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For and on behalf of  
**Countryside Partnership Ltd and Wattsdown Developments Limited**

**Planning Statement**

**'Buntingford West'**  
**Land East of A10, Buntingford, Hertfordshire, SG9**

**Prepared by**  
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July 2023





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## APPENDICES

<b>Appendix 1</b>	Design Review Panel Formal Written Advice
<b>Appendix 2</b>	1 Whempstead Road, Benington, SG2 7BX - Appeal Decision

## 1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of Countryside Partnerships Ltd and Wattsdown Developments Ltd ('the Applicant') in support of an outline planning application ('the Application') for development of land east of A10, Buntingford, Hertfordshire, SG9, also known as 'Buntingford West' ('the Site'). The Application also includes land to the southwest of the A10 which is not part of the land proposed for built development but is included in the Application and will be retained as agricultural land and comprises an area for ecological enhancement.
- 1.2 This Application follows the refusal of planning permission on 9 November 2022 (application reference 3/22/1551/FUL). Since the refusal, the Applicant has revised the scheme. The new scheme therefore builds on the supported merits of the former proposal whilst responding to the reasons for refusal, where relevant, and affords the opportunity to make other related amendments reflective of consultation comments received.
- 1.3 The description of development for the purposes of the Application is:

*Outline planning application (with all matters reserved except for access) for up to 350 dwellings, 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) and other associated works including drainage, access into the site from the A10 and Luynes Rise (but not access within the site), allotments, public open space and landscaping.*

### **The Applicants**

- 1.4 The Applicants are Countryside Partnerships Ltd and Wattsdown Developments Limited.
- 1.5 Countryside Partnerships are an award-winning housebuilder and the only housebuilder to have received the prestigious RIBA Stirling Prize for a housing development. Countryside have received, once again, a five-star rating from the Home Builders Federation, following the industry's customer satisfaction survey results.
- 1.6 Within East Hertfordshire, Countryside have an excellent reputation for the quality of their housing developments, dating back to the 2000 Housing Design Awards for St Michaels Mead in Bishop's Stortford which was described as "*a convincing piece of urban design with a proper sense of place*". This high-quality design has more recently been seen at both St. Michael's Hurst and St James' Park both also in Bishop's Stortford.
- 1.7 Wattsdown Developments Limited is a local land promoter who has retained an interest in

the Site (including promoting it through the Local Plan process) since 2009.

### **Supporting Technical Documentation**

1.8 The purpose of this Statement is to bring together key planning related matters in one document, to assess the proposal against relevant planning policies and other material considerations, and then provide a balanced planning judgement. This Planning Statement is one in a suite of documents submitted to support the application and comprehensively demonstrates the suitability and sustainability of the site for housing development.

1.9 The following plans and reports are submitted in support of this planning application:

- Application Form, including Ownership Certificate
- Arboricultural Assessment (FPCR, June 2023)
- Site Location Plan (FPCR, Ref: 10537-FCPR-XX-XX-DR-A-1001-P02)
- Open Space Parameter Plan (FPCR, Ref: 10537-FCPR-XX-XX-DR-A-1007-P03)
- Building Heights and Density Parameter Plan (FPCR, Ref: 10537-FCPR-XX-XX-DR-A-1006-P05)
- Land Use Parameter Plan (FPCR, Ref: 10537-FCPR-XX-XX-DR-A-1003-P05)
- Development Framework Plan (FPCR, Ref: 10537-FPCR-XX-XX-DR-A-1002-P05)
- Access Parameter Plan (FPCR, Ref: 10537-FPCR-XX-XX-DR-A-1004-P07)
- Green Infrastructure Parameter Plan (FPCR, Ref: FPCR-XX-XX-DR-A-1005-P05)
- Design and Access Statement (FPCR, July 2023)
- Air Quality Assessment (WSP, July 2023)
- Preliminary Ecological Appraisal (JBA, June 2022)
- Reptile Survey Report (JBA, Jan 2022)
- Breeding Bird Survey Report (JBA, June 2023)
- Badger Survey Report (JBA, June 2022)
- Bat Activity Survey Report (JBA, June 2022)
- Biodiversity Net Gain Report (JBA, June 2023)
- Biodiversity Net Gain Assessment (JBA, June 2023)
- East Hertfordshire Biodiversity Questionnaire (July, 2023)
- Flood Risk and Outline Drainage Strategy (WSP, July 2023)
- Geo-Environmental and Geotechnical Preliminary Risk Assessment (WSP, May 2023)
- Landscape and Visual Impact Assessment (J E Consulting, June 2023)
- Noise Impact Assessment (RPS, July 2023)
- Statement of Community Involvement (Curtis Comms, July 2023)
- Sustainability Checklist (AES, June 2023)
- Energy and Sustainability Statement (AES, April 2023)
- Transport Assessment incorporating RSA and Designers Response (WSP, July 2023)
- Proposed Access to A10 and Luynes Rise Plan (WSP, Ref: 7498-GA-02 Rev G)
- Travel Plan - Commercial (WSP, June 2023)
- Travel Plan – Residential (WSP, June 2023)
- Travel Plan – Retail (WSP, June 2023)
- Heritage and Archaeological Assessment (Icknield Archaeology, July 2023)
- Utilities Assessment (WSP, July 2023)

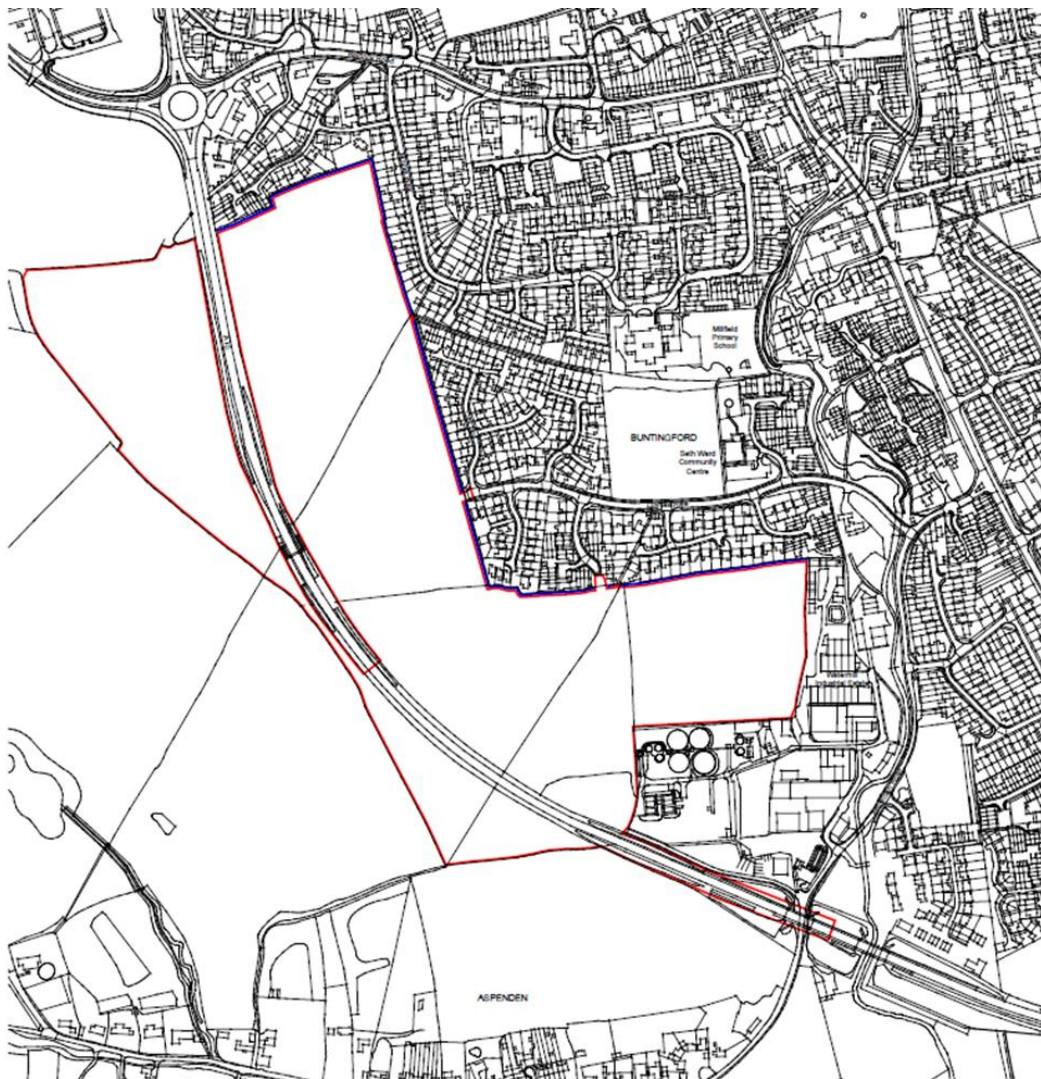


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- Agricultural Land Quality (SES, June 2022)
- Economic Impact Assessment (SPRU, July 2023)
- Employment Land Needs Assessment (SPRU, July 2023)

## 2.0 SITE DESCRIPTION AND CONTEXT

2.1 As illustrated by Figure 1 below, the developable area of the Site lies immediately to the southwest of Buntingford and is enclosed to the west by the A10 Bypass which runs to the west of the town. The southeast of the Site borders the Buntingford Waste Water Treatment Works ('WWTW').



**Figure 1: Site Location Plan**

2.2 The Site comprises three separate agricultural fields. Land to the west of the A10 is in common ownership with the Site and will be retained as agricultural land and comprises an area specifically for ecological enhancement (it will not be built upon). In total the area of the Application measures 28.95 hectares (this includes the 7.85 hectares of land to the west of the A10 bypass). The developable part is therefore 21.1 hectares.



- 2.3 Two Public Rights of Way cross the Site: one from Luynes Rise runs in a southwest direction (Footpath 26); the other from Monks Walk also passes in a southwest direction across the Site, with a pedestrian bridge over the A10 to Aspenden Church (Footpath 29).
- 2.4 The Site comprises Best and Most Versatile (BMV) land split about evenly between Grades 2 and 3a. East Hertfordshire comprises mainly BMV agricultural land, much of it Grade 2 and the Site is therefore not untypical of the prevailing quality of land in the District and similar to other land parcels around the boundaries of Buntingford.
- 2.5 The Site is not covered by any Local Plan designations but is described as being within the Rural Area outside the Green Belt.
- 2.6 The Site is generally well screened and contained by existing vegetation along the western boundary and along the existing urban edge to the north, east and south. There are also hedgerows within the Site providing dividing features to the three fields.
- 2.7 The Site is located in close proximity to facilities and services provided in Buntingford including schools, a community hall, library, health centre, pubs, sports facilities, post office and convenience stores. The Site is approximately 900m from Buntingford's main town centre facilities by the shortest walking route.
- 2.8 The A10 (which forms the western boundary of the Site) runs north-south between Cambridge and London. To the northwest of the Site, the A507 heads west towards Baldock and the A1(M).
- 2.9 The nearest bus stops are currently located on Baldock Road to the north of the Site (approx. 270m) and on Station Road to the east some 600m away.
- 2.10 The Site is located within Flood Zone 1; lowest risk of fluvial flooding. Currently a field drain runs through the Site in an east-west direction between field boundaries.
- 2.11 The Site contains no statutory listed buildings and there are no listed buildings immediately neighbouring it. There are clusters of listed buildings located some 500m to the north-east and also some 350m south of the southern boundary where they are separated by the A10. There are also a number of listed buildings dispersed to the north and west of the Site. The closest listed buildings are listed as follows:
- Watermill House – Grade II Listed (List Entry Number: 1101323), located some

- 65m to the east of the site;
- Aspenden Bridge (over River Rib) – Grade II Listed (List Entry Number: 1101361), located some 165m south of the site;
- 66 Baldock Road – Grade II Listed (List Entry Number: 1347971) located some 180m northeast of the site.

2.12 The Site is not part of the Buntingford Conservation Area (designated in 1968) which is located some 100m to the north of the Site's nearest boundary.

2.13 The Applicant considers the Site provides the best opportunity for meeting both Buntingford's housing, community and employment needs and aspirations following on from the completion of existing commitments. Furthermore, Buntingford presents an ideal opportunity for providing for wider housing need within East Hertfordshire as it offers significant potential for sustainable development, unconstrained by Green Belt or other restrictive designations.

### 3.0 PLANNING HISTORY

3.1 The Site has previously been promoted for development both through the planning application process and for allocation in the adopted East Herts Local Plan 2018. The Site was acknowledged, within the Strategic Land Availability Assessment (March 2017), to be:

*“...well related to the existing settlement and any incursion into the countryside would be limited by the presence of the A10 which would form the western boundary of the site...”*

3.2 A review of the Council’s Public Access Register highlights the following planning history relevant to the Site:

Application Reference Number	Proposal	Decision
<b>3/14/2304/OP</b>	Outline: (all matters reserved except for access). i. Up to 400 dwellings (C3) ii. First school site. iii Formal and informal open spaces. iv. Children's play space. v. Structural landscaping and internal roads. vi. Formation of a new junction on the A10. vii. surface and foul water drainage infrastructure. Full: Phase 1. i. 99 dwellings including affordable housing (C3), access roads, car parking, children's play space, incidental open space and associated surface and four water drainage infrastructure.	This application remained undetermined by the Council and as a result, the applicant lodged a non-determination appeal (ref. APP/J1915/W/17/3179615)
<b>APP/J1915/W/17/3179615</b>	Outline: (all matters reserved except for access). i. Up to 400 dwellings (C3) ii. First school site. iii Formal and informal open spaces. iv. Children's play space. v. Structural landscaping and internal roads. vi. Formation of a new junction on the A10. vii. surface and foul water drainage infrastructure. Full: Phase 1. i. 99 dwellings including affordable housing (C3), access roads, car parking, children's play space, incidental open space and associated surface and four water drainage infrastructure.	This appeal was withdrawn on the basis of conjoining with the appeal against subsequent planning application 3/17/1811/OUT.

<p><b>3/17/1811/OUT</b></p>	<p>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 play spaces. iv. Structural landscaping and internal roads. v. Formation of a new junction on the A10. vi. Surface and foul water drainage infrastructure.</p>	<p>Refused on three grounds including:</p> <ol style="list-style-type: none"> <li>1) encroachment into the rural area beyond the settlement boundary and its impact on the character, appearance and distinctiveness.</li> <li>2) the proposals represented an unsustainable form of development with residents relying heavily on the private car; and,</li> <li>3) the proposal failed to make adequate financial provision for infrastructure improvements to support the proposal.</li> </ol> <p>A subsequent planning appeal was lodged and conjoined with APP/J1915/W/17/3179615 (ref. APP/J1915/W/17/3192173)</p>
<p><b>APP/J1915/W/17/3192173</b></p>	<p>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 play spaces. iv. Structural landscaping and internal roads. v. Formation of a new junction on the A10. vi. Surface and foul water drainage infrastructure.</p>	<p>This appeal was withdrawn on the 27 February 2018 as a result of the Council's change in position with regard to their 5-year housing land supply.</p>
<p><b>3/22/1551/FUL</b></p>	<p>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)</p>	<p>Refused on eight grounds comprising:</p> <ol style="list-style-type: none"> <li>1) encroachment into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area.</li> <li>2) 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.</li> <li>3) adverse impact upon the adjoining occupiers through overbearingness and would also</li> </ol>

		<p>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.</p> <p>4) incompatible 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.</p> <p>5) 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</p> <p>6) severe impact upon the local highway network.</p> <p>7) adequate financial provision for infrastructure improvements to support the proposed development.</p> <p>8) the proposal would not allocate any self-build plots.</p>
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### EIA Screening Opinion

3.2 Previous Screening Requests relating to the Site determined that such proposals were not EIA development and that an Environment Statement was not required (LPA references S/14/0526/01; S/17/0174/PREAPP; and 3/22/0644/SCREEN). The current proposal seeks a similar form of development to those previously screened and has not been subject to further EIA Screening. Should the Council deem this necessary we would invite the Council to re-

screen at the same time as the application process.

### **Pre-Application and Design Review Panel**

- 3.3 Pre-Application discussions were sought with the Council in preparation for the submission of the previous 2022 application, however, the Council were unwilling to engage in pre-application discussions on the basis of a lack of resource and in-principal concerns with the proposal. The Council did not engage with the Applicant at any stage until the delegated refusal of the planning application on 9 November 2022.
- 3.4 A design review workshop was requested with the Council during the initial stages of the previous application's progression; however, the Council were unwilling to engage in this process. Subsequently, an independent design review was secured with The Design Review Panel East on 13 April 2022, however the Council again decided not to engage.
- 3.5 Following the refusal of the application, the Applicants wrote to the Council and a meeting was held on 24 May 2023. During the meeting, officers referred to Local Plan Policy DES1 and recommended that any new application be postponed to allow for a masterplanning workshop with the community and stakeholders. This would usually involve a steering group of East Herts officers, councillors, and local community groups. However, officers explained that the policy and process related to Local Plan allocated sites and therefore in this case, the resulting masterplan would not be endorsed by the Council. They also expressed doubt whether stakeholders would engage in the process.
- 3.6 Regarding the 2022 grounds for refusal, officers indicated a need to focus on the first two grounds and acknowledged that the technical reasons for refusal (Reason for Refusal 3- 8) could be resolved.
- 3.7 The parameters for the new outline application are based firmly on the Development Framework Plan for application reference 3/22/1551/FUL, which was finalised following the site visit and input on the masterplanning from the Design Review Panel East. A copy of the advice is enclosed at **Appendix 1** and detailed in the Design and Access Statement.

### **Public Engagement**

- 3.8 As part of the previous application, initial discussions were held with Town Councillors, informing, and updating them on the Proposal, following which, a virtual consultation was held to engage local residents and stakeholders in the evolution of the proposals.

3.9 In preparation for the submission of this application, further consultation has been undertaken. A public consultation website was created website ([www.countrysidebuntingford.co.uk](http://www.countrysidebuntingford.co.uk)) which explains Countryside's strategy for the site, including the rationale for an outline planning application. The website covered a number of topics:

- Details about the proposals
- Information about Vistry and Countryside
- The approach to highways and associated infrastructure
- Benefits of development
- Details about the proposed S106 for the site (explained as Council led improvements)
- Details of proposed community benefits (explained as local benefits)
- Environmental issues, such as Zero Carbon and Sustainability.

3.10 The website was advertised to residents by leaflet drop to Buntingford residents. Details of the feedback received is provided within the Statement of Community Involvement submitted alongside this application.

#### **Highways and Transport Meeting**

3.11 A pre-application meeting was held with a Hertfordshire County Council transport and highways officer on 15 May 2023 to discuss the comments to the previous application and how a new application could address any concerns.

3.12 The County Council had previously suggested a signalised junction for the new A10 access. However, due to safety concerns, they requested that the highway design revert back to a roundabout. A new Special Circumstances Report has been prepared to support the current application and this will be submitted to the County Council's Strategic Transport Infrastructure Board (STIB) for review together with a road safety audit.

## 4.0 THE DEVELOPMENT PROPOSAL

- 4.1 The Application includes a comprehensive set of Parameter Plans and a Development Framework Plan. The supporting Design and Access Statement summarises the constraints and opportunities of the Site and the formulation of the parameters.
- 4.2 The Application seeks outline planning permission for up to 350 residential dwellings, new local centre (up to 500m<sup>2</sup>) and employment uses (up to 4,400m<sup>2</sup>), public open spaces, play areas and allotments. Access into the Site would be provided via a new roundabout junction off the A10 along the south-western boundary with an emergency access, which also functions as a key active travel route into and from the site, proposed from Luynes Rise. Except for access from the A10 and Luynes Rise, all matters are reserved for future consideration.
- 4.3 The design details of the proposed housing, local centre and employment provision will therefore be submitted at a later stage as part of a separate Reserved Matters Application(s).

### Proposed Land Uses

- 4.4 *Housing:* The Application seeks permission for up to 350 new residential dwellings, 40% of which would be secured as affordable housing.
- 4.5 As indicated on Parameter Plan 4: Density & Building Heights (ref. 10537-FPCR-XX-XX-DR-A-1006-P05) a range of densities are proposed across the Site. The northern section of the Site is proposed at a lower density of approximately 30 dwellings per hectare, whilst the areas surrounding the employment and local centre are proposed at a higher density of up to 40 dwellings per hectare. The mix of density will enable a strong sense of orientation and place identity across the Site and allow for the creation of differing Character Areas within it. Furthermore, it is proposed that building heights will accommodate a mixture of house typologies and mix with a range of heights from 10.5m – 13.5m in the residential blocks and up to 15m in the employment zone and up to 13.5m in the Local Centre.
- 4.6 *Employment:* The Application seeks consent for up to 4,400m<sup>2</sup> of business uses (Use Class E and B8) in the south-eastern part of the Site. It is envisaged that the employment area could provide the opportunity for a variety of uses, including a home working hub, doctor's surgery, gym, and small business units.
- 4.7 *Local Centre:* An area of up to 500m<sup>2</sup> is proposed for a mixed-use Local Centre.



Notwithstanding the easy and convenient access from the Site to Buntingford town centre, it is expected that the proposed Local Centre will offer day-to-day facilities for the new community in a location that is also easily accessible to existing residents in the southwest of the town. It will also complement the adjacent employment uses. The exact mix and detailed layout would be subject to a Reserved Matters application, but has the potential to include a convenience store, other local shops for 'top up' shopping, a café, restaurants, a pharmacy, or home working hub. It is the intention that the Local Centre will form a central focus within the development, being accessible to residents (within a 10-minute walking distance), employees and those using the A10.

- 4.8 The Development Framework Plan and accompanying Land Use Parameter Plan identify the proposed areas for housing, employment, and the local centre.
- 4.9 *Public Open Space:* As identified on the Public Open Space Plan (Ref. 10537-FPCR-XX-XX-DR-A-1007-P03) and as indicated on Parameter Plan 3: Green Infrastructure (ref. 10537-FPCR-XX-XX-DR-A-1005-P05), the proposal makes provision for a total of 15.40 hectares of open space. This includes 0.22 hectares allocated to children's play and provision for young people which will be delivered in several locations (including alongside the Local Centre as part of the creation of a community meeting point) and 0.28 hectares of allotments that are proposed to be located along the north-eastern boundary.

#### ***Access***

- 4.10 Vehicular access to the Site is provided via a new roundabout junction off the A10. The creation of a junction was agreed in principle in respect of the previous 2015 and 2017 applications (see Planning History) however, recent consultation with Hertfordshire County Council and their Strategic Infrastructures Board has been undertaken to agree the suitability and form of the new roundabout access.
- 4.11 A secondary emergency access, which will also be a key active travel route into and from the Site, is also proposed from Luynes Rise. The access will be bollard-controlled with free movement restricted only to pedestrians, cyclists, public transport, and emergency vehicles.
- 4.12 The proposed access locations are shown on the Development Framework Plan and Parameter Plan 2: Access and Movement. The detailed designs are contained within the supporting Transport Assessment.
- 4.13 As indicated on Parameter Plan 2: Access and Movement, the development will, overall,

provide for several pedestrian and cycle access connections to the local footway and cycle network which will ensure that the Site is permeable and provide links into Buntingford. They have been designed to facilitate an increase in access to public transport including the new on-demand bus service 'Herts Lynx' for which Buntingford is a Key Hub Town.

## 5.0 PLANNING POLICY CONTEXT

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. This approach is further reinforced by guidance set out in the Framework and related Planning Practice Guidance (PPG).

5.2 In this regard, the development plan relevant to determination of this planning application is contained within the following documents.

- The East Herts District Plan (October 2018);
- Policies Map (2018);
- The Buntingford Community Area Neighbourhood Plan (2017);

5.3 The development plan is further supported by a number of documents deemed potentially to be of material consideration, as follows:

- Sustainability SPD (March 2021); and,
- Landscape Character Assessment (September 2007)

### **Five-Year Housing Land Supply Position**

5.4 The Council's latest published position (the Land Supply Position Statement (November 2022)) identifies a supply of deliverable housing and concludes that it can demonstrate a five-year land supply position, providing for 5.8 years against the housing requirement.

5.5 However, in January 2023, an Inspector found that neither the 2019 nor 2022 Position Statements produced by the Council follow the annual position statement criteria set out in paragraph 75 of the Framework. The Inspector also questioned the overall deliverability of the Council's anticipated supply of housing and reached the conclusion that the Council were unable to demonstrate a five-year supply of deliverable housing sites as required by paragraph 68 of the Framework. Such shortfall was considered moderate (see **Appendix 2** for full decision).

5.6 This was further accepted by the Council in their Officer Report to Committee for planning application 3/21/0498/FUL for the development of Church Farm, Moor Green Road, Ardeley, Stevenage Hertfordshire, SG2 7AH.

5.7 Therefore, until any robust and conclusive evidence to the contrary can be adduced, it must be concluded that East Hertfordshire do not presently have a five-year supply of housing which can be relied on, and the tilted balance is engaged and determination should follow

the provisions of Framework paragraph 11(d)(ii).

### **East Hertfordshire District Plan (2018)**

- 5.8 The list below shows the policies from the East Herts District Plan (2018) which are considered particularly relevant notwithstanding that some or all the policies which determine the scale, location and delivery of development may be out of date and the application should be determined in accord with Framework paragraph 11(d).

#### ***Policy INT1 Presumption in Favour of Sustainable Development***

- 5.9 This policy commits the Council will work proactively with applicants to find solutions to allow proposals to be approved and to secure development that improves the economic, social and environmental conditions in the area.

#### ***Policy DPS1 Housing, Employment and Retail Growth and Policy DPS2 The Development Strategy 2011-2033***

- 5.10 Between 2011 and 2033, the Plan makes provision for a **minimum** of 18,458 new homes and 10,800 new jobs. The Plan identified a need for 839 new homes per year with the majority of growth being directed to the most sustainable locations for development at the urban areas of the borough's main towns Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware, alongside urban extensions planned at Bishop's Stortford, Hertford, Sawbridgeworth and Ware, and to the east of Stevenage, east of Welwyn Garden City and in the Gilston Area. There is limited development directed towards the villages. It is noted that there was an expected shortfall in the years 2011-2017 and the Plan recognised the need for any shortfall to be made up in years 2017-2027.

#### ***Policy GBR2 Rural Area Beyond the Green Belt***

- 5.11 This policy outlines that when considering planning applications in the Rural Area Beyond the Green Belt, sustainable development will be permitted provided that it is compatible with the character and appearance of the rural area.

#### ***Policy BUNT1 Development in Buntingford***

- 5.12 This policy states that Buntingford will accommodate a **minimum** of 1,074 new homes plus a proportion of the overall windfall allowance for the District. Buntingford is identified as a Minor Town Centre with a number of local services and facilities available in the locality. It has been identified that there has been a loss of employment in the town, and it is therefore important that the town should seek to maintain and improve on its current employment provision, in order to provide local jobs for both existing and new residents of the town. It is

noted that development to the north and south of the town will enhance primary routes into the town, providing a visual transition between rural and urban.

***Policy HOU1 Type and Mix of Housing***

- 5.13 This policy outlines that on new housing developments of 5 or more gross additional dwellings, an appropriate mix of housing tenures, types and sizes will be expected in order to create mixed and balanced communities appropriate to local character and taking account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence and/or local demographic context, trends, and housing need.

***Policy HOU2 Housing Density***

- 5.14 Housing development is required to make efficient use of land, and demonstrate how new development has been informed by the character of the local area and contributes to design objectives, improving the mix of house types and providing adequate levels of public open space. The policy recognises that, subject to these factors, densities will vary considerably stating that high net densities are favourable on central sites, medium densities on sites on the edge of towns and lower densities in villages.

***Policy HOU3 Affordable Housing***

- 5.15 Affordable housing provision will be expected on all development sites that propose development that falls within Class C3 (Dwelling Houses). Up to 40% Affordable Housing is required on schemes proposing 15 or more gross additional dwellings.

***Policy HOU8 Self-Build and Custom House Building***

- 5.16 Policy HOU8 requires sites of more than 200 dwellings to provide at least 1% of dwelling plots for sale to self-builders.

***Policy ED1 Employment***

- 5.17 This policy states that provision of new employment uses will be supported in principle, where it is in a suitable location, access can be achieved by a choice of sustainable transport and it does not conflict with other policies. New employment floorspace should be of a flexible design, able to respond to the changing needs of small and growing enterprises, be energy efficient in construction and operation (in accordance with the Council's Design and Landscape, and Climate Change policies in Chapters 17 and 22) and have fully integrated communications technology - Policy ED3 Communications Infrastructure.

***Policy DES1 Masterplanning***

- 5.18 This policy requires that all 'significant' development proposals prepare a masterplan, setting the quantum and distribution of land uses; access; sustainable high-quality design and layout principles; necessary infrastructure; the relationship between the site and other adjacent and nearby land uses; landscape and heritage assets; and other relevant matters.
- 5.19 It further requires that such masterplans should be collaboratively prepared, involving site promoters, landowners, East Herts Council, town and parish councils and other relevant key stakeholders and be further informed by public participation.
- 5.20 It has been noted that the Council has declined to engage in pre-application discussions for the previous planning application and that the Applicants' masterplanning exercise would not be endorsed by the Council or likely be supported by stakeholders.

***Policy DES2 Landscape Character***

- 5.21 Policy DES2 requires that developments demonstrate how they conserve, enhance or strengthen the character and distinctive features of the District's landscape.

***Policy DES3 Landscaping***

- 5.22 Development proposals are expected to demonstrate how they will retain, protect, and enhance existing landscape features which are of amenity and/or biodiversity value.

***Policy DES4 Design of Development***

- 5.23 This policy requires that developments are of a high standard of design and layout to reflect and promote local distinctiveness.

***Policy CFLR3 Public Rights of Way***

- 5.24 Development should not adversely affect any Public Right of Way and, where possible, should incorporate measures to maintain and enhance the Public Rights of Way network.

***Policy CFLR7 Community Facilities***

- 5.25 The provision of adequate and appropriately located community facilities is expected in conjunction with new development. This should be provided either on-site, or where appropriate, a financial contribution made towards either off-site provision, or the enhancement of existing off-site facilities.

***Policy NE3 Species and Habitats***

- 5.26 This policy outlines that development should seek to enhance biodiversity and create

opportunities for wildlife with design features used as a key element in open spaces and measures such as bird and bats boxes implemented to support wildlife.

***Policy NE4 Green Infrastructure***

5.27 This policy requires that developments maximise opportunities for urban greening with the planting of street trees and use of appropriate landscaping schemes.

***Policy WAT4 Efficient Use of Water Resources***

5.28 Development is expected to minimise the use of mains waters and residential developments should be designed to limit water consumptions to 110 litres or less per person per day.

***Policy HA1 Designated Heritage Assets***

5.29 This policy requires development proposals should preserve and where appropriate enhance the historic environment of East Herts.

***Policy HA3 Archaeology***

5.30 This policy outlines that where a site has the potential to include heritage assets with archaeological interest (whether scheduled or unscheduled) an appropriate desk-based assessment should be prepared and submitted.

***Policy CC1 Climate Change Adaptation***

5.31 This policy states that all new developments should demonstrate how the design, materials, construction, and operation of the development would minimise overheating in summer and reduce the need for heating in winter. Developments should also integrate green infrastructure from the beginning of the design process to contribute to urban greening, including the public realm.

***Policy CC2 Climate Change Mitigation***

5.32 This policy states that all new developments should demonstrate how carbon dioxide emissions will be minimised across any development site, taking account of all levels of the energy hierarchy.

***Policy WAT1 Flood Risk Management***

5.33 This policy requires that development should neither increase the likelihood or intensity of any form of flooding.

***Policy WAT5 Sustainable Drainage***

5.34 As far as practicable, development should provide sustainable urban drainage systems to

ensure that surface water run-off is managed appropriately and should also tie into other design objectives to consider biodiversity, open spaces for recreation and amenity.

***Policy WAT6 Wastewater Infrastructure***

- 5.35 Development proposals must ensure that adequate wastewater infrastructure capacity is available in advance of the occupation of development.

***Policy EQ1 Contaminated Land and Land Instability***

- 5.36 As part of any application, it should be shown show that unacceptable risks from contamination and land instability will be successfully addressed through remediation without undue environmental impact during and following the development.

***Policy EQ2 Noise Pollution***

- 5.37 This policy states that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment.

***Policy EQ4 Air Quality***

- 5.38 All developments should include measures to minimise air quality impact at the design stage incorporating best practice in the design, construction and operation of all developments.

***Policy TRA1 Sustainable Transport***

- 5.39 Sustainable transport objectives will be secured, where appropriate, by contributions towards the facilitation of strategic transportation schemes identified in the Local Transport Plan and other related strategies.

***Policy TRA2 Safe and Suitable Highway Access Arrangements and Mitigation***

- 5.40 This policy requires development proposals to ensure that safe and suitable access can be achieved for all users.

**The Buntingford Community Area Neighbourhood Plan (2017)**

- 5.41 The Buntingford Community Area Neighbourhood Plan 2014 – 2031 ('NP') covers the entirety of the Buntingford Community Area ('BCA') and was formally 'made' in May 2017. The NP is based on the principles of the Framework and also considered information contained in the Draft East Herts District Plan - which was at draft stage at the time the plan was made. The policies of the NP considered relevant to a consideration of the proposed scheme, and which provide further information beyond the Local Plan are as follows.

- 5.42 **Policy ES5:** This policy states that development proposals to expand the provision of open



space and improve the existing open space to serve the people of the BCA will be welcomed and encouraged.

- 5.43 **Policy ES6:** This policy encourages the provision of allotments. It is noted that currently allotment provision in the BCA is limited to provision at Ermine Street and Hare Street Road.
- 5.44 **Policy ES8:** This policy encourages enhancements to links between areas of natural open green space, wildlife and countryside. It is also noted that integrated features for wildlife (e.g. ponds, hedgerows, bird/bat boxes) will be expected within the built environment in appropriate places.
- 5.45 **Policy HD2:** This policy requires all new housing developments to be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding countryside. All proposals are required to demonstrate how they conserve, enhance or strengthen the character and distinctive features of the BCA landscape.
- 5.46 As detailed in the Building Heights / Density Parameter Plan which accompanies the Application, the development has restricted building heights generally to 10.5m with some limited 13.5m high development at focal points within the lower southeast of the Site to ensure that the development is reflective of surrounding character and does not impact upon the surrounding landscape.
- 5.47 **Policy HD4:** This Policy sets out that new housing design should respect rural/semi-rural character of the BCA and its immediate context.
- 5.48 **Policy T3:** This policy requires that existing rights of way will be protected from development that adversely impacts on accessibility within and between settlements within the BCA.
- 5.49 **Policy T4:** This policy sets out that proposals for new development will be required to take advantage of opportunities to make appropriate connections to existing footpaths, urban alleyways, cycle paths, rights of way and bridleways in the BCA to improve connectivity between and within settlements.

#### **Other Material Considerations**

- 5.50 East Hertfordshire Council Statement of Community Involvement (2013) encourages applicants to involve the community in formulating the proposal at an early stage to address any issues.

***National Planning Policy Framework, July 2021***

- 5.51 In July 2021, the Government published a further revision of the Framework, which sets out its requirements for the planning system in seeking to ensure sustainable development. The Framework is a fundamental material consideration, particularly when the development plan is silent and/or out of date. The Framework seeks to positively encourage new development and includes a *'presumption in favour of sustainable development'*.
- 5.52 Paragraph 8 sets out the three objectives of sustainable development and defines:
- a) ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
  - b) ***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
  - c) ***an environmental objective*** – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*
- 5.53 At Paragraph 11, is a presumption in favour of sustainable development. For decision taking this means that unless material considerations indicate otherwise:
- c) *"approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
    - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
    - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
- 5.54 Paragraph 60 requires that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward. In that regard must be stressed that the Local Plan housing requirements are expressed as minimum and not as limits that must be exceeded.

5.55 Paragraph 39 states:

*“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties”.*

5.56 Paragraph 40 states:

*“LPAs have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take up of any pre-application services they offer. They should also, where they think this beneficial encourage any applicants who are not already required to do so by law, to engage with the local community and where relevant, with statutory and non-statutory consultees, before submitting their application”.*

5.57 Paragraph 41 encourages pre-application, noting that:

*“The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits”.*

#### ***National Planning Practice Guidance (PPG)***

5.58 The Planning Practice Guidance provides an additional detailed layer of policy guidance for decision-makers and is a further material consideration of significant importance.

5.59 Regarding design, the PPG states that:

*“well-designed places can be achieved by taking a proactive and collaborative approach at all stages of the planning process”.*

#### ***National Design Guide***

5.60 The National Design Guide was published in October 2019 and should be read alongside the Government’s Planning Practice Guidance. The document sets out ten characteristics which result in a ‘well-designed place’ as follows:

- Context
- Identity
- Built Form
- Movement
- Nature
- Public Spaces
- Uses
- Homes and Buildings
- Resources
- Lifespan

5.61 The Guide also advises that good design promotes quality of life, a safe environment and places that are efficient and cost effective to run.

## 6.0 PLANNING ASSESSMENT

6.1 This section assesses the proposed development against planning policy objectives and comments on how it has sought to address the reasons for refusal of the previous application.

### **The Principle of Development**

6.2 In reaching their decision on the 2022 planning application, the Council considered it would represent an unsustainable form of development and residents would be heavily reliant on the private car to access employment, main food shopping and comparison shopping elsewhere and the harm arising from this would demonstrably and significantly outweigh the benefits of the proposal. The Council also concluded that the proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area.

6.3 The Site is located immediately adjacent to Buntingford, a settlement which lies outside of any Green Belt designations associated with a large extent of East Hertfordshire (Local Plan Policy GBR2). It is well suited as a town extension. It immediately adjoins and is linked (for example through the existing Public Rights of Way and the Luynes Rise Active Travel Route) to existing built form. Furthermore, it is contained to the south and west by the A10 which forms a strong physical boundary.

6.4 Whilst there would be some change to the landscape, as identified within the supporting Landscape and Visual Impact Assessment, the Site lies in the context of the adjacent town and any new development, whilst visible, would not be discordant. Houses are commonplace features and any proposed development of a greenfield site would (usually) be outside of existing settlement boundaries and would (inevitably) involve a degree of landscape harm. However, any harm in this case, would be at a relatively low level, would affect a limited area around the Site and would reduce over time.

6.5 The proposal mutually supports the three overarching sustainability objectives (environmental, social, and economic), in a manner reflective of local circumstances (Framework Paragraph 8).

6.6 The proposal will address part of the shortfall and existing needs for housing and will significantly contribute to the Council's five-year housing land supply, 'Liveable Neighbourhoods' and a movement away from car dependency whilst not compromising the ability of future generations to meet their own needs (Framework Paragraph 7). It also

provides the opportunity for new employment opportunities for new and existing residents as well as offering additional services and facilities to the town (Local Plan Policy BUNT1).

6.7 Buntingford is a compact town with a range of facilities sufficient to support its population including access to jobs, primary healthcare, and education. Day-to-day facilities and services accessible in the vicinity of the Site include:

- Two first schools (ages 4-9), a middle School (ages 9-14) and an upper school with sixth form (ages 14-18);
- Supermarket facilities, including a mid-sized Cooperative supermarket, a Sainsbury's Local and a Nisa Local / One Stop (which also contains the local Post Office);
- Employment opportunities at the Buntingford Business Park and Watermill Industrial Estate as well as town centre shops and services;
- A number of health facilities (doctor, dentist); and,
- Local town centre shops.

6.8 As demonstrated within the Transport Assessment, the Site lies within close proximity to existing community facilities (such as schools and the town centre), such that sustainable transport modes are an appropriate option. Pedestrian facilities within Buntingford are good, with wide footways, particularly along the High Street and through the town centre. There are dedicated pedestrian crossing facilities in Buntingford, in the form of zebra crossings in the town centre.

6.9 The Application promotes provision of a range of local convenience facilities (potentially including a convenience store, a café, restaurants, a doctors' surgery, a pharmacy, a home working hub, gym, and small business units) on the Site to meet the new and wider communities' daily needs. Whilst designed to ensure residents' needs can, wherever possible, be met within the Proposal strong linkages with the wider Buntingford area will ensure new residents become integrated with the wider Buntingford community, and equally that existing Buntingford residents can take advantage of the new recreation, employment, and retail opportunities within the Proposal (Neighbourhood Plan Policy T4). Such provision supports the sustainability of the town as a whole and helps reinforce the use of sustainable transport modes for daily trips.

6.10 Improvements are proposed to the surrounding highway network to enable the Proposal to benefit the wider Buntingford community. Several public transport options are also available, including both standard bus services as well as a DRT service in the form of HertsLynx. This offers feasible alternatives to private car travel to access surrounding local settlements as

well as other transport services.

- 6.11 It is noted that officers considered that the provision of employment land proposed as part of the 2022 application was a positive aspect of the development. Notwithstanding this, officers raised concerns in relation to the difficulty in assessing how many jobs would be created and whether there would be any take up of the proposed spaces due to the location, and whether this would offset a pattern of outward commuting.
- 6.12 The accompanying Employment Land Needs Assessment, Economic Impact Assessment and Employment Area Market Report, provide an updated position on relevant demographic and economic indicators, following the release of new data since the submission of the initial application (Census 2021).
- 6.13 The findings of the reports demonstrate that there is a continuing and growing need for employment floorspace in the district and in Buntingford, in particular the need in Buntingford appears to be for small scale office floorspace, possibly in the form of serviced offices. They further show that there is very little existing employment floorspace available to accommodate need both now and in the future.
- 6.14 Although the layout and the appearance of the development is a reserved matter, the preparation of the Development Framework Plan and Parameter Plans has been informed by both the wide-ranging technical assessments undertaken, and also a more detailed consideration of the overall site and its immediate and wider context and its setting.
- 6.15 The Parameters for the development, by reference to building heights and density, green infrastructure, access and movement and land uses can be conditioned. At the detailed design stage, the design of individual buildings and spaces and the materials to be used will reflect local design characteristics and constraints, however the Parameter Plans, Development Framework Plan and Design and Access Statement sufficiently identify how the site could be delivered tailored to the Site and its context.
- 6.16 As such, the Site is considered to be within a sustainable location (Framework Paragraph 7), for which there is a presumption in favour (Framework Paragraph 10, Local Plan Policy INT1). The delivery of the site would not be to the detriment of the distinctiveness or the character of the area and the proposals brings substantial benefits in the form of new employment opportunities, additional services and facilities to the town and improvements to the surrounding highway network. On this basis, the proposal would also comply with Policies

INT1, BUNT1, ED1, CFLR7 and TRA1 of the East Herts District Plan (2018), policy HD1 of the Buntingford Community Area NP and the National Planning Policy Framework.

### ***Transport and Movement***

- 6.17 The 2022 decision notice referred to a potential severe impact upon the local highway network, contrary to policy TRA1 of the East Herts District Plan (2018) and the Framework.
- 6.18 The access strategy for the site has been reviewed holistically with a key focus on active travel modes and a full Transport Assessment (TA) and a Framework Travel Plan (TP) is submitted.
- 6.19 Following the principles agreed for the 2015 and 2017 applications the principal access to the Site is by way of a new roundabout junction off the A10. A secondary emergency access, which will also be a key active travel route into and from the Site, is also proposed from Luynes Rise. The proposed access locations are shown on the Development Framework Plan and Parameter Plan 2: Access and Movement. The detailed designs are contained within the supporting Transport Assessment.
- 6.20 As indicated on Parameter Plan 2: Access and Movement, the development will provide for several pedestrian and cycle access connections to the local footway and cycle network to ensure that the Site is permeable and provides links into Buntingford and to increase access public transport including the new on-demand bus service 'Herts Lynx' for which Buntingford is a Key Hub Town.
- 6.21 It is proposed that the two Public Rights of Way crossing the Site, Footpaths 26 and 29 will be retained alongside new recreational routes to be created throughout the Site.
- 6.22 The access strategy has been subject to further recent consultation with Hertfordshire County Council and their Strategic Infrastructures Board and a new Special Circumstances Report has been prepared to support the current application which will be submitted to the County Council's Strategic Transport Infrastructure Board (STIB) for review together with a road safety audit.
- 6.23 As the Application is submitted in outline, details regarding parking will be confirmed at a later stage. It is envisaged that the car parking, including EV infrastructure, and cycle parking will be provided in line with the Local Planning Authority's standards and compliant with Policy 5 of the HCC LTP and paragraphs 107 and 112(e) of the Framework.

- 6.24 The internal highway designs and layout will also be provided at the reserved matters stage and will be designed to be compliant with Framework paragraphs 112(c and d) and Roads in Hertfordshire: Highways Design Guide Standards for highway design and refuse/emergency vehicle access.
- 6.25 The Transport Assessment demonstrates that the proposed development will not have a significant adverse effect on the operation of the highway, public transport or pedestrian and cycle networks in the vicinity of the site or on road safety. In conclusion, it is considered that the development proposals are reasonable and appropriate for the location and that there are no reasons why the development proposal should not be granted planning permission on traffic and transport grounds.
- 6.26 The proposed development would therefore accord with policy TRA1 of the East Herts District Plan (2018) and the objectives of the Framework.

#### ***Design Parameters***

- 6.27 The Design and Access Statement and Development Framework Plan demonstrate one way in which the site could deliver up to 350 dwellings, including 40% affordable housing. Housing mix (both market and affordable) will be a matter for agreement but as required by the Council's Strategic Housing Market Assessment, a range of sizes and types of dwellings would be provided reflective of identified needs at the time.
- 6.28 The proposal would also seek to allocate self-build plots in accordance with Policy HOU8 Self-Build and Custom House Building, and these would be a matter for agreement at Reserved Matters Stage.
- 6.29 The scheme will ensure that there is sufficient choice for housing for a balanced and inclusive community. The proposals will therefore provide an appropriate mix of housing in accordance with Local Plan Policies DPS1, HOU1 and HOU3 and Neighbourhood Plan HD7.

#### ***Green Infrastructure and Odour***

- 6.30 The Council raised concerns as part of the 2022 application on the incompatibility of uses of residential and open space adjacent to the Waste Water Treatment and A10 as well as the commercial element which, it was considered, would give rise to poor quality spaces which would suffer from odour and general function of these uses.
- 6.31 Odour contour assessments have been considered and as a result, the highest sensitivity



receptors (such as residential areas) are to be located away from odour sources. The proposed location of the employment area has also been carefully considered to ensure that accessible areas and buildings are located within appropriate odour contours and a buffer is provided along the boundary with the Waste Water Treatment Works.

- 6.32 The proposed development will incorporate large areas of amenity green space, natural/semi natural greenspace, and allotments. The Green Infrastructure Parameter Plan shows that it is the natural green spaces that are proposed to be located in proximity to the Waste Water Treatment and the A10 rather than amenity green spaces. In contrast, spaces which have a functional amenity value are kept with the development parcels and will be screened from noise and odour.
- 6.33 The Public Open Space Plan provides an assessment of the proposed open space provision against standards. This shows that the level and type of provision proposed not only meets but significantly exceeds that required by the Open Space, Sport and Recreation SPD and will be useable for existing / future residents and should be seen as a key benefit.
- 6.34 The proposals therefore accord with Local Plan Part Policy DES4 and the Open Space, Sport and Recreation SPD and policies ED2 and EQ2 of the District Plan.

### ***Biodiversity***

- 6.35 A Preliminary Ecological Appraisal has been undertaken by James Blake Associates and is submitted in support of the Application.
- 6.36 The Ecology Appraisal concludes that there are three 'Sites of Special Scientific Interest' (SSSI) were identified within 7km of the site. There were eleven non-statutory designated wildlife sites identified within 2km of the site; all of which are Local Wildlife Sites (LWS). There is, however, limited access to the majority of LWS within 2km of the site.
- 6.37 The majority of the site comprises improved grassland with hedgerows, dry and wet ditches, boundary trees and scrub.
- 6.38 The Ecology Appraisal concludes that the proposed development is considered unlikely to be adversely detrimental to designated areas, protected species, or habitats, provided the recommendations for further survey and any mitigation measures arising from the surveys and the precautionary measures are followed. However, a number of considerations and enhancements are recommended with respect to the overall biodiversity of the site in line

with current planning policy and will inform the design of any future reserved matters.

- 6.39 As demonstrated by the supporting Biodiversity Net Gain Report and Metric, the proposals deliver a 20.81% net gain for habitat units and a 32.08% net gain for hedgerows/linear features and a net gain of 58.10% for 'river units'. However, with the inclusion of the additional enhancement land, the BNG score for habitat units is increased to a 41.98% net gain and is considered a significant benefit.
- 6.40 The proposed Parameter Plans and supporting technical information demonstrate that the proposals could be developed in a way to ensure that spaces are of high quality and achieve a substantial net gain in both habitat, linear and river units. The proposals are therefore considered to comply with Local Plan Policies NE2, NE3, and DES4.

#### ***Drainage and Flood Risk***

- 6.41 The Site is shown in the EA Flood Maps as being located predominantly within Flood Zone 1, which based on the NPPF, is classified as having a 'low' probability of tidal and fluvial flooding. Other potential sources of flooding have been investigated and the probability of flooding has also been assessed as low to negligible.
- 6.42 The supporting Flood Risk Assessment and Outline Drainage Strategy has been developed to manage surface water runoff within the proposed development, taking into account potential climate change impact with the overall aim to reduce the rate of surface water runoff from the proposed building and limit the impact on the public sewer network in line with policy and best practice.
- 6.43 The proposed development will mimic the existing greenfield runoff rate and limit surface water flows to the Qbar Greenfield rate for all storm events up to and including the 1 in 100 year plus 40% climate change allowance storm event. It is proposed that storage will be provided via detention basins and swales, with permeable paving proposed to form part of the SuDS Management Train. Further details will be provided at reserved matters stage.
- 6.44 The Environment Agency previously raised no objection to the 2022 application. The LLFA were also satisfied with the submitted Flood Risk Assessment and that a condition could be imposed to address surface water drainage requirements.
- 6.45 It is therefore considered that the proposals accord with Local Plan Policies WAT1 and WAT5.

### ***Heritage***

- 6.46 A Heritage Impact Assessment has been undertaken by Icknield Archaeology. This explains that the Site lies within an area of archaeological and historical interest, and that it has the potential to reveal evidence of a range of periods.
- 6.47 The assessment indicates the potential presence of heritage assets throughout much of the proposed development area taking the form of Bronze Age, later Iron Age and early Roman land use comprising settlement enclosures and associated field boundaries. There is also some historical indication of medieval/post-medieval settlement at Scotts Green.
- 6.48 The potential for the survival of heritage assets to the south and southeast of the Site is assessed as between low to medium. This may also be the case for the parcel of land to the west of the A10 but this remains uncertain and so is currently assessed as 'unknown'. No other heritage assets within the assessment area are currently recorded in the Historic Environment Record but the potential for the existence of currently unknown buried heritage assets remains high.
- 6.49 As part of the 2022 planning application, Hertfordshire County Council Historic Environment Unit advised that the site has significant archaeological potential and may contain heritage assets of archaeological interest and considered that any further investigation and evaluation could be dealt with by way of planning condition. This would also be deemed suitable as part of this application and therefore, the proposals have been prepared in accordance with Policies HA1 Designated Heritage Assets and Policy HA3 Archaeology.

### ***Energy and Sustainability***

- 6.50 In recognition of the climate emergency and local policies relating to climate change the application is supported by an Energy and Sustainability Statement prepared by AES Sustainability Consultants.
- 6.51 A review of the East Herts District Plan 2018, Sustainability SPD 2021, the Framework and relevant recent Government statements has established that the Building Regulations are considered the appropriate method for setting standards relating to energy use and CO<sub>2</sub> emissions, giving consideration to building design and site-layout to further reduce energy consumption.
- 6.52 The scheme will fall to be developed under Part L 2021, and therefore will be designed to meet these increased standards. This will deliver a >31% reduction compared with current

regulatory standards, which equates to emission levels less than half of homes built to L1A 2006 standards, which were in place at the adoption of the East Herts District Plan 2018.

- 6.53 The predicted emissions are reduced by 3.94% over Part L 2021 requirements.
- 6.54 It has been determined that water consumption could also offer significant betterment over the maximum level allowable by Building Regulations, with the proposed specification equating to an internal water consumption of 100.9 Litres/Person/Day.
- 6.55 The Energy Statement additionally details the proposed approach to addressing overheating risk and climate resilience, sustainable and responsible materials usage. All dwellings will require solar PV systems to achieve Part L 2021 compliance, with some possible exceptions dependant on size and orientation, and It is provisionally assessed that dwellings will be specified with solar PV systems of between 0.5 – 4kWp, depending on the specific characteristics of the homes. Plot specific system sizes will be developed once the SAP calculations can be completed.
- 6.56 On the above basis, the proposals can be considered capable of addressing Policy CC1 Climate Change Adaptation and Policy CC2 Climate Change Mitigation.

#### ***Agricultural Land Classification***

- 6.57 An assessment of Agricultural Land Quality has been undertaken by Soil Environmental Services Ltd. It has identified that 14.25ha of the site overall is Grade 2 with the remainder in Grade 3a. The site is therefore best and most versatile land limited only by identified droughtiness and wetness.
- 6.58 The remainder of the land surrounding Buntingford is however similarly classified as Grade 2 and Grade 3. Whilst BMV agricultural land, i.e., Grade 1, Grade 2 and Subgrade 3a, is a finite national resource, it is abundant in the East Hertfordshire District and it is therefore considered that the loss of agricultural land is not significant in the wider context of East Hertfordshire and any need to preserve it is outweighed by the benefits of the development.

#### ***Noise***

- 6.59 A Noise Impact Assessment has been submitted as part of the application. Environmental sound levels were determined from unattended long term noise survey and the dominant sound source affecting the site was traffic movements on the adjacent A10 and the surrounding road network.

- 6.60 The Site falls into the medium risk category when assessed against the Professional Practice Guidance on Planning and Noise (ProPG). Whilst no detailed layout or building design is submitted, through appropriate design as outlined within the supporting Noise Impact Assessment, the proposed development would be capable of meeting satisfactory internal and external acoustic environments with respect to the ProPG and British Standards (BS) 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings'.
- 6.61 With respect to the Acoustics and Overheating Design Guide (AVOG), the Site falls into the low-risk category with the potential exception of development facing the A10. Night-time noise ingress through open windows could result in adverse effects in this location due to individual noise events but this may be considered further if the overheating conditions occurs at night and further assessments can be made at detailed design stage to address this issue.
- 6.62 Based on the above, the proposals are considered to accord with the appropriate guidance and Local Plan policies EQ2 and CC1.

### ***Trees***

- 6.63 The Arboricultural Assessment prepared by FPCR provides an assessment of the trees on the site following the guidance within BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. It considers the likely arboricultural implications of the application proposals providing guidance on how the development could be achieved while minimising any potential detrimental impacts on retained trees.
- 6.64 The site is not located in a conservation area and none of the trees on site are protected by a Tree Preservation Order. A total of thirteen individual trees, thirteen groups of trees and one hedgerow were surveyed as part of the Arboricultural Assessment.
- 6.65 A total of seven individual trees and ten groups of trees were recorded as being moderate in quality and retention category B. These specimens are evenly distributed across the site. Two individual trees (T10, T12) were recorded during the survey as being of high quality which were located along the northern boundary of the site. Trees of low quality comprised of four individuals, three groups and 1 hedgerow. Individual specimens were predominantly outgrown boundary trees or unmanaged garden trees. Tree groups and the hedgerow were for the most part, outgrown boundary features between the site and properties. Due to either the lack of management or low collective landscape value, this tree cover was regarded as

retention category C.

- 6.66 The proposed development would not necessitate the removal of any trees although 3 individual trees (G5, G8 and G13) of moderate quality and 2 individual trees (G1 and G12) of low quality would require partial removal to facilitate the construction of the proposed vehicular access. The trees are reported as being young to early- mature and have not yet become fully established so the removal of these trees would not prove detrimental to the visual amenity being provided by these trees. The removals required to facilitate the proposed development would not lower the overall arboricultural value of the site. The development of this land would provide an opportunity to increase canopy cover and convert arable land into a highly treed, high quality residential area.
- 6.67 The proposals therefore address policies DES3 Landscaping, NE3 Species and Habitats and NE4 Green Infrastructure.

#### ***Geo-technical***

- 6.68 A Geo-Environmental and Geotechnical Preliminary Risk Assessment has been carried out to determine the potential for contamination. This concludes the risk from ground contamination is low to moderate with the identified source being attributes to the current and historical use of the site as agricultural land, the use of a site to the south as a storage yard and historical pollutant incidents. It is recommended that an intrusive ground investigation is required to inform subsequent stages of design and this can be secured by condition.
- 6.69 The proposals have been prepared in accordance with Policy EQ1 Contaminated Land and Land Instability.

#### ***Summary***

- 6.70 The technical assessments highlighted above demonstrate that the development proposals can be brought forward with no technical constraints and are sustainable in their nature. They also demonstrate that there are no adverse impacts of the development that outweigh the benefits of the scheme.
- 6.71 There are numerous benefits which would arise from the proposed development, that are established and quantified throughout this Statement and which can be summarised as:

#### **Economic Benefits:**

- Creation of new FTE jobs during the preparation, demolition and construction stage

of the development, a proportion of which would be expected to be drawn from the local workforce.

- Creation of new jobs through the supply chain.
- Generation of additional spending in the local economy from new households and construction workforce that would support local business and shops.
- Provision of employment floorspace for local people and small/starter businesses.
- Provision of an increased range and choice in the housing stock, including affordable housing.
- Generation of significant additional Council Tax receipts and New Homes Bonus Payments.

### **Social Benefits**

- The provision of up to 350 new high-quality homes in a sustainable location and in allocation where there is evidence of no five-year supply.
- Delivery of dwellings within a 5-year period making an important contribution to the current significant shortfall in housing land supply in the district that merits significant weight.
- Delivery of up to 40% affordable homes - the delivery of which should carry very significant weight in the context of the high level of need for affordable housing in the district.
- Publicly accessible formal/ informal open space and play space for use by new and existing residents which is likely to exceed the policy requirement.

### **Environmental Benefits**

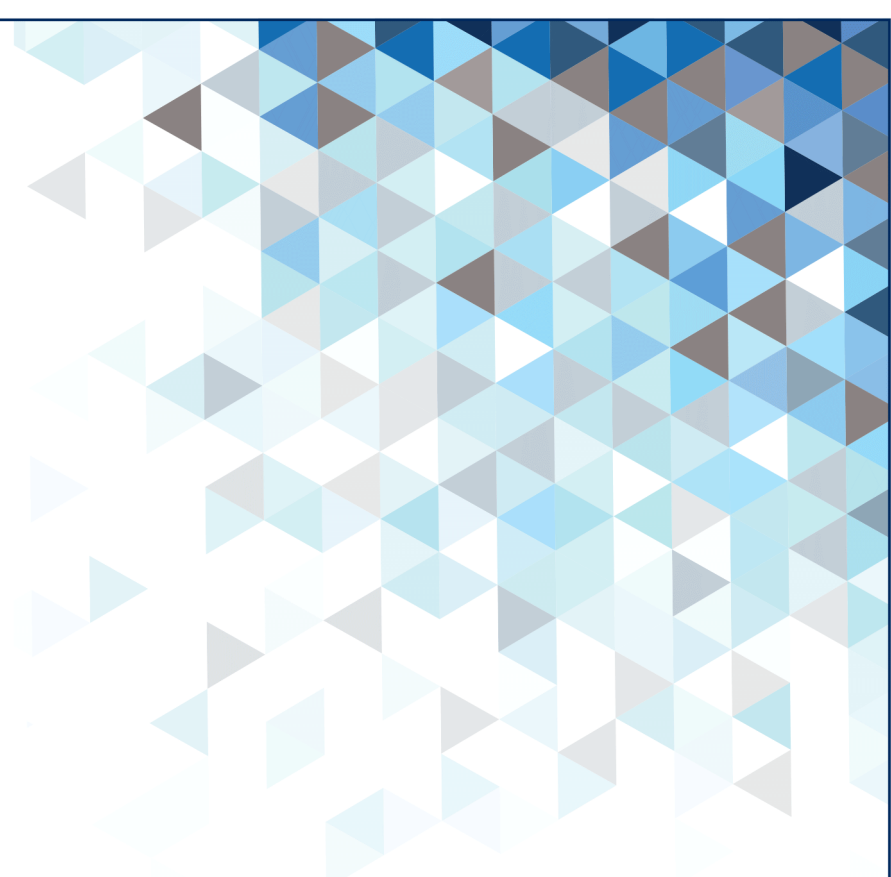
- Retention of trees and hedgerows and the introduction of extensive landscaping that would minimise any harm to the character and appearance of the surrounding landscape and integrate the development into the surrounding countryside.
- Enhanced opportunities for nature conservation, ecology, biodiversity, access and recreation.
- Enhancement of existing habitats both on and off-site via new planting, bird and bat boxes, hedgerow and hedgehog provisions, insect rich habitats suitable for nesting and foraging birds, and high nectar producing shrubs and wildflower.
- The delivery of significant net gains in biodiversity.
- Measures to meet current standards for energy efficiency, sustainable construction and water use, including compliance with the Future Homes Standard.

## 7.0 CONCLUSION

- 7.1 This Planning Statement has been prepared in support of an outline application for up to 350 dwellings (use Class C3) with all other matters reserved except for access. The application is submitted on behalf of Countryside Partnerships Ltd and Wattsdown Developments Ltd.
- 7.2 The design concept outlined in the Design and Access Statement, alongside the submitted Development Framework Plan and Parameter Plans would secure a high-quality development.
- 7.3 The Site represents a sustainable, suitable, available, achievable, viable and deliverable source of housing land which is capable of contributing quickly and positively towards East Hertfordshire District Council's housing land supply shortfall.
- 7.4 The Application is supported by a comprehensive package of technical assessments including landscape, highways, drainage, air quality, and ecological studies, which demonstrate no legal, physical, or environmental constraints to the successful development of the Site.
- 7.5 For the reasons explained, in accordance with Paragraph 11d(ii) of the Framework, the most important policies for the supply of housing in EHDC are out of date and therefore the presumption in favour of sustainable development i.e., the 'tilted balance' is engaged. In that context, the case for granting permission is even more emphatic; any adverse impacts of the proposals would be comprehensively outweighed by the benefits, when assessed against the Framework as a whole.
- 7.6 Notwithstanding the application of the 'tilted balance' and the presumption in favour of sustainable development, the scheme has been assessed in relation to those relevant policies of the development plan which provide for consideration of planning applications.
- 7.7 In this regard, there are no technical or environmental constraints that would preclude the development of the site, subject to planning conditions and / or obligations. The proposal broadly complies with the housing policies and relevant 'development management' policies of the development plan. As set out above, subject to planning permission being granted, there are numerous benefits arising from the proposed development.
- 7.8 Where it has been demonstrated that any limited or technical conflict with the development plan would be comfortably outweighed by other material considerations, specifically the



significant social, economic and environment benefits that would be secured by the proposed development it is clear that the proposals represent sustainable development which will make a positive difference, creating an appealing neighbourhood which respects it's context and caters for identified needs. Taking the above into consideration, there is a compelling case for the granting of planning permission at the earliest opportunity.



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## **Appendix 1**

### Design Review Panel Formal Written Advice

# The Design Review Panel

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<b>Site</b>	Buntingford West, Land to the west & south of Luynes Rise, east & north of the A10
<b>Proposal</b>	Outline application for up to 400 residential dwellings, employment area and local centre
<b>Local Authority</b>	East Herts Council
<b>Applicant</b>	Vistry Group Limited
<b>Agent</b>	DLP Planning Limited
<b>Review Date</b>	13 <sup>th</sup> April 2022

The design review session was carried out on 13<sup>th</sup> April 2022 and was booked by DLP Planning Limited. This is the first time The Design Review Panel has reviewed this scheme. The session incorporated an in-person site visit, which the Panel considered was extremely helpful in understanding the site topography and context.

The information submitted for review is considered to be clear, comprehensive, and professional, and this is welcomed by the Panel. It is felt that the comprehensive and professional presentation material is of benefit to the design review process. The Panel supports the multidisciplinary approach undertaken by the design team.

Paragraph 133 of the NPPF states: -

***“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, ... In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”***

The Panel raised the following points: -

The early engagement with the design review panel process is welcomed, and this feedback document should be read in the context of this early formative stage of the design process.

Subject to the comments within this document, it is considered the site is appropriate for a development of the type proposed. The site boundary is currently felt to be defined by a ragged arrangement of back gardens and has an ill formed relationship with the boundary; the stated aspirations for this

# The Design Review Panel

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development have the opportunity to create an appropriate urban edge to Buntingford, which it is felt is currently missing.

The detailed analysis that has already been carried out is acknowledged and in particular it is noted that the design team have provided precedent images regarding the existing character of Buntingford, which is welcomed. It is noted that Buntingford incorporates a classic historic town centre that is characterised by more intense historical development. The town also comprises a number of 20th and early 21st century estates that appear bolted on to the town that incorporate a distinct character representative of their time. The Panel does not yet feel it is clear what the vision/character aspirations for the proposal site is, and there is a concern that the proposed character could become a reflection of the inefficient low density, car dependant, housing in the surrounding area, which would not be supported. It is considered the development offers an opportunity to provide an innovative development that may provide a wider public benefit in helping to provide an appropriate settlement edge to Buntingford.

Buntingford is a compact town that provides a good range of local services within walking distance, and therefore the site represents a sustainable location. It is noted the local council have relatively high parking requirements, which it is felt may not be appropriate for this sustainable site. In terms of parking, careful consideration should be given to the extent of on-plot versus on-street. On a scheme of this size the Panel advocates a mixture of parking solutions.

The general local design policy requires both high quality design as well as innovation. It is questioned if reflecting the local character of the existing settlement could be considered innovative and it is suggested that it may therefore be beneficial to explore a different approach, to provide a contemporary, less car dependant, proposal. Furthermore, it would be beneficial to consider the proposed development in terms of what benefits it can bring to the existing town and residents.

The site has a range of constraints, of particular note is the noise from the road (A10) as well as the potential odour nuisance from the sewage works, and it is considered to be imperative that the design team demonstrate an understanding of the impact of these aspects.

In terms of noise mitigation, the proposed buffer corridor incorporating a bunding is welcomed, however it will be beneficial to now give careful consideration to the required width of this corridor as well as to how this space will appear and be utilised. Retained hedgerows and trees should also be carefully considered to ensure that the masterplan acknowledges from an early stage required widths around existing planting are established and maintained throughout the design process.

In terms of the odour constraints, it is felt that the design team have taken a logical and appropriate approach in this regard by placing the proposed industrial uses in the area affected. Notwithstanding this, whilst an industrial use may more appropriate than residential in the area affected by odour, careful consideration should still be given to building orientation and use to ensure it is appropriate. The public route proposed behind the industrial uses should be reconsidered, as it is felt that this may not be well used and could result in an antisocial space that does not benefit from adequate natural surveillance or natural daylight.

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In terms of landscape, it is felt the design team have carried out an intelligent and well-rounded analysis of the landscape characteristics of the site and surrounding area. Generally, the Panel is supportive of the stated green infrastructure approach proposed within the vision document, which it is felt is particularly positive in terms of creating articulated corridors, sub-spaces and play routes. However, there is a concern that the plan as drawn may not reflect this and appears overly rectilinear. It is important to ensure that sufficient space/widths are allowed to accommodate detailed aspects such as driveways, pedestrian and cycle routes. It is noted an initial green and blue infrastructure plan indicates around nine hectares of public open space, which is welcomed. However, it is questioned if the calculation for this area includes the banded noise attenuation area. It is felt that it would be beneficial to explore redistribution of the proposed public open spaces to provide a larger centralised green area.

The proposal to incorporate allotments is supported. Notwithstanding this, the currently proposed location of the allotments and green space to the northeast corner of the site is questioned. It may be better for the proposals to be tighter to this boundary so that the open space currently proposed in this location could be utilised in another part of the site where it may provide a greater benefit. Furthermore, the number of allotments proposed should be carefully considered to ensure viability in terms of an ongoing residents management committee.

The retention of the two well used footpaths is welcomed and as the design proposals now evolve further it would be beneficial to explore how these will be integrated within the scheme. The reasoning and logic behind seeking to divert the public right of way to the south of the site is noted. Notwithstanding this there is a concern this route could become fairly convoluted. Furthermore, in an effort of helpfulness, it is suggested that as this aspect is linked to the primary access this could slow the delivery of the project on site at a later stage. It may be beneficial to therefore reconsider this aspect, even if it resulted in a slightly less efficient block structure.

Whilst the framework currently presented appears logical, there may be a more obvious and stronger connection of green spaces, and movement corridors that could be established across the site. It is felt that for this site a high-quality green infrastructure master plan that focuses on subspaces and key frontages may help in the creation of an appropriate sense of place.

As the design proposals now evolve it would be beneficial to further consider the relationship between the proposal site and the existing settlement of Buntingford and explore how the proposals may provide a wider public benefit for existing residents. Creating clearer gateways and interfaces into the site from existing residential areas would be beneficial in this regard.

Whilst high-quality analysis has already been undertaken to date, as a result of the early stage of the design process, this has not yet led to a design. It would now be beneficial for the design team to test design ideas/options against the analysis undertaken.

Notwithstanding the above, it is felt there are some areas of analysis that have not yet been undertaken that would be beneficial. As above it is felt that the relationship with the existing settlement should be a primary design driver in the approach to planning the site; looking physically and socially at how linkages can be developed.

# The Design Review Panel

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It is considered it would be beneficial for an LVIA to now be carried out. The site is undulating with a very distinctive topography. It is noted the current proposals are very two dimensional and it would be beneficial to now consider the implications in three dimensions. It would be helpful to begin to consider the site from the near distance and far distance. Long distance site sections that demonstrate how the site sits within the wider topography would be beneficial in this regard.

Linked to the above, it would be helpful to now carry out an analysis to determine what building heights may be appropriate within different parts of the site topography, and what impact they may have on neighbouring properties. For example, it may be appropriate to incorporate taller elements around the local centre as this may help to reinforce the idea of a nodal of centre.

The Panel welcomes the incorporation of a proposed local centre. It is felt the local centre should be located in the most commercially viable location that is also positioned so as to be within walking distance for the largest number of residents, of both the proposed development as well as the existing settlement. In order to determine the most appropriate location in terms of convenient sustainable accessibility for the largest number of end users it would be beneficial to produce empirical information demonstrating the number of users likely to commute by walking, cycling or bus, versus those that would be arriving by car.

To ensure the viability of the local centre the design team have stated there is to be a broad mix of different uses, which is supported. Notwithstanding this as the design now develops further it would be beneficial to ensure the local centre retains a cohesive identity as a space and as a collection of different buildings. It may be helpful to produce a clear vision of what the space around the local centre will feel like for end users.

It is suggested it may be helpful to carry out a public consultation exercise at an early stage of the design process to establish what needs the local community may have that could be provided by the proposed development. This exercise may lead to the emergence of a set of design aspirations and a narrative that is very specific to this site, which would help to demonstrate a credibility and authority to the design.

The Panel welcomes the stated aspirations around sustainability. However, it may be helpful to also consider embodied carbon and embodied energy and this may inform the proposed form of construction as well as proposed materials and finishes, which will in turn have an impact upon the aesthetics and therefore character of the development. Notwithstanding the early stage of the design process and the outline nature of the proposals, it is suggested these aspirations should begin to consider aspects such as building orientations and establish quantifiable performance level aims. It may also be helpful to consider how the amount of ground remodelling can be minimised as well as how the arisings will be treated, as this will have a significant impact on the carbon footprint of the development. Whilst it is acknowledged this will involve added input at this stage of the process, early consideration of these aspects can be significantly advantageous at a later stage and may also provide added financial value in terms of the final development.

So as to ensure the aspired to sense of place and high quality of development is achieved on the site once constructed, the use of design codes or design guidance may be important, for both landscape

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design and architecture. Therefore, design codes (or design guidance) and parameter plans should be utilized to give an indication of the vision for the site. It may be helpful for draft parameter plans to be discussed and agreed with the local authority prior to submission of an application. These should be used to establish key aspects, with the aim of ensuring the stated aspirations are delivered. There is a concern that, as is the case with many strategic proposals of this type, laudable aspirations can be diluted down in the on-site delivery if appropriate design codes and minimum requirements are not clearly established at an early stage. It is suggested that matters that it may be appropriate to address within these are:-

- linear green spaces linked with the SUDS strategy,
- provision of large specimen trees in street / public realm,
- important long-range views out of the site,
- inclusion of cycle and pedestrian only routes linking to key destinations
- consideration of density areas,
- variety in verticality
- carbon and energy conservation standards
- materials/mood boards for landscape and buildings, to reflect the vernacular (albeit in a contemporary manner)

## **SUMMARY OF RECOMMENDATIONS.** (to be read in conjunction with the above).

In summary, the main conclusions of the Panel are: -

- Early engagement with the design review panel process is welcomed
- Subject to the comments within this document, it is considered the site is appropriate for a development of the type proposed
- The high level of character analysis of the surroundings is noted
- The vision/character aspirations for the proposal site are not yet apparent
- The development offers an opportunity to provide an improved settlement edge to Buntingford
- Relatively high parking requirements may not be appropriate for this sustainable site
- A contemporary, less car dependant, proposal would be supported
- An understanding of the impact of key constraints (noise & odour) should be demonstrated
- Generally, the Panel is supportive of the stated green infrastructure approach proposed
- Redistribution of public open spaces to provide a larger centralised green may be beneficial
- The number of allotments proposed should be carefully considered to ensure
- Explore how the retained public footpaths will be integrated
- Consider links/interfaces between the proposal site & the existing settlement of Buntingford
- It would be beneficial to test design ideas/optioneering against the analysis undertaken
- It would be beneficial for an LVIA to now be carried out
- Further consider the proposals in three dimensions in terms of a topographical response
- The proposed local centre is welcomed, & further analysis should be carried out to empirically determine the most viable & sustainable location
- Ensure the local centre retains a cohesive identity as a space
- It may be helpful to carry out a public consultation exercise at an early stage



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- It may be helpful to also consider embodied carbon & embodied energy
- Use of design codes or design guidance may be beneficial, for both landscape design & architecture

## The Design Review Panel

### NOTES:

Please note that the content of this document is opinion and suggestion only, given by a Panel of volunteers, and this document does not constitute professional advice. Although the applicant, design team and Local Authority may be advised by the suggestions of the Design Review Panel there is no obligation to be bound by its suggestions. It is strongly recommended that all promoters use the relevant Local Authorities pre-application advice service prior to making a planning application. Further details are available on the Council's website. Neither The Design Review Panel nor any member of the Panel accept any liability from the Local Authority, applicant or any third party in regard to the design review Panel process or the content of this document, directly or indirectly, or any advice or opinions given within that process. The feedback and comments given by the Panel and its members constitutes the members individual opinions, given as suggestions, in an effort of helpfulness and do not constitute professional advice. The local planning authority and the applicants are free to respond to those opinions, or not, as they choose. The Panel members are not qualified to advise on pollution or contamination of land and will not be liable for any losses incurred by the Local Authority or any third party in respect of pollution or contamination arising out of or in connection with pollution or contamination.



## **Appendix 2**

1 Whempstead Road, Benington, SG2 7BX - Appeal Decision



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# Appeal Decisions

Hearing held on 14 and 15 December 2022

Site visits made on 15 December 2022

**by M Woodward BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 January 2023**

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## **Appeal A Ref: APP/J1915/W/22/3303408**

### **1 Whempstead Road, Benington SG2 7BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr P Newman and Ms C Pepperell against the decision of East Hertfordshire District Council.
  - The application Ref 3/21/2907/OUT, dated 17 November 2021, was refused by notice dated 3 March 2022.  
The development proposed is demolition and removal of all poultry houses and other buildings and the erection in their place of 12no detached dwelling houses (8no market houses and 4no affordable houses) with garages and car parking including the change of use of the land to C3 residential, together with alterations to the existing vehicular access and driveway off Whempstead Road with childrens' play space, new turning head and visitor car parking.
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## **Appeal B Ref: APP/J1915/W/22/3303413**

### **1 Whempstead Road, Benington SG2 7BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr P Newman and Ms C Pepperell against the decision of East Hertfordshire District Council.
  - The application Ref 3/21/2908/OUT, dated 17 November 2021, was refused by notice dated 3 March 2022.
  - The development proposed is demolition and removal of all poultry houses and other buildings and the erection in their place of 10 self-build / custom build units with garages and car parking including the change of use of the land to self-build residential plots, together with alterations to the existing vehicular access and driveway off Whempstead Road with childrens' play space, new turning head and visitor car parking.
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## **Appeal C Ref: APP/J1915/W/21/3288702**

### **1 Whempstead Road, Benington SG2 7BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr Phillip Newman against East Hertfordshire District Council.
  - The application Ref 3/21/1760/FUL, is dated 2 July 2021.
  - The development proposed is a revised 'free go' planning application for the change of use and conversion of 5no poultry house buildings to form dwelling houses and the demolition and removal of two agricultural storage buildings and their replacement with 1no detached one bedroom dwelling house, to provide, overall, 6no dwelling houses, together with car parking, electric charger points, secure cycle storage for 2no bicycles for each dwelling, air source heat pump enclosures, a double garage for one of the
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dwelling houses, a turning head, refuse and recycling bins enclosures, and post and rail fencing to define maintenance strips for each of the dwelling houses, and the continued use of the existing vehicular access.

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## **Decision**

### *Appeal A*

1. The appeal is dismissed.

### *Appeal B*

2. The appeal is dismissed.

### *Appeal C*

3. The appeal is dismissed and planning permission is refused.

## **Preliminary Matters**

4. This decision relates to three appeals which were dealt with at a joint Hearing involving a total of five appeals. The remaining two appeals (Refs: APP/J1915/W/21/3288588 and APP/J1915/W/21/3288595) occupy adjacent lying sites and are dealt with in separate decisions.
5. Appeals A and B involve outline proposals<sup>1</sup> which relate to the same site, although each scheme differs in terms of the type and quantum of housing proposed. Appeal C occupies part of the same site area as Appeals A and B, but it also differs in terms of the type and quantum of housing proposed, and involves the partial conversion of existing buildings. It is a detailed proposal as opposed to an outline. I have considered each proposal on its individual merits. However, to avoid duplication, I refer to the three schemes together, except where otherwise indicated.
6. Appeal C *only* results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, the Council's evidence includes the reasons why the planning application would have been refused had it been empowered to do so.
7. The Council's reasons for refusal in relation to Appeals A and B did not cite a lack of mitigation in respect of infrastructure. However, during the Hearing it was confirmed that financial contributions were deemed necessary by the Council to provide infrastructure and services to support the housing associated with these schemes. As a result, Unilateral Undertakings (UU) under Section 106 of the Town and Country Planning Act 1990 were submitted by the appellants following the Hearing. I address this in my reasoning.
8. Prior to the Hearing, a Statement of Common Ground (SoCG) was submitted setting out the areas of agreement and disagreement in relation to each appeal proposal. I used this in part to form the main issues in each appeal. The SoCG also included disagreement over whether or not the Council could demonstrate a 5-year housing land supply (HLS). I also address this later in my reasoning.

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<sup>1</sup> Appeal A reserves appearance and landscaping. Appeal B reserves all matters except for access.

## Main Issues

9. As a result of the foregoing, the main issues in these appeals are:
- Whether or not the appeal sites are an appropriate location for housing, having particular regard to local and national policies and the accessibility of services and facilities.
  - The extent to which the proposals would affect the employment generating potential of the appeal sites, and any harm arising as a result.
  - Whether the proposals would make adequate provision for infrastructure (Appeals A and B).
  - The effect of the proposal on the character and appearance of the area (Appeal A).
  - The effect of the proposals on highway safety (Appeals A and B).

## Reasons

### Location

10. According to the East Herts District Plan 2018 (DP) the appeal sites are located within the *Rural Area Beyond the Green Belt*. Policy GBR2 of the DP lists the types of development that will normally be permitted in these areas. Under criterion (e) of this policy, this includes limited infilling or the partial or complete redevelopment of previously developed land in sustainable locations, where appropriate to the character, appearance and setting of the area.
11. There is no definition of 'limited infilling' in the DP. However, the word 'limited' preceding the word 'infilling' indicates to me that only a restricted form of infilling would be acceptable. In the absence of strict criteria, I have not only considered the quantum of development in each case, but also the characteristics of the proposals in relation to their surroundings.
12. In this regard, the built form proposed in each case would be generally situated some distance to the rear of a linear arrangement of housing which faces Whempstead Road. To the south of the appeal sites a scheme involving up to 13 houses was allowed on appeal at *Gosmore Paddock*<sup>2</sup>. Assuming this scheme is built out, it would link the housing along Whempstead Road with the looser arrangement of housing located generally to the south and east of the appeal sites. As a result, housing would occupy land generally beyond the southern, western and eastern boundaries of the proposals.
13. In contrast, the land generally to the north of the appeal sites is considerably more rural in character. This is despite the presence of a large house and associated outbuildings<sup>3</sup>, along with several agricultural buildings, some of which have permission to be converted to dwellings<sup>4</sup>. Overall, these buildings occupy a relatively small proportion of a much wider area of countryside.
14. Whilst I appreciate that Appeal C would largely involve the conversion of existing agricultural buildings, it would also involve a new build dwelling and a garage along with the use of the surrounding land for residential purposes. Therefore, it would not be an appropriate type of development under criterion (d) of GBR2, nor is this argument advanced by the appellants. Therefore, the

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<sup>2</sup> Appeal Ref: APP/J1915/W/17/3184877 – up to 13 dwellings

<sup>3</sup> Referred to as 'Lingfields'

<sup>4</sup> Including Moles Farm

- proposal would introduce six new dwellings and associated development beyond the built-up area of the village.
15. As a result, and applicable to all the appeal schemes, they would not occupy a space in between areas characterised by housing; rather, they would extend housing in a northerly direction and away from the settlement in a manner which could not be described as 'infilling'.
  16. Moreover, as well as not being a form of infill, the proposals accompanying Appeal A and Appeal B would not be limited either, this due to the footprint and overall scale of the built form proposed which would be greater than the spatial extent of the buildings that currently exist on the site.
  17. In respect of the previously developed nature of the appeal sites, in 2008 a Lawful Development Certificate (LDC) was issued<sup>5</sup>. It certified that specific areas had been used for the storage and maintenance of skips, containers and cages, with the remaining land having been in agricultural use. Furthermore, there is no disagreement between the main parties that a proportion of the appeal sites comprises previously developed land.
  18. However, elements of the new build associated with each of the schemes would occupy land which is not previously developed. In any event, irrespective of the extent of previously developed land utilised, Policy GBR2(e) also requires that such schemes are in sustainable locations.
  19. In this regard, Benington is identified as a *Group 2 village* in the DP<sup>6</sup>, indicative of a smaller village with access to some services and facilities. Policy VILL2 of the DP relates to proposals within group 2 village boundaries, but whilst the appeal sites lie close to Benington, they lie outside of it. Nevertheless, I accept that locations outside settlement boundaries may not necessarily be unsustainable, depending on the accessibility of services and facilities.
  20. The southern part of Benington is the closest part of the settlement to the appeal sites, lying within suitable walking distance. However, this part of Benington contains limited facilities, including an agricultural business with an associated retail area, and a public house. The northern part of Benington lies further away and although still within theoretical walking distance<sup>7</sup>, it offers limited provisions, including a primary school, churches and a village hall. The appellants also refer to a branch doctors' surgery within Benington, although no details concerning the extent of health services available have been provided. In any event, these facilities together would not be sufficient to meet the day to day needs of future occupiers of the proposals.
  21. As a result, residents would have to travel further afield to food stores, shops, larger places of employment, and secondary or higher educational establishments, all of which are located outside Benington and out of range so that walking or cycling would not be a practical or realistic option. I appreciate that bus stops are located along Whempstead Road within comfortable walking distance of the proposals<sup>8</sup>, but the bus services are limited in frequency<sup>9</sup>.

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<sup>5</sup> East Herts Council Certificate Ref - 3/08/0151/CL – under S191 of the TCPA 1990

<sup>6</sup> Benington comprises two separate boundaries as depicted by document HD4 (annexe A of this decision)

<sup>7</sup> Approximately 1.6km away from the appeal sites

<sup>8</sup> Circa 200m according to SoCG

<sup>9</sup> See paragraph 2.6.1 of appellants appeal statement

22. Therefore, despite proposals to improve access to bus stops in the form of pedestrian footway improvements and potential improvements to cycle infrastructure<sup>10</sup>, the fundamental lack of daily bus services would be unlikely to reduce the propensity of future occupiers to travel to access shops, facilities and places of employment by car.
23. As a result, the proposals would not be an appropriate location for housing, having particular regard to local and national policies and the accessibility of services and facilities. The schemes would conflict with Policy GBR2, which requires, amongst other matters, that proposals in rural areas beyond the Green Belt are permitted provided they comprise limited infilling, or the partial redevelopment of previously developed sites in sustainable locations. The schemes would also conflict with Policies DPS2 and TRA1 of the DP which require, in summary, that development is located in places which enable sustainable journeys to be made to key services and facilities, and that sustainable brownfield sites are prioritised.

### *Employment*

24. Policy ED1(iii) of the DP requires that development which would cause the loss of a site/premises which is currently, or was last, in employment use will only be permitted if its retention has been fully explored, including whether improvements to the existing site would make it more attractive, and evidence to show that it has been marketed. Policy ED2(iii) similarly requires evidence to show that agricultural or other businesses in rural areas are no longer viable.
25. The appeal sites are not allocated for employment purposes in the DP. However, the LDC confirms historic storage and maintenance of skips and other containers, along with agricultural uses on the remaining land. In relation to the latter, it was put to me during the Hearing by the appellants that the existing poultry sheds had not been in use for a period in excess of 12 years, and other agricultural activities ceased on the appeal sites approximately 8 years ago. Furthermore, there was no evidence of activities indicative of a current agricultural business when I visited the site, nor do I have any substantive evidence before me to suggest otherwise.
26. Aside from this, the appeal sites have mainly been used for the storage of skips and containers, along with their occasional maintenance and repair. This involves vehicles occasionally travelling to and from the site to collect and return them. According to the appellants, no employee is directly employed at the site, nor have they been in the past. Therefore, whilst the appeal sites support limited current and historic businesses, this land is peripheral, and the associated headquarters and employment base appear to be located elsewhere.
27. Overall, I conclude that the appeal sites have historically made, and currently make, a limited employment contribution to the local area. Nevertheless, their future potential for employment purposes has not been explored. As such there would be conflict with Policies ED1 and ED2 of the DP as there is limited information suggesting marketing or exploration of the sites for employment purposes, or relevant viability justification.

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<sup>10</sup> Submitted as planning obligations as part of Unilateral Undertakings associated with Appeal A and Appeal B

### *Infrastructure (Appeal A and B)*

28. The submitted UUs propose financial contributions towards meeting the need for additional infrastructure arising from the developments. Contributions towards library services, education, waste, transport and youth services are proposed in accordance with the Council's guidance<sup>11</sup>. The Council has provided justification for each of the contributions sought, and I find that they are necessary, related direct to the developments, and fairly related in scale and kind. Therefore, the contributions sought would meet the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework (Framework).
29. In respect of affordable housing, Policy HOU3 of the DP requires provision to be made for developments of more than 10 dwellings, or any development where the floor space would be greater than 1000m<sup>2</sup>. Appeal A proposes affordable housing in line with this policy. However, no affordable housing is proposed as part of appeal B.
30. In this regard, I am aware that appeal B proposes 'self-build' dwellings<sup>12</sup>. However, there is nothing within Policy HOU3 to suggest that self-build developments should not make appropriate affordable housing provision. Whilst this policy allows an exemption for viability reasons, no detailed viability information accompanies this appeal. Moreover, self-build housing is not listed as a type of affordable housing in annexe 2 of the Framework, and the definition of 'self-build' contained in the same annexe recognises that this form of housing can either be market or affordable. Consequently, I see no reason why the proposal should be exempt from providing affordable housing.
31. Based on the indicative details accompanying Appeal B, the floorspace thresholds set out in Policy HOU3 would be exceeded by the proposal<sup>13</sup>. Even if that was not the case, the Framework requires affordable housing to be provided for schemes involving 10 or more dwellings<sup>14</sup>. As a result, Appeal B would fail to secure appropriate financial contributions towards affordable housing as required by Policy HOU3 of the DP and the Framework.

### *Character and appearance (Appeal A)*

32. In respect of Appeal A, the proposed dwellings would be a mix of single-storey and one and a half storeys, comprising several courtyards laid out in a linear arrangement. Examples of cul-de-sac housing are evident in the locality along Whempstead Road. Despite the relatively low density of the development proposed in this case, this would also be in keeping with the more dispersed arrangement of housing evident in the locality.
33. Notwithstanding this, the Council are concerned that the proposal would be a departure from the prevailing pattern of existing housing in the area, which either fronts onto the road, or involves dwellings directly facing each other. Whilst that might be the case for housing generally to the west of the site, dwellings to the south have a less regimented pattern, with numerous dwellings set back in their plots and at angles relative to the street and each

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<sup>11</sup> Hertfordshire County Council – Guide to Developer Infrastructure Contributions 2021

<sup>12</sup> In accordance with the Self-Build and Custom Housebuilding Act 2015 (as amended)

<sup>13</sup> The Design and Access statement confirms footprints likely to be in excess

<sup>14</sup> Paragraph 65 of the Framework



- other. The style of housing is equally varied. In this regard, the proposal would be in keeping with the varied composition of the streets in the area.
34. In terms of existing trees, Policy DES3 of the DP requires proposals to demonstrate how they will retain, protect and enhance existing landscape features of amenity value. It is noteworthy that whilst the submitted topographical surveys give an indication of tree location and canopy spread, no detailed assessment of existing trees either within or close to the site has been provided in support of the appeal. Therefore, I have based my consideration on the evidence before me and the observations I made on my site visit.
  35. The proposed dwellings would occupy land which contains hardstanding, poultry sheds and skips, as well as grassland and an assortment of vegetation. The number of trees in this area is limited, and I saw no evidence on my site visit to suggest that the proposed dwellings would directly impact on trees that make a significant positive contribution to the visual amenity of the area.
  36. However, the trees close to the site's boundaries generally make a positive contribution to the area's verdant character, whilst also affording the site a degree of screening from nearby properties. Be that as it may, the proposed dwellings would mostly be positioned a significant distance away from the boundaries thus reducing the likelihood of impacts on these trees through damage to their roots.
  37. The Council raises particular concerns that the dwelling associated with proposed plot no.6 would be sited close to an existing boundary tree. The plans suggest that the building would be outside the canopy spread of this tree, but I accept that the construction of its foundations in particular could undermine the tree's roots. However, this tree is one of many along this boundary and individually it makes a limited contribution to the visual amenity of the area. There is nothing to suggest potential harm to any of the other trees close by. Therefore, even if this tree was lost, the verdant character of this boundary would remain.
  38. A number of other smaller trees would also be affected by the development. This includes trees located in between the pond and the dwelling proposed in association with plot no.1, along with trees on either side of the existing access. The proposal would involve a new service margin alongside this access, along with partial widening to provide visitor car parking, all of which has the potential to disturb these trees. However, even if I was to assume an unlikely worst-case scenario, that all the trees potentially affected would be lost, the visual contribution they make to the area is limited.
  39. Moreover, given that 'landscaping' is a reserved matter, and sufficient space within the site would remain so that compensatory planting could be provided, I am satisfied that planning conditions could be imposed to identify trees to be retained, details of tree protection during construction, and details of compensatory landscaping.
  40. Finally, whilst I note the Council's concerns relating to the lack of surveillance of the proposed play area, this could be addressed by the considerate positioning of windows within proposed dwellings as part of reserved matters, 'appearance', appropriate landscaping, and the provision of specific details of the play area. These details could be secured by planning conditions.

41. Overall, I am satisfied that the proposal would not harm the character and appearance of the area. It would not conflict with Policies DES3, DES4 and HOU2 of the DP which require, amongst other matters, that development is of a high standard of design and layout to reflect and promote distinctiveness, and that landscaping features of amenity value, including mature trees, shrubs and hedgerows, are retained, protected and enhanced with provision made for new green infrastructure.

#### *Highway safety (Appeals A and B)*

42. The proposals would utilise an existing access from Whempstead Road which serves the existing dwelling at no.1, and historically served the agricultural use, along with the commercial storage element. There is nothing to suggest that the carriageway widths proposed would prevent the safe passing of cars along its length.
43. However, the Council contends that the appellants' swept path analysis of the junction with Whempstead Road tracks a 10.8m long refuse vehicle, as opposed to a vehicle with a length of 12.2m. Therefore, according to the Council, an unsuitable vehicle length has been assessed. Whilst no justification for the accommodation of a larger vehicle has been advanced by the Council, I have assumed that the 12.2m long vehicle is representative of refuse vehicles used in this part of the District.
44. Be that as it may, I see no reason why a larger refuse vehicle would not be capable of safely manoeuvring into the site, notwithstanding the vehicle dimensions detailed on the submitted plans. Refuse vehicles would be infrequent visitors to the schemes. Moreover, the appellants have referred to Manual for Streets, which advises *inter alia* that large vehicles that use the street infrequently do not need to be fully accommodated.
45. Furthermore, to my mind drivers of refuse vehicles are generally accustomed to navigating substandard roads and addressing other road vehicles and hazards on a regular basis. There is no robust evidence before me to contradict the observations I made on my site visit, which suggests that Whempstead Road is not particularly busy. As a result and given the limited volume of traffic generated by up to 12 dwellings, drivers of refuse vehicles and cars would have sufficient time and space to manoeuvre safely in order to allow each vehicle to pass both along the proposed access itself, and at its junction with Whempstead Road.
46. For the foregoing reasons, and in the absence of any information concerning local accidents which would lead me to question the overall safety of the junction and this stretch of Whempstead Road, I conclude that there would be no unacceptable impact on highway safety as a result of either proposal.
47. The proposals would, therefore, not conflict with Policy TRA2 of the DP which, amongst other things, requires that development is acceptable in highway safety terms.

#### **Other Matters**

48. I acknowledge that there are locational parallels between these appeals and the housing allowed on appeal at Gosmore Paddock. Indeed, my conclusions on the accessibility of services and facilities for future occupiers of these

appeals resonates with that decision. Crucially, however, the circumstances of that case were materially different for several reasons.

49. Firstly, the local policy context was different in relation to that appeal as the current DP had not been adopted at that time. Secondly, the Gosmore Paddock scheme was considered to be *'within a built-up area'*<sup>15</sup>, unlike the appeal sites in this case which are outside the defined settlement boundary. Finally, as I will come onto in my planning balance, the Council's housing land supply shortfall at the time of that decision was considered to be more significant than it is in this case.
50. In common with that appeal decision, the acceptability of these appeals involves balancing any findings that would weigh for and against each proposal, which I do in my planning balance. Given the clear differences outlined above, I am not bound to reach the same decision as the Gosmore Paddock Inspector.
51. Other appeals have also been referred to by the appellants<sup>16</sup>. However, the policy context in both appeals was different given the sites lie within a different local authority area. Moreover, one of the schemes was found to be reasonably well situated in respect of services and facilities, unlike the appeal schemes before me. The other proposal was considered to be sufficiently enclosed by adjoining developments. Again, that is not the case here. Therefore, the conclusions drawn in these cases are not sufficiently similar to the appeals before me to warrant me reaching the same overall conclusions.

## **Planning Balance**

### *Housing Land Supply (HLS)*

52. The DP seeks to deliver a minimum of 18,458 new homes over the plan period. Accompanying the Council's evidence in the case of these appeals was a Housing Land Supply and Position Statement dated 2019. Shortly before the Hearing the Council provided an updated position statement, dated November 2022. According to this, the Council's HLS is 5.8 years. This equates to 7,516 deliverable dwellings in comparison with the HLS 5-year requirement of 6,483 dwellings<sup>17</sup>.
53. The appellants' concerns mainly relate to several of the sites allocated in the DP which the Council considers to be deliverable, and upon which the Council have relied to inform their latest HLS position. Annex 2 of the Framework states *'where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years'*.
54. I note that neither the 2019 nor 2022 position statements produced by the Council follow the annual position statement criteria set out in paragraph 75 of the Framework. Nevertheless, they represent the Council's best available evidence on HLS, and the appellants have had the opportunity to address both position statements as part of this appeal. I have therefore, considered these

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<sup>15</sup> Paragraph 51 of appeal ref: APP/J1915/W/17/3184877

<sup>16</sup> Appeal refs: APP/L3245/W/20/3260022 and APP/B1930/W/20/3249093

<sup>17</sup> This also includes the previous shortfall additional buffer requirement – Five Year Land Supply Position Statement – November 2022 – East Herts Council

documents in determining whether clear evidence exists that those sites contested by the appellants are deliverable.

55. In respect of two of the sites, despite outline planning applications for housing having been submitted in 2019, they have not yet been determined<sup>18</sup>. I appreciate that the masterplanning process on both sites has progressed and a statement of common ground has been signed with developer(s) confirming intentions and delivery milestones. However, in both cases anticipated timescales for the delivery of housing were set out in the 2019 position statement, but none of those timescales have been met. This undermines my confidence in the future milestones set out in the 2022 position statement, particularly as no planning permission yet exists, and reserved matters and planning conditions submissions will be required before substantive works can commence in order to deliver housing according to the timescales outlined.
56. Moreover, it is put to me by the Council that one of these schemes has been delayed due to viability issues. However, I have not been provided with specific details of the viability issues, nor the outcome of viability considerations, and this further reduces confidence that planning permission will subsequently be granted as per the anticipated timescales.
57. A further contested site<sup>19</sup> only recently received an associated planning application for housing, but at the time of the Hearing it was yet to be validated. On this basis, the Council's anticipated resolution to grant in the first quarter of 2023 seems incredibly optimistic given the early stages of the formal consultation process.
58. Similarly, an outline planning application was submitted for another allocated site in July 2022<sup>20</sup>. Not only is this application yet to be determined, but it appears to straddle an adjacent Council's administrative boundary. The implications of this are not immediately apparent, but it seems reasonably likely that this will add further complexity. In addition, I have no assurance that the anticipated March 2023 outline planning application determination is likely.
59. Both the latter sites also have signed statements of common ground with respective applicants, but none of the timescales set out previously in 2019 have been met. Given this, and that there is no planning permission in place on either site, and subsequent reserved matters and condition discharge applications will be required, clear evidence of deliverability is lacking.
60. All of the above leads me to question the overall deliverability of the Council's anticipated supply of housing. In line with the appellants' assessment<sup>21</sup>, the four sites above account for *circa* 1800 dwellings. As such, in omitting these sites from the anticipated 5-year HLS, the Council's deliverable supply of housing would fall short of the 5-year HLS requirement by approximately 760 dwellings. This would represent a moderate shortfall.
61. Nevertheless, this means that the Council are unable to demonstrate a five-year supply of deliverable housing sites as required by paragraph 68 of the Framework. Therefore, the policies which are the most important for

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<sup>18</sup> Sites GA1:the Gilston Area and HERT3:West Herford North

<sup>19</sup> WARE2: Land north and east of Ware

<sup>20</sup> EWEL 1: Land east of Welwyn Garden City

<sup>21</sup> Annex A – HD1

determining these schemes are deemed to be out of date. In such circumstances, paragraph 11d)(ii) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

### *Benefits*

62. The number of dwellings proposed in each of the appeals ranges from 6 to 12. Whilst this is a relatively limited number of houses, in light of the Council's housing land supply shortfall, and the Framework's objective of significantly boosting housing supply, it is a matter which carries moderate weight in favour of the appeals.
63. Moreover, Appeal B proposes 10 self-build plots. The Council accepted during the Hearing that at approximately 39 names were on the Council's register for self-build/custom-build plots. Whilst I was told that plots had been granted planning permission in the District, none of them appear to have been built out. Therefore, limited progress has been made to address the shortfall and associated requirement under the Self Build and Custom Housebuilding Act 2015.
64. As such, the proposed 10 self-build plots associated with Appeal B would make a notable contribution towards addressing a considerable lack of delivery in the District. This attracts significant weight in favour.
65. Affordable housing would be provided in accordance with local policy requirements in association with Appeal A. Whilst the four units proposed would constitute a relatively low level of provision, they would contribute towards an unmet need across the District. Therefore, this attracts moderate weight in favour.
66. There would be benefits to the local economy, both during construction and indirectly through a likely increase in local spending by future residents. There would also be additional Council tax receipts for the Council as a result of residential occupation. In all cases, due to the relatively small scale of the developments, these benefits would be limited.
67. In terms of environmental benefits, the proposals would include sustainable construction techniques and measures to reduce energy demands for future occupiers of each dwelling proposed. There would also be scope to provide additional native planting, and the potential to support biodiversity improvements on site. However, the details provided in respect of biodiversity and landscaping are limited. As a result, and given the limited scale of the developments, the environmental benefits would be limited in all cases.
68. The schemes would result in the removal of the commercial use and HGV traffic associated with it. However, this is a low-key use which does not generate significant activity. Therefore, its removal would provide only limited benefit to the local environment.
69. In terms of harm, the proposals would not comprise limited infilling, and whilst each of the schemes would utilise previously developed land to varying degrees, they would not occupy sustainable locations; with future occupiers being heavily reliant on the private car to make journeys to services and facilities.

70. The Framework<sup>22</sup> recognises that proposals that enhance or maintain the vitality of rural communities, including supporting services in villages nearby, may be acceptable even in locations that are not well served by public transport. However, these considerations carry limited weight in these appeals as the proposals would lie outside the settlement boundary, which is where growth should be focused, and in an unsustainable location.
71. Therefore, the schemes would be contrary to Policies DPS2, TRA1 and GBR2 of the DP. Overall, there would be conflict with the development plan when read as a whole. This attracts significant weight against the appeals.
72. There would also be conflict with Policies ED1 and ED2 of the DP. However, the contributions made by the appeal sites to local employment is limited. As such, I attribute only limited weight to these policy conflicts.
73. Appeal B would not address the DP requirement to provide affordable housing. This also weighs significantly against the scheme.
74. Whilst the appeal schemes would not result in harm to the character and appearance of the area or highway safety, these considerations neither attract weight for or against the developments.

To summarise my findings in each case:

75. Appeal A - as a result of the proposal's location outside the settlement boundary, in an unsustainable location, it would be contrary to the development plan. This carries significant weight against. There would be limited conflict with employment policies. Weighing these matters in the balance, I find that the harm would be overriding, and would significantly and demonstrably outweigh the moderate benefits associated with 12 houses and four affordable units, along with the other benefits outlined. As a result, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.
76. Appeal B - as a result of the proposal's location outside the settlement boundary, in an unsustainable location, it would be contrary to the development plan. This carries significant weight against. The lack of affordable housing as required by policy also attracts significant weight against the appeal. There would be limited conflict with employment policies. Weighing these matters in the balance, I find that the harm would be overriding, and would significantly and demonstrably outweigh the significant weight afforded to the provision of self-build housing, along with the other benefits outlined. As a result, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.
77. Appeal C - as with appeals A and B, the proposal's location outside the settlement boundary in an unsustainable location and the conflict with the development plan is a matter which carries significant weight against the appeal. There would also be some limited conflict with employment policies. Weighing these matters in the balance, I find that the harm would be overriding, and would significantly and demonstrably outweigh the moderate benefits associated with six new houses, along with the other benefits outlined. The proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

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<sup>22</sup> Paragraphs 79 and 85 of the Framework

**Conclusion**

78. These decisions should be taken in accordance with the development plan, and no material considerations indicate otherwise. This leads me to conclude that these appeals should be dismissed.

*M Woodward*

INSPECTOR

Richborough Estates

**Annexe A:**

Hearing Documents

HD1 – Appellant document ‘East Herts Five Year Land Supply notes’

HD2 – Appeal decision ref: APP/J1915/W/22/3301655

HD3 – Delegated Officer Report for Application Number: 3/19/1569/ARPN (East Herts)

HD4 – East Herts District Plan 2018 extract showing settlement boundaries of Benington

HD5 – Council and appellant agreed list of ‘approved plans’

HD6 – Council recommended conditions ‘self-build’

Richborough Estates



**Annexe B: APPEARANCES**

FOR THE APPELLANT:

David Lane	DLA Town Planning Ltd.
Simon Andrews	DLA Town Planning Ltd.
Chris Watts	Agent
Mr Newman	Appellant
Ms Pepperell	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

David Lamb BA (Hons) Dip TP MRTPI	Principal Planning Officer (Development Management)
George Pavey Bsc (Hons) Msc	Principal Planning Officer (Planning Policy)
Ellen Neumann	Assistant Planning Officer (Development Management)



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