

DEVELOPMENT MANAGEMENT COMMITTEE – 12 OCTOBER 2016

Application Number	3/16/1708/OUT
Proposal	Outline application for 33 dwellings. All matters reserved except for access
Location	Northfields House, Cambridge Road, Sawbridgeworth, CM21 9BZ
Applicant	Mr Kemp
Parish	Sawbridgeworth
Ward	Sawbridgeworth

Date of Registration of Application	27 July 2016
Target Determination Date	26 October 2016
Reason for Committee Report	Major Planning Application
Case Officer	Nicola Mckay

RECOMMENDATION:

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

1.0 Summary

- 1.1 This application seeks Outline planning permission for the construction of 33 dwellings in place of an existing detached dwelling house. All matters are reserved accept for access.
- 1.2 The site is located within the Metropolitan Green Belt wherein Policy GBC1 (of the East Herts Local Plan 2007) and the NPPF support specific types of development which are thereby not inappropriate. Policy GBR1 of the pre-submission District Plan, states that planning applications within the Green Belt will be considered in line with the provisions of the NPPF.
- 1.3 Considered against these policies, new residential development in this location would form inappropriate development within the Green Belt. The NPPF outlines that where inappropriate development is proposed it should not be approved except in very special circumstances and where the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
- 1.4 The Council's inability to demonstrate a 5 year housing land supply forms an important consideration. However, Paragraph 14 of the NPPF

outlines that the presumption in favour of granting planning permission where the development plan is out of date does not apply to land designated as Green Belt. In any event, the proposed District Plan seeks to positively plan for and significantly boost the supply of land for housing in the District.

- 1.5 The site is currently being considered for allocation as a housing site in the proposed District Plan, as part of a wider area of land to the north of Sawbridgeworth. However, consultation on the pre-submission plan is still to take place and at this stage the outcome of that is currently unknown. Therefore full weight cannot be attached to the proposed allocation of the site for housing within the plan at this stage. The site was not included within the Preferred Options Plan of 2014 and therefore has not been subject to any previous public consultation. The site is currently designated therefore as Green Belt land and as such the current proposal must be considered against the necessary policy tests.
- 1.6 If the Council were to support the development of the site for housing, whether it be now or at a later stage, it is recommended that a comprehensive scheme to include land to the south and east of this site (the wider pre-submission plan allocation) comes forward so that the necessary infrastructure is provided for the new residents (e.g. on site open space, play equipment, footpath links and sustainable surface water drainage). Whilst Officers understand that the applicant is taking part in discussions with the adjoining land owners, at this stage the current proposal is for the development of this site in isolation. This is considered to result in a harmful outcome by itself and reduces the weight that can be attached to the delivery of housing due to the limited number that is currently proposed.
- 1.7 Whilst it is acknowledged that there would be some benefits to the proposed development, in that it would make some contribution to the Council's 5 year housing land supply and would provide a percentage of affordable homes it is not considered that this matter would clearly outweigh the harm by reason of inappropriateness within the Green Belt and the other harm identified.

2.0 Site Description

- 2.1 The site is located to the north of Sawbridgeworth, on the eastern side of Cambridge Road. Between the site and the built up part of Sawbridgeworth to the south is open agricultural land. To the east is also agricultural land and to the north is a small cluster of residential properties.

2.2 The site is currently occupied by Northfields House, a detached two storey dwelling house. Northfields House occupies a large, open and relatively flat plot of land which benefits from mature trees and hedges to its boundaries. Public rights of way (Sawbridgeworth footpaths 004, 005 and 006) are situated close to the southern and eastern boundaries of the site.

3.0 Background to Proposal

3.1 Various planning permissions have been granted for additions to the existing residential property. There is no relevant planning history for the current proposal. As indicated, the pre-submission District Plan includes the site and an adjacent wider area of land, as a proposed allocation for residential development.

4.0 Key Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007 and the pre-submission version of the emerging District Plan:

Key Issue	NPPF	Local Plan policy	District Plan Pre-Submission Version
The principle of residential development within the Green Belt.	Paragraphs 14 and Section 12 of the NPPF	SD2, GBC1	GBR1
Other harm-including impact upon openness of the Green Belt and access.	Sections 4 and 12 of the NPPF	ENV1	GBR1 DES 3 TRA2
Planning Balance	NPPF green belt	GBC1	GBR1

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

5.0 Emerging District Plan

5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. The view of the Council is that the Plan has been positively prepared,

seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that consultation on the Plan is yet to take place and the outcome of that is currently unknown.

- 5.2 As indicated above, this site has not been the subject of consultation as part of the plan preparation process to date and therefore no consultation feedback has been received in relation to it.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority initially recommended refusal as insufficient information had been submitted regarding the access via the public right of way including upgrading of the current surface. Following the submission of further information from the applicant further comments have been received from the Highway Authority which states that it does not wish to restrict the grant of permission. It has commented that it is content in principle with the proposed access onto Cambridge Road. It requests that the existing track is upgraded and maintained to adoptable standards. At present, the Highway Authority maintains only to footpath standards.

In respect of planning obligations, a first strand contribution towards bus stops improvements is sought. It comments that the existing bus stops in the vicinity of the site on Cambridge Road are considered to require enhancement to meet the needs of additional housing in the locality. As a result, it is considered appropriate for the applicant to provide a contribution towards improvements to the existing bus facilities by the upgrading of kerbing and the provision of shelter facilities. In order to undertake kerbing enhancements an estimated cost of £15,000 would be required. In order to provide shelter facilities, a further estimated £16,000 would be necessary.

In accordance with the HCC Planning Obligations Guidance, it should be noted that the cumulative impact of a large number of smaller developments can often be more significant than the impact of a small number of large developments, therefore for smaller developments contributions are sought on a unit rate basis and are pooled where appropriate. For residential developments the Highway Authority seeks a standard charge contribution of £625 per one bed unit, £750 per two bed unit, £1125 per three bed unit, and £1500 per four (four+) bed unit. Given that the number of bedrooms is at present unclear, the Highway Authority has not calculated a figure. Such calculations and precise

nature of contributions in order to make the development acceptable in planning terms will need to be made once the quantum of development is known.

- 6.2 The Lead Local Flood Authority recommends refusal as it requires confirmation from Thames Water that it is satisfied with proposed volumes and rates, clarification of the route of connection to the Thames surface water sewer and identification of any third party permissions and the provision of a sustainable drainage system prioritising above ground methods. In respect of the drainage strategy it comments that the use of attenuation tanks lies at the bottom of the SuDS hierarchy and a satisfactory justification for not providing an above ground SuDS management approach should be provided.
- 6.3 Environment Agency has no comments on the proposal.
- 6.4 EHDC Engineering Advisor has commented that the site is within Flood Zone 1 and away from surface water inundation zones. The applicant has stated that they will provide drainage for foul and surface water into existing services in Cambridge Road. However, the Engineering Advisor suggests that Thames Water do not have any record of sewers within the surrounding land that would allow for this. The current proposal does not form a sustainable development and is likely to increase the risk of flooding to residents within the site.
- 6.5 Thames Water has advised that it has no objections in respect of sewerage infrastructure capacity and that prior approval will be required from it for any surface water discharge into the existing sewerage system.
- 6.6 EHDC Housing Development Advisor has commented that the application form outlines that 12 units of affordable housing would be provided. If the Council is minded to approve the scheme then 40% affordable housing should be provided which equates to 13 units. The tenure split should be 75% rent and 25% shared ownership.
- 6.7 Herts Ecology has commented in a letter submitted with the application that there are no biological records and the site is of little ecological interest. Directives are recommended if planning permission were to be granted.
- 6.8 HCC Development Services comments that financial contributions towards primary education, secondary education and library services are sought as well as the provision of fire hydrants.

- 6.9 HCC Minerals and Waste comments that the re-use of waste should be encouraged and that the site sits within the sand and gravel belt where extraction of mineral for use onsite is encouraged.
- 6.10 EHDC Environmental Health Advisor advises that conditions should be imposed upon any planning permission granted in respect of land contamination, construction hours of working and piling works.
- 6.11 EHDC Environmental Services request that adequate facilities for refuse are provided.
- 6.12 Herts Fire and Rescue Service comments that fire hydrants would be required and that access for firefighting vehicles should be provided in accordance with Building Regulations requirements.

7.0 Town Council Representations

- 7.1 Sawbridgeworth Town Council objects to the proposal as the adopted Local Plan identifies the site as Green Belt and there are no special circumstances at present. It is aware of the processes being undertaken with regards to the proposed District Plan which includes a Green Belt review. It reserves the right to reconsider its current objection as a result of the outcome of the District Plan. It comments that the application is premature at this stage until aspects of the District Plan become clearer.

8.0 Summary of Other Representations

- 8.1 69 representations have been received, 39 of which are in support of the application and 30 object. It is noted that many of the representations of support make reference to this site being a preferred option for development to other sites within Sawbridgeworth. A number of the objections raise concerns in respect of the capacity for local services to cope with the additional population, road safety, congestion and pollution concerns. It is noted that one objector states that the proposal is premature whilst it is still designated as Green Belt land, the site should form part of a master plan with the adjoining land and the layout is poorly considered.
- 8.2 Councillor E Buckmaster has commented that he has no objection in principle as this is a potential site identified in the District Plan, however, he is not sure how the application would work in isolation in the context of the larger site identified in the emerging plan.

8.3 Councillor A Alder has no objection and comments that it would allow for a reduction in other areas under discussion in the District Plan.

9.0 Planning History

9.1 There is no planning history is of relevance to this proposal.

10.0 Consideration of Relevant Issues

Whether the proposals constitute inappropriate development

10.1 The site is located within the Metropolitan Green Belt wherein Policy GBC1 of the Local Plan 2007 and the NPPF allow for specific types of development which are not inappropriate. New residential development in this location would not fall within these types of development and as such would form inappropriate development within the Green Belt. The NPPF outlines that where inappropriate development is proposed within the Green Belt it should be afforded substantial harmful weight and should not be approved except in very special circumstances where the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Other Harm

Impact upon openness

10.2 The existing site is formed of largely undeveloped and open land forming the residential curtilage of Northfields House. Northfields House is a two storey dwelling that occupies the central part of the site and there are existing outbuildings and hard surfacing associated with the existing residential use.

10.3 The development of the site for 33 new dwellings would clearly result in a significant increase to the amount of built form within the site and would result in a loss of openness that would be harmful to the Green Belt.

10.4 Whilst Officers do have a number of concerns with the indicative site layout submitted with the application, which could result in additional harm to the openness of the Green Belt and to the overall character and appearance of the area, as layout and appearance are reserved matters these concerns can be addressed if and when detailed proposals come forward.

Failure to provide comprehensive scheme

- 10.5 Officers are concerned that the development of this site in isolation of the wider allocation proposed in the pre-submission plan would prejudice the provision of a comprehensive scheme coming forward which would accommodate the necessary infrastructure requirements and operate as an extension to the town (rather than being detached). As they stand, the proposals do not adequately deal with infrastructure requirements such as open space and play space provision, the provision of footpath links and sustainable drainage, nor would they appear or operate as a well-planned extension to the town. These concerns are considered to constitute additional harm.

Other Matters

Planning Obligations

- 10.6 In respect of planning obligations, the applicant has confirmed that they would be willing to enter into an agreement for up to the maximum amounts set out within the Council's Planning Obligations SPD and the sums that have been requested by the County Council. Officers are of the understanding the policy compliant affordable housing provision was intended to be made, however, the concerns raised by the Housing Development Advisor, that there is a shortfall of one unit, are noted.
- 10.7 Officers have asked the applicant for clarification in respect of their proposal for affordable housing provision and will update Members on this within the late representations document at the Committee meeting. Provided that a 40% contribution towards affordable housing would be made, Officers consider that some weight can be given to the contributions that the proposal would make towards affordable housing and local services. In any event, if the allocation remains within the final District plan, it will be necessary to revisit the affordable housing mix given the policy requirements in the emerging plan.

Vehicle Access

- 10.8 The Highway Authority has confirmed that it has no objections to the proposed access. It requires further details of the proposal in respect of enhancements to the public rights way and once the layout of the site is known. Officers consider that these outstanding details can be agreed through the use of suitably worded conditions requiring the submission of details with a reserved matters application or prior to occupation if planning permission were to be granted.

- 10.9 It is noted that a number of the third party objections raise concerns in respect of congestion and highway/pedestrian safety. Officers are aware that the Cambridge Road, which provides a direct link between Sawbridgeworth and Bishop's Stortford, suffers from existing problems with congestion during peak times. However, having regard to the scale of development currently proposed and the comments received from the Highway Authority, Officers do not consider that there is any evidence to demonstrate that the proposal would have a severe impact upon highway safety.
- 10.10 The proposed vehicular access into the site is therefore considered to be acceptable for the proposals as they stand but again, would be subject to reconsideration if a wider scheme comes forward.

Planning Balance

- 10.11 The applicant considers that very special circumstances exist in this case to justify the grant of planning permission within the Green Belt because the site is within a sustainable location, because the Council's own evidence is that this site is suitable for release from the Green Belt and because there is a shortfall in the supply of housing.
- 10.12 Whilst Officers agree that the site is in a sustainable location and that some weight can be attributed to the housing supply that the proposals represent, pending the adoption of the Council's District Plan, the site remains in the Green Belt at present and the proposal is contrary to both local and national policy as a result.
- 10.13 Substantial harm has been identified by reason of inappropriate development in the Green Belt and harm to openness. Additional harm has also been identified in respect of infrastructure provision and a failure to achieve a comprehensively planned extension to the town. So, whilst the proposal would provide additional housing and the applicant has indicated they would satisfy the necessary planning obligations, it is not considered that these benefits would significantly and demonstrably/or clearly outweigh the harm identified.

11.0 Conclusion

- 11.1 The proposal constitutes inappropriate development within the Green Belt and Officers do not consider that such weight can be assigned to the limited positive aspects of the proposals such that the harm is clearly outweighed. As a result very special circumstances are not demonstrated.

11.2 Refusal is therefore recommended for the reasons outlined below.

Reasons for Refusal

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan 2007 wherein permission will not be given, except in very special circumstances for development, other than for specific purposes. No such very special circumstances are apparent in this case, and the benefits of the proposal would not clearly outweigh the harm caused by inappropriateness and other harm identified. The proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and Section 9 of the National Planning Policy Framework.
2. The proposal compromises the provision of a comprehensive and well planned extension to the town to include land to the south and east of this site, which would be expected if the principle of developing this Green Belt land were to be supported through the adoption of the Councils District Plan. As a result the proposals fail to adequately provide the necessary on-site infrastructure required to meet the needs of the future residents and in order to deliver a sustainable form of development. The proposal is therefore contrary to the aims of the National Planning Policy Framework and Policies SAWB4 and DEL1 of the East Herts pre-submission District Plan.

Summary of Reasons for Decision

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

KEY DATA**Affordable Housing**

Number of units	Percentage
12	36%

House type and mix and parking provision data is not available in relation to this application because it is in outline form.

Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	36%	This is an outstanding matter that is being queried with the applicant
Parks and Public Gardens	Up to the maximum amounts identified within the East Herts Planning Obligations SPD 2008	Up to the maximum amounts identified within the East Herts Planning Obligations SPD 2008	
Outdoor Sports facilities	As above	As above	
Amenity Green Space	As above	As above	
Provision for children and young people	As above	As above	
Maintenance contribution - Parks and public gardens	As above	As above	

Maintenance contribution - Outdoor Sports facilities	As above	As above	
Maintenance contribution - Amenity Green Space	As above	As above	
Maintenance contribution - Provision for children and young people	As above	As above	
Community Centres and Village Halls	As above	As above	
Recycling facilities	As above	As above	