

## DEVELOPMENT MANAGEMENT COMMITTEE – 21 JUNE 2017

<b>Application Number</b>	3/17/0251/FUL
<b>Proposal</b>	Erection of 20 dwellings with associated parking, landscaping and access
<b>Location</b>	Land at North Drive, High Cross
<b>Applicant</b>	Beechwood Homes Ltd
<b>Parish</b>	Thundridge
<b>Ward</b>	Thundridge and Standon

<b>Date of Registration of Application</b>	02 February 2017
<b>Target Determination Date</b>	04 May 2017
<b>Reason for Committee Report</b>	Major planning application
<b>Case Officer</b>	Martin Plummer

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to a Section 106 agreement and the planning conditions as set out at the end of this report.

#### **1.0 Summary**

- 1.1 The proposal represents an appropriate form of development in the category one village of High Cross. The Council is not currently able to demonstrate a five year supply of housing and, in such situations, national planning policy requires that planning permission be granted for sustainable development unless there are any significant adverse impacts that would outweigh the benefits of the proposal or where specific policies of the NPPF indicate that development should be restricted.
- 1.2 This report describes that policy assessment and considers the positive weight that can be attached to the provision of housing, including affordable housing and improvements to North Drive, against the negative weight that can be attached to any adverse impacts that would result from the development.
- 1.3 The site is considered to be well located for day-to day services and facilities located in High Cross which can be accessed by walking and cycling. The site is also well placed to access existing bus routes to the larger settlements in the District and further afield, including access to the national train network. The application site performs less well in terms of access to employment and more significant weekly shopping trips, and access to secondary education.

- 1.4 The development is considered to be neutral in terms of the impact on landscape character, highway safety, parking, ecology and impact with neighbouring properties. Appropriate financial contributions can be secured which will adequately mitigate the impact on existing infrastructure.
- 1.5 The development is considered to represent sustainable development and there are no significant or adverse impacts which would outweigh the benefits of the development. A grant of planning permission can therefore be supported.

## **2.0 Site Description**

- 2.1 The site is located centrally within the category one village of High Cross. The site forms an open meadow with various trees (which are protected by virtue of a Tree Preservation Order) and other landscape features to all boundaries. North Drive is located to the south of the site which forms the main access road to properties which front that road and Poplars Close which is to the east of the site. North Drive is also a public right of way (Thundridge 048). To the north of the site is the grade II listed dwelling, The Rectory, and beyond that to the north west is the grade II church, St John.

## **3.0 Background to Proposal**

- 3.1 The application seeks full planning permission for a residential development comprising of 20 dwellings on a plot of 0.87ha in size. The plans show dwellings sited on the edge of the plot facing inwards towards a central amenity green space which also forms a children's play area and sustainable drainage system (SuDS).
- 3.2 The development incorporates the provision of 13 open market dwellings which includes 2no 2 bed dwellings, 3 no 3 bed dwellings and the remaining 8 dwellings being 4 or 4+ bed dwellings. The plans also incorporate the provision of 7 affordable units which are clustered to the south east of the plot and comprise 2no 1 bed units and 5no 2 bed units – 35% provision of affordable units.
- 3.3 Members may recall that planning permission was granted for a residential development of 57 dwellings on land to the south of the application site under LPA reference 3/13/2223/FP – that development has now been implemented and is shown on the attached OS plan.

## **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan
The principle of residential development within the Rural Area	Paragraph 14	SD2, GBC3	DPS2, GBR2
Whether the development represents a sustainable form of development	Paragraph 7		INT1
Impact on character and appearance of the area and neighbour amenity	Paragraph 14	ENV1	DES3
Highway safety and access matters, parking		TR7	TRA1-3
Landscape impact		ENV2, ENV11	DES1-3,
Flood risk impact and SuDS	Section 10	ENV18, ENV19, ENV21	WAT3, WAT5
Affordable housing and contributions to mitigate the impact of the development on existing infrastructure / services	Section 6	IMP1	HOU3

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

## 5.0 Emerging District Plan

- 5.1 The District Plan has been submitted to the Secretary of State for examination. 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 that it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan has yet to be examined.

## **6.0 Summary of Consultee Responses**

- 6.1 HCC Highway Authority comments that it does not wish to restrict the grant of planning permission subject to planning conditions relating to visibility splays, hard surfacing, wheel washing and a construction traffic management plan.

The site is located along North Drive, an un-adopted road within the ownership of East Herts District Council and which also forms a public right of way (Thundridge 48). North Drive has a number of constraints – notably its width and the need for drivers to give way and the poor surface.

The planning application incorporates a scheme of improvement to High Road and North Drive which, the Highway Authority comment, will ensure safe movement of traffic and pedestrians and will mitigate the effects of the development. The mitigation measures proposed include the following:

- Implementation of an overrun area at the exit from the petrol station with 25mm upstand kerb;
- Resurfacing of the overrun area at the High Road / North Drive junction and tightening of the northern radii;
- A 1.2 metre wide footway with a 25mm upstand kerb along the site frontage;
- Resurfacing works from the junction with High Road to the Home Farm access;
- Visibility splays of 2.4 metres x 25 metres at the access;
- Give-way workings and traffic calming along North Drive.

The Highway Authority has also commented that the mitigation measures do not bring North Drive up to adoptable standards and they are not currently minded to adopt the Highway.

The Highway Authority comments that traffic generation associated with the development and survey flows of North Drive is acceptable and that, subject to the implementation of the mitigation measures, the development is acceptable in highway safety and access terms.

- 6.2 Lead Local Flood Authority comments that it has no objection on flood risk terms and comments that the site can be adequately drained and mitigate any potential existing surface water if the drainage strategy is implemented.

The drainage strategy is based upon attenuation and discharge into watercourses – surface water from the development will discharge to an existing watercourse via underground pipe networks, tanked permeable

paving, detention basin and cellular storage tanks. The flow into the water course will be restricted and the overall attenuation has been sized to accommodate the 100 year storm event plus 40% allowance for climate change.

- 6.4 EHDC Engineering Advisor comments that the site is located in flood zone 1 and away from surface water inundation zones, although there is a watercourse running along the eastern boundary where there is some risk of surface water flooding.
- The plans submitted show a high quality drainage system that will help reduce flood risk, create amenity and biodiversity and potentially improve water quality at the site.
- 6.5 Thames Water comment that it has no objections on the basis that there is no surface water discharge into the public sewer as stated in the application form.
- 6.6 EHDC Housing Development Advisor commented on the original layout that the level of affordable housing, size of units and tenure split is acceptable. Members will be updated on any further comments made in respect of the amended scheme at the committee meeting.
- 6.7 EHDC Conservation and Urban Design Advisor comments that the site is undeveloped but is situated between C20 century development along North Drive, a modern development of 57 dwellings to the south and, the grade II listed church of St John and The Rectory to the north. The Rectory is listed for its group value with the church and the proposed development would have a fairly limited impact upon this relationship – the historical open landscape setting of The Rectory has been previously harmed by existing development. The minor harm proposed to the setting of the Rectory and St Johns is not considered to be a reason for objection as this could be outweighed by public benefits associated with the scheme – the application should therefore be granted.
- 6.6 EHDC Landscape Advisor recommends that planning permission be approved. The plans submitted incorporate the removal of a number of trees which is acceptable having regard to the number of replacement trees proposed – no objection therefore as any short term loss will eventually be offset by long-term gain. The site planning and layout is acceptable which incorporates a communal open green space and garden amenity space of reasonable proportion to the size of the dwellings. The submitted planting plan is acceptable and no planning conditions are recommended.

- 6.7 HCC Historic Environment Unit comment that the site is within an Area of Archaeological Significance which includes the historic settlement of High Cross. The site is close to the Roman road, in a location favourable to settlement and in an area that is known to have been densely settled in the Late Iron Age and Roman periods. Previous archaeological investigations and metal detector finds have located several previously unknown sites. Although the site is outside the core of the post-medieval, and probably of the medieval settlement of High Cross, it is likely to have the potential to contain currently unknown archaeological heritage assets of prehistoric and Roman date. The current use of the site is open grassland and the lack of significant disturbance in recent centuries means that it may retain significant archaeological potential. The position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and planning conditions requiring further archaeological work is considered to be necessary and reasonable, in this case.
- 6.8 HCC Development Services seek a financial contribution towards the Library Service to make improvements to the public IT in Ware library (£3,588) and fire hydrants.
- 6.9 HCC Minerals and Waste refers the Council to the waste, recycling and sustainable construction and demolition policies in the County Council Waste Plan.
- 6.10 EHDC Environmental Health Advisor advises that any planning permission granted includes a planning condition relating to phase 2 contaminated land survey.
- 6.11 Herts Ecology comments that there is no ecological data for the site. However, the site does provide local biodiversity interest consisting of trees around the site and the rough grassland centre. However, the recent use of the site for grazing of horses is likely to have degraded the ecological value of the site.

The ecology report submitted with the application identifies the grassland of limited local interest, and trees around the outside of the site provide some bat potential. A dry pond was not considered likely to support amphibians. No reptiles were observed. Loss of grassland is acknowledged but not considered as a constraint to development. The development will result in a degrading of the biodiversity and ecological value of the site, the existing ecological value of the site is not sufficient reason for refusal of planning permission.

- 6.12 Herts and Middlesex Wildlife Trust object to the application. The submitted ecological report does not adequately or objectively measure the value of the grassland or the ecological impacts of the development. The development does not therefore satisfy the NPPF tests or relevant British Standards.
- 6.12 Hertfordshire County Council Fire and Rescue Services comments that access for fire fighting vehicles and water supplies should be provided and appropriate provision of fire hydrants.

## 7.0 Parish Council Representations

- 7.1 Thundridge Parish Council make the following comments in objection to the development proposal:
- The development is not sustainable and there are adverse impacts of granting planning permission which would outweigh the benefits (the paragraph 14 test in the NPPF therefore fails);
  - A Neighbourhood Plan is being drafted and it is intended to allocate the application site as a local green space;
  - Harmful impact on setting of heritage assets;
  - Surface water will discharge into an unfinished drainage system and the development will result in flood risk;
  - Harmful impact on biodiversity, trees and landscape features;
  - The development is contrary to existing Local Plan policy and emerging District Plan policy – the development does not represent limited infill and the development is not small scale;
  - The site has been described in final SLAA assessment as performing an important role in maintaining the character of the village and is unsuitable for allocation;
  - The site is a significant open space or gap which is important to the village setting;
  - Insufficient parking provision is provided for and the parking layout is impracticable;
  - The height of buildings will result in harm to visual amenity and is inappropriate in the village setting;
  - Harmful impact on street scene associated with height and layout of development;
  - The layout is incompatible with the layout and pattern of development in the village and is inward looking;
  - Potential impact on parking associated with the village hall;
  - The recently implemented development has resulted in an increase of crime in the village and this development will exacerbate the impact further;

- There are no social or environmental benefits associated with the development;
- The proposed road improvement works along North Drive will only be a benefit if the road is adopted by the County Council;
- The development does not address surface water which flows from the land to the Church parking area;
- Concerns are raised in respect of the community consultation details and the accuracy of the application form and planning documents submitted in support of the application.

## **8.0 Summary of Other Representations**

8.1 75 representations have been received in objection to the proposed development which can be summarised as follows:

- High Cross has been categorised incorrectly as a category one village and the development represents an inappropriate form of development;
- The proposal represents an unsustainable form of development and there are no benefits which outweigh the harm;
- The development is in conflict with emerging policy VILL2;
- Development conflicts with criteria in policy OSV1;
- Development would result in the loss of a gap site which is important to the form and character of the village and previous planning decisions have referred to this;
- Development would block important views and vistas within the village including views of heritage assets;
- Harmful impact on the setting of heritage assets and the relevant assessment in the NPPF has not been satisfied;
- Over development of the site and too dense a development;
- Cumulative impact of development of this site with adjoining site increases over 50% increase in size of village;
- The condition of North Drive is too poor to accommodate additional vehicular traffic associated with the development;
- Insufficient space for refuse and emergency vehicle access'
- Harmful impact on highway safety along North Drive and the junction with High Road;
- Harmful impact on users of the public right of way;
- Inadequate parking provision for the size of dwellings;
- Bus times are poor and do not allow proper or full access to sustainable modes of transport;
- Inadequate services, facilities and amenities to serve future residents;
- Loss of trees and landscape features which are protected;
- Harmful impact on ecology and biodiversity;

- Harmful impact on living conditions of neighbours;
- The drainage proposals are inadequate and will result in flood risk.

## **9.0 Planning History**

9.1 The relevant planning history for the site can be summarised as follows:

<b>LPA reference</b>	<b>Description</b>	<b>Decision</b>
3/11/0427/FP	change of use of land from agricultural to commercial use for the purpose of dog training (Sui Generis)	Refused
3/408-81	Formation of a church car park	Approved with conditions
E/268-61	Residential development	Refused
E/67-58	Residential development (outline permission)	Approved

## **10.0 Consideration of Relevant Issues**

### The principle of development

- 10.1 Policy GBC3 of the Local Plan allows for development within category one villages in accordance with policy OSV1. Policy OSV1 allows for limited small scale and infill housing development within the confines of the village. The Local Plan offers guidance on the definition in respect of limited small-scale development, as is required in policy OSV1:- “whilst there is no absolute definition, this would typically comprise sites of up to 15 dwellings, occasionally somewhat more, but rarely more than 30 dwellings”. The provision of 20 dwellings falls within this range and, in principle, the development of the site is acceptable, subject to the detailed policy criteria in policy OSV1 being satisfied. The Parish Council comment that the allocation of High Cross as a category one village was made in error – the adopted Local Plan nonetheless clearly categorises the village in this way and, in principle, residential development at this site is acceptable.
- 10.2 In any event, paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and also states that ‘where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or because specific policies in the Framework indicate development should be restricted.’

- 10.3 The Council has acknowledged its lack of a 5 year housing supply and the need for housing in the District. It is also acknowledged that, in respect of the wording of the NPPF, the Council's settlement boundaries and housing allocations based on the 2007 Local Plan are considered to be out of date. The pre-submission District Plan has been published and sets out an up to date policy position in relation to the supply of land for housing. It is considered therefore that weight can now be assigned to this emerging policy position, but there remains a need to qualify that weight somewhat, given that an examination is yet to take place. In these circumstances, the Council currently remains unable to demonstrate a five year housing land supply.
- 10.4 In the pre-submission District Plan High Cross is allocated as a Group 2 village. As part of the preparation of the District Plan the Council undertook a SLAA (Strategic Land Availability Assessment) in which land was assessed in terms of its potential to accommodate development. The application site was considered as part of that process and the SLAA considers the site to be unsuitable for development as it performs an important role in maintaining the character of the village. Third parties refer to this assessment and consider that development of the site should not be granted on this basis.
- 10.5 However, the position reached in the SLAA did not take into account the formal comments from the Planning Inspector in respect of the proposed allocation of the site in the East Herts Local Plan Second Review April 2007. The Planning Inspector comments in that assessment that the site is integrally located within the existing village where there are a range of convenient facilities. The Planning Inspector considered that the site represented an open greenfield site but had no importance as an open space. However, having regard to the doubts regarding the deliverability of the site in highway terms, the site was not allocated in the April 2007 Local Plan, but was nevertheless included within the village boundary.
- 10.6 Whilst the comments in the SLAA are noted, a greater level of weight is attached to the formal comments from the Planning Inspector who raised no in principle objection to development of the site, except for uncertainty regarding deliverability associated with highway access.
- 10.7 Emerging Policy VILL2 of the District Plan identifies that limited infill development within the village is, in principle, acceptable subject to certain criteria. This new policy approach therefore effectively 'downgrades' the designation of High Cross and only allows for limited

infill development as opposed to limited small scale development, as allowed in category one villages in the current Local Plan. This is a significant shift in policy approach in the village which is also recognised by the Parish Council and other third party representations.

- 10.8 However, it currently remains the fact that the Council is not able to identify a five year supply of housing and it is not yet known whether the strategy for the villages, as set out in the District Plan, will be accepted by the District Plan Examiner. In such circumstances, Officers do not consider that significant weight can be attached to the emerging District Plan policies and that a greater level of weight should be attached to the current Development Plan policy OSV1.
- 10.9 The Parish Council have commented that work has commenced on a Neighbourhood Plan (NP) for High Cross – however, no information or draft has been published, particularly in respect of the indication of the allocation of the application site as a ‘local green space’. Accordingly, no weight can be given to the Neighbourhood Plan. Assessment of the site as a gap site (the policy criteria in policy OSV1) is set out below.
- 10.10 In considering the weight that can be assigned to the various elements of the policy background, the site is within the boundary of High Cross, a category one village, and policy OSV1 allows for residential development, subject to certain criteria – significant weight can therefore be assigned to this policy. The Council’s District Plan has reached a reasonably advanced stage and is capable of attracting some weight although, in this case, limited weight is attached to emerging policy VILL2. No weight is attached to the Neighbourhood Plan – it has not been published.
- 10.11 Taking the stage of preparation of the District Plan (DP) and Neighbourhood Plan (NP) into account, and the current position in relation to housing land supply, your Officer’s view is that the DP and NP policies cannot currently outweigh the requirements of paragraph 14 of the NPPF in relation to the presumption in favour of sustainable development. It remains necessary therefore to consider the proposals against the test set out in the NPPF and to determine whether the adverse impacts of the development will significantly and demonstrably outweigh the benefits of the proposal, and whether it is sustainable or not.

### Sustainable development

### Economic dimension

- 10.12 With regard to the economic dimension of sustainable development, the provision of a residential development on the site will mainly involve short term employment opportunities and other associated benefits with the building process. There may also be other economic benefits in respect of future occupiers of the development making use of local amenities and services. This is therefore a matter which weighs in favour of the application.
- 10.13 Paragraph 112 of the NPPF requires a consideration of the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 10.14 In Officers opinion, the erection of 20 dwellings cannot reasonably be considered as significant development for the purposes of paragraph 112 of the NPPF. The applicant comments that the land is not high quality for crop growing and is currently and previously used for grazing of horses – not an agricultural use.
- 10.15 Given the quantum of development and quality of the land as set out by the applicant, Officers do not consider that there is a conflict with the above mentioned requirement of the NPPF.

#### Social dimension

- 10.16 Turning to the social dimension of sustainable development, this matter generally relates to the positive way in which the development will provide and address housing need. The provision of 20 dwellings including 7 affordable dwellings (which represents 35% affordable housing provision) is a matter which must attract significant weight.
- 10.17 The site is within walking and cycle distance of the local services and amenities in the village which comprise of a small shop attached to the petrol station; a primary school, church and village hall. The level of existing provision within High Cross is not significant and covers most of the day-to day needs. Access to employment, weekly shopping trips and access to secondary education would require travel further afield, to the larger settlements of Ware, Hertford or Buntingford for example – a position not dissimilar to the existing residents of High Cross and the recent development to the south. There is some access to those larger settlements via existing bus routes and Ware, in particular, is a short car journey away.

#### Housing mix

- 10.18 The current Development Plan (East Herts Local Plan Second Review April 2007) contains no specific policy criteria relating to mixture of housing sizes/types. The pre-submission District Plan, however, sets out a new policy approach, and emerging policy HOU1 identifies that an appropriate mix of housing tenures, types and sizes will be expected, taking account of the most up to date evidence and emerging policy.
- 10.19 This is a new policy position within the emerging District Plan and therefore the weight that can be attached to it must be qualified (as set out in section 5.0 above). However, given that the policy is based on very recent and up to date evidence contained in the Strategic Housing Market Assessment (SHMA) and in the absence of any contrary evidence, Officers consider that it can be afforded some reasonable weight.
- 10.20 The Strategic Housing Market Assessment identifies a clear need for affordable housing in the district, with the majority of the need being for two and three bed dwellings. The SHMA indicates that 19% of affordable homes should be as 1 bed flats, 40% should be provided as 2 bed units, houses and flats, and 41% should be as 3 or 4 bed dwellings. In these proposals, 1 x 1 bed units and 4 x 3 bed units are proposed – there is a high number of 2 bed units which reflects the need in the SHMA but there is an acknowledged deficiency in larger 3 or 4 bed units which does weigh slightly against the development proposal.
- 10.21 For open market housing, the emerging policy requirements seek a provision of 12% homes being 3 bed, 46% to be 3 bed, 23% to be 4 bed and 6% to be 5+ bed dwellings. The proposals in this case comprise 2 x 2 bed units (18%), 3 x 3 bed units (27%) and 8 x 4 bed units (71%). There is a higher than average provision of larger 4 bedroom dwellings and a lower than average provision of smaller 3 bed dwellings – the level of two bed units is appropriate. The overall mix of development does not, in this respect, reflect the requirements of the SHMA and this is a matter which weighs against the proposal.

#### Environmental dimension

##### Character, appearance and landscape impact

- 10.22 The core principles of the NPPF set out that planning should take account of the different roles and character of different areas, by recognising the intrinsic character and beauty of the countryside (para 17). Section 7 of the NPPF requires good design and sets out that

developments should respond to local character, history and reflect the identity of local surroundings

- 10.23 Policy OSV1 identifies that there should be no unacceptable loss of open space and sites should not represent a significant open space or gap important to the village setting; there should be no blocking of important views or vistas and the development should be sensitively designed to respect the village character and amenity of the adjoining area or occupiers.
- 10.24 Policies ENV1, 2 and 3 of the Local Plan set out a need for development to demonstrate compatibility with the structure and layout of the surrounding area, consider the impact of any loss of open land on the character and appearance of the locality, retain and enhance existing landscaping. Policy SD1 requires development to be physically well integrated and respond to local character.
- 10.25 In the emerging District Plan policy VILL2 sets out the criteria for development in Group 2 villages. Emerging policies DES1 and DES2 deal with landscaping and policies DES3 and DES4 set out a range of detailed design and layout requirements, including the need to consider crime prevention.
- 10.26 The representation from the Parish Council and third parties indicate a concern with the impact of the development in terms of the loss of an important gap site within the village and the harmful impact on the character of the site and surroundings associated with the height, form, design and layout of the development. Concern is also raised in respect of the removal of landscape features and the setting of listed buildings and loss of views and vistas.
- 10.27 Policy OSV1 of the Local Plan sets out that residential development within category one villages may be permitted provided the site does not represent a significant open space or gap which is important to the village setting. Third party representations comment that the site is important and plays an important role in breaking up built form and allows/maintains views of heritage assets to the north. However, as noted above, the Planning Inspector when considering the potential allocation of this site in the 2007 Plan, did not consider the site to have importance as an open space in policy terms. Given its location, lack of visibility and limited public access to it, Officers consider this to remain the case.
- 10.28 The proposed layout of development in any event incorporates the retention of a reasonably large area of open space/landscaping to the front and central parts of the site, with dwellings generally fronting onto

that amenity space. This would allow views into the site and a sense of spaciousness and openness in views from North Drive. Third parties raise objection in respect of the loss of views from North Drive and the conflict therefore with Development Plan policy. However, views from North Drive to the north are, in Officers opinion, limited by the landscape coverage along the boundary with North Drive and the proposal to remove and replace landscaping has some potential to improve views into the site from North Drive.

- 10.29 The overall layout incorporates a density of development which is comparable and compatible with existing and more recent development within the village. The proposed dwellings are reasonably well spaced with good sized garden spaces which are commensurate with the size of dwellings.
- 10.30 The submitted plans show the removal of trees within the site to accommodate the development which are protected by virtue of the Tree Preservation Order. Third parties raise concern with the removal of those trees, and the impact on the character of the site and surroundings. No such objections are, however, raised by the Landscape Officer, who comments that proposed replacement planting will mitigate any such impact in the longer term. Whilst there may therefore be some short term impact on the appearance of the site associated with removal of trees and landscape features, the degree of impact is not considered to be significant, particularly having regard to the extent and level of replacement planting.
- 10.31 The overall scale and design of the proposed dwellings represents a traditional approach, incorporating pitched gable roofs, brick, render and boarding and symmetrical fenestration layout, which is considered to be in keeping with the mixed form and character of other built form in the village setting.

#### Highway safety and access arrangements

- 10.32 One of the key issues at the site relates to vehicular access. During the consideration of application 3/13/2223/FP, relating to the adjoining site being developed by David Wilson Homes, it became very clear that the local community and Parish Council were concerned with potential additional vehicular traffic using North Drive, and similar concerns are raised in this application.
- 10.33 With the Planning Inspector's Final Report in relation to the adoption of the East Herts Local Plan Second Review April 2007, comments were made in respect of proposed allocated sites within the village. The

Planning Inspector commented that North Drive is an undedicated road and public bridleway. The Inspector commented that North Drive would require a 5.5metre access road to serve all the existing and new development off the road (a total of 100 dwellings then). This could not be achieved within the existing highway boundary. With the combined development of site 80 and site 306, the Inspector raised concerns regarding the visibility splays of below 2.4 x 90m at the junction with the main road (High Road). As noted above, the Planning Inspector raised doubts regarding the deliverability of the site on the basis of these highway requirements and the site was not allocated in the 2007 Local Plan.

- 10.34 Whilst acknowledging that matters have moved forward since those comments, and that the development of one of those sites has been brought forward utilising an access off High Road not North Drive, concerns have nevertheless been expressed with regards to the appropriateness of existing highway infrastructure serving the proposed additional development along North Drive.
- 10.35 The application includes a Transport Statement and a plan showing proposed road improvement works along North Drive which are summarised in the Highway Authority's comments above. The Parish Council consider that such works may be considered as a 'benefit' but only if North Drive is formally adopted by the County Council.
- 10.36 Officers have sought additional clarity from the Highway Authority in respect of this matter and they comment that the proposed mitigation measures will not bring the Highway up to adoptable standards and they are not currently minded to adopt.
- 10.37 North Drive is undoubtedly of very poor condition in terms of the level of access for two way traffic and the road surface. There is an opportunity, through this application, to provide a significant improvement to this road for the future residents of the development and also the wider community who use North Drive to access their properties. The applicant has committed to undertake these road improvement works through the Section 106 process and they can therefore be secured. It is clear from the Highway Authority response that, with the proposed mitigation measures, North Drive will not be adopted by the Highway Authority. Officers do not however consider that this is a matter which weighs against the proposal – the responsibility for long term maintenance will fall on the District Council, as landowner of North Drive. Notwithstanding the Parish Council's reservations in respect of adoption of the road, the proposed improvements to North Drive are

considered to represent a benefit that must weigh significantly in favour of the development proposal.

- 10.38 Third parties raise concern with the provision for vehicle parking, commenting that garages should not be used for an assessment of parking as such spaces are invariably not used for parking of vehicles but general domestic storage. The comments made are noted; however, the development incorporates appropriate levels of parking provision in accordance with existing and emerging parking standards as set out in the table at the end of this report.

#### Drainage matters

- 10.39 The NPPF sets out that local planning authorities should take full account of flood risk, water supply and demand considerations. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.
- 10.40 In the current Local Plan, policy ENV18 requires that development should be required to preserve and enhance the water environment. Policy ENV19 addresses issues related in areas at risk of flooding and policy ENV21 deals with surface water drainage matters.
- 10.41 In the emerging District Plan, policy WAT3 sets out that development proposals should preserve and enhance the water environment ensuring improvements in surface water quality and the ecological value of watercourses and their margins. Opportunities should be taken for the removal of culverts and river restoration and naturalisation. Policy WAT5 of the emerging District Plan relates to the implementation of sustainable drainage solutions.
- 10.42 The site lies within flood zone 1 which is an area designated at low risk of fluvial flooding and there is a small area to the south of the site which the Environment agency surface water flooding maps indicate is at a risk of surface water flooding.
- 10.43 The LLFA have commented that the drainage proposals show that the development site can be adequately drained and surface water risk can be mitigated. The plans and information submitted with the application indicate the provision of sustainable drainage systems which accord with the requirements of existing and emerging plans. On the basis of the advice received, Officers are of the opinion that the development is acceptable in terms of provision of drainage and flood risk matters.

### Heritage assets

- 10.44 As noted above, paragraph 14 of the NPPF sets out that planning permission should be approved where the development plan is out-of-date unless specific policies in the Framework indicate that development should be restricted. The NPPF sets out that such policies include designated heritage assets.
- 10.45 The site is not within a Conservation Area but there are designated heritage assets to the north of the site as noted in section 3 above. Third party representations are critical of the harmful impact of the development on the significance of those heritage assets and in terms of the consultation response from the Conservation and Urban Design Advisor.
- 10.46 The NPPF sets out that, in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance of a heritage asset can be harmed through development within its setting and harm or loss should require clear and convincing justification.
- 10.47 The Conservation and Design Team have commented that the proposed development will result in some limited harm to the setting of nearby designated heritage assets but, having regard to the degree of harm to those assets by existing development and, given various public benefits, a refusal of planning permission on the basis of this limited harm is not justified.

### Section 106 matters

- 10.48 As the proposal is for more than 10 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for open space and recreation facilities, education, sustainable transport modes and other infrastructure improvements.
- 10.49 The County Council have set out a requirement for financial contributions towards libraries only in accordance with the HCC Planning Obligations Toolkit. Having regard to the comments from the County Council, the contributions requested are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to

meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.

- 10.50 With regards to other District Council contributions the Council's Planning Obligations SPD sets out a requirement for contributions towards open space provision, community centres and recycling. In this respect, contributions towards parks and public gardens, outdoor sports facilities and amenity space have been discussed with the applicant
- 10.51 Given the open space which includes a children's play space within the centre of the site, Officers have not sought financial contributions relating to children and young people. The obligations are considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 10.52 The applicant has agreed to the financial contributions as set out at the end of this report and the proposed development is therefore not considered to result in a significant impact on infrastructure.

#### Other matters

- 10.53 There are neighbouring residential properties to the north, south, east and west of the application site. The retention of landscape features to the boundaries of the application site, together with the distances and orientation of the proposed dwellings, is however such that there will be no significant or harmful impact on the living conditions of neighbouring properties in terms of loss of overbearing impact, loss of light, overbearing impact, overshadowing or any other impact, such that would warrant refusal of the planning application..
- 10.54 Representations from third parties and the Herts and Middlesex Wildlife Trust comment that the development will result in harm and loss to ecology and biodiversity. Ecological reports are submitted with the application which have been reviewed and considered by the Council's statutory consultee, Herts Ecology. It acknowledges that there will be degrading of the biodiversity and ecological value of the site, but the existing ecological value of the site is not sufficient reason for refusal of planning permission.
- 10.55 The site is within an Area of Archaeological Significance and the comments from the County Archaeologist are noted – there is some potential impact on heritage assets of archaeological significance and a planning condition is recommended in relation to this matter.
- 10.56 The Environmental Health Officer recommends further information be submitted as a planning condition in respect of potential contamination

risks associated with the site – having regard to the advice received and the requirements of existing and emerging policies, planning conditions relating to such matters are considered to be necessary and reasonable.

## **11.0 Conclusion**

- 11.1 The proposal represents an infill development in the category one village of High Cross and, in principle, there is no objection to development. Emerging policy in the pre-submission District Plan is at a stage where some weight can be attached to it, but this must be qualified by the stage reached in the preparation processes. The Neighbourhood Plan is not at a stage where any weight can be attached to it.
- 11.2 The NPPF sets out that, where Local Plans are out of date and five year supply of housing cannot be demonstrated, there is a presumption in favour of sustainable development and significant weight should be given to the benefit of the delivery of new homes. In these circumstances, proposals should be approved unless the impact of doing so would significantly and demonstrably outweigh the benefits of development.
- 11.3 To make that judgement, all relevant material considerations have been assessed. In respect of the economic and social dimension of sustainability, the development will result in job creation in terms of the initial construction phase and the way in which future residents will help to support existing local services and amenities. More significantly, the development will create 20 new dwellings including affordable housing and these matters must attract significant weight in support of the application.
- 11.4 The application site is considered to be reasonably well located to the existing amenities in the village including, primary and other village amenities including a village shop. The village is limited in terms of secondary education, employment and the retail offer for anything other than very basic items is also limited. There is therefore likely to be reliance on private vehicles to access these services and this must weigh against the proposals.
- 11.5 The development is considered to be acceptable in terms of highway considerations; the landscape and visual impact of the development; the relationship with neighbouring properties and setting of heritage assets; flood risk matters; ecology and, the impact on living conditions of neighbours. The applicant has agreed to make financial contributions

which will mitigate the impact of the development on existing infrastructure. These are all matters which are considered to be neutral in the balance of considerations.

- 11.6 In accordance with paragraph 14 of the NPPF a balancing exercise has to be undertaken to determine whether the adverse impacts associated with the development significantly and demonstrably outweigh the benefits. The conclusion to this balancing exercise in this case is that there are no significant and adverse impacts and the development proposal is considered to be sustainable. Accordingly, Officers consider that the development proposal can be supported and recommend that planning permission is approved subject to the legal agreement and planning conditions as set out below:

### **Legal Agreement**

- Implementation of road improvement works along North Drive in accordance with Transport Statement dated 13 January 2017;
- Affordable housing provision (7 units, mix of 75% social rent, 25% shared ownership);
- Parks and Public garden £7,265;
- Outdoor Sports Facilities £20,122;
- Amenity Green Space £3,095;
- Community Centres and Village Halls £5,371;
- Recycling £1,512;
- Library Service towards the provision of public IT in Ware library incorporating benching/suitable tables to enable customers to use mobile devices/access wifi (£3588) ;
- Details of maintenance of all communal amenity areas not within household ownership.

### **Conditions**

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. Programme of archaeological work (2E021)
4. Materials of construction (2E111)
5. Landscape implementation (4P131)
6. Vehicle use of garage (5U101)

7. Visibility splays of 2.4 metres x 25 metres shall be provided and permanently retained in each direction within which there shall be no obstruction to visibility between 600mm and 2 metres above the carriageway.

Reason: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety.

8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and produced by SDP Consulting Engineers (reference E15.043 issue 2 dated 10 January 2017) and the following mitigation measures detailed within the FRA:

- Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year plus climate change event;
- Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site;
- Implementing appropriate surface water drainage measures as shown on proposed site drainage layout E15-043-10 P1.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and reduce the risk of flooding to the proposed development and future occupants in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

9. Prior to first occupation of the development a management and maintenance plan for all sustainable drainage features shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the site can effectively be drained during the lifetime of the development, also preventing the increase risk of flooding both on and off site in accordance with policy ENV21 of the East Herts Local

Plan Second Review April 2007 and the National Planning Policy Framework.

10. Prior to the commencement of development a Construction Management Plan which shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period and shall provide for:
  - a) The parking of vehicles of site operatives and visitors;
  - b) The number and routing of delivery vehicles and site access;
  - c) Loading and unloading of plant and materials;
  - d) Storage of plant and materials used in constructing the development;
  - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f) Protocol for the handling of soil;
  - g) Wheel washing facilities;
  - h) Measures to control the emission of dust and dirt during construction;
  - i) Measures to prevent the pollution of any watercourse;
  - j) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - k) Hours of construction

Reason: To minimise the impact of construction process on the local environment and local highway network.

11. Prior to the commencement of development a Phase 2 investigation report, as recommended by the previously submitted Southern Testing Ltd report dated 13th September 2016 (Ref: DS2631), shall be submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and the environment.

12. Prior to occupation of the development a validation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that any works which form part of the remediation strategy have been implemented. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment.

13. Prior to commencement of any above ground building works, detailed plans of the play area as shown on approved drawing 22429A/002 RevQ shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure appropriate provision of amenity space and play provision in accordance with the Planning Obligations SPD and the Open Space SPD.

### **Informative**

1. Highway works (05FC2)
2. Street Naming and Numbering (19SN5)

### **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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies and the way in which the development will address housing land supply issues is that permission should be granted.

## Residential Development

<b>Residential density</b>	<b>24 units/Ha</b>	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	2
	2	2
	3	
Number of new house units	1	
	2	5
	3	3
	4+	8
Total		20

## Affordable Housing

<b>Number of units</b>	<b>Percentage</b>
7	35%

## Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

<b>Parking Zone</b>		
<b>Residential unit size (bed spaces)</b>	<b>Spaces per unit</b>	<b>Spaces required</b>
1	1.25	2.5
2	1.50	12
3	2.25	6.75
4+	3.00	24
<b>Total required</b>		<b>45.25</b>
<b>Proposed provision</b>		<b>52</b>

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

<b>Parking Zone</b>		
<b>Residential unit size (bed spaces)</b>	<b>Spaces per unit</b>	<b>Spaces required</b>
1	1.50	3
2	2.00	16

3	2.50	7.5
4+	3.00	24
Total required		50.5
Accessibility reduction	25%	12.6
Resulting requirement		37.9
Proposed provision		52

### **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%	38%	
Parks and Public Gardens	£7,265	£7,265	
Outdoor Sports facilities	£20,122	£20,122	
Amenity Green Space	£3,095	£3,095	Some space is allocated within the development site for amenity green space which is commensurate with the area of space required in the SPD.
Provision for children and young people	£2,972	£0	Some space is allocated within the development site for a children's play space which is commensurate with the area of

			space required in the SPD.
Maintenance contribution - Parks and public gardens			No maintenance requirement as no on-site provision
Maintenance contribution - Outdoor Sports facilities			No maintenance requirement as no on-site provision
Maintenance contribution - Amenity Green Space			No contribution sought as amenity space would be privately maintained
Maintenance contribution - Provision for children and young people			No maintenance requirement as no on-site provision
Community Centres and Village Halls	£5,371	£5,371	
Recycling facilities (11 dwelling net increase)	£1,512	£1,512	