

DEVELOPMENT MANAGEMENT COMMITTEE REPORT - 13 Sept 2017

Application Number	3/17/1145/OUT
Proposal	Outline application for the development of up to 13 dwellings including associated access
Location	Land at Gosmore Paddock, Benington, Herts, SG2 7DD
Applicant	Mr. P. and Mrs. J. Newton
Parish	Benington CP
Ward	Walken

Date of Registration of Application	15 May 2017
Target Determination Date	14 August 2017
Reason for Committee Report	Major planning application
Case officer	David Snell

RECOMMENDATION

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

1.0 Summary

- 1.1 The site lies in the Rural Area beyond the Green Belt. The District cannot demonstrate a five year supply of housing land. In these circumstances the Rural Area policies in the Local Plan are regarded as being out of date. Paragraph 14 of the NPPF is engaged and there would be a presumption in favour of granting planning permission for sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the policies in the NPPF as a whole.
- 1.2 The contribution to housing supply of 13 dwellings should carry significant weight. However, it is considered that this benefit would be significantly and demonstrably outweighed by the negative aspects of the proposal. In particular its limited access to sustainable transport and reliance on the private car to access employment, shopping and other services that are not available in the locality of the site. Furthermore, the intrusion of the development into the open countryside would be out of keeping with the appearance and character of the locality.
- 1.3 It is considered that the site is not a sustainable location for the scale of residential development proposed.

2.0 Site Description

2.1 The site comprises a 0.9ha of open land fronting Hebing End. The site is currently used for horse grazing.

2.2 The site is bounded by existing residential development to west and south, to the east by the residential properties of Gosmore Farmhouse and Gosmore Barn (Grade II Listed Buildings) and to the north by open land and poultry houses.

2.3 The site lies in the Rural Area beyond the Green Belt.

3.0 Background to Proposals

3.1 The application proposes the erection of up to 13 dwellings with access off Hebing End. The application is submitted in outline with details of appearance, landscaping, layout and scale reserved for subsequent consideration. An illustrative layout has been submitted indicating a development of 6 x 3 bed and 7 x 4 bed houses with 42 parking spaces.

4.0 Key Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007 and the Emerging District Plan. There is no Neighbourhood Plan for the parish:

Key Issue	NPPF	Local Plan policy	Emerging District Plan policy
The principle of the development, including infill housing, villages, sustainability and housing land supply	Paragraphs 7-16	GBC3 HSG7 OSV3	DPS1, DPS2, DPS3, GBR2 VILL3, HOU3, TRA1
Layout, design and visual impact	Section 7 Section 11	ENV1 ENV2	HOU1, HOU2, DES1, DES2 DES3

Highway implications	Section 4	TR2, TR4, TR7, TR20	TRA2 TRA3 TRA3
Affordable housing	Section 6	HSG3	HOU3
Neighbour impact		ENV1	DES3
Heritage impact	Section 12	BH1 BH2 BH3	HA1 HA3 HA7
Surface water drainage	Section 10	ENV21	WAT1 WAT5
Natural environment	Section 11	ENV17	NE2 NE3
Planning obligations and infrastructure		IMP1	CFLR1, CFLR7, CFLR9, CFLR10,D PS4 DEL1 DEL2

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

5.0 Emerging District Plan

5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan has been completed and the Plan has been submitted to the Secretary of State for examination. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan is not yet adopted

6.0 Summary of Consultee Responses

6.1 HCC Highway Authority comment that there is no accident record on Hebing End or at the junction with Whempstead Road. The design of the junction access is suitable for a small residential development and the Authority do not wish to restrict the grant of planning permission, subject to conditions.

- 6.2 Lead Local Flood Authority advises that the application demonstrates that the site can be adequately drained and mitigate any potential surface water flood risk if carried out in accordance with the drainage strategy.
- 6.3 EHDC Engineering Advisor advises that the site lies within Flood Zone 1. There are no historic flood incidents at the site but there is a record of flooding from a nearby pond. There are several ponds in the vicinity which indicates high water tables or springs. The FRA lists potential SuDS, including retention ponds/basins and swales, more detail of these systems would be required.
- 6.4 EHDC Housing Development Advisor comments that the Planning Statement states that affordable housing will be delivered in accordance with Local Plan policy requirements, subject to overall viability.
- 6.5 EHDC Conservation and Heritage Advisor advises that two grade II listed buildings (Gosmore Farmhouse and Gosmore Barn) are situated to the immediate east of the application site. A mature high hedge screens the listed buildings from the site. The proposed development would not harm the setting of these heritage assets.
- 6.6 EHDC Landscape Advisor advises that the proposals fail to respect local distinctiveness in terms of the scale, mass, grain and pattern of historic development in the local area.
- 6.7 HCC Infrastructure Advisor seeks financial obligations towards education, library services and youth services.

7.0 Parish Council Representations

- 7.1 Benington Parish Council: The applicant's agents presented the proposals to a meeting of the Parish Council on 1st November 2016. The Parish Council maintain an objection to the proposal and refer to their response on the previous withdrawn application summarised as:

The Parish Council understands that the village will need to accept some residential development in order to meet the district's needs. Whilst the relevant planning policy and the NPPF have been taken into account, the Parish Council must also take into account the views of parishioners, many of whom feel that the proposed development of up to 13 dwellings will result in overcrowding of the site. In both the Local

Plan and the emerging plan Hebing End is categorised as Group 3. Both the Parish Council and parishioners have other concerns:

- The 3 roads leading into the village are poor quality, single track roads or roads just wide enough for two cars to pass. Paragraph 2.9 of the submitted Planning Statement does not take this into account
- The reliance of rural dwellers on the private car as there are only 5 buses a day through the village
- Paragraph 2.10 of the Planning Statement quotes Heathmount School located 2.44 miles away as serving the village but this is a fee paying school. The closest state secondary school is The Barnwell School in Stevenage.
- Paragraph 2.12 of the Planning Statement states that the village benefits from a range of local services, including local shops. There are no shops in the village, the closest being in Watton-at-Stone, Walkern and Stevenage
- There is poor water pressure in the village and the sewage system is operating at maximum capacity

The Parish Council maintains its concerns relating to the sustainability of the site for residential development. Whilst they agree that there are some benefits these must be afforded limited weight as the general lack of local facilities and facilities such as access to public transport, employment and schools provide significant obstacles to the development.

8.0 Summary of Other Representations

- 8.1 The application has been advertised by site and press notices and neighbour consultation. 216 responses have been received, including a response from the Campaign to Protect Rural England.

Members are advised that 30 of the responses are from areas beyond the villages of Hebing End and Benington and that 74 of the responses are from outside the district.

The grounds of objection are summarised as:

- Inappropriate scale of development in rural location
- Hebing End is a Category 3 settlement not a Category 2 as stated by the applicant
- Increase in traffic generation and impact on highway safety
- Increase in car journeys to the village school

- Lack of village facilities to support housing development and limited bus service to larger settlements
- Increased journeys by car to other settlements due to lack of employment, shopping facilities, services and doctors surgery in the village
- Further development in the category 3 village should not be allowed
- Additional traffic in village and on narrow rural roads
- Poor site access and visibility onto narrow road
- Adverse impact on highway safety and access onto Whempstead Road
- Adverse impact on the character and appearance of the area
- Adverse impact on setting of listed buildings
- Concern that water supply pressure will not support the development
- Adverse impact on landscape character
- Loss of outlook and increased noise and light pollution
- Adverse impact on wildlife
- Flood risk and adverse impact on surface water drainage and sewer system
- Concern about proposed hedge planting along the rear boundary of properties fronting Whempstead Road
- Brownfield and not greenfield sites should be used for this scale of development
- The proposal is for inappropriate development in the Rural Area and the harm is not outweighed by lack of housing supply

8.2 Councillor Crofton objects to the proposal on grounds summarised as:

- Unsustainable scale of development in category 3 village
- Limited bus services and increased car usage on lanes
- No supporting shops and the school is full
- There is already a lack of water pressure
- Encroachment in green field
- History of flooding incident and increased flood risk

8.3 The Campaign for Rural England object to the proposal on grounds summarised as:

- Hebing End is not part of the Category 2 Village of Benington it is a Category 3 settlement where the Local Plan does not permit infill development

- A significant proportion of the Planning Statement is devoted to the district's lack of housing land supply and that Local Plan policies can be given little weight. However, the presumption in favour of granting planning permission in paragraph 14 of the NPPF is not irrefutable in the absence of housing land supply and the policies can be given due weight

9.0 **Planning History**

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/17/1145/OUT	Outline application for the development of up to 13 dwellings and associated access	Withdrawn	April 2017

10.0 **Consideration of Relevant Issues**

The principle of the development

- 10.1 The application site lies within Hebing End, a Category 3 settlement in the Rural Area beyond the Green Belt wherein Policies GBC3 and OSV3 would not permit as appropriate residential development anything other than rural exceptions affordable housing. The settlement is not regarded as being part of the nearby Category 2 village of Benington.
- 10.2 The District cannot demonstrate a five year supply of housing land. In these circumstances the Rural Area policies in the Local Plan are regarded as being out of date. Paragraph 14 of the NPPF is engaged and there would be a presumption in favour of granting planning permission for sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the policies in the NPPF as a whole.
- 10.3 The proposal would deliver 13 dwellings. The Planning Statement submitted in support of the application states that affordable housing will be delivered in accordance with Local Plan policy requirements. The Local Plan would not require affordable housing provision on sites of less than 15 units. The emerging District Plan would require 35% provision on sites of 11-15 units. A firm commitment to affordable housing could only be secured through a S.106 Agreement. The provision of housing, including affordable housing carries significant

weight. However, the proposal is for a mix of 3 and 4 bedroom houses only and this does not conform to the Strategic Housing Mix Assessment (SHMA) for the district which would reduce the attributable weight.

10.4 In support of the application the applicant has submitted a Sustainability and Community Benefits Statement. In summary the main points of the assessment are that the site:

- Lies within the south-east part of Benington;
- Is easily assessable by public transport with bus stops situated 100m away on Whempstead Road;
- is less than 1 mile from Benington Primary School and close to Little Munden Primary School (1.6 miles) and Aston St. Mary's Primary School (2.25 miles). It is in proximity to Heath Mount School (2.4 miles) and is also served by Barnwell School in Stevenage;
- Is within 0.6 miles of Benington Surgery and within 3.1 miles of two other doctors surgeries and two dental practices.
- Benefits from a range of services including two pubs, a community hall and two churches;
- Whilst the Parish Council have objected to the application they recognise that *"the village will need to accept some residential development in order to meet the district's needs"*.
- There is considerable doubt about whether the emerging District Plan will adequately address housing need within the district. In advance of the Examination the Inspector has noted that the Plan indicated a potential requirement for 19,500 new dwellings but maintains a lower figure of 16,390 dwellings and proposes to deal with the increase by way of an early review and raised a number of queries;
- A comparative assessment of Benington's local demographic and housing composition against both the EHDC and English averages has been undertaken. This demonstrates that the provision of additional housing stock within Benington, 40% of which will be affordable housing, will diversify the housing base and make it more accessible for a range of residents including those currently under-represented in the village;
- The development will give rise to economic benefit in the form of construction employment, increased local expenditure to support businesses in the village and greater use of key facilities;
- The income generated by New Homes Bonus payments would be matched by additional Council tax receipts.

- 10.5 The application site lies approximately 100m from a bus stop connecting the village to larger settlements and services, approximately 70m from a public house and approximately 80m from a church. Although there are bus connections the service is typically rural and not frequent. The nearby Category 2 Village of Benington also has a village first form entry school and a doctors surgery. The application site is not regarded as being well served by local services.
- 10.6 Paragraph 7 of the NPPF provides that there are three dimensions to sustainable development: economic, social and environmental.
- 10.7 Economic considerations – It is considered that the proposal would have a limited economic role in that it would support the rural village economy of the village. However, there is little employment opportunity in the village and the immediate locality, although the proposal would provide some temporary employment during construction. There are two public houses in the locality but economic activity is otherwise limited.
- 10.8 Social considerations – The immediate settlement has limited social facilities (two public houses and a village hall), no shopping facilities and a general lack of services to support housing development which are regarded as significant negative social aspects of the proposal. The nearest primary school is located in Benington approximately 1 mile from the site and the nearest state secondary school is Barnwell, Stevenage approximately 4.5 miles from the site. The applicant refers to Heath Mount School (2.4 miles away) but this is a fee paying school.
- 10.9 Environmental considerations – There are no shopping facilities in Hebing End or Benington, a lack of employment opportunity and a lack of services. There is an infrequent connecting daytime bus service to shopping and service facilities in the larger settlements of Stevenage (6.5 miles), Ware (8 miles) and Hertford (9 miles). These centres also have the railway stations and there is also a station at Watton-at-Stone (3.1 miles). However, in reality it is considered that residents would be largely reliant on the private car to access, employment, services and shopping facilities. This would increase traffic on rural roads contrary to Policy TR20. The development would encroach into an area of open countryside and consolidate existing ribbon development.
- 10.10 Overall, and having considered the applicant's Sustainability and Community Benefits Statement it is considered that the sustainability issues relating to the development should be regarded as negative

aspects of the proposal which carry significant weight. Although the application is submitted in outline the illustrated housing mix of 3 and 4 bedroom houses proposed is not reflective of the SHMA. The village has limited community facilities to support additional housing and the well-being of future residents. In reality it is considered that future residents would be reliant on the private car to access social facilities, services, shopping and employment with few trips being made by foot, cycle or public transport. It is therefore considered that the site does not represent a sustainable location for residential development on the scale proposed.

Layout, design and visual impact

- 10.11 The application is submitted in outline and design and layout details are not matters for consideration at this stage, but indicative drawings of the proposed layout have been submitted. The layout indicated proposes a development of approximately 14.4 dph to include 7 x 3 bed and 6 x 4 bed houses. The housing density proposed is relatively low but it is considered that it would be reflective of surrounding development and therefore acceptable in its context.
- 10.12 The nearest existing properties are those fronting Whempstead Road and the rear garden boundary forms the west boundary of the site. The illustrative layout indicates that part of the proposed development would be sited close to this boundary. However, the minimum depth of the rear gardens is approximately 21m and it is considered that there would be no undue impact on residential amenity.
- 10.13 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) prepared by Aspect Landscape Planning dated July 2017. In summary the LVIA concludes that:
- Whilst some localised impacts are acknowledged to the immediate landscape character of the site, the effects are largely restricted to the site only and these reduce with distance from the application site due to the compartmentalised character of the site and its setting;
 - The existing vegetation will be retained as part of the proposals which have been developed to adopt a landscape led approach. These features ensure that the proposals can be accommodated within this context without detriment to the quality and character of the receiving environment;
 - The application site is visually well contained due to the extent of vegetation within the immediate, and localised context, combined

with the existing built form to the north, east, south and west. Views towards the site are largely contained to the immediate context and localised road corridors to the south and west, with the potential for middle distance views during winter months from the wider Public Right of Way network to the north and south west. Existing built form forms a prominent urbanising feature within the immediate landscape and any views of the proposals will be seen within this context;

- The proposals comply with the aims and objectives of the NPPF and adopted and emerging Local Plans;
- The site is already characterised by existing built form, and a number of design solutions have been included which ensures the high-quality design of the built elements befits the localised landscape character;
- The site and receiving environment have the capacity to accommodate the proposals which will not result in significant harm to the landscape character or visual environment;
- The development can be successfully integrated in this location and is supportable from a landscape and visual perspective.

10.14 The site comprises an existing open area of rural character sited between existing residential development fronting Whempstead Road to the immediate west and two grade II listed buildings (Gosmore Farmhouse and Gosmore Barn) situated to the immediate east. The open area is not of high landscape value enjoying special designation having regard to paragraph 109 of the NPPF. However, the open area contributes to the character and distinctiveness of the locality. The thrust of the Local Plan Landscape Character Assessment for Sacombe Ridge (Area 71) is to conserve and restore the landscape.

10.15 The Landscape Advisor considers that the site has moderate landscape sensitivity and moderate capacity for the proposed development. The proposals fail to respect local distinctiveness in terms of the scale, mass, grain and pattern of historic development in the local area. The suggestion in the LVIA that the site is “...heavily influenced by the presence of existing development to the north, east, south and west alongside the road corridors which detract from the tranquillity of the localised landscape...” is misleading as the site clearly exhibits many of the qualities, attributes and characteristics associated with rural pastoral landscapes – less obvious are signs of an urban or suburban built up area. Finding the landscape value of the site low on that basis is unjustified.

10.16 It is considered that the proposed development would intrude into the open area to the detriment of the character, appearance and distinctiveness of the locality.

Highways and parking

10.17 The layout of the development, including the proposed parking provision is also a reserved detail for later consideration at the reserved matters stage. The Highway Authority considers that the design of the junction access into the site is suitable for a small residential development. The submitted Planning Statement advises that it is intended that parking provision would be compliant with adopted Local Plan and Emerging District Plan standards.

Heritage impact

10.18 There are two grade II listed buildings (Gosmore Farmhouse and Gosmore Barn) situated to the immediate east of the application site. A mature high hedge lies between and totally screens the listed buildings from the site. The proposed development would not harm the setting of these heritage assets.

Surface water drainage

10.19 The site lies within Flood Zone 1. The Lead Local Flood Authority are satisfied that the submitted Flood Risk Assessment (FRA) demonstrates that the site can be satisfactorily drained and that the development can mitigate against any potential surface water flood risk.

Planning obligations and infrastructure

10.20 Financial obligations have been requested by HCC as follows:

- Expansion of Benington Primary School £40,861.00
- Expansion of Barnwell School (Stevenage) £46,327.00
- Stevenage Library improvements £2,875.00
- Buntingford Youth Centre improvements £874.00

The application is recommended for refusal and therefore the appropriateness of the requested obligations has not been assessed and the applicant's agreement has not been sought. Recommended reason for refusal 3 is based simply on the fact that a legal agreement has not been progressed.

11.0 Conclusion

11.1 The contribution to housing supply and affordable housing as it is limited to 13 dwellings should carry significant positive weight. However, it is considered that this would be outweighed by the negative sustainability aspects of the proposal and in particular the reliance of future residents on the private car to access employment, shopping facilities and service in larger settlements and intrusion of the proposed development into the countryside. It is considered that the site is not a sustainable location for the scale of residential development proposed.

Reasons for refusal:

1. The proposed development by reason of its scale and the reliance of its occupiers on the private car to access employment, shopping facilities and services in larger settlements would result in residential development in an unsustainable location contrary to Policy SD2 of the East Herts Local Plan Second Review April 2007, policies INT1 and DPS2 of the pre-submission East Herts District Plan (November 2016) and the National Planning Policy Framework.
2. The proposed development would intrude into an open rural area to the detriment of the character, appearance and distinctiveness of the locality contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007, policies DES1 and DES2 of the pre-submission East Herts District Plan (November 2016) and the National Planning Policy Framework.
3. The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development contrary to Policy IMP1 of the East Herts Local Plan Second Review April 2007, policy DEL2 of the pre-submission East Herts District Plan (November 2016) and the National Planning Policy Framework.

Summary of reason for decision

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

KEY DATA

Residential development	
Units	13
Density	14.4 dph

The application is submitted in outline and the housing mix and parking requirements/provision are not assessed at this stage.

Parking	Spaces
Proposed	
Local Plan Standard	
Emerging District Plan Standard Accessibility Zone 4	

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. However, in this case the application is submitted in outline and contributions cannot be assessed.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	40%	
Parks and Public Gardens	Unknown – outline application	In accordance with SPD Table 4	
Outdoor Sports facilities	Unknown – outline application	In accordance with SPD Table 4	
Amenity Green Space	Unknown – outline application	In accordance with SPD Table 4	
Provision for children and young people	Unknown – outline application	In accordance with SPD Table 4	
Maintenance contribution - Parks and public gardens	Unknown – outline application		

Maintenance contribution - Outdoor Sports facilities	Unknown – outline application		
Maintenance contribution - Amenity Green Space	Unknown – outline application		
Maintenance contribution - Provision for children and young people	Unknown – outline application		
Community Centres and Village Halls	Unknown – outline application	In accordance with SPD Table 4	
Recycling facilities	Unknown – outline application	In accordance with SPD Table 4	

The application is recommended for refusal and in the circumstances financial obligations have not been sought.