

**3/15/0564/OP–Outline planning permission for the demolition of existing buildings and erection of 4 no 4 bed roomed dwellings at Ideal Farm, Braughing Friars, SG11 2NR for 2 Agriculture Ltd**

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**Date of Receipt:** 19.03.2015

**Type:** Major – Outline

**Parish:** BRAUGHING

**Ward:** BRAUGHING

**RECOMMENDATION:**

That outline planning permission be **GRANTED** subject to the following conditions:

1. Outline permission time limit (1T03)
2. Outline – submission of details (2E01)
3. Approved Plans (2E10)
4. No development shall take place, including any works of demolition, until a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction process and shall provide for:
  - a. Details of works for demolition, remediation and clean-up of the site;
  - b. Methods for accessing the site, including construction vehicle numbers and routing;
  - c. Location and details of wheel washing facilities;
  - d. Measures to control the emission of dust and dirt during demolition and construction;
  - e. A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - f. Associated parking areas and storage of materials clear of the public highway;
  - g. The protection of users of the highway and adjacent Public Rights of Way, including the bridleway that crosses the two parts of the site.

**Reason:** To protect the amenity of neighbouring residents and in the interests of highway safety in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. Withdrawal of P.D. (Part 1 Class E) (2E22)

### 3/15/0564/OP

6. Contaminated land survey and remediation (2E33)
7. Prior to the commencement of development, a detailed planting and management scheme for the woodland areas to the northern and southern parts of the application site and including the adjacent woodland shown within land edged blue, based on indicative drawing 200-01 F, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables (e) A schedule of landscape maintenance for a minimum period of 5 years. The development shall thereafter be carried out in accordance with the approved details.

Reason:To mitigate the visual impact of the development and ensure the provision of continued amenity afforded by appropriate landscape design, in accordance with policies GBC14, ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

8. Landscape works implementation (4P13)
9. No development shall take place, including any works of demolition or clearance of vegetation, until a final check for the presence of bats has been carried out by a suitably qualified ecologist, and a report submitted to and approved in writing by the Local Planning Authority, which shall include appropriate mitigation measures should evidence of bats be identified on site. The development shall be carried out in accordance with any specified mitigation measures, unless otherwise agreed in writing by the Local Planning Authority.

Reason:In the interests of bats, a European Protected Species in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

10. The total number of residential units within the development hereby permitted in outline shall not exceed 4, and the dwellings shall be located within the northern part of the site with no part of the buildings positioned more than 110 metres away from Friars Road, as shown on the submitted indicative layout plan 200-01 F.

Reason:To ensure the provision of an appropriate form of development that is compatible with the context of the surrounding area, in accordance with policy ENV1 of the Local Plan.

## 3/15/0564/OP

11. Construction hours of working- plant and machinery (6N07)

### Informatives:

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. Public Rights of Way (18FD)
4. Street Naming and Numbering (19SN)
5. Clearance of Vegetation (35CV)

### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies, the amendments made since 3/14/1102/OP, and the benefits in remediating this derelict site, is that permission should be granted.

(056415OP.HI)

### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract and comprises a large 2.8 hectare site formerly used as a poultry farm. The site is split across both the north and south sides of Friars Road which is a single track narrow lane and bridleway, becoming just bridleway to the east of the site access. Braughing Friars is a hamlet located to the east of Braughing and comprises of approximately 16 dwellings, all on the northern side of the road.
- 1.2 The site is no longer used as a poultry farm and comprises a number of large derelict poultry sheds with associated hard-standings, ancillary buildings, and fuel tanks. The applicant states that existing buildings amount to a floor area of some 12,000m<sup>2</sup>, although the majority are dilapidated. The northern part of the southern plot comprises of mature planting that has established itself amongst the old buildings. The boundaries of the site, both north and south, comprise of established

## **3/15/0564/OP**

trees and planting.

- 1.3 The application is in outline form, with all matters reserved, for demolition of the existing buildings and construction of 4 no. 4 bed dwellings and garages within the northern part of the site, and reclamation works on the southern part of the site. Although access is a reserved matter, access could only be achieved from Friars Road.
- 1.4 Some Members may recall that a previous outline application for 4 dwellings was refused by the Development Management Committee in February 2015. The reason for refusal is set out below but specifically related to the single unit proposed on the southern part of the site. Officers had suggested that 4 units may be feasible but should all be located on the northern part of the site with reclamation works only on the southern part of the site. This is what is now proposed.

## **2.0 Site History**

- 2.1 The site has been used since about 1930 as a poultry farm, but currently lies disused and derelict. Planning permission was granted for 7 no. replacement poultry barns in 1999 under planning reference 3/99/1371/FP and it is understood that this was lawfully implemented but not carried out. The applicant states that the site is not well placed for processing factories in Norfolk and Suffolk and there are a number of issues regarding access to the site. They have therefore decided to propose a residential redevelopment.
- 2.2 Planning application 3/14/1102/OP for 4 detached dwellings was refused on 25<sup>th</sup> February for the following reason:

*The proposed dwelling in the southern part of the site, by reason of its siting, would be out of keeping with the pattern of development in the surrounding area which is characterised by residential development only on the northern side of Friars Road, and would be harmful to the landscape character of the area contrary to policies ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007.*

- 2.3 That refusal proposed 3 dwellings on the northern part of the site and 1 dwelling on the southern part of the site. It was the dwelling on the southern part of the site that formed the reason for refusal, and which has since been re-positioned to the northern part of the site.

## **3.0 Consultation Responses**

- 3.1 The Council's Landscape Officer recommends consent subject to

### 3/15/0564/OP

conditions. They comment that residential dwellings are confined to the north side of Friars Road and the proposed development, in their opinion, is within the landscape capacity of the site and can be assimilated into the hamlet settlement of Braughing Friars without causing unacceptable harm or adverse impact on the surrounding landscape character.

- 3.2 The Highway Authority does not wish to restrict the grant of permission. They comment that the development is satisfactory in a highways context. The proposals represent a significant improvement to the extant use as a poultry farm which generated HGV and other ancillary movements along a narrow country lane. The residential development will generate only a limited number of trips and is considered suitable for this location. Given the level of demolition and remediation work, they recommend a condition for a Construction Traffic Management Plan.
- 3.3 Thames Water comment that it is the responsibility of the developer to make proper provision for drainage, and in respect of surface water it is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- 3.4 The Environment Agency (EA) recommend consent subject to a condition on contamination.
- 3.5 The Council's Engineers comment that the site lies in floodzone 1 and away from the Environment Agency's designated surface water inundation zone. They support the intention to remediate the site which will bring about a large increase in permeability. It is possible that a range of other Sustainable Urban Drainage Systems (SuDS) could be added to the development to improve sustainability characteristics, such as green roofs, retention ponds, swales, and other flood risk reduction infrastructure.
- 3.6 Hertfordshire Ecology comment that the buildings on site have some potential to support bats and an adjacent bat roost does not appear to have been considered by the applicant. However, the potential is very low as the buildings are in a poor condition and are not likely to support bats. Further surveys are therefore not considered necessary, however a final check of the buildings should be carried out prior to commencement.
- 3.7 They also previously commented on landscaping issues and hope these are considered if further details on landscaping are provided in due course.

### **3/15/0564/OP**

- 3.8 Environmental Health raise no objection subject to conditions on construction hours of working and contamination.
- 3.9 Waste Services comment that there is no detail on whether the access road is wide enough to allow refuse and recycling vehicles to access and turn. The hard-surfacing will also need to be constructed with withstand the weight of these vehicles.

#### **4.0 Parish Council Representations**

- 4.1 At the time of writing this report, no response has been received from Braughing Parish Council.

#### **5.0 Other Representations**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

- 5.2 2 no. letters of representation have been received which can be summarised as follows:

- Concern over hazardous materials if the site is not cleared safely;
- Request restriction that only 4 dwellings can be built and limiting the site from any further development;
- Access road is unmade and single track;
- There is no mains drainage in the area;
- Development would be out of keeping with the area.

#### **6.0 Policy**

- 6.1 The relevant saved Local Plan policies in this application include the following:

GBC3	Appropriate Development in the Rural Area beyond the Green Belt
GBC14	Landscape Character
TR2	Access to New Developments
TR7	Car Parking – Standards
TR15	Protection of Equestrian Routes
TR20	Development Generating Traffic on Rural Roads
EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees

### 3/15/0564/OP

ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage

6.2 In addition to the above the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also a consideration in determining this application. Members will be aware that, due to the draft nature of the District Plan, limited weight can currently be applied to its policies.

## **7.0 Considerations**

### Principle of Development

7.1 The site lies in the Rural Area beyond the Green Belt wherein new residential developments represent inappropriate development contrary to Local Plan policy GBC3. It is acknowledged that the Council currently lacks a 5 year housing supply and therefore paragraph 14 of the NPPF applies. This states that 'where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.' Paragraph 14 commences with a presumption in favour of sustainable development, and this is defined in the preamble as comprising of three parts – an economic role, social role, and environmental role.

7.2 In terms of an economic role it is recognised that the development would result in the loss of a site that was previously used for employment purposes. Local Plan policy EDE2 states that development that would cause the loss of an existing employment site, or one that was last in employment use, will only be permitted if the retention of the site for employment purposes has been fully explored without success. Although the site is currently derelict and not providing any employment use, it has the capacity and lawful use to provide a number of local employment opportunities. This loss therefore results in an economically unsustainable form of development contrary to policy EDE2 and the NPPF.

7.3 However, given the location of the site and the access constraints discussed in more detail below, it is not considered reasonable or appropriate to require continued employment use of the site. The applicant has previously carried out extensive local consultation and this has identified major traffic and highway issues, and overall support for a part re-use of the site. The loss of employment land therefore carries little weight in the overall balance of considerations and Officers

### 3/15/0564/OP

do not consider the economic impact of the development to be harmful.

- 7.4 In relation to social sustainability, the development will provide new dwellings within the hamlet, and although it would make little contribution to the housing mix in the area it would improve the social sustainability of the existing site.
- 7.5 No affordable housing is proposed as part of the development. Although the site is located in the Rural Area, it is reasonable when considering rural sites to apply affordable housing thresholds for the adjacent town or village. Therefore, given the site area for the development, and that the gross internal floorspace is likely to exceed 1,000 square metres, a 25% affordable housing provision could be sought on site in accordance with amended Local Plan policy HGS3. These amendments were based on a Ministerial Statement from November 2014 which took immediate effect. However, given that determination of the previous application post-dated November 2014; the isolated location of the site, and the costs associated with the clearance of the site, Officers do not consider it appropriate to request affordable housing provision in this case.
- 7.6 In respect of environmental sustainability, the site lies outside the designated villages and within a small hamlet which has no services or public transport connections. There are existing services in Braughing, approximately 3km to the west. However, future residents would be dependent on private cars for all their daily needs. Given the location of the site Officers therefore consider that there are unsustainable elements to the proposal. However, the development will result in a number of environmental improvements, particularly through the clearance of the site and planting of new woodland which must be balanced in the consideration of the application.
- 7.7 The proposal will also make a small contribution towards the Council's housing supply, and allow for the tidying up of an unsightly and derelict site. Therefore, although the proposal represents an inappropriate form of development in the Rural Area and is deemed unsustainable in some areas, Officers consider that there is some potential for development on this site, especially as it would realise the removal of all existing buildings on the site.

#### Scale and Design

- 7.8 The application is in outline form with only indicative layout drawings submitted. This identifies 4 detached dwellings with garages located within the northern part of the site designed to face inwards to a small



cul-de-sac. The site is large and therefore enables a spacious form of development that respects the existing pattern of development in the area. The dwellings are proposed to comprise of large detached two storey dwellings with traditional pitched roofs and detached double garages. Full details would be required through a reserved matters application but are considered to be acceptable in principle and in-keeping with the character and appearance of the surrounding area.

- 7.9 The proposed plot sizes are considered to be in-keeping with the pattern of development in the surrounding area. Extensive woodland planting is proposed to the northern boundary which will significantly improve the appearance of the site and its environmental sustainability. The development is now proposed to extend further north than neighbouring rear gardens and will therefore project out further into the countryside; however, given the level of existing development on site, Officers do not consider this to be harmful to the character or appearance of the wider area. The site is also well screened by mature trees with additional woodland planting proposed.

#### Landscape Impacts

- 7.10 The Council's Landscape Officer has recommended approval of the application based on the omission of the unit on the southern part of the site to which he had previously objected. They comment that the new dwellings are now confined to the northern part of the site, and in their opinion, are within the landscape capacity of the site and can be assimilated into the hamlet without causing an unacceptable impact on the surrounding landscape character.
- 7.11 The site lies in Landscape Character Area 89 which is characterised by open and gently undulating farmland with clusters of settlements and few roads. One of its distinctive features is identified as the 'largest uninterrupted plateau area in South Hertfordshire', and Braughing Friars is identified as a very open, large-scale arable area. The dwellings are proposed to be sited behind existing dwellings and therefore form part of a cluster of dwellings that make up the hamlet of Braughing Friars. They will therefore not have an unacceptable impact on the landscape character of the surrounding area. However, it is considered reasonable and necessary to remove Class E permitted development rights for future domestic outbuildings given the protrusion of the site into the countryside to the north, and the size of the plots proposed. Although it is acknowledged that there are existing buildings on site, these do not have a comparable impact given their current condition and simple agricultural form and function.

### 3/15/0564/OP

7.12 In terms of the proposed woodland areas to the north and south of the site, the Council's Landscape Character Assessment SPD encourages the planting of small woodland areas, of mixed species, and to increase opportunities for biodiversity. The provision of such woodland areas in place of the existing derelict buildings therefore weighs in favour of the application. Officers note that reference has been made to the woodlands being transferred to the Parish Council for future protection. Whilst this is considered to be a worthy proposal it is not reasonable for the planning process to stipulate or control land ownership. It would be reasonable and necessary, however, to control the future maintenance of this woodland through condition.

#### Ecology

7.13 Given that the site currently comprises of derelict buildings it is not considered to provide a suitable habitat for protected species and this has been confirmed through a Phase 1 Habitat and Protected Species survey report. The marginal habitats are of greater ecological value and likely to provide some habitat for nesting birds, bats, badgers and amphibians; however these areas are to be retained. There are also records of protected species within the vicinity of the site, and the ecological improvements proposed in the application will serve to benefit those species, and this weighs in favour of the application.

7.14 Herts Ecology have raised no objection but comment that a final check for bats should be carried out prior to commencement and it is recommended that this be secured by condition. Overall, subject to the mitigation measures proposed in the submitted ecology report, Officers are satisfied that the development would result in no harm to protected species and would in fact improve biodiversity on the site. The proposal is therefore in accordance with Local Plan policy ENV16.

#### Highway Impacts

7.15 The site is accessed by a single track narrow lane that is partly unmade and becomes bridleway at its eastern end. The track has been poorly maintained in recent years. The development will have some impact on the lane as a result of construction and new residents being dependent on private vehicles. However, the use of the site as a poultry farm remains extant and has not been abandoned. The lawful use of the site would therefore involve significant traffic movements, including heavy goods vehicles (HGVs), which are considered to be excessive for the use of this lane. The proposed development would not result in significant traffic movements, and the reduction in use by HGVs compared to the lawful use would represent a considerable benefit in

### 3/15/0564/OP

developing this site.

- 7.16 The application is in outline form with all matters reserved, including access. The indicative layout plans show vehicular access to the site from Friars Road which is the only option to access the site. It is not necessary to condition this given that there are no other options for vehicular access. Full details of the access will be required through a reserved matters application. However, Officers are satisfied from the information submitted that a suitable access with adequate visibility splays could be provided.
- 7.17 Although the application is in outline form, Officers are also satisfied that adequate parking provision could be provided on site. The indicative layout plans identify a double garage per 4 bed dwelling with additional frontage parking. This is considered to be in accordance with Local Plan policy TR7.
- 7.18 Overall Officers are satisfied that the proposal will result in no harm to the local highway network and no objection has been raised by the Highway Authority.
- 7.19 Concerns were raised in the previous application over protection of existing public Rights of Way adjacent to the site. The access road itself is a designated bridleway and Local Plan policy TR15 requires the needs of horse riders to be taken into account when development may affect a bridleway. Given that the proposal would result in a reduction in the scale and volume of traffic (when compared to the lawful use, as discussed above), Officers consider that the needs of horse riders would be maintained. There are also existing public footpaths to the north of the site (footpath 21), and southeast (footpath 33), with an application being considered to extend FP33 to become a bridleway. Officers are satisfied that adequate space is proposed to be retained between the development and designated Rights of Way and a directive is recommended to remind the applicant of Rights of Way legislation.

#### Residential Amenity

- 7.20 The new dwellings will be located to the rear of existing dwellings. The Poultry Farm Bungalow, High View and Rivendell. The houses are proposed to face into each other and will therefore flank onto the rear of these existing plots. Given the distance of at least 25metres that would be retained to the rear of these neighbours, Officers do not consider that any overlooking or change to outlook would be harmful to their amenities. Adequate space is also proposed between the new

dwellings, and any reserved matters application would ensure that the design of the new dwellings prevents any harmful loss of light or overlooking. The indicative plans also make provision for extensive external amenity space. Officers are therefore satisfied that the proposal complies with the amenity considerations of Local Plan policy ENV1.

### **Drainage and Contamination**

- 7.21 The site lies in floodzone 1 and would therefore result in no harm by way of flood risk. A full Flood Risk Assessment has again been submitted as the application is a 'major' development given its site area. This concludes that the development will significantly reduce the extent of built development on site and result in no flood risk.
- 7.22 Conditions have again been recommended by the Environment Agency and Environmental Health relating to contamination given the previous use of the site and the sensitivity of local groundwater. This is considered reasonable and necessary to protect the local environment and residents.
- 7.23 The Council's Engineers have recommended that further work be carried out in relation to SuDS; however given the scale of development proposed, and the increased permeability of the site, Officers do not consider it reasonable to require any further SuDS details to be submitted. A local resident has commented that there is no mains drainage within the area; however it would be the developer's responsibility to make proper provision for drainage.

## **8.0 Conclusion**

- 8.1 In conclusion Officers consider that there are a number of unsustainable elements to the scheme given its rural location and loss of employment use. However, given the improvements proposed through a contribution towards the Council's housing supply, removing HGV traffic on a narrow rural lane, removing existing unsightly buildings and tidying up a derelict site, biodiversity benefits, and providing extensive woodland planting that can be secured and protected for the future, Officers consider that there are merits in the proposed scheme.
- 8.2 Given that the previous application was refused solely on the grounds of a single unit to the south of the site that has since been removed, and given the acceptable density and layout of this amended scheme, Officers consider that the previous reason for refusal has been addressed and that the proposed development would no longer be

**3/15/0564/OP**

harmful to the landscape character of the surrounding rural area.

- 8.3 The application is therefore recommended for approval subject to the conditions set out above.