

5a 3/12/1934/OP – Retirement Community comprising of: Shared communal facilities including swimming pool, gymnasium, day centre, therapy rooms and restaurant located in a central purpose designed care and management facility. Shared external communal facilities including tennis courts, bowling green, boules, gardening area and woodland walking area. Up to 144 C2 extra care/assisted living units. Public woodland recreation area and new access at Former brickfields, off Cole Green Way, Hertford for Mr L J Elmermann

Date of Receipt: 21.11.2012

Type: Outline – Major
(All matters reserved)

Parish: HERTFORD

Ward: HERTFORD – CASTLE

RECOMMENDATION

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

1. The proposed development constitutes inappropriate development within the Metropolitan Green Belt and is therefore, by definition, harmful to it. Other harm would also result from a loss of openness to the surrounding area; adverse impact on the character and appearance of the area; the isolated and unsustainable location of the site; the adverse impact upon protected trees; and highway matters. The material considerations relating to the positive impacts of the development are not considered to be of such weight that they would clearly outweigh this identified harm or amount to the very special circumstances required to justify the inappropriate development in the Green Belt. The development would thereby be contrary to policies GBC1, GBC14, SD1, ENV1, ENV2, ENV11 and TR7 of the East Herts Local Plan Second Review April 2007 and national policy set out in the National Planning Policy Framework.
2. The development would result in the removal of a substantial amount of trees subject of a Tree Preservation Order and cause significant harm to the woodland character of the area, contrary to Policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.
3. Insufficient information has been submitted to assess the likely traffic generation and implications on the surrounding highway network and to demonstrate that a safe means of vehicle access onto the public highway at Horns Mill Road can be provided. The proposal is thereby contrary to Policies TR2 and TR3 of the East Herts Local Plan Second Review April 2007.

3/12/1934/OP

4. The application fails to provide sufficient information in respect of the proposed access bridge across the River Lee, and any associated earthworks, to enable the local planning authority to properly assess whether, in principle, a safe and appropriately designed means of access can be provided within the application site without causing an increase in flood risk in the area. The proposal would thereby be contrary to Policies ENV1 and ENV19 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

_____ (121934.TA)

1.0 Background:

- 1.1 The application site (5.05 hectares) is shown on the attached OS extract. It comprises an area of heavily wooded land, covered by a blanket Tree Preservation Order (TPO). The site includes some limited remains of the former Brickworks salt pits and the footprint of the kiln, pump house and other buildings; however the character of the site remains that of a natural woodland.
- 1.2 The wider surroundings are of open countryside with occasional buildings. To the north and north west, beyond Cole Green Way, lie residential properties. To the west lie further residential properties and commercial units based at Terrace Wood Nursery. The eastern boundary is adjacent to the railway line viaduct – beyond which lies Hertford Town Football Club. To the south lies Brickfields Farm and associated fields.
- 1.3 The application seeks outline permission for the use as specified within the description. The concept is to create a Continuing Care Retirement Community (CCRC) environment for the over 55's. A range of accommodation is proposed, including self contained flats or bungalows and apartments offering personal care and support for those with greater care needs. Activities such as swimming, walking and gardening would also be facilitated on the site. Other communal facilities may include restaurant(s), lounge(s), activity room(s), library, computer suite and consultation room. All matters (access, appearance, landscaping, layout and scale) are reserved. The application has been submitted with illustrative drawings of the layout and design, together with parameter plans indicating limits of scale.

2.0 Site History:

- 2.1 This application follows a previous outline application (3/12/1207/OP) for a similar proposal that was recommended for refusal but was

withdrawn prior to the October 2012 committee meeting. This application forms the only previous record of planning history on the site. Although no decision was made, the Officer's Report identified a number of concerns with the previous proposal and recommended five reasons for refusal relating to; Inappropriate development in the Green Belt; Removal of substantial amounts of protected trees; Insufficient information relating to ecological reports and surveys; Failure to provide a suitable assessment of the flood risk arising from the development and; Insufficient information submitted in relation to traffic generation and failure to demonstrate safe means of access onto the public highway.

- 2.2 The only material change to the proposed development in relation to the previous scheme relates to the indicative vehicular access, which has been re-located from the west side to the east side of the railway line viaduct in Horns Mill Road as shown on the attached OS extract. The access track itself has also been moved approximately 80m to the east and has been increased in length so that the entry point into the site is re-located from the south east to the north east corner of the site, passing beneath the railway viaduct.
- 2.3 To address the previously proposed reasons for refusal, additional information has been submitted pertaining to Flexible Care Housing Needs for the District; an Ecology Report; Drainage Strategy and additional Highways Information.

3.0 Consultation Responses:

- 3.1 Hertfordshire Constabulary Crime Prevention Design Advisor supports developments of the scale proposed as they offer a more independent option to residential care. Concerns were raised that the care provided should match the level provided in standard level residential care and be available 24hrs a day.
- 3.2 The Environment Agency are satisfied with the Flood Risk Assessment (FRA) and the Drainage Strategy provided that conditions are imposed requiring further details to be submitted and approved in relation to:-
- a) the detailed design of the access bridge across the River Lea,
 - b) a detailed surface water drainage scheme for the site in accordance with the Drainage Strategy,
 - c) a scheme to deal with the risks of contamination of the site,
 - d) the completion of the works in accordance with the approved remediation strategy confirmed through the submission of a verification report,

3/12/1934/OP

- e) long term monitoring and maintenance in respect of contamination,
- f) no further development being carried out if, during development, contamination is found to be present on site,
- g) no infiltration of surface water drainage into the ground at the site,
- h) piling or any other foundation designs using penetrative methods not being permitted and
- i) a scheme to dispose of foul and surface water.

- 3.3 Hertfordshire Biological Records Centre agree with the findings, conclusions and recommendations made in the Ecology Report including that further survey work must be conducted for a) secondary broad leaved woodland, b) semi-improved grassland, c) badgers, d) bats (potential roost sites in tall trees), e) invertebrates, f) breeding birds, g) otters, h) water voles, i) great crested newts and j) reptiles - in order to inform the LPA on species protection and mitigation. Full planning permission must not be granted until all surveys have been completed and a long term (10 year) management plan submitted and agreed with the LPA.
- 3.4 The Herts and Middlesex Wildlife Trust endorse the recommendations made in the Ecology Report, including the need for further survey work to inform appropriate mitigation, habitat compensation and precautionary approaches. This should be secured through an Ecological Management Plan, drawn up by a suitably qualified ecologist and submitted and agreed with the LPA.
- 3.5 Natural England comments that the proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils. Additional survey work is required with regard to bats, great crested newts and otters.
- 3.6 Hertfordshire Highways comment that there is insufficient information to enable an accurate assessment. They comment that the application fails to
- a) Demonstrate safe access/egress onto Horns Mill Road, and
 - b) Provide sufficient information to enable an accurate assessment of the likely traffic generation and implications on the surrounding highway network.

Furthermore, the Travel Plan submitted does not provide sufficient detail to meet requirements and the site is not considered sustainable. The sensitivity of the highway in the vicinity of the site requires a full Transport Assessment before outline consent could be granted.

3/12/1934/OP

- 3.7 The Council's Planning Policy Section have confirmed that the site is within the Metropolitan Green Belt as well as being adjacent to a Wildlife Site. They further raise concerns with the location of the accommodation and its proximity to the town centre in terms of walking distances and bus service provision.
- 3.8 The County Planning Obligations Unit seek obligations towards library facilities and fire hydrants.
- 3.9 The Campaign to Protect Rural England (CPRE) has commented that there is no reference to the National Planning Policy Framework within the Planning Statement and consider that the site cannot be considered as 'brownfield' or outside of the provisions for protection of the Green Belt. Further concerns are raised that the loss of trees and the introduction of residential development will not improve amenity, wildlife value or leisure potential or that there is a need for this particular development at this specific site.
- 3.10 The Councils Landscape Section has commented that the development site is subject to Woodland Tree Preservation Order (TPO) 336 although the applicant has failed to recognise this. This site is recognised and recorded in the Council's Local Development Plan as woodland and is also a registered wildlife site. It is also covered by a woodland TPO, and the restrictions upon land use that this imposes, although this would be overruled by any planning consent (if given). The site is a designated wildlife site in the East Herts Local Plan Second Review April 2007 and Policy ENV14 applies which states that "Development and land use change likely to have an adverse effect on a local nature reserve or wildlife site will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal, which clearly outweigh the need to safeguard the substantive nature conservation value of the site or feature".

This TPO (TPO 366) is designed to protect the trees and woodland as an amenity for the local community. In the Secretary of State's view, trees which are planted or grow naturally within the woodland area after the TPO is made are also protected by the TPO. This is because the purpose of the TPO is to safeguard the woodland unit as a whole which depends on regeneration or new planting. The development proposal, together with associated use (if allowed), will cause significant harm to the woodland unit and compromise its ability to regenerate. As well as preserving large and dominant woodland trees, the effect of a woodland TPO is also to prevent the cutting down, (or removal by other means) of new saplings such that the woodland cannot regenerate over time and thus retain its integrity as a whole.

The installation of the proposed development and the impact of the subsequent change in land use will cause damage to existing trees and/or prevent regeneration of the woodland unit as a whole. The proposed development will have an adverse impact on seedlings and saplings which are currently protected from such activity by the TPO.

This site does not have the landscape capacity to accommodate the proposed development without losing its essential character – the site is not capable of ‘absorbing’ the proposed development while retaining the woodland character. In other words, this woodland site is not compatible with, or able to adapt to the change of use proposed, and the ‘keyholing’ of development into woodland sites (such as this) that are unsuitable for development must be avoided. The Planning Statement submitted by the applicant offers little or nothing by way of reasoned argument in mitigation, and can reasonably be described as disingenuous or inaccurate on a number of points/issues’. Overall, the proposed development would fail to secure the special character of the woodland or the woodland character of the area.

- 3.11 The Council’s Engineers Section comment that the site is within flood zone 1 with no records of historic flooding. They comment that the site is suitable for above ground / green infrastructure type Sustainable Urban Drainage solutions (SUD’s) and that it would be useful for the Council engineers to discuss SUDS further with the developers.
- 3.12 Historic Environment Unit comment that the site should be regarded as likely to have an impact on heritage assets of historic archaeological interest. Any planning consent granted should include a condition to secure a programme of archaeological work in accordance with a written scheme of implementation to be submitted to and approved by the LPA.
- 3.13 At the time of writing this report, no comments have been received from The Council’s Housing Unit; Environmental Health; The Woodland Trust; Hertfordshire Health and Wellbeing Board; the Plant Protection Team; EDF Energy Networks; the Passenger Transport Unit; the Ramblers Association or Veolia Water. Any further responses received will be reported to members at the meeting.

4.0 Town Council Representations:

- 4.1 Hertford Town Council has the following comments to make on the application:

The Committee noted the proposed change of access to the development but considered this to be more dangerous than the one previously proposed. In all other matters the Committee's previous comments/objections still stood, those being as follows:-

'The Committee recognised that the application was for Outline Permission only, but that indicative details had been provided. The principle of any built development within the area of the development site (other than for any building which might be needed to support an open countryside/rural/conservation use) was opposed by the Town Council. In previous years the Council had looked with some sympathy at the possibility of some useful development on the brownfield site of the former nearby nursery land and glasshouses, but this did not find favour with East Herts Council at the time. It would be extraordinary if that Authority found merit in what was now proposed for a site which was far less able to claim a 'brownfield' status, despite its historic brickfield activity. Hertford is characterised by and environmentally dependant upon its surrounding green countryside and its rural landscape is important and characteristically varied. The application site forms an important constituent part of that variety and its loss would be serious. The landscapes around Hertford vary from historic parkland and productive agricultural land to carefully managed special conservation sites. A small site of special ecological importance could not exist when it is cut-off from supportive neighbouring habitats and the application site served in such a way. It is also tied in with the habitat rich corridor created by the railway and with the Bayfordbury Estate.

Scrubland and carefully managed countryside special sites can be interdependent. Soil variations, uplands, drylands and wet lands, pastures, meads and wooded areas all characterise the landscapes and habitats in the Hertford surround and the application site remains a precious part of the characteristic mix. It is a 'home counties' landscape and ecology belt of huge importance and precious quality. The outline application would dangerously upset and erode it. The vitality of the local economy does not cry out for provision of the kind proposed, and certainly, even if there were such a cry, the damage done to the countryside of Hertford and Hertingfordbury would heavily outweigh such a call.

5.0 Other Representations

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

5.2 51 letters of representation had been received at the time of writing, including from the Hertford Civic Society and Hertingfordbury Conservation Society. The comments raised can be summarised as follows:

- Site is within the Green Belt. Inappropriate development. No very special circumstances demonstrated. Not a brownfield site.
- Whilst there is a need for this type of accommodation it should be assessed as part of the Local Plan process to examine Green Belt boundary changes.
- Remote and unsustainable development and location.
- New junction is unsafe, poor visibility.
- Loss of wildlife habitats.
- Biodiversity could be irreparably degraded.
- Could be hazardous materials on site that should not be disturbed.
- Removal of trees subject to Tree Preservation Order unacceptable. Harm to character of the woodland and the adjacent Terrace Wood which is an Ancient Woodland.
- Insufficient information relating to disposal of sewage.
- Revised access position poses a greater flood risk. Access road would be built on a flood plain.
- Highway safety concerns with increased traffic generation.
- Existing utilities dealing with treatment of waste are already overloaded. Could put a strain on other local services.
- Noise and light pollution.
- Development will ruin a tranquil location.
- Could result in use of the River Lea for discharging sewage.
- Loss of visual amenity. Will look totally out of place in a rural location.
- Domestic water supply may become contaminated.
- New access road will disturb grazing horses and compromise their security.
- No need for such development in Hertford. Where such development is needed, they should be located within existing sites.
- Adverse impact on neighbouring residential amenity, noise, overlooking, overshadowing and light pollution.
- Could set a precedent.
- Proposal meets no local need.
- Unsuitable site for retirement home as isolated with poor access to public transport. Facilities proposed not suitable for retirement home.

3/12/1934/OP

- Tranquillity and beauty of the Cole Green track will be lessened.
- Could destroy tourism in the area

6.0 Policy

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

SD1	Making Development More Sustainable
HSG1	Assessment of Sites not Allocated in this Plan
GBC1	Appropriate Development in the Green Belt
GBC14	Landscape Character
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV14	Local Sites
ENV16	Protected Species
ENV17	Wildlife Habitats
ENV21	Surface Water Drainage
LRC9	Public Rights of Way
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR7	Car Parking – Standards
TR20	Development Generating Traffic on Rural Roads
IMP1	Planning Conditions and Obligations

6.2 In addition, the National Planning Policy Framework is relevant.

7.0 Considerations

7.1 The main planning issues for consideration in the determination of this application are as follows:

- Principle of development
- Impact upon the character and appearance of the Green Belt
- Impact upon designated sites and protected species
- Impact upon landscaping and protected trees
- Impact on neighbour amenities
- Highway matters
- Flooding and drainage issues

Principle of development

3/12/1934/OP

- 7.2 The site lies within the Metropolitan Green Belt, wherein permission will not be given for inappropriate development unless there are other material planning considerations to which such weight can be attached that they would clearly outweigh any harm caused to the Green Belt by inappropriateness or any other identified harm, thereby constituting 'very special circumstances' for permitting the inappropriate development in the Green Belt.
- 7.3 Any proposal for new residential development and other associated buildings in the Green Belt, irrespective of a location on previously developed land, is contrary to Local Plan policy GBC1 as well as national policy in the National Planning Policy Framework and amounts to inappropriate development. This proposal would therefore, by definition, be harmful to the Green Belt. In addition, Officers consider that other harm would result from the development (which is set out below).
- 7.4 The main issue to consider in the determination of this application is therefore whether, taking all the material issues into account, weight can be assigned to the positive impacts of the development such that the harm in Green Belt terms and any other harm, is clearly outweighed. If that is the case then very special circumstances are demonstrated and planning permission could be granted.
- 7.5 The Planning Statement states that the site is considered as a brownfield site being previously developed land. However, the National Planning Policy Framework (NPPF), within Annex 2, states that 'previously developed land' excludes that where 'the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'. The site was once occupied as a Brickworks with associated buildings, however this use was ceased a long time ago and there is now no obvious outward appearance of the site being anything but established woodland. The site therefore, in the view of Officers, cannot be considered brownfield or previously developed land. Even if the site were considered as previously developed then the NPPF, at Para 89 and 111, states that redevelopment of previously developed land would only be permitted where the land is not of a high environmental value and where any new development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. As will be outlined within this report, the proposal is not considered to comply with either of these criteria.

Other harm

- 7.6 Openness; character and appearance: The proposal would, in Officers view, result in a significant material loss of openness in the surrounding area and would be detrimental to the established woodland character and appearance of the area. Whilst the site has established landscaping, a development of this scale would nevertheless materially erode openness and would be harmful to the landscape character of the area. There would inevitably be a change in the character and the appearance of the site, resulting in a more urban character which would be detrimental to the rural surroundings.
- 7.7 Isolated location: Additional harm is identified due to the isolated location of the site, being relatively inaccessible to nearby settlements (except by private vehicle) and to their services and amenities, which would be against the justification put forward by the applicant as to why it is sited on the edge of Hertford. Officers consider the site too remote to genuinely enable residents of the retirement centre to walk to Hertford town centre or to enable the use of other sustainable transport measures and as such, the site is an unsustainable location. This is contrary, of course, to the general thrust of national planning policy in the NPPF.
- 7.8 Impact on Protected Trees: The documentation within the planning application states that a Forestry Commission Licence has been granted for the felling of trees. Previous discussions with the Forestry Commission however, suggest the licence is for coppicing to harvest firewood, as oppose to felling, which calls into question the validity of that licence. In any event, the site is covered by a woodland TPO and the development and the resulting impact of the subsequent change in land use would cause damage to existing trees and/or prevent regeneration of the woodland unit as a whole. This site does not have the landscape capacity to accommodate the proposed development without losing protected trees and its essential woodland character. Significant harm is therefore attributed to this element of the scheme.
- 7.9 Highway matters: Although the proposal is for outline planning permission, it is still expected that a proposal of this scale would be supported by a full Transport Assessment. The Travel Plan submitted is a replica of that which was submitted with the previously withdrawn application (Ref: 3/12/1207/OP) and remains of insufficient detail. In order to address previous concerns relating to likely trip generation, some additional Highways Information has been submitted which lists trip generations for 6 existing assisted living developments and applies this information to estimate an average trip generation rate for the

proposed development. However, it is unclear whether the 6 developments represent appropriate comparisons to the submitted scheme. County Highways estimate that the likely trip generation would be higher than the figures projected. It is also considered that an accurate and robust assessment of trip generation is required to work out whether the new access is acceptable in terms of capacity.

- 7.10 Without a full Transport Assessment, the impact upon the surrounding highway network and any necessary mitigation works are unable to be fully considered. Concern remains with the vehicle access onto Horns Mill Lane, relocated as part of this re-submitted application. Access is a where that access would be taken from. No details have, however, been submitted to demonstrate that an appropriately designed junction with adequate visibility splays necessary to maintain highway safety can be provided and this is of course a fundamental consideration which must be considered at the outline permission stage.

Other material considerations and the benefits of the proposal

- 7.11 Given that the development, by definition, is harmful and that other harm has been identified as set out above, it is necessary to consider whether these matters are clearly outweighed by other issues. The appellant considers that there are other issues that do outweigh the harm, and this is in relation to:
- The need for the proposal, with an ageing population and the rapid growth of the "oldest old" who have the highest health and social care needs;
 - The proposal would provide a particular form of accommodation not widely available in the area;
 - Recent government support for this type of proposal;
 - There are no sequentially preferable sites;
 - The existence of wider benefits including freeing up larger family houses, the provision of employment and the wider economic benefits for local business;
 - Great social benefit will be provided to the area in the form of high dependency living environment for people with needs.
 - The provision of new employment (up to 50 jobs)
 - The creation of new public spaces that will seek to address an existing deficit in the area.
- 7.12 The previous application has been supplemented by a document entitled East Herts Flexible Care Housing Needs. The document provides evidence of a broad policy commitment within the

Government's Housing Strategy and within the East Herts LDF, SCS and Housing Strategy 2012-15 to meet the needs of a growing elderly population. However, the document makes no reference to the specifics of this particular proposal.

- 7.13 As such, Officers consider that no robust or convincing evidence has been submitted to outweigh the harm identified. Generalised statements are made within the submission about the need for this form of accommodation but without any justification for its location within the Metropolitan Green Belt or for the scale of the development proposed.
- 7.14 On balance, having considered all the relevant issues put forward by the applicants, Officers have strong reservations that the considerations put forward in this case are of such weight that they 'clearly outweigh' the harm caused to the Green Belt by this development. Whilst there may be evidence that the population is ageing and whilst having regard to the other associated benefits, officers cannot agree that those considerations outweigh the significant harm caused in this case such as to amount to 'very special circumstances' for permitting this inappropriate development.

Impact on Designated Sites and Protected Species

- 7.15 An Ecology Report accompanies the application. A Phase 1 Habitat survey was conducted on 22nd October 2012 by a qualified ecologist. The site comprises 5.5ha of secondary broad-leaved woodland (BAP habitat) and semi-improved grassland (BAP habitat). The survey consisted of an inspection for preferred habitat types and evidence of protected Biodiversity Action Plan (BAP) and other notable species such as plants, bats, reptiles, invertebrates, amphibians, mammals and birds.
- 7.16 The findings of the survey indicate the following protected species and/or habitats that would support them: Badgers, Hedgehogs, Bats, Invertebrates, Breeding Birds, Otters, Water Voles, Great Crested Newts and Reptiles. The report also stated (correctly) that the Cole Green Way and Terrace Wood are County Wildlife Sites. In light of the findings, the report recommends that further presence or absence surveys are undertaken to inform appropriate and proportionate mitigation, compensation of habitats or precautionary principles to prevent harm to identified species. The woodland itself is a protected habitat and it is also recommended that a site-specific long term Ecological Management Plan (EMP) is necessary to protect the integrity of the habitat as much as possible. The EMP should aim to

3/12/1934/OP

maximise the ecological value of retained habitats, propose landscaping and include enhancement recommendations.

- 7.17 The survey comprised a one-day walkover survey and did not survey the proposed access road area crossing the River Lea (BAP habitat). However, by carrying out additional surveys to identify appropriate mitigation and protection (including surveying the River Lea BAP habitat), and by following a site specific EMP, it is considered that the development could, if approved, proceed with a low risk of significant impact to protected, BAP or rare species, habitats and local ecological value. HBRC and Herts and Middlesex Wildlife Trust endorse this assessment.
- 7.18 As such, it is not considered that outline consent for the proposal should be refused on matters of ecology or protected species. Instead, appropriate conditions could be imposed on any permission granted requiring all necessary further surveys to be completed and the details submitted along with appropriate mitigation measures with any reserved matters application. In Officer's view, the proposal is compliant with Policies ENV14 and ENV16 of the East Herts Local Plan Second Review April 2007 in this respect.

Flooding and drainage issues:

- 7.19 Policy ENV19 of the East Herts Local Plan requires proposals for development in flood plains not to, inter alia, increase the risk of flooding elsewhere or reduce the capacity of floodplains. The indicative building works and all communal facilities proposed would be located within flood zone 1, an area of low probability of flooding. The NPPF and the East Herts Local Plan seek to direct new development towards zone 1 areas. However, the indicative access road would be located within flood zone 3, an area of high probability. In line with technical guidance within the NPPF and Policy ENV19 of the Local Plan, all development proposals within flood zone 3 should be accompanied by a Flood Risk Assessment (FRA).
- 7.20 The application is accompanied by an FRA and a Drainage Strategy. The new information seeks to address the deficiencies identified in the FRA submitted with the previous application. The previous concerns related to the failure to develop a sustainable drainage strategy to ensure site runoff is restricted to a greenfield rate. To address this, a drainage strategy is proposed which utilises a series of linked drainage features which are maintained in either a wet or dry state. The wet features, or balancing ponds, would have the capacity to collect and temporarily store water during heavy rainfall. The water is then

released at a controlled rate into the wider drainage system. The dry features, or swales, would retain no permanent water and instead would carry stormwater to balancing ponds or other watercourses. The approach taken could also employ appropriate landscaping principles and utilises sustainable drainage techniques to help to reduce flood risk, improve water quality and improve the environment.

- 7.21 The Environment Agency raised initial concerns with the current application in relation to the construction of an access bridge across the River Lea. Located within flood zone 3, it was considered that this had the potential to increase flood risk elsewhere by potentially displacing floodwaters during extreme events. However, the Drainage Strategy includes details on Calculations and Bridge Parameters for the Access Site. Upon being made aware of these details, which identify the proposed crossing point to be 1.5 - 2.0m above the river surface, the Environment Agency have indicated that they are satisfied that a bridge could be achieved that would not increase the risk of flooding elsewhere, provided that detailed drawings of the bridge can be agreed via a planning condition.
- 7.22 However, Officers have considered whether such a condition is appropriate at this outline planning stage. The application site includes only a very narrow piece of land that would provide the main access to the site. It would not, in Officers view, be appropriate to leave consideration of the detailed design of the proposed river crossing at this narrow point to the reserved matters stage. Consideration as to whether a safe and satisfactory river crossing can be achieved is critical to the scheme and is a matter of principle that falls to be considered at the outline planning stage. If outline permission were to be granted with the suggested condition, but later details showed the bridge to be inappropriate on either flood risk or visual amenity grounds, then there would be no appropriate means of access to the development, within the application site, at all. Furthermore, if flood compensatory measures were required, it is unlikely that there would be sufficient space within the current application site to provide those measures.
- 7.23 Officers are therefore of the opinion that detailed drawings of any proposed bridge, and a full Flood Risk Assessment of those detailed drawings, are required at the outline planning stage in order to clearly demonstrate that there is a safe and appropriately designed means of access to the proposed development site. In the absence of that information, Officers recommend a fourth reason for refusal as set out at the head of this report.

- 7.24 It is noted that concern has been raised with regard to possible contamination of the site resulting from its former use as waste activity. The submitted 'Sitecheck' report has identified likely contamination from former uses and the potential for significant contamination of groundwater. The use of swales will, to some extent, improve water quality by providing the first level of natural filtration close to the source before discharging into the local watercourses. Groundwater contamination can be addressed through remediation measures. The Environment Agency require a series of measures to be carried out, including a full preliminary risk assessment of the site, remediation strategy and scheme of long term monitoring and maintenance to be agreed with the LPA. Should outline consent be granted, it is Officers view that appropriate conditions would be necessary and reasonable and these could be added to ensure that these measures are put in place.
- 7.25 Provided the conditions as recommended by the Environment Agency are imposed on any outline permission granted, Officers are content that the proposal is acceptable in relation to drainage issues in line with policies ENV18 of the East Herts Local Plan.

Impact on neighbour amenities

- 7.26 In respect of the impact of the development on neighbouring properties, it is considered that the layout, design and access arrangements could be planned in such a way as to prevent the development having any unacceptable impact upon neighbours amenity.
- 7.27 With regard to the levels of amenity that the development could provide for future occupiers, I am satisfied that this would be acceptable and in compliance with Policy ENV1 of the East Herts Local Plan. No further harm results from this issue and therefore in terms of balancing the harm caused by the proposal with the benefits of the development; Officers consider that this would have a neutral impact on that balancing exercise.
- 7.28 In summary, therefore, the additional harm that has been identified by Officers in this case relates to a loss of openness; impact on the character and appearance of the area; the isolated and unsustainable location of the site; the impact upon protected trees; highway matters and the lack of detail to demonstrate that a safe and appropriately designed access can be provided to the site. In order to support this proposal the Council would need to be satisfied that the benefits of the scheme clearly outweigh the harm caused by inappropriateness and

this other identified harm. That is a balancing exercise therefore between the harm caused and the positive impacts of the scheme. Officers have undertaken that exercise and, for the reasons set out above, consider that the matters put forward in support of the proposal are not of sufficient weight to clearly outweigh the significant harm that would be caused by this development. Officers do not accept that there are very special circumstances in this case to justify this inappropriate development in the Green Belt.

8.0 Conclusion:

- 8.1 The proposed development is a significant departure from adopted national and local planning policy being inappropriate development within the Metropolitan Green Belt. It would therefore be harmful to the Green Belt by definition and other harm has also been identified by virtue of loss of openness; impact on the character and appearance of the area; the isolated and unsustainable location of the site; the impact upon protected trees and landscape character and highway matters. Against this harm, the benefits of this development appear insubstantial for the reasons set out in this report.
- 8.2 It is therefore recommended that planning permission be refused for the reasons set out at the head of this report.