

DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2018

Application Number	3/18/0105/OUT
Proposal	Outline planning application for the erection of up to ten dwellings (all matters reserved)
Location	Blind Lane, Ardeley
Applicant	Mr Owen York c/o agent
Parish	Ardeley
Ward	Walkern

Date of Registration of Application	16 January 2018
Target Determination Date	17 April 2018
Reason for Committee Report	Major Application
Case Officer	Tim Hagyard

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

- 1.1 The application proposes a development of up to 10 dwellings on land to the north side of Ardeley village and east of Blind Lane.
- 1.2 The site lies within the Rural Area beyond the Green Belt.
- 1.3 The main planning issues relates to the principle of development, the provisions of the Local and emerging District Plan and the merits of any development having regards to the Housing Land Supply.

- 1.4 The site is a potential infill site if the village wished to expand under an adopted Neighbourhood Plan. However, the Village is identified as a Category 3 village in the Local Plan and a Group 3 village in the District Plan being a generally unsustainable location for housing. The services that are available in the village are limited and future residents would be heavily reliant on private transport. There is no connecting local bus service.
- 1.5 While the proposal would provide housing and a provision of affordable housing, the amount proposed at the site would result in localised harm to rural views, the character and appearance of the Conservation Area and the setting of the Listed Building. The site and village of Ardeley are accessed by narrow lanes.

2.0 Site Description

- 2.1 The site lies to the north of the village of Ardeley. It comprises a grass field within hedge boundaries and trees. There are other dwellings generally on large plots on each side of the site. A listed converted barn lies immediately to the south. 2 detached dwellings Greenoak, to the north and east, were approved in 2003 as a redevelopment of a builders yard site and a bungalow (formerly Greenholme).

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/02/0664/FP	Erection of two dwellings (Greenholme Builders Yard – Land to the North)	Approved with conditions	December 2002

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 Ardeley Neighbourhood Plan has reached the stage area designation agreed in September 2017.

Main Issue	NPPF	LP policy	DP policy
The principle of the development	Paras 6-16	SD1 SD2 GBC2 GBC3 OSV1	INT1 GBR2 VILL2
Density , character and the impact on the Conservation Area and Listed Buildings	Sections 6 and 7	ENV1 ENV2 BH6	HOU2 DES2 DES3 HA1 HA4 HA7
Housing and affordable housing	Section 6	HSG1 HSG7 HSG3 HSG4	HOU1 HOU2 HOU3
Flood risk	Section 10	ENV19 ENV21	WAT1 WAT5
Ecology	Section 11	ENV14 ENV17	NE2 NE3
Planning obligations and infrastructure delivery	Paras 203 to 206	IMP1	DPS4

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 comment that the development will be heavily reliant on the use of the private car and may not comply with the NPPF. They do not envisage the number of traffic trips will have a material impact on the local network. Conditions are requested to secure a number of details including the access and visibility.
- 5.2 Lead Local Flood Authority object to the application as they require a surface water drainage strategy. There is a history of flooding obstructing access to Ardeley from the west and north causing the school to close on occasion. Even though the application is in outline it is a major application and a strategy is required in order for the assessment of flood risks to be made and demonstrate that the development will not increase risk elsewhere and where possible can reduce flood risk overall.
- 5.3 Thames Water have no objection with regard to sewerage infrastructure. Prior approval of Thames Water Developer Services is required to discharge to a public sewer. The developer would be expected to minimise groundwater discharges into the public sewer. They recommend an informative if permission is to be granted for a Groundwater Risk Management Permit.
- 5.4 EHDC Conservation and Urban Design Advisor objects to the proposal. It is not considered this number of dwellings could be delivered without harm to the setting of the neighbouring Listed Building and the setting of the Conservation Area. The indicative plan shows a cramped urban development within inwards looking houses.
- 5.5 Herts Ecology do not object in principle. The grassland survey needs to be redone and there is loss of habitat. However they assess the risk to Newts and Bats as low. A S106 agreement to provide for Biodiversity offsetting is recommended as well as conditions for a Landscape and Ecology Management Plan and to agree details of lighting.

- 5.6 HCC Development Services are not seeking obligations for education, library, youth and adult care services on the understanding the development is for ten units and less than 1000sqm.
- 5.7 EHDC Environmental Health Advisor recommends conditions for land remediation and working hours if permission is granted.
- 5.8 Herts Police Crime Prevention Advisor neither supports nor objected. He requests the applicant engage with the local Crime Prevention Design Advisor with the intention to achieve full Secured By Design accreditation.

6.0 Ardeley Parish Council Representations

- 6.1 Ardeley Parish Council objects to the proposal for the following reasons:
- A Category 3 village and in the Rural Area Beyond The Green Belt. Strategic plan of East Herts presumes against development.
 - Access to the site would be inadequate for the number of residents. It would exit onto a narrow blind lane with poor visibility no pavement or street lights.
 - Insufficient off street parking for the number proposed
 - The proposal would result in a cul de sac at too high a density out of character with the village and not matching the surrounding vernacular.

7.0 Summary of Other Representations

- 7.1 51 responses have been received, including objecting letters from Councillors Kenealy and Crofton, The Campaign to Protect Rural England (CPRE) and the Herts and Middlesex Wildlife Trust (HMWT). There are 41 Objections and 10 in Support. Those objecting to the proposal do so on the following grounds:

- Ardeley is Group 3 designation which precludes housing. Contrary to Local and District Plans.
- 5 year housing land supply identified.
- A greenfield site not brownfield land.
- Not in keeping with the aesthetics of the village. No similar areas of high density housing.
- A cul-de-sac, at odds with the layout of Ardeley, largely linear style village.
- Cramped development with minimal gardens.
- Concern about parking in the village's narrow roads. Parking inadequate. No provision for visitors parking.
- Harmful to neighbour amenities
- Out of scale. 20% addition to a village of only 50 dwellings. Poor precedent for infilling. Magnitude makes it unsustainable
- Supporters are either outside the village or live in properties owned by the developer.
- Village has no secondary school and no public transport.
- No local activities to support. Only the pub, the school and Church Farm.
- Blind Lane is too narrow with no footpath or passing places. It floods regularly and has Blind bends (as the name suggests).
- 3 of the dwellings harm the Conservation Area.
- Highly disruptive during construction with damage to verges and congestion on the single lane High Street.
- How will waste water be handled ?
- Planning statement is misleading.
- Ecological report inadequate study is for 2 homes but application is for 10.
- No material considerations to outweigh provisions of the Development Plan.

7.2 The CPRE consider that the proposal is contrary to Local Plan Policy and doesn't comply with the criteria for development in the Rural Area Beyond the Green Belt or for development in the village that would damage the countryside and views.

7.3 The HMWT consider that the application provides inadequate information with botanical assessment, no net impact appraisal

and not consistent with BS 42020no needs to demonstrate no net loss to biodiversity and appropriate mitigation measures.

7.4 The 10 responses supporting the proposals do so on the following grounds:

- Fully support. Family homes can help people stay in the village.
- Site has good access.
- Ideal position to bring much needed life to a dying village.
- New families and more local pupils for the village school which is vital to village life, Children currently taxi in from Stevenage and surrounding villages.
- Good for local businesses.
- Support for the church.
- Offers a variety of house sizes. If done well could really benefit the village.
- Not intrusive. Ideal plot for future development.
- Field is an eyesore and waste ground.
- Would hope to access the affordable housing.

8.0 Consideration of Issues

Principle

- 8.1 Ardeley is designated as a Category 3 village wherein housing development is not generally permitted as it is not so served by services or public transport and therefore it is not considered to be a sustainable location. The Plan does make an allowance for rural housing exception sites where this accords with Policy HSG5. In the emerging District Plan Ardeley is designated as a Group 3 Village wherein Policy VILL3 may permit infill development identified in an adopted Neighbourhood Plan.
- 8.2 In respect of the 2007 Local Plan. The application site is not allocated for residential development within the District Plan.
- 8.3 The emerging District Plan has now reached an advanced stage of preparation. The current housing land supply position is set out in

the Council's Authority Monitoring Report 2016-17, February 2018 wherein a housing land supply of 6.2 years is established. The application therefore falls to be assessed on the balance of considerations having regard to adopted Local Plan policy, emerging District Plan policy and the NPPF.

- 8.4 The applicant submitted the proposal assuming that the District was lacking an identified 5 year housing land supply, whereby the Housing Policies of the Local Plan and District Plan would not be up to date.
- 8.5 The applicant has also indicated the possible reduction of the proposal to 6 dwellings to address site specific objections although Officers consider it only appropriate that any alternative be subject of further discussion outside the current application. The applicant have been invited to withdraw the application but have not done so. In any event it is considered that a proposed smaller scheme would only delay the consideration of an application without addressing the general policy objections to the unsustainability of the location.
- 8.6 The proposal is contrary to the current and emerging plan policies for housing in the Rural Area beyond the Green Belt. It is contrary to the Development Plan and a refusal decision would be in accordance with the plan unless there are material considerations to indicate otherwise. (NPPF paragraphs 150 and 196).

Density, Character of Area and Heritage Assets

- 8.7 The application is submitted in outline with all matters reserved for later consideration.
- 8.8 The site is a modest greenfield site of 0.4 ha and with 10 dwellings proposed then the density of the proposed development at 25 dph will have significant implications for the character of the area. This proposal would exceed the density of immediately adjacent plots, although the village centre is naturally tighter and more compact. It would result in a pattern of development at odds with the spacious arrangement of the village and one in which primarily properties are

aligned in linear form to the main road frontages.

- 8.9 The objections of the Conservation and Urban Design Advisor are significant. While the layout plan submitted is only indicative, it is poor showing an inward looking development with a lot of cramped backland housing. The number of dwellings proposed, form part of the application as described, and would appear to be well beyond the capacity of the site to be satisfactorily accommodated and designed. Given the heritage considerations of the site an outline application without layout or other details is felt to be insufficient and inadequate by Officers to fully assess the merits of the principle of development.
- 8.10 The site is on the northern boundary of the Conservation Area although the Blind Lane boundary hedging is within it and there are various listed buildings to the south including the 16th / 19th century Barn at the Old Bell Yard.
- 8.11 The numbers of dwellings proposed, up to 10, would result in a cramped site development harmful to both the Conservation Area and the setting of the Listed former barn. The mechanism of an Outline Application without any accompanying details is also considered general inappropriate to establish the principle of development and its impact on these important heritage assets. Essential details of layout, scale and appearance would be needed to assess the acceptability of the development in principle.
- 8.12 The site does benefit from a rural quality of openness and is subject of open views from Blind Lane itself as well as nearby footpaths FP 35 which runs to the south and east of the site. The sporadic building to the north in part suggests an infill site but the site is not fully contained by built development and to that degree there would be an element of encroachment of the countryside.
- 8.13 The proposed development would by its nature and because of the density proposed result in harm to the openness and spaciousness of the site, be harmful to the pattern of development in the area

and harmful to the setting of the Conservation Area and the setting of the adjacent listed building.

Housing and affordable housing

- 8.14 The application proposes 10 dwellings of which 35%, presumably 4 dwellings, would be affordable homes. Notwithstanding the Council's updated housing land supply position, the provision of affordable housing will carry some positive weight although the details of this have not been worked through based on local housing need or with the Council's Housing Officer or as part of a Neighbourhood Plan.

Highways and parking

- 8.15 The Highway Authority advise that the proposed access arrangements are satisfactory. There are some local concerns raised about parking and it is most probably that in trying to provide for fully compliant parking standards then either the quality of the development is reduced, exacerbating the cramped nature of the development and harm to the Conservation Area or otherwise parking spills over onto nearby narrow lanes. The potential issue is there and is emblematic of the objection to the overall density of the proposal, but given the outline nature of the application then it does not of itself amount to a reason for refusal of the proposal.
- 8.16 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.
- 8.17 The Highway Authority seeks conditions to ensure the access can be achieved with good visibility. This may result in some loss of hedgerow at the front of the site but again is a detail that would be better explored via a more detailed planning application.
- 8.18 The increased traffic on narrow rural lanes is also a negative consideration but not of itself refusable in Highway terms.

Flood Risk

- 8.19 The site is situated within Flood Zone 1. The Lead Local Flood Risk Authority have objected to the absence of a Drainage Strategy for a site in an area of known flooding issues. The site is a major application and the lack of information submitted for this is unacceptable in the context of the current density of the scheme proposed and the requirements of the NPPF. It is not known if the LLFA would take a similar position on a reduced scheme but nonetheless it is grounds for refusal of the current application.

Ecology

- 8.20 Objections have been made by Herts and Middlesex Wildlife Trust to the poor quality of the submissions with respect to Ecology. The habitat of the site has not been properly assessed but from the evidence available I note that Herts Ecology believe these interests could be addressed by further survey work as a condition of any planning permission and also a s106 agreement to secure Biodiversity offsetting.
- 8.21 It seems likely that at the scale and density proposed, the scheme makes it more challenging to achieve any overall benefit to biodiversity as required within the NPPF and emerging District Plan Policies NE2 and NE3.
- 8.22 Some habitat will be lost, this is therefore ascribed some negative weight in the planning balance and in the absence of any S106 agreement to secure Biodiversity offsetting is considered also to be grounds to object.

Sustainability

- 8.23 In terms of economic sustainability the development would offer short term employment during the construction period and the support of future residents for local services which would carry some limited positive weight.

- 8.24 In social terms the provision of housing and affordable housing are beneficial aspects of the development that should be afforded some positive weight.
- 8.25 In environmental terms the proposal would encroach into the rural landscape and result in harm to ecology without mitigation. Local services are limited and residents would be heavily reliant on the private car for transport to access services, employment and main shopping.

Other matters

- 8.26 The provision of 10 dwellings is not at a level that S106 obligations would be requested and none have been requested for the site.

9.0 Planning Balance and Conclusion

- 9.1 The current housing land supply position is set out in the Council's Authority Monitoring Report 2016-17, February 2018 wherein a housing land supply of 6.2 years is established. The application therefore falls to be assessed on the balance of considerations having regard to adopted Local Plan policy, emerging District Plan policy and the NPPF.
- 9.2 The site lies on the northern side of Ardeley village within the Rural Area beyond the Green Belt. The site is to a degree contained by others buildings but the development will also obstruct views to open countryside. Given the Policy position of the District Plan Officers consider it appropriate that the question of it being developed as an infill site should only come through the Neighbourhood Plan process.
- 9.3 Policy GBC3 of the current Local Plan states that permission will not normally be granted for residential development in the Rural Area. The application site is not allocated for residential development within the District Plan and the proposal does not fall within a category of development that is identified in Policy GBR2 as being

capable of maintaining the Rural Area. The proposal also have a localised impact on the character of the Rural Area.

- 9.4 The provision of affordable homes is proposed at a level of 35% which if it provides 4 dwellings would be policy compliant. However it would require a 100% provision and coordination with the identified housing needs for the development to be potentially a Rural Exceptions Site. No negotiations have taken place about this and such provision in turn depends on the views of the local Parish Council and Neighbourhood Planning Group.
- 9.5 In terms of its sustainability the site lies away from larger settlements with no passenger transport services available. Future residents would be heavily reliant on private transport to access services and employment in larger settlements. The sustainability aspects of the development are therefore afforded significant negative weight.
- 9.6 Overall, the proposed development lies in a location that the District Plan has determined not to be a sustainable location for new housing. There is additional harm resulting from the density of the scheme, insufficient information to assess flooding issues or provisions to mitigate harmful impacts on biodiversity.
- 9.7 There are not therefore material planning considerations that would justify the grant of planning permission contrary to the provisions of the Development Plan.

RECOMMENDATION

That outline planning permission be **REFUSED**, for the reasons set out below:

1. The proposed development would be sited within a Category 3 village within the Rural Area beyond the Green Belt. The site represents an unsustainable location for new housing and its development would be contrary to the development plan. There are no material planning considerations that would justify the

development contrary to the Development Plan Policy GBC3 of the East Herts Local Plan Second Review April 2007, Policies GBR2 of the emerging East Herts District Plan and the National Planning Policy Framework.

2. The density of the proposed development and loss of open views across the site would result in a cramped form of development at odds with the pattern of development in the village and harmful to the setting of listed buildings and the Conservation Area. The development would thereby be contrary to the Development Plan Policies GBC3, ENV1, BH6 and OSV3 of the East Herts Local Plan Second Review April 2007, Policies GBR2, DES3, HA1, HA4 and HA7 of the emerging East Herts District Plan and the National Planning Policy Framework.
3. Insufficient information has been provided to demonstrate that the development of the site will not increase flood risks at the site or elsewhere. The development is thereby contrary to Policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007, Policies WAT1 and WAT5 of the emerging East Herts District Plan and the National Planning Policy Framework.
4. No provisions are secured to mitigate the harmful impacts of the proposal on biodiversity. The development is thereby contrary to Policies ENV14 and ENV17 of the East Herts Local Plan Second Review April 2007, Policies NE2 and NE3 of the emerging East Herts District Plan and 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 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**

Residential density	25 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		10

Affordable Housing

Number of units	Percentage
Unknown	

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