

## DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

<b>Application Number</b>	3/17/2216/OUT
<b>Proposal</b>	Outline application for 27 no. dwellings
<b>Location</b>	Land west of High Road, High Cross
<b>Applicant</b>	Caddick or c/o agent
<b>Parish</b>	Thundridge CP
<b>Ward</b>	Thundridge and Standon

<b>Date of Registration of Application</b>	27 September 2017
<b>Target Determination Date</b>	02 February 2018
<b>Reason for Committee Report</b>	Major application
<b>Case Officer</b>	David Snell

### **RECOMMENDATION**

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

#### **1.0 Summary of Proposal and Main Issues**

- 1.1 The application proposes a development of 27 dwellings on land to the west of High Road.
- 1.2 The site lies outside the designated village boundary of High Cross within the Rural Area beyond the Green Belt.
- 1.3 The main planning issues relate to the balance between the beneficial aspects of the provision of housing and affordable housing weighed against any negative aspects arising from the development.
- 1.4 In environmental terms the proposal would encroach into the rural landscape, however, the harmful impact is considered to be limited.

- 1.5 The site is well related to the village core and although future residents would be reliant on private transport High Cross is relatively close to the main settlements of Ware and Hertford and the primary highway network.
- 1.6 Overall, it is therefore considered that the location of the development is sustainable.

## **2.0 Site Description**

- 2.1 The site lies to the immediate west of High Road and comprises flat uncultivated agricultural land laid to grass.

## **3.0 Planning History**

There is no planning history relating to the application site. However, the following local planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/17/0251/FUL	Erection of 20 dwellings with associated parking, landscaping and access – Land at North Drive, High Cross	Refused  Appeal lodged	June 2017  Decision pending
3/13/2223/FP	High Road and rear of North Drive, High Cross. Demolition of The Bungalow, The Stables and Hazelwood Farm and the erection of 57 residential units together with access	Granted	November 2014

## 4.0 **Main 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 (DP) and the adopted East Herts Local Plan 2007 (LP). The Thundridge Neighbourhood Plan has reached the stage area designation agreed in September 2017.

<b>Main Issue</b>	<b>NPPF</b>	<b>LP policy</b>	<b>DP policy</b>
The principle of the development including housing land supply and sustainability	Section 2 Para 14	SD1 SD2 GBC2 GBC3 OSV1	INT1 GBR2 VILL2
Layout and design	Sections 6 and 7	ENV1 ENV2	HOU2 DES2 DES3
Landscape impact	Section 11	GBC14	DES1
Housing and affordable housing	Section 6	HSG1 HSG7 HSG3 HSG4	HOU1 HOU2 HOU3
Highways and parking	Section 4	TR2 TR7	TRA1 TRA2 TRA3
Flood risk	Section 10	ENV21	WAT5
Planning obligations and infrastructure delivery	Paras 203 to 206	IMP1	DPS4 DEL1 DEL2 CFLR1 CFLR3 CFLR7 CFLR9

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

## 5.0 **Summary of Consultee Responses**

- 5.1 HCC Highway Authority do not wish to restrict the grant of planning permission, subject to conditions. They consider that the footpath on the west side of the High Road should be widened to 2.0m and that a pedestrian crossing point should be provided.
- 5.2 Lead Local Flood Authority comments that the drainage strategy is acceptable and that the proposed development is acceptable subject to conditions.
- 5.3 EHDC Conservation and Urban Design Advisor considers that a single point of access does not provide a permeable site layout and that multiple access points should be provided with buildings orientated towards the street. The application is submitted in outline and does not evidence that the site can support 27 dwellings in an acceptable layout.
- 5.4 EHDC Landscape Advisor considers that the proposed development gives rise to minor adverse landscape effects. The site is a logical extension of the existing settlement edge and mirrors the existing development along the opposite side of the highway. The site is well contained. The development results in the removal of some existing roadside hedgerow, however, its loss is compensated for with new hedgerow and tree planting that will benefit biodiversity. Overall the area from which there are actual public views of the proposed development is relatively well contained due to the screening effect of the existing settlement, and the screening effect of the intervening vegetation and sloping landform to the north and west. Views are fundamentally changed due to the introduction of a new housing development within a previously open field. However, providing that the proposed development is of a high quality design and materials, with robust integrated landscape measures, on balance this fundamental change is not deemed unacceptable in principle.
- 5.5 Herts Archaeology comments that the development is likely to impact on heritage assets with archaeological interest and

recommend a condition requiring a programme of archaeological work.

- 5.6 Natural England do not wish to comment.
- 5.7 HCC Development Services request a financial planning obligation towards improvements to Ware Library.
- 5.8 EHDC Environmental Health Advisor comments that the site is close to a working farm and the application does not assess the impact of noise from the farm or land contamination.
- 5.9 EHDC Operational Services advise as to the refuse and recycling requirements for the proposed development.
- 5.10 Herts Police Crime Prevention Advisor does not wish to comment at this stage.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

## **6.0 Town/Parish Council Representations**

- 6.1 Thundridge Parish Council objects to the proposal for the following reasons:
- Inappropriate development in the Rural Area Beyond The Green Belt – outside of the Parish Boundary.
  - Highway safety concerns, including the proximity of the proposed junction to the High Road chicanes and proximity of the proposed junction to the school.
  - The development is unsustainable in High Cross. High Cross is currently classified as a Category 1 (relatively sustainable village) under Policy OSV1 (2007 Local Plan). The subsequent re-evaluation of the sustainability of the village, which has resulted in it being downgraded to a Group 2 village under

Policy VILL2 (District Plan 2011-2033) implies that it is only suitable for limited infill development.

- Cumulative impact on a (pending) Group 2 village must be taken into account from a sustainability perspective. The village has already undergone a recent expansion of 62 houses (including Canterbury Park) with other applications under review for 20 further houses along with this further 27. Whether considered against current or emerging policy, that amounts to more than 100 additional proposed / built dwellings.
- The proposed development would result in ribbon development along High Road, with significant damage to the openness of the countryside and impact on the character of the village and the setting of St. John's Church.
- Not satisfied that sufficient work has been undertaken to ensure that the ditch improvements and additional hard standing will not result in potential flooding implication in the downstream (off site).
- The development as planned will produce an 'Estate Style' development which is inappropriate and not in keeping with the preferred development style arising from the emerging neighbourhood plan.

## **7.0 Summary of Other Representations**

7.1 8 responses have been received, including responses from The Campaign to Protect Rural England (CPRE) and the Herts & Middlesex Wildlife Trust (H&MWT) objecting to the proposals on the following grounds:

- Impact on traffic generation and highway safety
- Potential for flooding

- Noise and disturbance
- Layout and density is inappropriate and it would destroy an important gap in the village
- Unsustainable development - limited bus services and lack of amenities and service

7.2 The CPRE consider that the proposal is contrary to Local Plan Policy and that it represents inappropriate development in the Rural Area that would damage the countryside and views.

7.3 The H&MWT consider that the application needs to demonstrate no net loss to biodiversity and appropriate mitigation measures.

7.4 Three responses have been received supporting the proposals on the following grounds:

- If High Cross has to have more houses this the obvious place to put them
- The site has good access
- The proposal would not upset many residents
- A school governor supports the proposal for additional housing because there is a need for additional pupil numbers to support the continued viability of the school

7.5 One response was received stating that clearly new housing development needs to be approved and the proposal could be supported if the Glebe Field proposal is rejected.

## **8.0 Consideration of Issues**

### Principle

8.1 High Cross is designated as a Category 1 Village in the adopted Local Plan wherein limited small scale housing development would be permitted. The Plan indicates that whilst there is no absolute definition *limited small scale development* would typically comprise

up to 15 dwellings, occasionally more, but rarely more than 30. However, the site lies outside the settlement boundary of High Cross and within the Rural Area beyond the Green Belt wherein policy GBC3 of the current Local Plan states that permission will not normally be granted for residential development. Therefore in respect of the 2007 Local Plan, the proposals represent inappropriate development in principle.

- 8.2 Notwithstanding, the above policy position the current Local Plan is time expired and is not compliant with the NPPF with regard to policies relating to the supply of housing.
- 8.3 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means that “where the development plan is absent, silent, or relevant policies are out of date”, planning permission should be granted unless any adverse impacts of doing so “would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework that indicate development should be restricted.”
- 8.4 The Council acknowledges that it currently has less than the required 5 year housing land requirement set out in the NPPF. The provision of 27 dwellings will make a meaningful additional contribution to the Council’s housing supply that carries positive weight.

#### Layout and design

- 8.5 The application is submitted in outline with all matters apart from access reserved for later consideration.
- 8.6 The density of the proposed development is reflective of the village setting and a substantive level of open space is proposed at the southern end of the site.
- 8.7 The comments of the Conservation and Urban Design Advisor are noted. However, the layout plan is indicative at this stage and it indicates that a good proportion of the frontage of the site would

accommodate dwellings facing High Road. The remainder would accommodate open space in the form of a village green. The site is situated between the width restriction barriers on High Road aimed at controlling vehicle speed through the village and it is opposite the school entrance. It is considered that the provision of further access points along this part of the highway, as suggested by the Conservation and Urban Design Advisor may compromise highway safety. It is further considered that this would also result in the loss of additional existing hedgerow.

- 8.8 The indicative layout has been amended to provide improved pedestrian linkages with the High Road frontage.

#### Landscape impact

The proposed development gives rise to minor adverse landscape effects. It is considered that the site is a logical extension of the existing settlement edge and mirrors the existing development along the opposite side of the highway. The site is well contained. The development results in the removal of some existing roadside hedgerow, however, its loss can be compensated for with new hedgerow and tree planting that will benefit biodiversity.

- 8.9 Overall the area from which there are actual public views of the proposed development is relatively well contained due to the screening effect of the existing settlement, and the screening effect of the intervening vegetation and sloping landform to the north and west. Views are fundamentally changed due to the introduction of a new housing development within a previously open field. However, providing that the proposed development is of a high quality design and materials, with robust integrated landscape measures the harm to the rural landscape is not considered to be significant.
- 8.10 These matters can be addressed by conditions and the resulting harm to the rural landscape should therefore attract some limited negative weight.

### Housing and affordable housing

- 8.11 The application proposes 27 dwellings of which 40% would be affordable homes. This amounts to a positive aspect of the proposal which carries significant weight.

### Highways and parking

- 8.12 The Highway Authority advise that the proposed access arrangements are satisfactory. The application is submitted in outline and the layout, including parking arrangements are reserved for later consideration, however, officers are satisfied that the proposal can accommodate parking to the level required by policy.
- 8.13 The Authority seeks the widening of the substandard footway on the west side of High Road and the provision of a tactile crossing point as this will be the pedestrian route to the school and shop at the petrol station.

### Flood Risk

- 8.14 The site is situated within Flood Zone 1. The Lead Local Flood Risk Authority are satisfied that the submitted drainage is satisfactory subject to a condition to address detailed design.

### Archaeology

- 8.15 The southern part of the proposed development is located within an Area of Archaeological Significance. The site lies adjacent to the main Roman highway from London to York and in proximity to the core of the historic village. The site has significant archaeological potential and a condition is recommended to require a programme of archaeological work.

## **9.0 Planning Obligations**

- 9.1 HCC have requested a financial planning obligation towards improvements to Ware Library.

- 9.2 In this case the application is submitted in outline. The indicative layout shows provision of on-site open space that would meet the required standard and the Planning Obligations SPD and as such an open space contribution would not be required. However, the layout is indicative and S.106 financial contributions in accordance with Table 8 of the SPD should be included in the Legal Agreement. This would be subject to variation dependent on open space provision forthcoming in the reserve matters application. Arrangements for ongoing maintenance of any open space will also need to be included in the agreement.
- 9.3 The widening of the footpath on the west side of High Road and provision of a crossing point requested by the Highway Authority is the subject of a condition and will also be secured by a S.278 Highways Act Agreement.

### **Planning Balance and Conclusion**

- 9.4 In terms of economic sustainability the development would offer short term employment during the construction period and support for local services.
- 9.5 In social terms the provision of housing and affordable housing are beneficial aspects of the development that should be afforded significant positive weight.
- 9.6 In environmental terms the proposal would encroach into the rural landscape, however, the harmful impact is considered to be limited. It is acknowledged that local services are limited and that residents would be reliant on private car to transport to access services, employment and main shopping. However, the site is relatively close to the settlements of Ware and Hertford and there is good access to the primary highway network.
- 9.7 The site is well related to the core of the village.

- 9.8 It is therefore considered that the proposal should be regarded as a sustainable form of development.
- 9.9 Overall, notwithstanding that the site lies outside the village boundary it is considered that the adverse impacts of the proposal do not outweigh the benefits.

## **RECOMMENDATION**

That outline planning permission be **GRANTED**, subject to the conditions set out below and the satisfactory conclusion of a legal agreement to secure the following:

### **Legal Agreement**

- The provision of 40% affordable in a mix of 75% social rent and 25% shared ownership;
- A financial contribution of £4,792.00 towards improvements to Ware Library.
- Financial contributions towards open space, outdoor sports, amenity green space, provision for children and young people in accordance with table 8 of the East Herts Planning Obligations SPG 2008 (subject to on site provision of open space);
- Arrangements for the ongoing management and maintenance of open space;
- A financial contribution to Community Centres/Village Halls in accordance with Table 11 of the East Herts Planning Obligations SPG 2008.

### **Conditions**

1. Outline permission time limit (1T03)

2. Details of the appearance, landscaping and layout (hereinafter called the 'reserved matters') of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the provision of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. Approved plans (2E103)
4. Contaminated land survey and remediation (2E33)
5. Programme of archaeological work (2E02)
6. Prior to the commencement of development, a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be based on the submitted Flood Risk Assessment carried out by Richard Jackson Engineering Consultants reference 47785 Issue A dated September 2017. The surface water drainage scheme shall include:-
  - Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed 5l/s and not increase risk of flooding off-site;
  - Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event providing a minimum of 315m<sup>2</sup> (or such storage volume agreed with the LLFA) of total storage volume;
  - Implementing the appropriate drainage strategy based on attenuation and discharge to watercourse, using appropriate SuDS measures such as permeable paving and detention basin as indicated on drainage drawing 47785/P/001A Rev A.
  - Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and

- outlet features including any connecting pipe runs and all corresponding calculations;
- Details for the management of overland flow route up to 1 in 100 year + climate change critical storm on adjacent fields; including detailed hydraulic modelling of flow and works to existing ditch;
- Details of how the scheme shall be maintained and managed after completion.

The scheme shall be fully implemented prior to the occupation of the residential units hereby permitted, and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

7. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of:
  - Phasing for the development of the site, including all highway works;
  - Methods for accessing the site, including construction vehicle numbers and routing;
  - Location and details of wheel washing facilities;
  - Associated parking areas and storage of materials clear of the public highway.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

8. Prior to commencement of the development the new access serving the development shall be completed and constructed to the specification of the Highway Authority. The access works shall include the provision of visibility splays of 2.4 metres x 90 metres in both directions. The splays shall be permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2 metres above carriageway level.

Reason: In the interests of highway safety.

9. Prior to first occupation of the development a triangular vision splay onto the footway shall be provided on each side of the access and shall measure 2.0m along the fence, wall, hedge or other definition of the front boundary of the site, and 2.0m measured into the site at right angles to the same line along the side of the access. The vision splays shall be maintained free of obstruction to visibility exceeding a height of 600mm above footway level.

Reason: In the interests of highway and pedestrian safety.

10. Before the development hereby approved is first occupied all on-site vehicle service areas shall be accessible, marked out and surfaced. Arrangements shall be made for surface water from the site to be intercepted and disposed of so that it does not discharge onto the highway.

Reason: In the interests of highway safety.

11. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall be carried out in accordance with the CMP. The CMP shall include details of:

- Phasing of the development;
- Method of accessing the site, including vehicle numbers and routing;
- Location and details of wheel washing facilities;

- Details of parking, storage and office areas

Reason: To minimise the impact of construction on the public highway.

12. Prior to the commencement of development details of the widening of the existing footpath on the west side of High Road from Eydon Nook in the south to the priority traffic restriction in the north to 2.0m in width, to include a pedestrian crossing point shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first occupation of the development.

Reason: Interests of pedestrian safety.

13. Lighting details (2E27)
14. Landscape works implementation (4P13)

### **Informatives**

1. Other legislation (01OL)
2. Street naming and numbering (19SN)
3. Highway works (06FC2)

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

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

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

<b>Residential density</b>	20.1 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	
	2	Mix unknown
	3	outline application
Number of new house units	1	
	2	
	3	
	4+	
Total		27

**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
11	40%

**Residential Vehicle Parking Provision**

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.50	
3	2.25	
4+	3.00	
Total required		
Proposed provision	Unknown outline application	Unknown outline application

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

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	
3	2.50	
4+	3.00	
Total required		
Accessibility reduction		
Resulting requirement		
Proposed provision	Unknown outline application	Unknown 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%	
Parks and Public Gardens	In accordance with table 8 of SPD		
Outdoor Sports facilities	In accordance with table 8 of SPD		
Amenity Green Space	In accordance with table 8 of SPD		
Provision for	In accordance with		

children and young people	table 8 of SPD		
Maintenance contribution - Parks and public gardens			
Maintenance contribution - Outdoor Sports facilities			
Maintenance contribution - Amenity Green Space			
Maintenance contribution - Provision for children and young people			
Community Centres and Village Halls	In accordance with table 11 of SPD		