



Planning Policy Observations

To: Development Management
From: Laura Guy
Date: 3/1/24
Ref: 3/23/1447/OUT

Re: 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 Class E) and other associated works including drainage, access into the site from the A10 and Luyne Rise (but not access within the site), allotments, public open space and landscaping.

Proposal:

- 1.1 The proposal is an outline application for mixed-use development including 350 dwellings, commercial and service floorspace (suggested uses include small business units, a homeworking hub, gym, and a doctor's surgery), a local centre with retail units and 15 hectares of public open space (including play provision and allotments). The developable area of the site is approximately 21ha and lies to the east of the A10. However, the site boundary extends to the west of the A10, to include 7ha of land for biodiversity net gain.

Location:

- 1.2 The site is located on greenfield land to the west of Buntingford, on land east of the A10 outside the town's settlement boundary, in the Rural Area beyond the Green Belt.

Relevant Policy and Observations:

- 1.3 Three previous applications for the site have been submitted. The first application in 2014, which included a school (3/14/2304/OP), was withdrawn by the applicant. The second was submitted in 2017 (3/17/1811/OUT) and included employment land instead of a school. The application was refused by the Council on the grounds that it would not constitute sustainable development; would encroach into the rural area beyond the town's settlement boundary; and also failed to provide for sufficient supporting infrastructure. The application was taken to appeal, but subsequently withdrawn. Last year a hybrid planning application for mixed use development on the site (3/22/1551/FUL) was refused on eight grounds, including encroachment into the rural area beyond the Green Belt, unsustainable form of development, concern with the design and layout, impact on the highways and a lack of plots for self-build.
- 1.4 This application is an outline application, so whilst parameter plans set out the land use across the site, the detailed design and layout is reserved for consideration at a later stage. The proposal seeks to address the reasons for refusal, which includes additional employment evidence, a revised access strategy, transport assessment and travel plan and changes to the land use layout to address odour issues.

Principle of development

- 1.5 The strategy for delivering growth at Buntingford was assessed through the District Plan process. Whilst the applications for this site were not successful, a number of speculative applications gained planning permission in Buntingford prior to the adoption of the District Plan in 2018.
- 1.6 Policy DPS2 (The Development Strategy 2011-2033) of the East Herts District Plan (2018) outlines that the strategy of the Plan is to deliver sustainable development in accordance with a hierarchy of sites. In this regard, preference is given to sites within the urban areas of Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware, followed by

development at Gilston and urban extensions to all these towns, except Buntingford.

- 1.7 The District Plan (2018) does not identify further site allocations for residential development in Buntingford. It was considered that further development in the town, beyond that already granted planning permission, was unsustainable, in particular due to lack of local employment and sustainable transport opportunities. This strategy is explained and justified in the Buntingford Settlement Appraisal, which was part of the evidence base produced to support the District Plan. For context, this document is attached to this response (see appendix 1). Therefore, District Plan Policy BUNT1 Development in Buntingford focusses on the delivery of the sites with planning permission, amounting to a minimum of 1074 dwellings. The strategy for Buntingford is to ensure that the impacts of development can be mitigated and managed within the overall infrastructure of the town.
- 1.8 DPS2 does not include an urban extension to Buntingford as part of the District's housing supply and the scale of the proposed development does not accord with the definition of development to be included as part of the windfall allowance (less than 10 homes). The current proposals therefore represent a clear departure from the development strategy set out in Policy DPS2 of the adopted District Plan and reiterated in Policy BUNT1.
- 1.9 Given the site's location in the Rural Area Beyond the Green Belt, the proposed development is also contrary to District Plan Policy GBR2. The rural area is highly valued in the District for its open and undeveloped nature. Whilst the employment and open space aspects of the scheme may comply with criteria b and c of Policy GBR2, the proposal as a whole does not meet the criteria identified for development that is acceptable in the rural area beyond the Green Belt. Therefore, the proposed development is wholly located in the rural area beyond the town's settlement boundary.
- 1.10 The proposal is also contrary to the Buntingford Community Area Neighbourhood Plan (2017), which is part of the development plan for the town. The site is located outside the settlement boundary identified in Policy HD1. Policy HD1 identifies three criteria where residential

development outside settlement boundaries will be permitted: small scale infill, affordable housing on rural exception sites and development for which there is a demonstrable need for a location in the countryside. The proposed development does not comply with these criteria.

- 1.11 The town has experienced significant growth in recent years and is still delivering the infrastructure to support that growth. Since 2011, over 1,200 dwellings have planning permission and many of these are complete and occupied. The sustainability of further proposed development is an important consideration. The town centre of Buntingford is identified as a minor town centre, with two small supermarkets and a number of small shops to serve residents day-to-day needs. Residents have to travel to larger nearby towns for comparison shopping trips. Buntingford is the only town in East Herts without a train station and limited public transport opportunities, employment and shopping patterns mean there is reliance on the private car.
- 1.12 Recently published Census 2021 data demonstrates continued car use in the town, with 53% using a car or van to travel to work. Over 34% of residents travel over 10km to work, which suggests a significant proportion of people work outside the town. However, the census reported that 35% of residents work from home, a 30% increase from the 2011 census. This high level of homeworking was clearly influenced by the timing of the covid lockdown in 2021. It is likely that the proportion of people working from home has reduced since then, as offices have now re-opened. Although, given national trends, it is reasonable to assume that more people work from home now, than before 2020, given the shift towards home or hybrid working following the covid pandemic.
- 1.13 It is noted that the applicant proposes improvement to public transport via S106 contributions, and provision of walking and cycling links to the town centre to encourage active travel. Employment land and a local centre with retail and service units are also proposed, which could have a positive impact on local service provision. Likewise, provision of a doctor's surgery is potentially needed within the town. However, as the application is at outline stage there is no detail yet about the type of provision that will be included. There is not yet commitment that the Integrated Care Board will fund a new doctor surgery in this location.

- 1.14 Since the last application, the applicant has undertaken an employment needs assessment, which concludes that there is demand for employment in Buntingford for small and medium businesses, which would enable more residents to work in the town if they choose. At the meeting of Full Council in October 2023, East Herts Council agreed to update the adopted District Plan (2018), with a call for sites and evidence base work starting in early 2024. Economic analysis and employment land review will be part of this work and will inform the strategy for future development in Buntingford. The Planning Policy team would prefer that potential growth of this scale for the town is considered strategically through the District Plan revision; informed by a robust evidence base and a full consideration of Buntingford's housing, employment and infrastructure requirements.
- 1.15 Given the incremental growth of the town, it would be more beneficial to use the plan-making process to assess the opportunities and constraints of all proposed development in the town, with impacts considered holistically, taking into account overall infrastructure requirements. For example, it is noted that Thames Water's response to this application states that the Sewage Treatment works, foul water network and surface water networks in the area do not have capacity to accommodate development. Upgrades are required and Thames Water suggest use of a condition to ensure upgrades are undertaken before development is occupied. Plan-led development can take a more strategic approach to assessing infrastructure needs with an infrastructure delivery plan, not on a piecemeal basis.

Housing land supply and delivery

- 1.16 An appeal decision in January 2023 concluded that the Council cannot currently demonstrate a five year supply of deliverable housing sites. The consequence of not having a 5YHLS is that the 'tilted balance' is engaged in the decision-making process. The tilted balance refers to paragraph 11(d) of the NPPF which states that if the most relevant Local Plan policies for determining a planning application are out of date (such as when a 5YHLS cannot be demonstrated), the application should be approved unless the application of NPPF policies that protect areas or assets of particular importance (as defined by the NPPF) provide a clear reason for

refusing permission or the harm caused by the application significantly and demonstrably outweigh its benefits, when assessed against policies of the NPPF as a whole.

- 1.17 The Policy Team is currently updating the 5YHLS in East Herts and will have an updated position in early 2024.
- 1.18 The most recent housing delivery test (2022) result was 125%, clearly demonstrating the Council is delivering housing effectively.

Landscape

- 1.19 As set out in the Supplementary Planning Document (SPD) Landscape Character Assessment (2007), the northern part of the site is within landscape character area 141, the 'Cherry Green Arable Plateau', with the southern part (to the south of the A10 footbridge) is within character area 142, the 'High Rib Valley'. The Strategy and Guidelines for Managing Change common to both the LCAs is to promote a strategy for reducing the impact of development on the upper slopes of Buntingford which includes the proposed development site. The site is elevated in parts, particularly to the north.
- 1.20 In accordance with District Plan policy DES2 Landscape Character, development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. Likewise, Buntingford Neighbourhood Plan states that development on the fringes of Buntingford which extend on to the higher ground surrounding the Rib Valley could have a harmful effect on the landscape. Neighbourhood Plan Policy ES1 requires that development proposals should be appropriate to and maintain the Rib Valley setting of the area.
- 1.21 Clearly the development of this open, agricultural land, will have an impact on the area's landscape character, and the extent of that impact needs to be assessed. The submission of a Landscape Visual Assessment is welcomed. The Council's landscape officer will need to advise if the landscape impacts and mitigation are appropriately assessed.

Open Space

- 1.22 The Design and Access Statement indicates that a range of open space will be incorporated into the site and states that 45% of the developable area will be green infrastructure, including allotments, play facilities, natural green space and amenity green space. This accords with the principle of District Plan Policy CFLR1 Open Space, Sport and Recreation. However, it is unclear if the current layout provides sufficient amenity value. The Design and Access statement refers to two linear parks. The one located along the western edge of the site is narrow and the main function is to provide a landscape buffers along the A10 so has limited amenity value. A second linear park runs east to west across the northern part of the site, either side of the public right of way, and potentially provides space for play space, seating, an informal area for a kickabout and public art. These range of uses appear quite ambitious in the space shown on the parameter plans. In practice, a wider area of open space would offer more opportunities for recreation.
- 1.23 Given the amenity impact of odour from the STW, the applicant states that the open space to the south and south east is natural green space, incorporating the SuDs. However, this area is still potentially likely to be accessible to the public, so the amenity impact of odour on the open space should be assessed.
- 1.24 Reference in the Design and Access Statement to provision of a NEAP (including a Multi-use games area) and LEAPs is supported as on-site play provision will be required. However, the plans appear to suggest smaller play areas (or LAPs) will also be provided. This approach is not supported by the Council's Open Space, Sport and Recreation Supplementary Planning Document (2020), which states that LAPs should only be included in exceptional circumstances. Demand should be met by additional LEAPs/ larger LEAPs in accordance with table 2 of the SPD.

Conclusion:

- 1.25 The planning policy team consider that the principle of this application is a departure from the District Plan (2018) and Buntingford Neighbourhood

Plan (2017). Development of this scale should be planned strategically through the update of District Plan; informed by a robust evidence base and a holistic consideration of Buntingford's housing, employment and infrastructure requirements.

- 1.26 The team are currently updating the five year housing land supply and will have an updated housing supply position in early 2024.