

**3/13/1820/FP – Demolition of existing Lafarge Tarmac depot buildings and structures. Construction of a mix of 8 sustainable dwellings together with associated highway works, landscaping, water management and footpath provision at Land adjoining Sacombe Road, Waterford for John Duffield**

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**Date of Receipt:** 11.10.2013

**Type:** Full – Major

**Parish:** HERTFORD

**Ward:** HERTFORD - BENGEO

### **RECOMMENDATION**

That planning permission be **REFUSED** for the following reason:

1. The proposed development constitutes inappropriate development within the Metropolitan Green Belt and is, by definition, harmful to it. This harm is to be assigned significant weight in accordance with national and local policy. Other harm would also arise as a result of a loss of openness to the surrounding area; the impact on the character of the area; the wider unsustainable nature of the location of the site; and the lack of any affordable housing provision as part of the development. Whilst the aspirational nature of the development, with regard to the ambition to demonstrate the potential to develop low or zero carbon housing attractive to the volume housing market is recognised, it is considered that the weight that can be assigned to this, and any other positive aspects of the proposals, is not such that the green belt and other harm caused is clearly outweighed. As such very special circumstances required to justify the inappropriate development in the Green Belt are not demonstrated. The development would thereby be contrary to policies GBC1, GBC14, SD1, ENV1, ENV11 and TR7 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

### **Summary of Reasons for Decision:**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). 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.

## **1.0 Background**

- 1.1 The application site (0.99 hectares) is shown on the attached OS extract. It comprises a vehicle repair and storage depot of 0.5 hectares (the area proposed for housing) including 778sqm of workshop and office building and an overgrown triangular plot of 0.49 hectares. The triangular plot is mainly due to be left unmanaged apart from a proposed foul water package treatment plant and associated maintenance access which is sited within this area. In addition, a proposed footpath link dissects it.
- 1.2 The land is sited between Vicarage Lane and Sacombe Road. It has a 220 metre frontage to Sacombe Road and has a maximum depth of 86 metres. Two detached residential properties lie to the south-west of the site fronting onto Vicarage Lane. A row of detached dwellings, mainly 2 storey in height, are located to the north east of the site.
- 1.3 The application seeks permission for 8 two-storey open market dwellings (2 with detached double garages) and a total on site parking provision for 16 vehicles. The primary motivation behind the proposals is to implement development which goes beyond the delivery of Code for Sustainable Homes Level 6 accredited zero carbon housing. The housing would operate with reduced reliance on fossil fuels, reduced dependence on utilities infrastructure, they would be naturally heated and ventilated. It is anticipated as a project to demonstrate that materials produced by the developer can achieve this outcome and produce housing that will be attractive to the mainstream market.
- 1.4 As required within the submission, the applicants have submitted a full Design and Access Statement, Supporting Statement and Sustainability Statement in which they set out the sustainability credentials of the proposed development in detail. They indicate that the development will form the largest concentration of naturally ventilated Code 6 homes within the UK, and that it is intended to be an exemplar development that will serve as a working model for boarder application elsewhere in the country. The development has been designed to achieve near zero heating status, generate no CO<sup>2</sup> emissions in occupation and would utilise rain water harvesting to provide clean water.

## **2.0 Site History**

- 2.1 The most recent site history is lpa 3/11/2203/FP for the demolition of

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the buildings on site and erection of 11 dwellings and associated highway works, garages, roads, parking, pedestrian paths, allotments, wetland area and general landscaping. This application was withdrawn. This was a previous slightly larger scale proposal by the same applicant with the same aspirations.

- 2.2 Prior to the recent residential proposal at the site, all site history related to the commercial activities on the wider mineral working site.

### **3.0 Consultation Responses**

- 3.1 The County Archaeologist has commented that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. This is not unusual and the imposition of a standard condition is recommended on any permission to grant.

- 3.2 The Environment Agency has commented with no objection subject to conditions.

- 3.3 Hertfordshire Ecology considers that appropriate surveys, evaluation and analysis regarding habitats and protected species have been carried out, and they agree with the assessment set out in those surveys of the habitat value of the site. They recommend that any permission include a number of conditions relating to bats, birds, reptiles and landscaping.

- 3.4 The Herts and Middlesex Wildlife Trust comment that the recommendations in the Surveys are broadly acceptable and should ensure that no detriment is caused to the conservation status and/or breeding sites or nesting places of bats, dormice, great crested newts, badgers, reptiles or breeding birds. They do however comment that updated surveys will be needed and that detailed conditions will be required on any approved.

- 3.5 Hertfordshire Highways raise no objection subject to conditions dealing with the following:

Full details of the proposed junction onto Sacombe Road, the proposed maintenance access onto Vicarage Lane, the improvements to the Vicarage Lane/Sacombe Road junction and the footpath along Vicarage Lane and Sacombe Road;

Measures to be agreed at the proposed maintenance access to ensure only maintenance vehicles can enter this access together with visibility

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splays;

Hard surfacing treatment for roads and parking areas to be agreed;  
Restriction of garage use;

Wheel washing facilities;

Construction vehicle movements and access arrangements to be agreed;

In addition, a legal agreement is sought to secure a footway link and the provision of a contribution of £10,000 towards the design and construction of highway improvement works, traffic management schemes, traffic studies, improvements to public transport, or such other measures as will encourage users of the development to travel to and from the development by means of transport other than the private car.

- 3.6 Natural England raise no objection in respect of nature conservation sites and in regards to bats and great crested newts.
- 3.7 Affinity Water confirm that the site lies within the groundwater Source Protection Zone of Wadesmill Pumping Station.
- 3.8 The Campaign to Protect Rural England (CPRE) object, commenting that the proposal is inappropriate development in the Green Belt. They note that whilst there is an overall presumption in favour of sustainable development, Green Belt policy takes precedence. They agree that the site is brownfield but that it does not exclude the proposals from all the other constraints relating to development in the Green Belt in paragraphs 79-92 of the NPPF.
- 3.9 They draw attention to a recent written ministerial statement that states unmet housing demand is unlikely to outweigh harm to the Green Belt, and other harm, such that it would comprise the very special circumstances required to justify inappropriate development in the Green Belt.
- 3.10 They comment that they ‘...are not clear how the replacement of existing buildings, which are screened from the road by dense planting, by housing which is 2m higher than the existing and which is open to the road, will enhance the visual amenity or openness in any way’.
- 3.11 They raise concern about the potential impact on the adjoining countryside and in particular the Waterford Heath Community Nature

Park. They do not consider that the proposal is sustainable commenting that sustainability is more than just the carbon performance of buildings. They comment that the site is isolated from amenities such as schools, surgeries, shops and community facilities. Public transport services are limited and there is high dependence on the car for access.

- 3.12 The Councils Landscape Officer objects, commenting that the proposed development will have significant adverse impact on the trees / woodland / rural scrub / grassland at the southern end of the site between the apex of Sacombe Road and Vicarage Lane. It is noted that most of the existing trees are to be removed resulting in a major adverse landscape impact on the locality, which appears, in part, to be to make way for a swale and a foul water package treatment plant with associated access road and turning head. (For which there are no specifications for size, materials or appearance).

In respect of the Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement, he comments that the assessment has related to a pre determined residential layout. It has not therefore been an iterative process which takes into account the presence of the existing trees. In addition to the impact on the trees on the southern part of the site, he comments that two significant oak trees, T 3057 and 308, will be impacted upon by the construction of parking bays within the root protection areas. In summary, the proposal will cause a fundamental change to the local distinctiveness and landscape character area.

In respect of the Landscape Proposals, he comments that the proposals appear to be composed from a pre determined design and site layout that has been modified slightly to fit the geometry of the site. The proposed cluster arrangement is not in line with the structure and layout of development in the locality, and is out of keeping with the existing grain and pattern of that development in terms of the arrangement of plots and buildings. This is a conscious failure to seek to promote or reinforce local distinctiveness and Paragraph 64 of the NPPF advises LPAs that permission should be refused for development that fails to take the opportunities to improve the character and quality of an area.

A strong recommendation for refusal is advanced on landscape grounds.

- 3.13 The Council's Engineers Section comment that the site is within floodzone 1 with no records of historic flooding. They comment that the development refers to the use of SuDs pond/wetland area which would

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provide a good quality and highly sustainable solution to site drainage. Furthermore water harvesting, green roofs and permeable paving are welcomed and endorsed in the Councils Strategic Flood Risk Assessment. They comment that the developer may also wish to consider the creation of other above ground SuDS such as swales filter strips and bio retention areas which would provide flood risk reduction, water quality improvements and create amenity and biodiversity. They recommend a condition to secure the detailed design of the works.

- 3.14 The Councils Environmental Health Section have recommended that any permission shall include conditions for contaminated land and advisory notes regarding noise on construction/demolition sites, contaminated land, dust, asbestos and bonfires.
- 3.15 No comments have been received from The Councils Housing Unit, Planning Policy, The Crime Prevention Design Advisor, nor from Veolia Water, The County Planning Obligations Unit or EDF Energy Networks.

#### 4.0 Town/Parish Council Representations

- 4.1 Hertford Town Council has commented:-

*'The Committee was pleased to note the reduced number of dwellings from the previous application and the important addition of the sustainable footpath. The Committee welcomed the exciting experiment and considered that the loss of green belt land could be justified for this sustainable development'*

- 4.2 Stapleford Parish Council has commented:-

*'The Parish Council would like to confirm that they are in full support of the above development. The revised planning application is more in keeping with the surrounding houses and will provide much needed housing to the area, and is an excellent development of a brownfield site. The majority of local residents in Waterford are pleased to see the development of this site and are in support of the application.*

*It is a modern ecological development that is using building materials that will be produced locally and will therefore benefit the local area and economy...'*

- 4.3 Bengeo Rural Parish Council has commented:-

*'We believe that this green belt land is extremely important for the welfare not only of the residents of the Bengeo Rural but also for a*

*wider area including Hertford itself. The future of this area of land is therefore of considerable concern. The best option for the residents would be for the site to become incorporated in Waterford Heath and developed by The Herts and Middlesex Wildlife Trust as part of the nature Reserve in conjunction with Lafarge Aggregates and East Herts Council.'*

*If housing were allowed to be developed on the site, the Parish Council's preferred option would be for just two or three houses complementing those on the eastern side of the Sacombe Road and sensitively integrated with the Heath.*

*However, Lafarge had proposed 8 sustainable eco houses. They have consulted widely and have made every effort to blend the development in with the Heath and with local requirements. To have this development would be much preferable to any industrial use with the potential for noise and additional traffic on this narrow lane.*

*Two major objections to the application are 'It is a brown field site' and that the area lies in the 'green belt'.*

*In relation to it being a brownfield site. When the Parish Council was involved with opposing the applications to extract sand and gravel from extensions to the Rickneys quarry it was correctly pointed out that gravel could be extracted in the green belt and that it would remain a green belt once the excavation had been completed. As the buildings were all part of the original gravel; extraction it could be questioned whether the land is 'brownfield'.*

*Development in the greenbelt. Considerable efforts have been made by the applicant to tie the application in with Waterford Heath and its use as community leisure area and nature reserve. We believed that, from a residents point of view, it would be far more desirable for this application to be agreed than to have industrial usage of the land with all its allied problems. These include the unsuitability of the current road network to take heavy vehicles.*

*We believe that this is the preferred option to meet local community wishes.'*

## **5.0 Other Representations**

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

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5.2 26 letters of representation have been received in support of the application (including comments from Molewood Residents Association, the Local Co-ordinating Group and the Civic Society) which can be summarised as follows:

- Development for housing is preferred to an industrial use which would bring traffic issues
- Harm that arises is outweighed by benefits
- Funding towards highway works welcomed
- Site is no more isolated than those living in Waterford, Stapleford or Chapmore End
- Design of houses in keeping
- Sustainability and exemplar scheme is commended
- Will create local employment

5.3 4 letters of representation have been received objecting to the application which can be summarised as follows:

- Already problems in Bengoe with access
- Pressure on services
- Eyesore of a development when an opportunity exists to restore the landscape
- Site should be retained for industrial use as there are scarce sites for such use in the rural area
- Proposal will increase heavy and speeding traffic flows
- Concern for safety of pedestrians

5.4 3 letters of representation have been received which comment on the proposal but give no clear view as to whether they object or support. One raises comments about the importance of Adders should they be present on site and requests further surveys for these species.

5.5 A letter of support has been received from Councillor McMullen. He states that this is not the best option of the land, which is preferred to be assimilated into Waterford Heath, but that it would meet the local community wishes. He questions the term 'brownfield' as the land should have now been restored back to green belt. A potential benefit of the implementation of the scheme would be to help to provide finance for the improvement of the surrounding highway.

### **6.0 Policy**

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



SD1	Making Development More Sustainable
SD3	Renewable Energy
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
GBC1	Appropriate Development in the Green Belt
GBC14	Landscape Character
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV14	Local Sites
ENV16	Protected Species
ENV17	Wildlife Habitats
ENV18	Water Environment
ENV21	Surface Water Drainage
TR1	Traffic Reduction in New Developments
TR7	Car Parking – Standards
TR20	Development Generating Traffic on Rural Roads
EDE2	Loss of Employment Sites
IMP1	Planning Conditions and Obligations

6.2 In addition, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) is also relevant.

## **7.0 Considerations**

7.1 The main planning issues for consideration in the determination of this application are whether, given the green belt location, the development comprises inappropriate development. If it does, it is then necessary to consider whether there are other material considerations to which such weight can be attached, that the presumption against inappropriate development is clearly outweighed and very special circumstances are demonstrated to allow development in the green belt.

### Inappropriate development

7.2 Within the Local Plan any proposal for new residential development in the Green Belt would be contrary to policy (Policy GBC1). This stance is slightly different to that of the NPPF, wherein there is an exception to the normal restraint with regard to the construction of new buildings in the Green Belt. This is where there is 'limited infilling, or the partial or complete redevelopment of previously developed sites, (brownfield land), whether redundant or in continuing use (excluding temporary

buildings), and which would not have a greater impact upon openness of the Green belt and the purposes of including land within it, than the existing development.

- 7.3 Annex 2 of the NPPF defines previously developed land as ‘land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed structure infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for mineral extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures...’ The buildings on site historically were used in conjunction with the quarrying of sand and gravel on the adjoining land, but now have a permanent employment use most recently for vehicle and machine workshops and storage. Given the lawful use of the site, it is considered that the site can be classed as previously developed land.
- 7.4 It is necessary therefore to assess whether the proposed development would have a greater impact upon the openness of the Green Belt and the purposes of including land within it, than the existing development. The existing buildings have a total floor area of 778sqm with a maximum height of 5.8metres. They comprise rudimentary single storey structures with simple form, three in number. There are other temporary and ancilliary structures located around the site. The whole is well enclosed by existing site landscaping.
- 7.5 The proposed buildings have a footprint of 483sqm, therefore reduced compared to the existing. However the floorspace overall would be greater, at 890sqm, which demonstrates the two storey nature of the proposed development. The housing would have a height of 7.1m. Rather than comprising three simple low key buildings and associated ancillary structures, five individual housing blocks are proposed along with two double garages. Perimeter landscaping would be reduced and the extent of the conventional building envelope on the site would be expanded and brought closer to the Sacombe Road.
- 7.6 There are clearly beneficial visual impacts of the proposals, for example, the removal of the inappropriate fence would be welcomed. In addition, replacement landscaping could be proposed to strengthen the resulting boundary treatments. However, taking all these impacts into account, it is considered that the development would have a greater impact upon the openness of the Green Belt than the existing development because of the greater scope of the built form and the extent of it within the site. In addition, it does conflict with the purposes

of including land in the green belt, most notably with regard to safeguarding the countryside from encroachment.

- 7.7 Given that, the proposals are considered to be contrary to national guidance in the NPPF as well as East Herts Local Plan green belt policy, and therefore amount to inappropriate development. It is then, by definition, harmful to the Green Belt.
- 7.8 If that position is established, it is necessary to consider firstly whether there is any other harm and then, depending on that, whether taking all the material issues into account, weight can be assigned to the positive impacts of the development such that the harm in Green Belt terms and any other harm, is clearly outweighed. If that is the case then very special circumstances are demonstrated and planning permission can be granted.

Other harm

- 7.9 Openness, character, appearance and layout: Members will note the strongly expressed views of the Councils Landscape Officer. He refers to the loss of many of the existing trees having a major adverse landscape impact on the locality. He feels that an inappropriate approach has been taken to the assessment of the site, seeking to impose a pre-determined layout rather than working with existing site constraints. In addition, he notes the potential impact on two on site oak trees. Lastly, he refers to the built form in the area which currently comprises limited isolated individual or limited ribbons of development.
- 7.10 It does seem that, whilst the site has established landscaping to the boundaries that could be strengthened by way of planning conditions assigned to any approval, a development of this scale would nevertheless materially erode openness and would be harmful to the landscape character of the area. There would inevitably be a change in the character and the appearance of the site, producing one which is more suburban in character and which would be detrimental to the existing surrounding rural character and context of the site.
- 7.11 The proposed layout of the development does not relate well to the existing pattern of development in the area, being largely dictated by the need to achieve the principles of passive solar design with dwellings all facing south to maximise solar receipts. It must be concluded that, in landscape and character terms, the development will result in some significant harm to the appearance and character of the area.
- 7.12 Location Sustainability: The isolated location of the site is relatively

inaccessible to nearby settlements (except by private vehicle) or to their services and amenities. The applicants have proposed a 1.8 metre wide footpath along Sacombe Road into Bengeo. However, even were this to be secured, Officers remain of the view that much of the travel to and from the site would be undertaken by motor vehicle. It remains too remote to genuinely encourage walking or the use of other sustainable transport measures.

7.13 As a result, whilst the built form itself may perform well in sustainability terms, there is a wider sustainability impact. Members will be aware that, whilst the rural nature of the District does mean that much existing development in the area has this impact, the policy approach is to seek to avoid exacerbating that situation. This is not to say that some development in the smaller and more isolated settlements across the district is not acceptable. The current Local Plan and the emerging District Plan allows for this. However Waterford is identified as a Category 3 settlement in the current plan (and as a Group 3 settlement in the emerging plan) and is therefore a location where local services and facilities are at a minimal level such that the residents of any new development will rely on the provision of services elsewhere and no scale of residential development is encouraged by the Councils policies. This lack of wider sustainability must attract a degree of weight against the proposals.

7.14 Affordable Housing: The proposal makes no provision for affordable housing. The normal policy expectation would be that, in a rural location away from a settlement, housing would only be supported if it comprised 100% affordable housing. It fails then to meet the Councils objectives on such provision as set out in policies HSG3; HSG4 and HSG5 of the Local Plan. However, significant harmful weight has not been attached to this element of the scheme because this location is not an area where such provision would normally be expected in any event and, whilst it may be of interest to them, affordable housing provision on such an isolated site may not be considered suitable by a Registered Social Landlord.

7.15 In summary therefore, in addition to the harm to the green belt, the additional harm that has been identified in this case relates to a loss of openness; impact on the character and appearance of the area; the isolated and unsustainable location of the site; and the lack of provision of affordable housing.

#### Benefits of the proposal

7.16 As indicated, the proposals have come forward with the aspiration that

the development will be able to provide a working example of whether zero carbon housing can be provided which will be attractive to the conventional and volume housing market. This constitutes the main consideration to which positive weight can be assigned.

- 7.17 Sustainable design / Exemplar Scheme: As indicated, the proposed houses are designed to meet Code for Sustainable Homes (CfSHs) Level 6 and offer future residents the opportunity to reduce reliance upon fossil fuels and to achieve a near zero heating status (being naturally heated and ventilated). The development should generate no net CO<sub>2</sub> emissions in occupation. The dwellings are proposed to be of a high thermal mass construction, being super insulated and orientated around the path of the sun.
- 7.18 It is the aim of the CfSHs to reduce carbon emissions and promote higher standards of sustainable design above the current minimum standards set out by the Building Regulations. The CfSHs preliminary stage requires a Standard Assessment Procedure (SAP) calculation which is the Government's benchmark measure of a dwelling's energy efficiency and carbon emissions. This calculation is undertaken by independent assessors certified by the Buildings Research Establishment (BRE) and the resulting Energy Performance Certificates (EPCs) are then lodged with Department of Energy and Climate Change. The Code uses a 1 to 6 star system to rate overall sustainability performance of a new home against nine categories: Energy/CO<sub>2</sub>, Water, Materials, Surface water runoff (flooding and flood prevention), Waste, Pollution, Health and well-being and Management and ecology.
- 7.19 The highest rated Code Level 6 home is '*carbon neutral*', i.e. it has zero net emissions of CO<sub>2</sub>. The design for this development has been rated by SAP as exceptional and is assessed as exceeding Code Level 6. This has been verified by Elmshurst Energy Services, an independent body who are the co-authors of SAP. The development is therefore considered to achieve all Zero Carbon Homes standards set by Code for Sustainable Homes and exceed most of them as follows:

Energy/CO<sub>2</sub> – the CfSHs requires a Level 6 home to match its energy needs through renewable energy and to mitigate its carbon emissions. The proposed development will exceed the CfSHs Level 6 standard by generating more energy than they consume, producing no carbon emissions in occupation and mitigating CO<sub>2</sub> generated each year. The houses will:

- Achieve an 'A' rated Energy Performance Certificate;

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- Energy needs will be met by renewable energy from roof mounted photovoltaic panels that are connected to the National Grid to take advantage of the Feed in Tariff. These homes will consume less than half the energy of conventional houses by virtue of their reduced heating loads;
- Be naturally heated. The principal heat source is the sun. Each building is designed to maximise receipt of solar gain. This introduced heat is conducted by the in-situ concrete walls and floors, stored as heat energy and released back into the rooms when the air temperature outside the building is lower than inside. The process of thermodynamics is a key characteristic of the buildings. Additional heat sources include human occupation and heat emitted from appliances. Back up heating is provided by electric under floor heating system embedded in the concrete floor slabs;
- Naturally ventilated. The houses are designed, constructed and orientated to induce natural cross and stack ventilation. No mechanical extraction equipment is built into the houses which in turn further reduces energy consumption and improves air quality.

Water – the CfSHs Level 6 benchmark for water consumption is no greater than 60 litres / person / day. Reducing household water consumption is achieved by design and implementing water efficient/reduction technology:

- Rainwater harvesting – collected water reduces mains supplied water consumption and supplies toilet cisterns, washing machines, garden use;
- Hot water at source – solar thermal hot water supplies the bath and basin in the principal bathroom only. Small 9kW under-sink water heaters reduce cold water runoff significantly. Other ancillary water reduction devices will be installed to showers and taps.

Materials – responsible sourcing of materials can reduce significantly both embedded carbon and embodied energy in a building's construction while reducing wider environmental impact. The proposed development will, wherever possible, be built from Lafarge Tarmac building products. The Company has an audited chain of custody for its materials that exceeds those required by the CfSHs.

Surface water run off – the development will have no rainwater run off, all precipitation will be managed and retained. All surfaced areas will be constructed from Lafarge Tarmac's extensive range of permeable materials.

Waste – the management of construction waste requires an auditing process to demonstrate that waste minimisation has been optimised and disposal is certified.

Pollution – the proposed development will use selected insulation products with the lowest Global Warming Potential.

Health and well being – the development optimises sunshine receipts, maximises internal daylight, has high sound attenuation, affords secluded private spaces and will exceed the minimum Lifetime Homes standards. The applicant states that the design benefits from research into Seasonal Affective Disorder and the architect's independent research into the application of passive solar design techniques to deliver natural heating and ventilation.

Management and ecology – environmental and landscape appraisals have been undertaken for the development.

7.20 The architect has undertaken a number of other similar sustainable developments and these developments have provided useful data for the design of these proposals. The applicants view the scheme as an exemplar one, setting the standards for sustainable homes nationwide. They state that several national house builders are interested in the outcome of the proposal as the development will offer a variety of house types and sizes that will be monitored as part of the exemplar scheme – the results of which can be replicated to increase the supply of sustainable homes within the UK.

7.21 It is noted that several housing units based on a similar approach are already built and occupied elsewhere, and therefore this is not the first scheme to enable buildings of this nature to be tested. It is acknowledged that advances in understanding and technology need to be tested. The exemplary and sustainable design and operation of the proposed units is understood and can be assigned some considerable weight.

Other Issues – it is considered that the following issues should be assigned neutral weight in the consideration of these proposals

7.22 Impact on the employment potential of the site: The proposals result in the loss of an existing employment site or one that was last in employment use. Policy EDE2 of the Local Plan is relevant here which states that proposals that result in such a loss will only be permitted where: a) the retention of the site or premises for employment use has

been explored fully without success (evidence of which must be provided); b) the proposed use does not have a significant adverse impact on the amenity of the adjacent area or nearby occupiers and; c) access, parking and servicing arrangements are satisfactory.

- 7.23 The encouragement of small business uses is compatible with the main aims of the Local Plan to support sustainable development, particularly in rural areas where local employment provision can reduce travelling times and the environmental costs associated with commuting. In this case, no evidence has been submitted to demonstrate that the site could not be retained for employment uses and as such the proposal would not comply with part a) of policy EDE2 of the Local Plan.
- 7.24 With respect to parts b) and c) of the policy it is considered that the proposals are acceptable. In addition, Officers note the concerns that are raised by local residents with regard to the potential impact of the site if it were reused for commercial purposes. Such a use, by itself, if successful may have a harmful impact on the character and appearance of the area.
- 7.25 The NPPF sets out that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose (para 22). That has not been tested in this case, but the policy aspiration, not to sterilise the use of a site is noted.
- 7.26 The location of the site is such that, even if it were to be marketed, it would be unlikely to be attractive to very significant commercial operations. In addition, whilst the impact of the operation of a commercial enterprise is acknowledged, the policy approach is that the benefits of employment and job creation are generally held to outweigh their localized impact, always endeavouring to keep this to a minimum. Given that, it is concluded here that this matter should have a neutral weighting in the consideration of this matter
- 7.27 Design: In respect of the design of the dwellings, their size and scale are similar in proportion to the more traditional 2 storey dwellings nearby. Their detailed appearance is influenced by the requirement to maximize the benefits of the sun for heating and lighting. As a result, there is a large amount of glazing to the southern elevations and minimal size openings to the north, east and west elevations. The southern roof slopes incorporate PV and solar panels. Materials are indicated to be a variation of brick and render with timber cladding for the walls and tiled roofs. The approach to the design, whilst clearly less than conventional, is not considered to be so unusual or challenging



that, by itself, it causes harm to the character of the area. The use of traditional materials for external finishes assists in this respect. Officers consider that no harm arises by the detailed design of the dwellings and as such this element has a neutral impact.

- 7.28 Impact on neighbour amenities: The closest adjoining properties are the 7 dwellings to the north east of the site on Sacombe Road and the detached bungalows at 101 and 103 Vicarage Lane to the south. The dwellings on Sacombe Road would face onto the area which is to remain less developed. Given this and the distance and road separating them; Officers consider that there would no unacceptable impact to their amenity. The 2 dwellings to the south would face onto the residential element of the scheme. However, given the distance between habitable windows of 25 metres and the depth of their gardens, Officers again consider that there would be no unacceptable impact to their amenity from overlooking, outlook or similar.
- 7.29 With regard to the levels of amenity that the development would provide for future occupiers, this would be acceptable and in compliance with Policy ENV1 of the East Herts Local Plan. It is considered that, whilst policy compliant in this respect, the proposals do not exceed policy requirements and therefore should be considered neutral in relation to this issue.
- 7.30 Impact upon protected species: The application site comprises a parcel of land nestled between Waterford Heath - a Local Wildlife Site and Local Nature Reserve managed by Herts and Middlesex Wildlife Trust and Rickney's Quarry Local Wildlife Site. A Phase 1 habitat survey and a bat, bird, badger, dormouse, great crested newts and reptile survey.
- 7.31 The recommendations for a precautionary approach to safeguard dormice, great crested newts, badgers, bats and birds are supported and would form the basis for conditions were approval to be recommended. Specifically in regards to adders, which are of exceptional high ecological importance to the county, concern has been expressed that further information with regard to how adders are using the site is required prior to making a decision. The proposals are likely to have a negative impact on reptile species in the local area but, subject to further updated reptile surveys being undertaken to ensure that impact assessments are accurate and mitigation recommendations remain appropriate. It is considered that steps can be taken to ensure that any harmful impact is overcome and that the proposals can therefore be considered to have a neutral impact in relation to this matter.

- 7.32 Highway matters: Hertfordshire Highways have not raised any highway safety concerns resulting from the proposal and the development would provide for acceptable internal road and parking layouts. They recommend approval subject to a number of conditions and a legal agreement to secure a contribution to provide for the footway link and a contribution of £10,000 towards the design and construction of highway improvement works, traffic management schemes, traffic studies, improvements to public transport or such other measures as will encourage users of the development to travel to and from the site by means of transport other than the private car.
- 7.33 In respect of parking, the development proposes 20 spaces (12 designated, 4 in the double garages and 4 in front of those garages). In accordance with the Councils SPD for Vehicle Parking Provision at New Developments, a maximum parking provision would be 16.5 spaces. There is an overprovision of car parking therefore. However in Officers view this will have limited impact upon the character of the site and wider area except for the impact identified earlier in relation to the juxtaposition of parking areas in relation to existing on site trees. The layout identifies that 2 parking spaces are proposed for the 2 and 3 bed dwellings and 4 parking spaces for the 2 x 4 bed dwellings. It is the 2 x 4 bed units then that have an overprovision.
- 7.34 In this location and with the layout put forward the consequences of over provision are likely to be negligible. However, despite the Highway Authority request to provide a footway extension, the level of parking provision serves to exemplify that it is anticipated that the occupiers of the proposed units will undertake many journeys by motor vehicles and therefore as indicated above, it is not suggested that the wider sustainability credentials are exemplary.
- 7.35 Drainage and Flood Risk: With respect to drainage and flood risk, the Environment Agency has commented that subject to conditions, there would be no adverse impact. The Councils Engineer supports and commends the approach the approach to on site drainage. This can be attributed some positive weight.
- 7.36 Archaeology: With regard to archaeology, whilst no heritage assets of archeological or historic interest are recorded for this site, it is one that would have been favourable to settlement, and evidence of Bronze Age and Iron Age settlement is widespread in the vicinity. The lack of disturbance on part of the land means that it may retain significant archeological potential and as such it is considered that the development should be regarded as likely to have an impact on

heritage assets of archeological interest. However, it is considered that such impact could be satisfactorily safeguarded by planning conditions in this case and no harm is therefore attributed to the proposal on these grounds.

## **8.0 Conclusion – Planning Balance**

- 8.1 In reaching a decision on this proposal it is necessary to assess whether the harm by way of inappropriateness and any other harm is clearly outweighed by the weight that can be assigned to the benefits of the proposals. Government and local policy assigns very significant weight to the harm caused to the green belt by way of inappropriate development. In addition, your officers are of the view that additional harm is caused to the landscape character and appearance of the area, openness, wider sustainability of the site and area and there is harm caused as a result of the lack of provision of any affordable housing.
- 8.2 In assigning positive weight, the aspirational motives associated with the development are acknowledged and recognised. It is additionally noted that there is local support, albeit caveated on the basis that there is a concern about what may otherwise take place on the site. It is considered that all other matters play a neutral part in the overall decision making balance.
- 8.3 It is necessary then for Members to reach a conclusion with regard to the balance to be struck. Officers are of the view, given the strong, long term and clearly understood restraint policy approach to be applied in the green belt, that whilst significant weight can be applied to the positive aspects of the proposals, they do not clearly outweigh the harm caused. It is therefore recommended that the proposals should ultimately be refused.