

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT- 8 Nov 2017

<b>Application Number</b>	3/17/1922/OUT
<b>Proposal</b>	Outline planning for up to 40 dwellings all matters reserved except for access.
<b>Location</b>	Land west of Acorn Street, Hunsdon
<b>Applicant</b>	Bidwells
<b>Parish</b>	Hunsdon
<b>Ward</b>	Hunsdon

<b>Date of Registration of Application</b>	17 August 2017
<b>Target Determination Date</b>	16 November 2017
<b>Reason for Committee Report</b>	Major planning application
<b>Case Officer</b>	Hazel Izod

### **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 outside the existing and proposed village boundaries of Hunsdon and therefore within the Rural Area beyond the Green Belt wherein inappropriate development will not normally be permitted. However, given the Council's lack of a 5 year housing supply, and having regard to the NPPF, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 1.2 The main issues in this case relate to the benefits of the scheme in terms of housing delivery, the location of the site in relation to services and infrastructure, and economic and social sustainability; balanced against issues raised in respect of primary school education, landscape and visual impact of the development, detailed access proposals, drainage, respecting the setting of a Scheduled Ancient Monument pillbox and the quality of agricultural land which is lost.

## **2.0 Site Description**

- 2.1 The site lies to the south of Hunsdon, with Acorn Street to the east, and the B180 to the west. There are existing residential dwellings to the north of the site, including Rectory Close to the northwest, and The Rectory and The Old Rectory to the north. Further north is the village recreation ground and tennis courts.
- 2.2 There is a WWII pillbox Scheduled Ancient Monument to the northwest of the site. To the south of the site are open agricultural fields. The site forms part of a larger field with an arbitrary line now proposed to delineate the site along its southern boundary.
- 2.3 The eastern boundary with Acorn Street is currently open with no boundary screening. There is a mature hedgerow to the west boundary, and some vegetation to the north. The site is undeveloped and reasonably flat, and comprises agricultural land.

## **3.0 Background to Proposal**

- 3.1 The application is in outline only, with all matters reserved except for access. The application proposes 40 dwellings including 40% affordable housing with associated open space, parking and landscaping. Land to the north of the site, to the rear of The Old Rectory is outside the red edge but shown as potential recreation land.
- 3.2 The new vehicular access is proposed to the east of the site onto Acorn Street. Indicative potential footpaths are proposed to the north, and to the B180 to the west.

## **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 and the adopted East Herts Local Plan 2007:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>Pre-submission District Plan policy</b>
Principle of development and sustainability	Para 6-16 Section 6	SD1, SD2,GBC2, GBC3, OSV1, HSG1,	GBR2, DPS1, DPS2, DPS3, CFLR10, VILL1, VILL4, DEL2, INT1,

		IMP1	CFLR3, CFLR7, CFLR9
Primary school education capacity	Section 8	IMP1	CFLR10
Layout, design and density	Section 7, 8	ENV1, ENV2, ENV11, LRC3, LRC9	DES3, NE4, HOU2, CFLR1
Affordable housing	Section 6	HSG3, HSG4	HOU3
Heritage assets	Section 12	-	HA1, HA3, HA7
Trees and landscape impact	Section 7, Section 10	ENV2, ENV11, GBC14	DES1, DES2
Access and parking	Section 4	TR1, TR2, TR7, TR12, TR14	TRA1, TRA2, TRA3
Drainage and flood risk	Section 10	ENV21	WAT5, WAT3
Ecology and biodiversity	Section 11	ENV16	NE3, NE4
Residential amenity and noise	Section 7, Section 11	ENV1, ENV24, ENV25	DES3, EQ2
Loss of agricultural land	Para 112, Section 13	-	-

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 it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan is currently being examined.
- 5.2 The site has been put forward under the Call for Sites for future allocation in the District Plan. The site has not been allocated as the proposed village policies do not allocate specific sites.

## **6.0 Summary of Consultee Responses**

- 6.1 HCC Highway Authority does not wish to restrict the grant of permission subject to conditions. It comments that the access road and dimensions appear satisfactory, as does the technical information in the Transport Statement. In respect of sustainability it comments that there are limited local facilities and bus services, and it would expect to see enhancements to the pedestrian permeability of the site, and links to Hunsdon. Sustainable transport contributions are requested.
- 6.2 Lead Local Flood Authority objects to the application on the grounds of an unacceptable Flood Risk Assessment (FRA). The applicant must demonstrate that the development will not increase the risk of flood elsewhere, and where possible reduce flood risk overall. In response to this objection the applicant has submitted additional information, but this has not addressed the issue.
- 6.3 EHDC Engineering Advisor comments that the site lies in floodzone 1 and is mostly unaffected by surface water, although there are some small areas at risk on the south of the site. The site will become much less permeable as a result of the development. The advisor recommends that the infiltration basin also be used as a bio-retention pond to provide some biodiversity and amenity benefits, and swales could be implemented around the south of the site to further reduce flood risk and provide biodiversity benefits.
- 6.4 EHDC Housing Development Advisor comments that 40% of the units would be affordable, and would expect the tenure to be split 75% rent and 25% shared ownership. The units should be split across 1, 2 and 3 bed units.
- 6.5 EHDC Conservation and Heritage Advisor recommends refusal on the grounds of poor urban design. Only one vehicle access point is proposed and this is unacceptable as there is a clear opportunity to provide multiple access points, to create a legible and permeable environment. The advisor also comments that there is a pillbox in the northwest corner of the site that forms part of the Scheduled Ancient Monument 'Hunsdon World War II airfield defences'. The ownership of the pillbox is unclear as the submitted plans show conflicting boundaries. Development up against the pillbox would harm its setting, so any development proposals would need to demonstrate a significant setback. Any development should also improve its overgrown condition and landscaping, and use it as an asset, but this is subject to ownership confirmation.

- 6.6 EHDC Landscape Advisor recommends refusal. There will be no unacceptable impact on trees; however the proposals give the appearance of overdevelopment of the site and local vicinity. The proposed level and amount of development exceeds the landscape capacity of the site, and severely compromises and diminishes the space between settlements. That is to say that the amount of development proposed in terms of building footprint in relation to size of plot in the context of the surrounding area results in an excessive change which cannot be accommodated whilst retaining and, where possible, strengthening existing landscape character and local distinctiveness.
- 6.7 Herts Ecology comments that the existing boundary vegetation provide suitable foraging and nesting habitats for birds, but the arable field is considered to be of low habitat value. At reserved matters stage, all retained and created hedgerows should be incorporated into green infrastructure and buffer zones rather than incorporated into private gardens. All hedgerows and trees should be protected during construction. The Preliminary Bat Roost Assessment concludes that there was no direct evidence of bats, but if any trees are to be removed, further surveys will be required to investigate whether a roost is present or not. Recommendations in the submitted Ecological Appraisal report should be secured by condition. In respect of Priority species farmland birds, the loss is unlikely to result in any significant impacts to the local bird population, but mitigation should be provided on land within the control of the applicant to avoid no net loss of biodiversity.
- 6.8 HCC Development Services objects on the grounds that the impact of this development on primary education facilities cannot be mitigated. It comments that it would expect children in the village to be able to secure a local school place, but Hunsdon JMI School is graded outstanding by OFSTED, is popular with parents, and is full. There are no safe walking routes to any other primary schools in the area, and HCC does not wish to be liable for transport costs. A number of sites have already come forward in the area, and HCC have reached the pooling threshold towards the nominated expansion of the school. Further expansion of the school is not achievable on the existing site, and therefore any future project would require the purchase of additional land, but the cost of such a project is not one that HCC can support at this time due to a significant funding gap.

- 6.9 In respect of library services, it seeks a financial contribution towards the enhancement of IT in the adult lending area at Ware Library, and for youth services towards the MUGA (Multi-Use Games Area)/sports provision for Ware Young Peoples Project in accordance with Table 2 of the HCC Planning Obligations Toolkit. It also seeks fire hydrant provision.
- 6.10 HCC Minerals and Waste comments that regard must be had to relevant waste planning policies. It also comments that the site lies in a sand and gravel pit, and the opportunistic extraction of minerals prior to development is encouraged.
- 6.11 EHDC Environmental Health Advisor raises no objection subject to conditions on contamination, noise, and a Construction Management Plan.
- 6.12 Herts Fire and Rescue Service comments that access and facilities for firefighting should be in accordance with Building Regulations.
- 6.13 Herts and Middlesex Wildlife Trust raises no objection in principle but comments that the proposals should demonstrate that the development will achieve no net loss of biodiversity, and where possible net gains.
- 6.14 Council to Protect Rural England (CPRE) objects on the grounds of inappropriate development in the Rural Area, and the site is outside the village boundary. The sustainability of development in Hunsdon is questionable given that health services and the primary school are already overstretched, and there are limited local facilities, public transport, and employment opportunities. There would also be a loss of best and most versatile agricultural land.

## **7.0 Hunsdon Parish Council Representations**

- 7.1 Objects on the following grounds:
- Contrary to Local Plan policies GBC2, GBC3 and OSV2, and emerging policy GBR2 - the site is outside the village boundary;
  - There are adverse impacts in this case that significantly and demonstrably outweigh the benefits;
  - The cumulative effect of the development with other recent development should be considered;
  - Vehicular access would be preferred from the B180. Concern over safety with speeding traffic and a narrow footway on Acorn Street;
  - The proposed footpath across Parish Council land to the north has not been discussed with the Parish Council and is unacceptable;

- The proposal is unsustainable in transport terms – the majority of trips will be made by car;
- Numerous errors and misconceptions in the Transport Statement – e.g. Roydon is not the closest and most accessible railway station;
- Concerns over surface water drainage due to problems in the area;
- There is a lack of primary school places, and health services are stretched to the limit;
- The development would be affected by noise, vibration, and light pollution from the Hunsdon Skip Waste Transfer Site;
- Impact on an important visual gap between Hunsdon and Hunsdonbury.

## **8.0 Summary of Other Representations**

8.1 66 no. letters have been received raising the following points in summary:

- Unsustainable development;
- Overdevelopment and out of scale - harm to the character of the area and historic character of the village;
- The site is proposed as Green Belt adjustment to compensate for the proposed loss of Green Belt at Gilston;
- Hunsdon has already accommodated its 10% housing growth;
- Increased noise and disturbance;
- Harm from additional cars and traffic – and safety concerns due to single track roads;
- Pavements are too narrow;
- Loss of light, views, and privacy to houses in Rectory Close;
- Inadequate local infrastructure (education, healthcare, water pressure, sewage, and electricity supply);
- Limited public transport services – the bus service on Acorn Street was axed last year, and other services substantially reduced;
- Access should not be from Acorn Street, but the B180 instead;
- Cumulative impact from developments already approved – 40 houses have already been granted recently;
- Harm to wildlife and habitats, and concern over tree removal;
- Indication that houses would be 4-5 bed and out of the price range of local people – smaller houses are desperately needed;
- Site should have been used for the new village chapel;
- Concern over increased flooding as the northeast corner currently floods in heavy rain – this will render the play area unusable;
- Concern over impact on water tables in local wells;
- Impact on WWI historic monuments and local listed buildings;
- Loss of Old Rectory hedgerow to provide access;

- Noise pollution, and smells, from Hunsdon skips will be intolerable for new residents;
- Loss of farmland;
- Erosion of gap between Hunsdon and Hunsdonbury;
- Village is already under pressure from Terlings Park, Gilston, and Harlow North – consideration of this site is premature;
- Developers have not taken community views on board;
- Concern over precedent to build on adjacent field.

## 9.0 Planning History

9.1 There is no planning history for the site. Members are advised, however, that the following major housing schemes have been determined in the vicinity of the site in recent years:

Ref	Proposal	Decision
3/11/1927/FP	16 dwellings – land south of 10 Acorn Street (now known as Hempstalls Close)	Approved 02.05.2012
3/14/2023/OP 3/17/2030/REM	13 dwellings – land south of Tanners Way	Approved 09.03.2016 Current application
3/15/0260/FUL	12 dwellings – Well House, Acorn Street	Approved 14.06.2017
3/15/0206/OUT	15 dwellings – Hunsdon Lodge Farm, Drury Lane	Refused 20.10.2015 Appeal allowed 17.05.2016
3/15/2217/OUT 3/16/0899/REM	14 dwellings – Hunsdon Lodge Farm, Drury Lane	Approved 27.04.2016 Approved 23.06.2016
3/16/1742/FUL	12 dwellings – Nine Ashes, Acorn Street	Refused 10.03.2017 Appeal underway

9.2 Application 3/16/1742/FUL was refused on the grounds of a harmful landscape/visual impact, and harm to the setting of listed buildings. An appeal is currently underway.

9.3 Application 3/15/0206/OUT was refused on the grounds of surface water drainage, and access issues. This was allowed at appeal.



## **10.0 Consideration of Relevant Issues**

### Principle of Development and Sustainability

- 10.1 The site lies outside the defined village boundary of Hunsdon, a Category 1 Village, and therefore within the Rural Area beyond the Green Belt wherein inappropriate development will not normally be permitted. The site also lies outside the proposed boundary for Hunsdon as a Group 1 Village in the emerging District Plan.
- 10.2 Regard is had, however, to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development, and the Council's acknowledged lack of a 5 year housing supply. In accordance with paragraph 14 of the NPPF, planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where specific policies in the Framework indicate development should be restricted. It is therefore necessary to consider whether the development will result in any significant adverse impacts.
- 10.3 Emerging policy VILL1 requires that Category 1 Villages accommodate at least a 10% increase in housing stock over the period 1 April 2017-31 March 2033 within the village (currently estimated at 37 houses for Hunsdon). This site, however, is not within the village boundary, and the emerging District Plan cannot be given full weight at this time. Further, policy VILL1 encourages future allocations within Group 1 Villages to come forward through the Neighbourhood Planning process. There is no compensatory Green Belt proposed in this location through the District Plan, as suggested by local residents.
- 10.4 Members will note from the history section above that there have been a number of new major developments approved within the vicinity of the site in recent years, but these have been of a smaller scale (12-16 houses). These sites total 56 new dwellings since 2010, and obviously there have been smaller developments as well, not listed here. The calculation against the emerging policy requirement is made on the basis of housing both permitted and completed within the timescale referred to above. Most of the sites set out above are yet to be completed and all, apart from Well House, were permitted before the time period. The provision of an additional 40 dwellings will make a meaningful contribution to the Council's continuing housing supply need therefore, and carries positive weight for this reason.

- 10.5 The site is located within walking distance of a range of village facilities. Hunsdon has been classified as a Category 1 Village because of the level of services that are available. There is one regular bus service (351) that runs down the High Street and the B180 to the west of the site. The nearest bus stop is located approximately 400m to the north of the site. The service runs between Hertford and Bishop's Stortford approximately 10 times a day Monday-Friday, 4 times a day on Saturday, but with no service on Sundays or Bank Holidays.
- 10.6 There is a pavement along the west side of Acorn Street, and along the west side of the B180. Whilst these pavements provide access to the village, concerns have been raised by both the Conservation and Urban Design Team, and the Highway Authority regarding pedestrian connections. This is discussed in more detail below but in general It is considered that the limited pedestrian connections proposed in this application impact on the sustainability of the proposal.
- 10.7 Whilst it is likely that future residents would be mostly dependent on private vehicles to access higher order services, and employment opportunities (which are limited in the area), there are appropriate services and facilities within walking distance of the site that weigh in favour of the scheme (subject to education availability, see later). The development would also provide some economic benefit through construction, and through economically active new residents with associated spending power. The scheme would also provide some social benefit through the provision of housing, including affordable housing, and support for local services.

### **Primary School Education Capacity**

- 10.8 An objection has been received from Herts County Council in respect of primary school education capacity. It comments that it would not be possible to mitigate the impact of the development on Hunsdon Primary School. The school is already full, and there is no further potential to expand on the current site. It is expected that children should have access to a primary school place within their village, and it would not be sustainable to require young children to travel on a daily basis. This weighs against the sustainability of the proposal.

### **Layout, Design and Density**

- 10.9 The application is in outline form, with only access proposed in detail. Nonetheless an indicative site plan has been submitted which shows the development split into 4 development 'parcels' surrounded by access roads and tree planting. A children's play area is proposed to

the south of the site, with a surface water attenuation feature in the southwest corner, and proposed recreation land to the north, outside the site boundary but within the same land ownership which could be secured by planning obligation. The vehicular access is proposed to the east of the site, onto Acorn Street.

- 10.10 In itself, the indicative layout shows a way in which the site can accommodate 40 dwellings. The proposed density at approximately 22.6 dwellings per hectare is considered to be acceptable in principle in relation to the surrounding area. The density and layout would also allow for appropriate hard and soft landscaping. However, concerns remain in relation to the landscape capacity of the site, and the impact of the development on the character of the area and this is discussed in further detail below.
- 10.11 It is considered that some improvements could be made to the indicative layout, for example by re-locating the children's play area and surface drainage features more centrally within the site, and this could be secured through a reserved matters application.

### **Affordable Housing**

- 10.12 The application makes provision for 40% affordable housing in accordance with policies HSG3 and HSG4. This weighs in favour of the scheme and contributes to its social sustainability. No information has been submitted on tenure split, which would be required to be 75% social rented and 25% shared ownership. This would need to be secured through a legal agreement.

### **Heritage Assets**

- 10.13 The site lies outside the Hunsdon Conservation Area, with the boundary located just over 100m to the north of the site. The site is located on the edge of the village and will therefore form an entrance to the village from the south. A high quality scheme is therefore necessary to respect the setting of the village. Although concerns are raised over the scale of development in relation to the surrounding area, and its visual impact on the surrounding landscape, no objection is raised in respect of the impact of the development on the setting of the Conservation Area.
- 10.14 There is a Grade II listed building to the northeast of the site, The Old Rectory. Adequate spacing and landscaping will be retained between the site and this building to preserve its setting, and no objection has been raised by the Conservation Advisor in this respect.

10.15 In the northwest corner of the site is a pillbox that forms part of the Scheduled Ancient Monument 'Hunsdon World War II airfield defences'. It is unclear whether this lies within the site, and the applicant's ownership, as the submitted plans show conflicting red edge boundaries. Nonetheless, development in close proximity to this pillbox would harm its setting, so any development proposals would need to demonstrate a significant setback. Whilst it is acknowledged that the layout is only indicative at this stage, further information is required to satisfy the Local Planning Authority that no harm would arise to this Scheduled Ancient Monument as a result of the development. Any development should also improve its overgrown condition and landscaping, and seek to use it as an asset.

### **Trees and Landscape Impact**

10.16 There is limited vegetation on site – some hedgerows to the west boundary, and some to the north with scattered trees. The Council's Landscape Officer is satisfied that no harm will arise to trees as a result of the development, and an appropriate planting scheme could be included within any reserved matters scheme including street tree planting, and planting along the southern boundary. Adequate space would need to be retained to existing trees to the north, and those to the northeast corner of the site that fall within The Old Rectory boundary.

10.17 However, the Landscape Officer has raised an objection in respect of the impact of the development on the landscape capacity and character of the site and surrounding area. Although some housing development may be acceptable on this site, the proposal gives the appearance of overdevelopment, the scale of development exceeds the landscape capacity of the site, and severely compromises and diminishes the space between settlements. The extent of development proposed would result in excessive change to the character and appearance of the surrounding area which could not be accommodated. Further, the site is currently very open when viewed from the east, and there is no clear southern boundary to the development site. Any new planting along this southern boundary would take some time to mature to reduce the visual impact of the development.

10.18 The application was accompanied by a Landscape and Visual Impact Assessment which concludes that there would be no overriding or significantly adverse effects that should preclude the development on landscape and visual grounds. The report identifies that the landscape effects arising from the development at the outset would be 'moderate

adverse', but this should diminish over time as vegetation matures and softens the development.

- 10.19 However, the Landscape Officer considers the impact to be significant, and recommends that the application site be reduced in size such that its southern boundary does not extend beyond the approved development to the west (the Tanners Way site). This was also recommended to the applicant at the pre-application stage, but no changes have been made. Having regard to the above it is considered that the proposal would result in harm to the character and appearance of the local landscape and surrounding area, contrary to policies ENV1, ENV2 and GBC14 of the Local Plan. This weighs against the proposal.

### **Access and Parking**

- 10.20 A new vehicular access is proposed to the east of the site onto Acorn Street. Full details are submitted in respect of the access for consideration, and the Highway Authority raises no objection subject to conditions. However, it does raise concerns over the pedestrian access points, and footpath width on Acorn Street.
- 10.21 The Highway Authority suggests that the applicant considers further access points for pedestrians, such as onto the B180, including a tactile pedestrian crossing point. It would particularly welcome a link from the B180 through to Rectory Close as this would provide a good pedestrian link to the village. The illustrative layout does show potential footpaths to the north and west, but further clarification should be provided to demonstrate delivery.
- 10.22 These comments echo those of the Conservation and Urban Design Advisor who considers the site to lack permeability, and therefore represent poor design. The advisor also comments that the proposal for a single vehicle access to Acorn Street results in a cul-de-sac form of development which fails to create a legible and permeable built environment. There is clearly an opportunity to provide multiple access points at this site, with a second vehicular access to the B180 to the west. Given that similar concerns have been raised by the Highway Authority, it is considered that the access details proposed in this application fail to follow good design principles and are therefore unacceptable.
- 10.23 Pedestrian access details should be considered in full at this stage. The Planning Practice Guidance defines Access as "the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how

these fit into the surrounding access network.” Full details of pedestrian and cycle access routes should therefore be considered at this stage, as well as vehicular access. Whilst the indicative plan shows potential footpath links to the north and west, these are not confirmed, and insufficient detail has been submitted. There is no indication of cycle routes to encourage other modes of transport. The proposed access details are therefore considered to be unacceptable, and this weighs against the scheme.

- 10.24 In respect of the footway on Acorn Street, the Highway Authority has raised concerns that this narrows in width towards Hunsdon; however this has not been raised as a reason for refusing the application. The existing footpath would still provide safe access to the village, and the provision of additional pedestrian routes would be deemed as suitable alternatives.
- 10.25 In respect of additional traffic movements, it is acknowledged that many surrounding roads are narrow and rural in character; however based on the number of new houses, and the Highway Authority’s assessment, it is not considered that the impact to be significant. The NPPF advises in paragraph 32 that development should only be refused on transport grounds where the cumulative impacts of development are severe. There is no evidence that the impact would be severe in this case, taking into account other approved developments in the area. Further, despite a number of concerns being raised by third parties, there is no evidence that the safety of drivers or pedestrians would be harmed as a result of this development.
- 10.26 In respect of vehicle and cycle parking, adequate space could be incorporated within the layout of the site at a reserved matters stage, in accordance with adopted and emerging policy.

### **Drainage and Flood Risk**

- 10.27 The site lies in floodzone 1 and therefore is not at risk of fluvial flooding. In terms of surface water, the site is at very low risk, although there are some small areas at risk on the southern part of the field (outside the development site). The Lead Local Flood Authority (LLFA) has objected to the application on the grounds that the submitted Flood Risk Assessment (FRA) was inadequate. The developer has since submitted additional information, but the LLFA have confirmed that this does not address their concerns, and the objection still stands. Therefore, in the absence of an acceptable FRA, it has not been demonstrated that the development could achieve a satisfactory sustainable drainage system that would not increase the risk of flooding. The proposal is thereby

contrary to policy ENV21 of the Local Plan, and emerging policy WAT5 of the District Plan.

### **Ecology and Biodiversity**

- 10.28 The site is considered to be of low habitat value as it currently comprises an arable field. The trees and boundary hedgerows may provide a suitable habitat for nesting birds, and the field may provide some habitat for ground nesting birds. An Ecological Appraisal has been submitted and no objection has been raised by Herts Ecology. Any reserved matters application should retain existing hedgerows and not incorporate them into private gardens as this will affect their integrity, and all trees and hedgerows should be protected during construction.
- 10.29 In respect of protected species, further bat surveys will be required if any of the trees are to be removed, and mitigation measures to protect Priority farmland bird species (e.g. skylark and yellowhammer) should be submitted. Recommendations set out in the submitted Ecological Appraisal should be secured by condition. Subject to these controls, the proposal would result in no harm to protected species or habitats.

### **Residential Amenity and Noise**

- 10.30 The site lies to the rear of Nos. 1-8 Rectory Close, and concerns have been raised by neighbours over the impact of the development on the amenity of these residents. The indicative layout plan shows development parcels close to the northern boundary of the site and therefore backing onto the rear of Nos. 1-8 and their back gardens. However, it is considered that a detailed layout could be achieved that retains adequate spacing to this boundary so as to not result in detrimental harm. In respect of The Old Rectory which lies to the northeast of the site, this is located at an adequate distance from the site boundary, and well screened, to prevent any undue harm.
- 10.31 Within the development, it is considered that an appropriate layout could be achieved that prevents harmful relationships between dwellings, and provides adequate external amenity space.
- 10.32 Concerns have been raised over noise impacts from the Hunsdon Skips site located some 100m to the southwest of the site. Whilst no detailed Noise Assessment has been submitted, Environmental Health Officers have had regard to the information submitted in respect of the Tanners Way site (located due west of the application site). Those reports confirm that the Hunsdon Skips site is regulated by the Environment

Agency (EA), and is subject to a number of controls, including an Operational Procedure, and restricted operating hours to manage noise.

- 10.33 In connection with the Tanners Way outline application, noise surveys were carried out, and having regard to the restrictions in place, background noise levels, and the prevailing south westerly wind, it was not considered that any harm would arise to future residential amenity as a result of the Hunsdon Skips site, subject to a condition to secure an acoustic fence as recommended in the noise report. The same issues apply in this case. The same Operational Procedure is in place, and is subject to audit and inspection by the EA. Therefore, any noise impacts would not be considered significant subject to a condition to secure details of a noise mitigation scheme.
- 10.34 Concerns have also been raised over odour impacts from the Hunsdon Skips site. Given the proximity of the site, it is accepted that there may be some impact. No objection has been raised by the Environmental Health in respect of this issue.

### **Loss of Agricultural Land**

- 10.35 An Agricultural Land Assessment has been submitted which identifies the western half of the site as Grade 3a agricultural land, with pockets of Grade 2, and the eastern half as Grade 3b. Paragraph 112 of the NPPF requires Local Planning Authorities to take into account the economic and other benefits of the 'best and most versatile agricultural land', and defines this as Grades 1, 2 and 3a of the Agricultural Land Classification. In this case there would be a loss of some Grade 2 and 3a land and this weighs somewhat against the proposal.

## **11.0 Conclusion**

- 11.1 In accordance with paragraph 14 of the NPPF, and given the Council's current lack of a 5 year housing supply, permission should be granted for new developments unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Whilst some benefits have been identified in this case in respect of housing delivery, and economic and social sustainability, a number of issues have been identified that weigh against the scheme.
- 11.2 In accordance with the comments from the Council's Landscape Officer, it is considered that the scale of development proposed would exceed the landscape capacity of the site and result in harm to the character and appearance of the surrounding area. The development,



by reason of its extent to the south, would also diminish the spacing between settlements. This harm is considered to be significant and adverse.

- 11.3 The development would also result in demand for primary school places that could not be met by the development through contributions or obligations. The village school is full, and it would not be sustainable to transport young children to schools in other settlements. The development is therefore unsustainable in this respect, and this weighs heavily against the proposal.
- 11.4 The proposal is also considered to be unacceptable in respect of its single vehicle access point, and lack of adequate pedestrian/cycle links to the village. Although potential footpaths are shown on the indicative plan, these have not been confirmed, and given the site's location it is considered that this would be necessary to create a sustainable form of development, particularly given the restricted width of the existing footway along Acorn Street. As it stands, the proposal does not present a well-designed and well-connected permeable form of development. This weighs against the proposal.
- 11.5 The proposal also currently lacks an adequate scheme for dealing with surface water drainage. Whilst a revised scheme and further information has been submitted by the applicant, at the time of writing this report, the LLFA has not removed its objection. This therefore weighs against the proposal.
- 11.6 Insufficient information has been submitted to demonstrate that the setting of the pillbox in the northwest corner of the site, that is a Scheduled Ancient Monument, can be preserved. There is some confusion over ownership, and therefore the opportunity to carry out enhancement works.
- 11.7 Finally the development will also result in the loss of some of the best and most versatile agricultural land, but this does not carry significant weight in the overall balance.
- 11.8 Overall, whilst there are some benefits in delivering 40 new houses on this site, the adverse impacts highlighted above would significantly and demonstrably outweigh the benefits. In conclusion, the development would not therefore represent a sustainable form of development and is therefore recommended for refusal for the reasons set out below.

## Reasons for Refusal

1. The proposed development, by reason of its scale and siting, would exceed the landscape capacity of the site, erode the spacing between settlements, and result in harm to the character and appearance of the site and the surrounding landscape, contrary to policies ENV1, ENV2 and GBC14 of the East Herts Local Plan Second Review April 2007, policies DES1, DES2 and DES3 of the emerging District Plan, and Sections 7 and 11 of the National Planning Policy Framework.
2. The proposed development will result in a need for primary school places that cannot be accommodated within the village or surrounding area, or provided through future funded expansion projects. The proposal thereby fails to make adequate provision for primary school education and is unsustainable, contrary to policy IMP1 of the East Herts Local Plan Second Review April 2007, policy CFLR10 of the emerging District Plan, and paragraph 72 of the National Planning Policy Framework.
3. The proposed access arrangements, by reason of a single vehicular access, and insufficient information on additional pedestrian accesses, represent poor design as they fail to create a well-connected and permeable form of development, and fail to encourage walking and cycling as alternatives to the private car. The proposal is thereby contrary to policies ENV1 and TR1 of the East Herts Local Plan Second Review April 2007, policies DES3 and TRA1 of the emerging District Plan, and Section 4 of the National Planning Policy Framework.
4. In the absence of an acceptable Flood Risk Assessment, the Local Planning Authority is not satisfied that the proposed development can incorporate appropriate sustainable drainage techniques and would not increase the flood risk to the site and elsewhere. The proposal is thereby contrary to policy ENV21 of the East Herts Local Plan Second Review April 2007, policy WAT5 of the emerging District Plan, and Section 10 of the National Planning Policy Framework.
5. Insufficient information has been submitted to satisfy the Local Planning Authority that the setting of the Scheduled Ancient Monument pillbox to the northwest of the site can be sustained and enhanced as a result of the development. Harm to the setting of this building would conflict with policy HA1 of the emerging District Plan, and Section 12 of the National Planning Policy Framework.

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

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

**KEY DATA****Residential Development**

<b>Residential density</b>	<b>22.6 units/Ha</b>	
	Bed spaces	Number of units
Number of existing units demolished	-	0
Number of new units	-	Unknown at this stage as outline application

**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
14	40%

**Residential Vehicle Parking Provision**

Unknown at this stage as outline application.

**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.

<b>Obligation</b>	<b>Amount sought by EH Planning obligations SPD</b>	<b>Amount recommended in this case</b>	<b>Reason for difference (if any)</b>
Affordable Housing	40%	40%	N/A
Parks and Public Gardens	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A
Outdoor Sports facilities	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A

Amenity Green Space	In accordance with Table 12 of Open Space SPD	£0	Proposed on site
Provision for children and young people	In accordance with Table 12 of Open Space SPD	£0	Proposed on site
Maintenance contribution - Parks and public gardens	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A
Maintenance contribution - Outdoor Sports facilities	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A
Maintenance contribution - Amenity Green Space	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	Only required if adopted by the Council
Maintenance contribution - Provision for children and young people	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	Only required if adopted by the Council
Community Centres and Village Halls	In accordance with Table 13 of Open Space SPD	In accordance with Table 13 of Open Space SPD	N/A