered a high quality design.
- 9.65 In addition to this some properties are close to the commercial space and would be exposed to noise and disturbance. As the commercial aspect of this development is in outline stage and close to the WWTW and recycling centre some concerns are raised as to the potential impact of this, and Waste Authority have also raised this.
- 9.66 The layout of the development also raises concerns regarding the impact upon noise and disturbance to other residential occupiers. The proposed flats have a courtyard of car parking adjacent to gardens. This raise concerns over the impact of traffic noise and disturbance to the adjacent occupiers and further exacerbates the concerns over the proposals design.

Flood Risk

- 9.67 The site is located within Flood Zone 1 and the Environment Agency previously raised no objection to the proposals. The LLFA were also satisfied with the submitted Flood Risk Assessment and that a condition can be imposed to address surface water drainage requirements had the application been for approval.

Impact on Infrastructure - planning obligations

- 9.68 Herts CC have requested financial contributions towards nursery, first, middle and upper education, library and youth services. In accordance with the Council's Planning Obligations SPD, contributions may also be sought towards open space, sport and recreation, community centres/village halls and healthcare facilities. The detailed plans show the proposals indicate that the development will include onsite provision of a Local Equipped Play Area (LEAP), a Neighbourhood Equipped Play Area (NEAP) and open space.
- 9.69 Although the application is recommended for refusal, the following S.106 obligations have been requested:
- Strand 1 of HCC monitoring £1,200p.a for 5 Years.
 - Strand 2 in accordance with the Developers Planning Obligation Toolkit of £2,389,100 for the residential and £43, 888 for the commercial element. The upgrading of the PROW outside of the red line boundary would reduce the residential element to £2 million.
 - 40% affordable dwellings in accordance with the accommodation in a mix of 75% socially rented 25% shared ownership.
 - A financial contribution towards Nursery, First, Middle and Upper Education, Library Services and Youth Services in accordance with the approved residential type and mix and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008 - (Three tier version of Table 2) (index linked to PUBSEC 175).
 - As part of the open space and leisure SPD contributions would be sought for play space, parks and gardens, natural and semi-natural play space and allotments.
- 10.46 Financial contributions to be index linked.
- 10.47 Required Highway improvements, including a new roundabout on the A10 would be addressed via a S278 Highways Act Agreement with HCC as Highways Authority.
- 10.48 As the application is being refused should an appeal subsequently be submitted, Officers would reconsider the requirements for infrastructure funding and provision through that process.

Other matters

- 10.49 Herts Ecology previously commented that the indicative layout retains all linear feature habitats (apart from one tree). They raise no objection to the application subject to the mitigation measures being secured by the imposition of a conditions
- 10.50 HCC Historic Environment Unit advise that the application site has significant archaeological potential and may contain heritage assets of archaeological interest. The applicant has submitted a satisfactory Written Scheme of Investigation and an initial archaeological evaluation and no objection is raised, subject to a condition.

10.51 Climate Change mitigation, including reductions in carbon below the Building Regulations, control of water resource use and other matters could be secured by condition.

10.0 Conclusion – The balance of considerations

11.1 It is acknowledged that the Council can currently demonstrate a five year housing land supply. The proposal would provide 350 units of additional housing. This weighs positively in the balance, and it is acknowledged that housing targets are not totals or limits. However, as this is not a site identified in the plan for a scheme of this nature and the Council is delivering housing and has an identified housing land supply, only limited positive weight must be attached to this consideration.

11.2 The development would provide 40% affordable housing provision as required by Policy HOU3 attracting positive weight.

11.3 The proposal would encroach into rural area, where by the development would have a harmful impact upon the rural character and would not

11.4 The provision of employment land attracts positive weight but this is only limited given concerns about occupation and non-compliance with this element of GBR2.

11.5 It is considered that circumstances have changed the balance of sustainability considerations since previous residential development appeal decisions. Cumulatively, sufficient residential development has now been approved to support the town. Lack of employment opportunity in the town persists. Residents rely heavily on the private car to access employment elsewhere.

11.6 Notwithstanding the proposal to provide employment land as part of the application, there is no positive indication that this position will change in the immediate future. It is therefore considered that significant negative weighed should be assigned to the sustainability of the proposal in general terms, and particularly with regard to the consequences of lack of employment opportunity and the potential of the proposal to increase out-commuting by private car.

11.7 There is a need for a new first school in the town. Hertfordshire CC have committed to pursuing the development of a first school at London Road, which would meet that requirement, subject to contributions being made.

11.8 The application has a negative highway impact but satisfactory level of parking provision is proposed.

11.9 The site adjoins the A10 and is regarded as a noisy environment. In addition, the layout and design of some residential properties would be close to incompatible uses, such as the Waste Treatment Plant and recycling centre and commercial area, which has the potential to impact the future occupiers. Some residential properties do not have sufficient garden space, which is shallow and face east and north which would be overshadowed and not provide a high quality living environment.

- 11.10 The site lies in flood Zone 1. The LLFA and the Council's Engineer are satisfied that the proposal satisfactorily addresses flood risk.
- 11.11 Overall however, whilst it is acknowledged that the development would deliver a significant contribution to housing land supply, including affordable housing, it is considered that the adverse sustainability impacts and the adverse impacts on the character and distinctiveness of the area, impact upon the highway and residential amenities of the adjoining and future occupiers would significantly outweigh its benefits. The proposal is considered therefore to be unsustainable and contrary to the Development Plan, without material considerations which outweigh the Plan.

RECOMMENDATION

That planning permission be **REFUSED**, for the reasons set out below:

1. The proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area contrary to Policies DES1, DES4, GBR2 of the East Herts District Plan (2018), Policy ES1 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
2. The proposals represent an unsustainable form of development and residents would be heavily reliant on the private car to access employment, main food and comparison shopping elsewhere and the harm demonstrably and significantly outweighs the benefits. The proposal would be contrary to Policies DSP2, INT1, BUNT1 and TRA1 of the East Herts District Plan (2018) policy HD1 of the Buntingford Community Area NP and the National Planning Policy Framework.
3. The proposal due to its design and layout, especially the shallow gardens on the eastern edge, would have an adverse impact upon the adjoining occupiers through overbearingness and would also not provide a useable and functional private amenity space, due to its position either north or east of the dwelling. In addition, the layout of the car parking courtyards adjacent to the private gardens. The compatibility of the uses is a concern, especially the open space and residential as well as commercial would raise concerns over the potential noise and disturbance to the future occupiers, in addition the layout would mean that commercial servicing would be done through the estate which has the potential to create further noise and disturbance to future occupiers and would not be considered as a high-quality design contrary to policies DES4 and EQ2 of the East Herts District Plan (2018) and guidance in the NPPF.
4. The proposal raises concerns over the layout of the development, in respect of compatible uses of residential and open space adjacent to Waste Water Treatment and A10 as well as the commercial element which would give rise to poor quality spaces which would suffer from odour and general function of these uses which would not provide a good quality useable space contrary to policy DES4,
5. The proposed uses adjacent to the Waste Water Treatment and recycling centre raises concerns over the delivery of the employment land and residential on the

southern part of the site and the impact this will have on the future occupiers contrary to policies DES4, ED2 and EQ2 of the East Herts District Plan (2018) and guidance in the NPPF.

6. The proposal would give rise to severe impact upon the local highway network contrary to policy TRA1 of the East Herts District Plan (2018) and NPPF.
7. The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development. The proposal would thereby be contrary to Policies DEL2, TRA1, TRA2, CFLR1, CFLR7, CFLR9 and CFLR10 of the East Herts District Plan (2018), Policies of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
8. The proposal would not allocate any self-build plots. This would be contrary to policy HOU8 of the East Herts District Plan (2018).

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. East Herts Council has considered, in a positive and proactive manner, whether planning objections to this application could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in the decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Framework.

AUTHORISING OFFICER:

Richard Freeman
Interim Team Leader
09/11/2022