

3/14/2200/OP – Residential development for up to 85 houses including site access, public open space and landscaping. Land south of Froghall Lane, Walkern, Stevenage, Herts, SG2 7PH for Gladman Developments Ltd.

Date of Receipt: 05.12.2014

Type: Major Outline

Parish: WALKERN

Ward: WALKERN

RECOMMENDATION

(a) That had East Herts Council been in a position to determine the application, 3/14/2200/OP, that it would have **REFUSED** planning permission for the proposed development for the following reasons:-

1. The proposed development is contrary to the provisions of Policy GBC3 for development in the Rural Area Beyond The Green Belt of the adopted East Herts Local Plan 2007. Notwithstanding the benefits of securing additional housing land and affordable housing, the proposed scale of development is beyond the capacity of the site and the village of Walkern for it to be satisfactorily integrated. The development would consequently result in significant adverse impacts and does not constitute sustainable development within the provisions of the NPPF.
2. The extent of development set out by the application, would significantly reduce and encroach the open countryside on the west side of Walkern; fails to adequately safeguard the character of Froghall lane or views of the open landscape from Froghall Lane and would fail to adequately integrate open space provision as part of the development. The proposal as indicated represents an insensitive approach and poor design contrary to the provisions of the NPPF and Local Plan Policy ENV1 and LRC3
3. The submitted Transport Assessment, plans and access details fail to promote sustainable transport modes. The outlined development would fail to promote an attractive walkable new residential area for the village that encourages sustainable travel by convenient and safe walking and cycling routes and links to passenger transport. The application is therefore contrary to the provisions of the NPPF and Local Plan Policy TR1 and TR12.

(b) That Members consider the planning appeal procedure, currently confirmed by the Planning Inspectorate as Written Representations, and given the level of public interest in the application proposal, and reach a view on whether this is appropriate or whether the Council should seek that the

matter be processed through the Informal Hearing procedure.

- (c) The authority be delegated to the Head of Planning and Building Control to formulate the case to be submitted on behalf of the Council to the forthcoming appeal, including dealing with all matters as may be required in relation to a potential planning legal agreement and conditions which may be applied, were the proposals to be approved.

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 2012 (as amended). The balance of the considerations having regard to the presumptions of the NPPF, the lack of an up to date Local Plan Housing Supply Policy and associated benefits and the adverse impacts identified at the site and to the village, is that permission should be refused.

_____ (220014.TH)

1.0 Background

- 1.1 The application site is a 4.17 ha agricultural field on the south west side of the village of Walkern, located to the south side of Froghall Lane and behind dwellings in Moors Ley and Aubries which back onto the site. It is outside the Walkern Conservation Area, and the defined Category 1 settlement boundary of the 2007 Local Plan. It is on land within the Rural Area beyond the Green Belt. The site slopes down from north to south.
- 1.2 The proposal, which is in outline only, with all matters apart from access reserved, has been slightly amended since first submission reducing the proposed maximum number of dwellings from "up to 98" to "up to 85" dwellings, and an amended Development Framework Plan has been submitted. The amendment has enabled a wider buffer area of 20m to the west to be provided, increased from 10m; additional and reconfigured drainage ponds and areas for swales to intercept run off water from the north west and reduction of the size of the residential area from 3.32 ha to 2.78ha. A maximum building height is provided with dwellings at 2 – 2.5 storeys and at a density of approximately 30 to the hectare.
- 1.3 The application forms indicate a mix of 2, 3 and 4 bed homes but

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predominantly 3 bedroom (37%) and 4 bedroom (40%). The mix has not been revised for the 85 dwelling proposal.

- 1.4 The application was subject of a pre-application enquiry and a response given in December last year. A public consultation exercise was held at the time which generated over 70 local responses. This indicated a high level of opposition to the scheme. While some residents, accepted the need for the village to grow, it was considered that this should be done as part of its Neighbourhood Plan. The village has a Neighbourhood Planning Group which undertook its first questionnaire consultation in November last year although no formal report on specific land allocations has been received to date.
- 1.5 The application is submitted with a number of documents including inter alia the Illustrative Development Framework Plan; a Planning Statement; Socio Economic Impact Assessment; Affordable Housing Statement; Sustainability Report; Landscape and Visual Impact Assessment; Transport Assessment; Flood Risk Assessment; a Foul Drainage Strategy and a Statement of Community Involvement.
- 1.6 Following a consultation period on the amended scheme the applicant has now appealed non determination of the application. It is necessary for the Council to establish what its decision would have been on the application. A second outline application (3/15/1525/OUT) for a scheme of up to 62 dwellings has recently been submitted although is not a matter for this report.

2.0 Site History

2.1 The relevant planning history for the site is as follows:-

A summary of the previous planning history for the site is set out below.

- 3/63/0425. Site for residential development. Refused 6 April 1963
- 3/71/2165. Site for residential development. Refused. Appeal Allowed 1973.
- 3/78/1287. Site for residential development. Refused 30th January 1979 .
- 3/84/1321. Access for residential development. Refused Appeal Dismissed 27 Sept 1985

2.2 The applicants have provided a typed copy of the wording of the 1973

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permission. The Inspector said the site could be accepted as rounding off existing development in Walkern but due to no exceptional need it applied a restrictive Green Belt policy. Secretary of State overruled his Inspector's recommendation to refuse the scheme due to the severe shortage of building land. Unusually this permission was never commenced and it lapsed.

- 2.3 The refusal in 1979 was for reasons of Rural Area policy but not appealed. The 1985 appeal was dismissed because of a lack of information to address concerns about the Highway access.
- 2.4 The 2007 Local Plan Inspector rejected representations to allocate the site for 150 dwellings. Even if it were to be phased she considered this to be out of scale with the development envisaged in a Category 1 village and that it would result in further significant urbanisation.

3.0 Consultation Responses

- 3.1 County Highways overall object that the Transport Assessment (TA) doesn't adequately demonstrate how sustainable transport modes can be achieved and overemphasises the sustainability of the site. There is also insufficient information as to how the site can be accessed safely on foot including providing satisfactory levels of connectivity within, to and from the site.
- 3.2 In detail they advise that it is considered the layout is unsatisfactory and does not comply with the County Council document 'Roads in Hertfordshire'. The application is unsustainable as per the requirements of the National Planning Policy Framework (NPPF). The 384 bus services to Stevenage is very limited and would remain so even with S106 contributions to facilitate a further peak hours service. Parts of the site are over 400m walking distance to bus stops on Stevenage Road. Cycling and walking to Stevenage or Buntingford is not desirable as a matter of routine and an analysis of accident records on the stretch of highway between Walkern and Stevenage indicates a number of accidents on the unlit national speed limit road which does not benefit from a footway. There are concerns about the lack of a footway along Froghall Lane and its intensification of use. The footway proposed is only a partial provision in the documents submitted.
- 3.3 The TA doesn't provide a full multi modal assessment. The majority of trips will be made by car and the applicant hasn't demonstrated how sustainable modes may be promoted. Use of Aubries is noted as the most satisfactory method of obtaining vehicle access into the site.
- 3.4 The traffic issues on the High Street are well known especially in peak

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hours where in parts the road effectively becomes a single carriageway. While the parking scheme on the High Street is welcomed and would need to be secured by a S278 all options should have been presented to residents first. They remain concerned by its limitations to address the fundamental issues of congestion on the High Street with reference to building a 85 homes schemes on a single site.

- 3.5 The HCC Obligations Unit request funding for primary education in accordance with a submitted table of contributions and to be assigned to a S106 agreement. This should also secure the provision of fire hydrants.
- 3.6 The HCC Mineral and Waste Team advise that due regard is paid to the policy requirements of the Waste Plan and that many of them can be met through a condition to require for a Site Waste Management Plan.
- 3.7 The Historic Environment Advisor at Herts County Council has advised that following receipt of field evaluation reports archaeological interests are unlikely to be a constraint on the scheme. There is some potential interest in the south west corner of the field. Provisions for archaeological interest can be addressed by a suitably worded planning condition.
- 3.8 The Hertfordshire Constabulary do not support the application in its current form. There is concern that the applicant has failed to mention local policy ENV3 and demonstrate how they intend to address issues related to crime. They are also concerned about the High Street congestion and access for emergency vehicles along Froghall Lane. They have records of two damage only accidents in 2013 and two others in 2012.
- 3.9 The Council Environmental Health Officer recommends planning conditions on hours of working and soil decontamination.
- 3.10 The Council's Engineer commented on the original 98 dwelling scheme that the site is within Flood Zone 1 but in an area of surface water inundation. There have been historic flooding incidents in Moors Ley in 1993, 2002 and 2014 (which flooded a number of properties). A SuDs pond would be a valuable asset and assist with flood risk reduction. In comments on the amended scheme he has asked about the retention of existing on-site SuDs. He would value permeable paving and bio retention areas. Swales, Wetland areas and the retention of ditches are referred to within the FRA and could be placed within the buffer zones around the site. Linking swales to the SuDs pond would be feasible. He would wish to meet with the developer to explain the East Herts SFRA and discuss details of drainage systems north of Moors Ley in particular but at this stage does not object in principle to the scheme.

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- 3.11 The Environment Agency originally commented that they would recommend a surface water drainage scheme as a condition. In April 2015 the responsibility for sites over a hectare transferred from the Agency to the Lead Local Flood Authority (HCC). They have no further comments in this respect.
- 3.12 The Councils Planning Policy Team commented on the original submission for 98 dwellings that Walkern is a suitable location in the Draft District Plan for growth based on an assessment of transport patterns, employment retail, social and community services. A level of at least 10% growth is assessed as being sustainable. In 2009 the Call for Sites submissions, the eastern part of the site only was assessed. The site was an Omission site but discounted at the 2007 Local Plan Inquiry as the Inspector felt although well related to the facilities in the village the Council had already made adequate provision. It is recognised that there is a lack of a 5 year housing land supply and that in view of this there is a presumption in favour of sustainable development in the NPPF. However the development should be sustainable so the benefits and adverse impacts will need to be carefully considered in reaching a decision. There is agreed designation of a Walkern Neighbourhood Planning area and there is a potential for other more suitable sites to be allocated through this process.
- 3.13 They have confirmed that the Draft District Plan Policy VILL1 for Group 1 villages states that villages will need to accommodate at least a 10% increase in housing stock between April 2016 and March 2013. This relates to housing completions within this period which is the likely period for any housing at this site and it will therefore contribute to the amount that Walkern is being asked to accommodate. If sufficient land has already come forward through the planning application route then the Neighbourhood Planning process would not be expected to allocate further land for development.
- 3.14 The Councils Landscape Officer comments that the amended plan although slightly improved does not address previous concerns that the plans do not relate well to the layout of residential development along Froghall Lane and that a more centrally placed play area would allow for better access and surveillance. The numbers proposed may exceed the landscape capacity of the site to accommodate them.
- 3.15 Hertfordshire Ecology did not disagree with the Preliminary Ecological Appraisal September 2014 and consider no further surveys are required. They had no further comments on the amended plans.
- 3.16 The East and North Herts CCG estimate that the increase in population

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could be around 235, a significant number of residents which will impact on local health services and are concerned about the impact on already overstretched community services. The CCG is in the final stages of developing its five year strategy. NHS England is expected to respond separately.

- 3.17 Natural England advise that the proposal is unlikely to affect any statutorily protected sites or landscapes, but have not assessed it for impact on protected species.
- 3.18 The Herts and Middlesex Wildlife Trust recommend the ecological report state more definitively what will be done e.g. water retention basins to be seeded with EM8 and managed by cutting and clearing twice a year. A minimum of 10 metre buffering is appropriate to protect the hedgerow and enable appropriate management.

4.0 Parish Council Representations

- 4.1 Walkern Parish Council objects that the application is in the Rural Area Beyond the Green Belt and contrary to local and national policy. It erodes the narrow area of countryside between the village and Stevenage. There is no measure of the housing need as it is premature to the completion of a neighbourhood plan. No solution is offered to reduce reliance on unsustainable modes of private transport and it does not represent sustainable development as defined by the NPPF.
- 4.2 They note further the overriding local opposition. They point out that the northern boundary of the site is a rural lane stopping before the western boundary of the proposed development. They also refer to a history of refused applications.
- 4.3 With respect to the amended proposal they feel it is still so far from what is sustainable and practical that no further comments should be made. The Neighbourhood Planning Group is making substantial inroads into the process of producing its own plan. They object to the proposals for Froghall Lane and the High Street in the Transport Assessment. The parallel parking bays would contribute to congestion; gateway features are out of keeping and make access into Froghall Lane more difficult; the pedestrian crossing on Froghall Lane is an absurdity on such a narrow lane; the amendments to the Playground are in conflict with existing open space improvement schemes.
- 4.4 The Council have suggested Planning Conditions and S106 provisions should the application be granted to cover a range of matters including open space provision and management, ecological management, limiting

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the height to no more than 3 storeys, to secure bus service improvements, a new GP facility and a purpose built nursery.

- 4.5 Aston Parish Council have expressed their concerns the main one being the shrinking distance between Stevenage and local settlements. The application reduces the gap and they consider the Green Belt to not be wide enough. They consider the village infrastructure can't cope, the B road through Walkern and also the lack of water supply. If applications like this go ahead in Walkern they are concerned of similar in Aston Parish.
- 4.6 Cottered and Throcking Parish Council have objected on the basis that many people from Buntingford, Cottered, Throcking and Ardeley drive through Walkern to work. The High Street is virtually single carriageway. The road infrastructure is not compatible with the amount of traffic the development would generate.
- 4.7 Ardeley Parish Council strongly object. The application is far in excess of any sustainability for Walkern. They are very concerned about the additional traffic generated by the development. A507 through Walkern is extremely congested and for several periods each day comes to a complete halt.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification. There was re-notification of the amended reduced scheme which advised previous letters would still be considered.
- 5.2 A copy of a letter to the Secretary of State from the Walkern Neighbourhood Planning Steering Group has been received saying that the applicant is using a loophole in the law and that the application submitted ahead of the Neighbourhood Plan is an affront to localism whereas the NPG wishes to democratically shape development. The village accepts the need for development to meet demographic projections and is not against development per se. It objects on grounds of size and lack of infrastructure, traffic, flooding, water supply and biodiversity.
- 5.3 Circle Housing South Anglia has indicated informally that they would be interested to speak with the applicant to explore their involvement in the site and also the potential to ensure better connections with Moors Ley at the southern end of the site.
- 5.4 The Headteacher of Walkern Primary School has written to express concern as there is not capacity within the school to take a potential influx of children. At present the school has room for one more child in its

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reception class to take it up to 25. There are 23 children presently in the Walkern pre-school who live in Walkern or have siblings in the school. While the Published Admission Numbers are to increase in time from 15 to 25 the school does not have the capacity to increase in size to more than one form of entry. A large new housing estate would result in some children who live in Walkern not getting a place in Walkern Primary School.

- 5.5 The Campaign to Protect Rural England welcomes the reduction to 85 units but continues to object to the application in accordance with its earlier letter of 21st January 2015. This highlighted that the development was at odds with the linear pattern of development in the village along the High Street. It infills the area between the B1037 and Froghall Lane, represents 20% increase in the village. Just because a 5 year housing land supply doesn't mean every policy is null and void. The provisions of the NPPF at para 17, character of countryside, and 55 impact on historic character are reasons for refusal. There is lack of capacity in the primary school and the CCG have flagged up overstretched community services. The site is dependent on the car and no information has been included how sustainable transport modes would be achieved. Congestion on the High Street is problematic and there are capacity issues with junctions on Stevenage Road and the High Street.
- 5.6 Oliver Heald MP has requested that many complaints received about the application on flooding of houses in Moors Ley; not sustainable as the school is full; lack of village facilities; no doctors surgery and the traffic is legendary be taken into account.
- 5.7 The Aston Village Society fully support Walkern in its opposition. They refer to the lack of bus services, the school could not expand and to the move to coalesce Walkern and Stevenage.
- 5.8 On the first application for 98 dwellings, 363 letters of objection were received. While residents were advised these would be considered when consulting on the amendment to 85 dwellings, 162 further letters of representation were still received to the amended plans. Letters from these third parties on the amended application have raised similar objections to scale, lack of infrastructure, flooding, landscape and highways impacts. Points are summarised below
- 5.9 Policy Objections
- In the Rural Area beyond Green Belt
 - The 2009 call for sites identified sites of just 0.93 ha and 1.89ha.
 - Should await the Neighbourhood Plan, undemocratic.

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- 1973 approval has no relevance. Walkern has grown by 200 homes since but the infrastructure has not
- Other Category 1 villages are better connected to roads and railways

5.10 Scale inappropriate

- Represents a 15% increase in village size.
- District Plan said 10% is needed which represents just 55 homes.
- 98 is twice the 47 required in District Plan
- Reduction of 98 to 85 doesn't address concerns on scale
- Neighbourhood Planning Group will identify several smaller sites
- 82% of villagers say they want a diverse number of smaller sites
- Represents a pace of change the village cannot cope with
- Village unable to take development (doesn't have infrastructure the Planning Inspector highlighted for Buntingford)
- If reduced some residents might be more open to the proposal
- 55 homes would be manageable
- 621 households in village census 2011.
- Walkern has accepted smaller developments such as Yew Tree Close and Glebe View
- Reducing numbers will just mean bigger houses
- NPG are working to provide up to 62 new dwellings in the village

5.11 Character

- Diminishes the countryside between Walkern and Stevenage
- Changes character of the village
- Makes the village a mini Stevenage
- Designed like an estate
- Lack of detail means village can't know if properties are in keeping
- 30.5 dwellings per hectare exceeds recommended density for rural areas

5.12 Traffic / Parking

- High Street can't cope with congestion
- No work in Walkern so development increases commuting
- 80% of journeys to work by Walkern residents are by car whereas 1% are by bus. The promotion of a large development in transport terms is therefore unsustainable
- Transport Statement is full of flaws e.g. Not credible that peak traffic in High Street is only 27% and 37% of capacity; Parking bays highlighted on High Street are unsustainable; Targets to reduce two

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way trip rate unachievable; Full analytical outputs of traffic modelling should be provided; Not been updated for the 85 proposal; Need an independent Transport Assessment. How is walking and cycling promoted? ; Not in accordance with National and Local Transport Policies

- Traffic impact on Aubries would harm amenity of residents
- Emergency exit onto Froghall Lane is unsafe.
- Froghall Lane has no footway – not a suitable connection to the High Street
- Houses on Froghall Lane increase traffic on the lane – unacceptable
- Users would compete for parking on Froghall Lane used by existing residents
- Impossible to exit Froghall Lane during peak hours
- Any accident on High Street can block it completely
- Could access be taken from Stevenage Road so traffic can avoid Walkern?
- Walkern suffers as a cut through for the A10
- Car sharing can't work

5.13 Public Transport

- Very poor existing public transport
- Only 5 buses a day. 384 bus doesn't run on Sunday
- HCC are reviewing / cutting bus services 384 and 390
- Not clear what 5 year funding of the 384 buses with S106 contributions to the 384 bus service will deliver. Currently only 5-6 trips a day so not a viable alternative.
- £10,000 a year for buses will bring little gain. Needs to be longer than 5 years
- Need a bus to Buntingford

5.14 Infrastructure / School/ Health

- Village only has 2 public houses, a single store, a single GP surgery, a primary school and a community centre
- Village Primary School is at capacity.
- Site has room for 2 classrooms on old pre-school site but would take at least 2 years to provide
- Waiting list for school is oversubscribed
- Local children refused spaces and had to go to Stevenage and Baldock
- Parents of new homes will have to drive school children elsewhere
- GP surgery is only open 4 hours a week – not staffed. No nurse or

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clinical facilities. It's not a Health Centre

- There is no dentist in village
- How can infrastructure needs be checked with the lack of details on dwellings size, numbers etc
- Pumping station / sewage station are struggling to cope
- Village has only one outdated play area and one small park
- Internet Broadband is inadequate at 4MB on a good day- 6MB average. BT has no plans to upgrade

5.15 Landscape

- Spoils the public view from Froghall Lane and to the valley to the south
- Froghall Lane should be kept as a nice recreational walking route
- Froghall Lane is part of the Stevenage Outer Orbital Path and well used and enjoyed by walkers
- Lane is used by horseriders, cyclists, ramblers, walkers
- Would intrude on view of Walkern from Stevenage Road
- Intrusions into virgin agricultural land in Aston Valley

5.16 Flooding

- Worsening flooding issues in Walkern
- In Moors Ley especially (in 2014) especially but also in Aubries and on Stevenage Road
- Flooding at Stevenage Road and Walkern Road junction would be worsened
- Flooding in Finches End. Results in raw sewage flowing into the River Beane to the concern of Thames Water. Unacceptable
- Who will be responsible if Moors Ley homes flood ?
- Surface water pools regularly on the site (evidenced by pictures from January)

5.17 Links / layout

- Cycling roads between Walkern and Stevenage are unsafe and hazards will increase
- Very few people commute by cycling to Stevenage - unrealistic
- Proposed footpath around the site doesn't address the development
- Need more zebra crossings to reduce the risks of new traffic
- Absence of a footway along Froghall Lane means the development is contrary to Paragraph 32 of the NPPF
- Applicants Design and Access Statement is poor. The applicant's

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Building for Life analysis is not accepted.

5.18 Miscellaneous

- Support East Herts putting forward their own proposals
- No benefits to the village
- Lack of detail for such a large scheme is completely unacceptable
- Lack of integrated play space – poor design
- Play area would not be supervised causing antisocial behaviour
- Applicants have a mass marketing approach, have trawled 150 councils. Poor documentation. There is reference to “Cherwell”
- Loss of garages in Moors Ley would worsen parking
- Moors Ley residents would lose privacy
- Have seen Kites, Buzzards, Owls and Slow Worms – protected species
- Habitat linkage is needed along the site
- Elderly people are looking to trade down to 1 and 2 bed bungalows so that they can remain in the village

5.19 3 emails in support of the application have been received. One refers to an absence of a better solution and regrets the delay in passing the plans.

6.0 Policy

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

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| SD1 | Making Development more Sustainable |
| SD2 | Settlement Hierarchy |
| HSG1 | Assessment of Sites not Allocated in this Plan |
| HSG3 | Affordable Housing |
| HSG4 | Affordable Housing Criteria |
| HSG5 | Rural Exceptions Affordable Housing |
| GBC3 | Inappropriate Development in the Rural Area Beyond the Green Belt |
| GBC14 | Landscape Character |
| TR1 | Traffic Reduction in new Developments |
| TR2 | Access to New Developments |
| TR7 | Car Parking Standards |
| TR20 | Development Generating Traffic on Rural Roads |
| ENV1 | Design and Environmental Quality |
| ENV2 | Landscaping |
| ENV3 | Planning Out Crime – New Development |
| ENV11 | Protection of Existing Hedgerows and Trees |

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|-------|---|
| ENV16 | Protected Species |
| ENV19 | Development in Areas Liable to Flood |
| ENV20 | Groundwater Protection |
| ENV21 | Surface Water Drainage |
| BH1 | Archaeology and New Development |
| LRC3 | Recreational Requirements in New Residential Developments |
| LRC9 | Public Rights of Way |
| IMP1 | Planning Conditions and Obligations |

6.2 The National Planning Policy Framework is also a material consideration and in particular relevant sections are:-

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

The provisions of National Planning Practice Guidance are also relevant

7.0 Considerations

7.1 The site lies in the Rural Area Beyond the Green Belt wherein policy GBC3 of the adopted Local Plan 2007 restricts development including the provision of new dwellings apart from a few exemptions such as rural exceptions housing. The proposal therefore amounts to inappropriate development in the Rural Area, however, regard is had to the presumption in favour of sustainable development set out in the NPPF, and the Council's current lack of a 5 year housing supply.

7.2 In particular para 14 of the NPPF, which has been quoted in several planning appeal cases, is to be noted which states

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking..... For decision taking this means... 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, when assessed against the policies in this Framework taken as a whole...”

7.3 The implications of this paragraph are that the refusal of housing applications based on the current housing allocation policies of the Local

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Plan cannot be sustained if proposals in themselves amount to sustainable development. This therefore gives support for the principle of the development. However it must still meet with other Planning Policy requirements such as the requirement for Good Design of the NPPF and there are other factors to be assessed such as the scale of the proposal; its impact on character of the village and its landscape setting; the separation of Walkern village with Stevenage and its Green Belt; flooding and drainage issues; infrastructure capacity; and highways and sustainable travel issues.

- 7.4 The site is set away from the Walkern Conservation Area and any listed buildings. Investigations of archaeology at the site have also indicated that there is no significant interest. Impacts on Heritage assets are not therefore an issue in this application.
- 7.5 On a procedural matter, as the application is in outline form, the detailed layout is a reserved matter. The broad area of development, access routes and open spaces are indicated within the Development Framework, Plan No 5578 L 02K. Access is a submitted detail and includes the consideration of the accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.
- 7.6 The main issues in the determination of this outline planning application are therefore considered to be:-
- Whether the proposal amounts to sustainable development. Do the positive material considerations, including contributions to housing land and affordable housing, included within this proposal justify development contrary to the Rural Area Policy GBC3, given the National Planning Policy Framework (NPPF) presumption in favour of sustainable development or are there adverse impacts which would significantly and demonstrably outweigh the benefits.
 - Whether the scale of development is acceptable having regard to the capacity of the village to absorb the change, the impacts on the character of the village and the impacts on its services.
 - Whether the access and travel arrangements are adequate for the scale and parameters of development proposed and whether the scheme will promote sustainable transport.
 - Whether the indicated parameters of development preserve the landscape character of the area, retain landscape features and are well designed. Whether it is therefore a well-designed sustainable development responding to the site context – Policy ENV1 and NPPF.

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- Whether the proposal will increase the risk of flooding and facilitates sustainable drainage provisions – Policies GBC14, ENV1, ENV2, ENV11, ENV19 and ENV21

Housing Land Supply/ Affordable Housing Need

- 7.7 The latest Annual Monitoring Report sets out that the Council is able to demonstrate that sufficient land is available to deliver between 3.4 and 4.4 years of housing. This matter is being tested at appeal by the same applicant in relation to another site. Detailed analysis of the land supply position through that process indicates that supply may actually be less. Significant weight must be given to the benefits provision of housing land as a consequence of this and the balance of considerations set out in paragraph 14 of the NPPF is relevant.
- 7.8 The benefits of a full 40% affordable housing provision should also be acknowledged in addition to the wider contribution to housing numbers.
- 7.9 The draft District Plan identifies Walkern as a Group 1 village where the appropriate policy indicates that an increase in the village size by a 10% would be appropriate. This figure relates to the household numbers for Walkern of 474 in 2001. The equivalent household figure for 2011 is 551 households and consequently a 10% figure would currently equate to approximately 55 dwellings. However, the District Plan is only in draft and little weight can be attached to it at this stage.
- 7.10 While numerically the housing provision in this application must be given positive weight, the provision is at 15.4 %. The impacts of this scale of building are assessed below

Scale of proposed development/impact on village character and services

- 7.11 The proposal has been amended from a maximum of 98 dwellings to a maximum of 85 units by the applicant partly to increase the green buffer spaces on the north and west side of the site and partly to facilitate enhanced SuDs (sustainable drainage measures) at the site following discussions with the Council's Engineer. The reduction was not made in response to Officers objections about the scale of development and the applicants argue that the 10% figure of the District Plan is anyway an arbitrary figure to adopt.
- 7.12 Walkern Parish Council and the Neighbourhood Planning Group have been concerned that while future growth should be provided for, this should be in line with District Plan policies and the 10% growth envisaged by the District Plan. Based on the number of houses in the village this would amount, as indicated above, to approximately 55 dwellings.

- 7.13 Historically the pattern of growth at Walkern has been more incremental than that now proposed, with smaller developments of approximately 20 units being developed, most recently 23 dwellings at Yew Tree Close in 2007. The applicant has not indicated if the scheme could be phased to manage the scale of the development, but this could form part of a S106 agreement. Even with this the proposed 85 dwellings is of a much different order in terms of the level of addition to be made to the village and Officers acknowledge it may create unsustainable demands on services as well as something of a sprawling housing area at odds with the character of the village. Rapid growth would challenge the ability of the village infrastructure to adapt with health and education services being challenged. The Primary School accommodates children from outside the village. It may be possible to accommodate additional demand from within the village if it takes preference over admissions from elsewhere. All secondary education and adult education would take place elsewhere. The GP services are of limited hours.
- 7.14 The County Education Authority hasn't objected to the scheme although concerns have been raised directly by the local school and many parents of school children that it is at capacity. It would seem there is some scope for growth in time, and the S106 obligation may secure up to £250,000 funding for the school but the scale of addition may still surpass the ability of the local school to meet all the needs.
- 7.15 In conclusion on this point, officers would tend to agree with the views of objectors that the scale of the development proposed is a disproportionate addition that is poorly matched to the character of the village and the infrastructure of local services. This particularly applies when the localised site impacts are assessed. While impacts could be mitigated by S106 funding and phasing of development there is judged to be a degree of harm resulting from the disproportionate scale of the development being proposed.

Access, Travel and Sustainable Transport

- 7.16 The objections of County Highways relate to a number of detailed matters, reflecting local concerns, but also a general one that the approach of the application and its Transport Assessment do not fully explore the options to promote Sustainable Transport modes. The national policy guidance of the NPPF (Paragraphs 32 and 34) requires that opportunities for sustainable transport modes must be taken up and maximised in new planning decisions. This has not happened. The submitted Development Framework indicates a general extent of development that due to the characteristics of

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the site will not promote walking or sustainable travel.

- 7.17 There is evidence already from the site that it is crossed on foot and informal pathways, in fact a trespass, can be identified running from Aubries to Froghall Lane as well as others along the south side of the site. The site's location means that it lies in a good point to enable more walking and cycling routes to be established within the village to the advantage of those modes. These clues do not appear to be fully assessed or responded to by the application.
- 7.18 A key opportunity is to connect any development of this site to the south west end of Moors Ley, via an existing garage court, as well as provide attractive routes along the South side of Froghall Lane. Officer contacts with the site owner, Circle Housing Anglia, confirm that this option has not been fully explored. The link should be safeguarded and preferably provided for by the layout and provisions of the proposed development. While layout is a reserved matter in this application, the indicative extent of the scheme proposed fails to secure the option.
- 7.19 The indicative footpath and cycling routes around the west side site on the applicant's Development Framework would be circuitous diversions and would not positively promote walking or cycling from Moors Ley to Froghall Lane by an attractive, well defined, well overlooked and direct route. Moreover the access arrangements strongly indicate, as did preliminary layout proposals, that housing will back onto these areas so that they will be in uninviting backland locations. Officers consider that the Development Framework indicates that attractive and traffic free walking and cycling links on the west and north side of the site would not be possible.
- 7.20 The links to passenger transport and bus stops on Stevenage Road would not be especially convenient from most parts of the site as the only pedestrian routes are via Aubries or Froghall Lane. The benefit of the potential link at the Moors Ley garage court site is that it can shorten the route by about 280m to an estimated maximum distance of approximately 520m (still outside a 400m 5 minute walking distance) but much less than the proposed maximum distance of 800m. The current scheme would make the option of walking to bus stops unfeasible for some residents due to the distance and gradients.
- 7.21 Officers consider that in principle, due to the nature of Froghall Lane and the High Street congestion, it is not acceptable to plan for any intensification of the vehicle use of this route other than for cyclists and pedestrians. An emergency access is planned to Froghall Lane.
- 7.22 The scale of the development will inevitably result in impacts on the High

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Street, and while some proposals are set out for the High Street, these have not been accepted by Highways, are objected by the Parish Council and it is not clear if they are either of particular benefit or feasible measures.

- 7.23 Given the limited local employment in Walkern, and other facilities of the village it is likely this will mean a higher proportion of trips to work and amenities outside the village.
- 7.24 Overall Officers support the objections of County Highways, Hertfordshire Constabulary and others in relation to the increased use of Froghall Lane and the severity of High Street congestion, but also to the wider point about the proposed development which does not adequately promote sustainable transport. These are considered to be significant and adverse impacts.

Design, Layout and Landscape Considerations

- 7.25 While the submissions make clear that details of appearance, landscaping, scale and layout are reserved matters, Officers have formally requested that layout at least be submitted for consideration as this would enable a clearer view on how up to 85 dwellings might be satisfactorily accommodated. The application is accompanied by a Development Framework to show the broad extent of built development, open space and movement routes.
- 7.26 The Framework Plan indicates a density of 35 dwellings per hectare with general height provisions of 2 to 2.5 storeys that would not be at odds with the character of the surrounding areas and officers make no objection to this. The plan indicates that the extent of development would be within 10m of Froghall Lane with a vehicular emergency access point as well as other points for potential footpath links.
- 7.27 Officers have advised that given the narrowness and shared space quality of Froghall Lane there is a need to avoid encouraging any further vehicle use or intensification of it. The proposed development does not do so as it places the development too close to Froghall Lane. Furthermore a significantly greater set back is required to retain the character of Froghall Lane, and to protect the views to the south and west of the surrounding landscape. A more generous space here would establish an attractive green corridor with movement / biodiversity / drainage and other amenity benefits for new and existing residents in any new development. A substantial green corridor on the north side of the development would enable this, discouraging associated parking on Froghall Lane either by residents or visitors to the proposed new development.

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- 7.28 The applicant's Development Framework Plan also indicates a western extension of building that Officers do not think will be well contained by existing housing to the north and south and will result in urbanisation and wider encroachment of the nearby countryside on the sensitive western side of the village in close proximity to the Stevenage Green Belt reducing the openness of the break. The defined boundary of the Green Belt lies just over 100m to the west of the site.
- 7.29 Interestingly, although this is not the place to discuss the latest revised application for up to 62 dwellings, but the applicants appear to have acknowledged these criticisms of the proposal by making changes that significantly limit the western extension of the development and wider the green corridor along the Froghall Lane frontage.
- 7.30 A further weakness of the Development Framework is that it offsets the provision of the Local Equipped Play Area (0.05ha) by placing it to the north west corner of the site which will not place it centrally or so conveniently for users. The Council's Open Spaces manager has objected to the location and requests that the Open Space should be integrated within the body of the development. While this could be argued later as part of a reserved matters application, it is important to highlight the issue at this stage given that it is clearly indicated within the submitted framework. In your Officer's view, the north west corner is an area that would need to be retained open for countryside and landscape reasons in any event. It would not be well sited for all the potential users of the facility and if poorly overlooked could encourage anti-social activity.
- 7.31 Overall it is not considered that there is sufficient information to be satisfied that the applicant has sought to maximise the development opportunities offered by the site to ensure that a well designed scheme would be the result of the proposals.

Drainage / flooding considerations

- 7.32 The areas adjacent to the site and within the south west corner have recorded issues with surface water inundation. The reduction of the scheme has made amendment of plans to provide more open space and sustainable drainage within the south west corner of the site which has been most susceptible to flooding.
- 7.33 The Council's Engineer liaised with the applicant's consultant and has broadly welcomed the amendments to provide more buffer areas and additional drainage ponds. He would seek confirmation on many more details to ensure compliance with the approaches of the Councils Strategic Flood Risk Assessment. Officers consider that handled well reasonable

steps to address drainage on the site could result in betterment for those affected by water run-off from the site. The potential link through the garage court could also achieve sustainable drainage benefits.

7.34 While the opportunity to do more is yet to be taken the issue is to a large extent addressed for the current outline submissions. This is a potentially positive aspect of the scheme.

8.0 Conclusion

8.1 The proposed application is contrary to the Adopted East Herts Local Plan as the Statutory Development Plan as the site is within the Rural Area beyond the Green Belt. However the lack of an identified 5 year housing supply is a factor to be given substantial weight in the determination of the application. The provision of 40% affordable housing also provides significant planning benefits which must be given weight. Given the provisions of the NPPF, in particular paragraph 14, as a matter of principle Officers consider these benefits would provide grounds to approve new housing at the site, albeit contrary to the Rural Area policy subject to an assessment that the scheme constitutes sustainable development. Some limited weight is also given to the direction of the Draft District Plan which is proposing Walkern as one of a number of villages that the evidence indicates may be able to accommodate 10% growth over the plan period of 2016 to 2031.

8.2 Officers are of the view that the application site is generally well placed to provide a significant addition to the village. In the absence of any other submissions it may possibly provide the best of the larger site options likely to be available for the village. Residents, The Neighbourhood Planning Group and Walkern Parish Council have raised a strong view that a range of other possible sites around the village should accommodate the future growth of Walkern, but no sites are yet proposed. Only a draft approved or adopted Neighbourhood Plan, of which there is no immediate prospect, could carry significant weight in the determination of this application.

8.3 Subject to limiting the western extension of development and its proximity to Froghall Lane, the site's location being to a degree bounded on three sides by other residential development, it is felt the scheme avoids obvious encroachment of open countryside and harm to landscape views. The site is also within reasonable proximity to the High Street and village facilities. Vehicular access to the site from the Stevenage direction is also possible without generating additional traffic on the High Street. The potential flood risk improvements that could be secured by the development are also given positive weight.

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- 8.4 However, there are significant constraints to be considered at Walkern not least the problems of traffic congestion on the High Street. The scale of the proposal has generated local opposition that reflects the concerns that the development is beyond the extent of existing village infrastructure and amenities to be acceptable.
- 8.5 The scheme has been objected to by your Officers and the County Council for failing to promote sustainable transport modes, a requirement of the NPPF and the Local Plan, and several opportunities to do so have been highlighted. These would involve limiting the extent of the development as well as negotiating and incorporating provisions to better connect the site to its surroundings
- 8.6 Furthermore the scale of development is resulting in site specific objections by officers and local residents. Officer's initial guidance objected to the proposed westward expansion of the development and to retain greater openness along Froghall Lane as part of a well-designed approach to the site. This approach has to a degree been endorsed by the subsequent application (3/15/1525/OUT) for a reduced scheme of 62 dwellings.
- 8.7 While layout is a reserved matter the details, given the previous indicative layouts provided and the submitted Development Framework suggests an approach which does not do this. Furthermore in the view of Officers the Framework itself fails to foster good links or to integrate recreational open space provision adequately. Officers are greatly concerned that the resulting pattern of development would be at odds with the existing village character and would pay no regard to character of Froghall lane as a quiet and popular recreational route nor would it be well designed to promote other well - connected and attractive walking and cycling routes.
- 8.8 The applicant has taken an approach that over emphasises the sustainability of the site location. The other benefits advanced of jobs, new Homes Bonus etc are not specific to this scheme and not a feature of its own sustainability. The benefits are accepted, but they are not reason to overlook the fundamental qualitative aspects of development. The NPPF puts a high priority on design considerations. Sustainable Development must involve good quality development that has regard to social and environmental considerations as well as economic ones so to separately highlight housing land benefits is not sufficient in itself nor a guarantor of good sustainable development.
- 8.9 The applicant has indicated that they will be able to meet all the funding requirements to mitigate the impacts of development but it is now for the

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Planning Inspectorate to consider their case in the light of all the evidence and representations made. Notwithstanding the acknowledged need for housing land, the proposed scheme does not in your Officers' view amount to a well-designed well connected sustainable development of an appropriate scale for the village consistent with its character and landscape setting. It fails to promote sustainable travel and would exacerbate existing highways problems on Froghall Lane and the High Street. The benefits of the proposal in terms of delivering new market and affordable housing are therefore outweighed in this case by these significant adverse impacts. The Councils approach to the appeal is therefore as set out in the recommendation at the start of this report.

9.0 Appeal Procedure

- 9.1 The application is now subject of an appeal against non-determination so it is for the Planning Inspectorate to make the final decision. The Council has only to indicate what its decision would have been on the application. This report will form the basis of written statements for the appeal.
- 9.2 The applicant requested that the appeal be processed via the Written Representations procedure, The Planning Inspectorate have agreed this procedure. However, given the level of public interest, hundreds of letters of objection have been received, it is anticipated that an Informal Hearing procedure would be preferred to enable a forum in which local opinion can be expressed.
- 9.3 While there is always a judgement for an Inspector to take, Officers are confident that the case to dismiss the appeal is a reasonable one. If so a written representation procedure would provide the quickest way to receive an Inspectorate's view (which might then inform the second application) and also place less demands on Council resources. Nonetheless with such a high level of interest it would normally be expected that a public hearing of some kind took place. Members are invited to indicate whether Inspectorate's decision on the procedure chosen should be challenged as suggested and an Informal Hearing requested rather than rely on Written Representations.

10.0 Conditions and S106 Obligations

- 10.1 As the application is subject of an appeal against its non-determination and although Officers are recommending refusal of the application for the reasons as set out, it will be necessary to provide a set of planning conditions and S106 Obligations to the Planning Inspectorate as part of the current appeal

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10.2 In the event of the appeal being allowed a S106 undertaking will be required. The Heads of Terms for a S106 obligations are not finalised but could be anticipated to cover the following obligations

- The provision of fire hydrants at the site
- Educational Contributions, index linked, to Walkern Primary School (based on a mix of house sizes in the application this would be anticipated to be up to £250,000)
- Provision of 40% affordable housing units with a 75% affordable rent: 25% shared ownership mix
- Provision of (at least) £50,000 for enhanced bus services and sustainable transport improvements to fund new or improved walking , cycling routes within and connecting to Walkern.
- Provision and management / maintenance of open space
- Phasing of development

10.3 The CCG may yet make detailed representations as to specific health projects in the area towards which S106 funds may reasonably be put to use but this has not been clarified at the time of writing this report.

10.4 Members are asked to delegate authority to Officers to further enhance this list of matters to be covered through legal agreement, if necessary, and to formulate a list of appropriate conditions.