

5a 3/12/2138/FP – Erection of 58 no. dwellings with associated access, open space and landscaping, Land at, Bengoe Nursery, Sacombe Road, Hertford, Herts, SG14 3HG for Bovis Homes Ltd

Date of Receipt: 20.12. 2012

Type: Full – Major

Parish: HERTFORD

Ward: HERTFORD – BENGEO

RECOMMENDATION

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

1. The site lies in the Metropolitan Green Belt as defined in the East Herts Local Plan Second Review, April 2007 where there is a presumption against inappropriate development. The material considerations put forward in support of the proposed development do not clearly outweigh the harm that would be caused to the Green Belt and other harm caused as a result of the proposed development. Furthermore, if permitted prior to the publication of the East Herts District Plan, the proposal would prejudice the assessment process currently underway which will lead to the identification of land and the preferred strategy for residential and other development across the district in the future. The proposals are therefore contrary to the aims and objectives of policy GBC1 of the East Herts Local Plan Second Review April 2007 and contrary to the objectives set out in the National Planning Policy Framework.
2. The development would fail to satisfactorily safeguard existing landscape features and boundary trees around the site due to the proximity of the development to the boundaries and the cramped nature of the proposed layout. The layout would also result in the overshadowing of some dwellings by existing trees to the detriment of the residential amenity of future occupants. The proposal would thereby be detrimental to the character and appearance of the site and the amenities of future occupiers. It would thereby be contrary to policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.
3. The proposed development fails to fully encourage and promote walking, cycling and passenger transport routes and links. As a result the development will remain unduly car dependent and disconnected from the wider surroundings. The proposal thereby represents an unsustainable form of development contrary to policies SD1, TR1 and TR4 of the East Herts Local Plan Second Review April 2007 and national policy in the National Planning Policy Framework.

3/12/2138/FP

4. The proposed development fails to achieve a high standard of layout and design and fails to satisfactorily respond to the context of the site and surrounding area, or to support local distinctiveness. The development would therefore be harmful to the character and appearance of the site and surrounding area. It is thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.
5. The proposed development fails to make adequate on site provision for open amenity space and children's play facilities contrary to policy LRC3 of the East Herts Local Plan Second Review April 2007 and the Open Space, Sport and Recreation Supplementary Planning Document 2009.
6. The proposed development would result in the loss of land used for employment purposes without adequate justification. The site has not been marketed to assess whether there is continuing interest to provide employment at the site. The proposed development is thereby contrary to Policy EDE2 of the East Herts Local Plan Second Review April 2007.
7. Insufficient information has been submitted to enable the Local Planning Authority to fully determine the impact of the proposed development on the archaeological interests of the site. The proposal is thereby contrary to policy BH2 of the East Herts Local Plan Second Review April 2007 and guidance in the National Planning Policy Framework.
8. The application fails to deliver provisions for satisfactory mitigation of the impacts of the proposed development. The proposal is thereby contrary to policy IMP1 of the East Herts Local Plan Second Review April 2007 and national guidance in the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, 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. The Council would encourage the applicant to await the formal review of its District Plan and, in the event of a redefinition of the Green Belt boundary, to then have regards to

the recommended suggestions within the original pre application letter as may be informed by the considerations and consultations of this current application.

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1.0 Background:

- 1.1 The application site is shown on the attached OS Site plan. The site measures some 1.7 ha and is located within the Metropolitan Green Belt as defined in the East Herts adopted Local Plan April 2007. It lies just north of Hertford and adjacent to its Conservation Area the closest part of which lies immediately to the south of the site.
- 1.2 The site is located in an area of open countryside to the north of the town and comprises the Bengo Nursery site, currently vacated. There is a substantial glasshouse building measuring approximately 40m by 51m within the centre of the site. The site is fenced on most boundaries which includes established vegetation. There is a single point of vehicle and pedestrian access to the site from Sacombe Road.
- 1.3 To the west of the site a new housing development of 97 dwellings, Buckwells Field, has recently been completed by Fairview Homes (Ref: 3/10/1198/FP). That site was allocated for housing in the adopted Local Plan having formerly been within the Green Belt.
- 1.4 To the south of the current application site is an area of public allotments managed by the Town Council. These allotments are within the Hertford Conservation Area which extends from the town centre and along the High Street through Bengo.
- 1.5 To the north and east of the site is open countryside, a Public Right of Way, Restricted Byway 1, runs along the eastern site boundary and to the north linking to the Rib Valley landscape and for recreational walkers a route to the village of Chapmore End. A 15m high phone mast is sited to the immediate north east of the site.
- 1.6 The proposal is for the development of 58 dwellings in a range of one to five bedroom flats and houses. The mix is as follows:
 - 11 No 1 bedroom units,
 - 8 No. 2 bedroom units,
 - 12 No. 3 bedroom units,
 - 22 No. 4 bedroom units,
 - 5 No. 5 bedroom units.

3/12/2138/FP

- 1.7 The estate would include a central community amenity area in a fairly formal square overlooked by adjacent dwellings. Three character sub areas are identified within the development, the “Neighbourhood Hub with Central Square” area ; the “Avenues” area and the “Family Edge with Home Zones” area which runs around two sides of the layout. Vehicle access is to be taken from the existing Sacombe Road entrance and 139 car parking spaces are proposed overall, which matches the maximum parking standard adopted in the Council’s SPD.
- 1.8 The application is submitted with accompanying information including a Planning Statement; Design and Access Statement; Tree Survey; Draft Heads of Terms for Planning Obligations; Flood Risk and Drainage Strategy; Residential Travel Plan; Biodiversity Statement (Phase 1 Habitat Survey); Visual Impact Assessment; Statement of Community Involvement; and Site Waste Management Plan.
- 1.9 The draft S106 Heads of Terms provides for Open Space contributions, Affordable Housing, Fire Hydrants, Education, Sustainable transport and Youth Facility contributions. The application states that other contributions may be made agreed subject to justification.
- 2.0 Site History:**
- 2.1 The Council approved a horticultural business on the site in 1978 and a larger glasshouse building, 2150 sqm, in 2006. Accommodation for a manager on the nursery site was refused and an appeal dismissed in 2008 primarily on Green Belt grounds.
- 2.2 The relevant planning history for the site is as follows:
- 3/77/1916/FP Garden Centre with ancillary sales. Approved with conditions. Jan 1978.
 - 3/92/1434/CL Certificate of lawfulness for proposed retail use. Approved 10th May 1993.
 - 3/05/1864/FP Nursery production / retail area. Refused Dec 2005
 - 3/06/2209/FP Plant Nursery. Approved Dec 2006.
 - 3/08/1083/FP Temporary accommodation. Refused Nov 2008. Appeal Dismissed Sept 2009.
- 2.3 Pre-application discussions with the applicant were held with Officers of the Council under its established procedure prior to the submission of the application. Broadly, Officers were discouraging of any application submission in view of the sites Green Belt status and, in addition, other more detailed matters of concern were also raised.

3.0 Consultation Responses:

- 3.1 The Hertfordshire Biological Records Centre notes no evidence of Badgers or suitable habitat for amphibians. There is suitable habitat for breeding birds. They recommend that the requirements set out in the Ecological Report relating to Breeding Birds, Reptiles and Biodiversity be implemented by means of condition.
- 3.2 The Herts and Middlesex Wildlife Trust has no objection to the proposal. They recommend that the requirements of the report of the ecologist be secured through conditions including demolition of buildings; a precautionary approach to vegetation clearance and conditions to retain trees and hedgerows.
- 3.3 The County Archaeologist advises that a desk based assessment and archaeological evaluation is required before the application is determined. There is evidence of a Bronze Age Settlement on this high ground between the Rib and the Beane. On the adjacent (Buckwell Fields) site to the west much evidence was revealed of prehistoric, Roman, Anglo - Saxon and post medieval date. Only after this assessment can advice be given including whether remains *in situ* are to be retained which may be a constraint on development.
- 3.4 The Planning Policy team advise that the Council is currently preparing its replacement to the Local Plan. The emerging District Plan will guide development across East Herts to 2031. As part of the preparatory work, a number of broad locations around Hertford have been assessed and sieved using a 'stepped approach'. Members have endorsed officers' recommendations that Area 12: Hertford North Sub-Area C (which includes within it the land the subject of this application) be assessed as a 'marginal fail', but that the area should remain in the plan-making process to be subject to further testing.
- 3.5 This piece of land is part of a wider area under consideration for future development. Should this area be progressed, then a comprehensive development scheme for the entire area ultimately selected would be envisaged.
- 3.6 With regards to the issue of housing supply the Council is working in the absence of a definitive housing requirement given the revocation of the regional housing targets. 'Option 1' figures (550 additional dwellings per annum for East Herts) have been used to calculate the housing land supply in the Annual Monitoring Report and this indicates that 4.3 years land supply is available. Applying the NPPF, which allows local planning authorities to make an allowance for windfall sites, results in a

3/12/2138/FP

housing land supply equivalent to 4.5 years.

- 3.7 It is considered that there are serious policy objections to the development proposed and that the planning application should be refused.
- 3.8 The Landscape Officer has objected to the proposed development in particular to the deficiency in soft planting and tree provision and the incoherent frontage to Sacombe Road. The layout does not give scope for the provision of street trees and a missed opportunity is the reinforcement of existing perimeter trees and vegetation. The tight layout is symptomatic of the overdevelopment of the site. He would like to see a more direct access to the recreational and play area on the western side of Sacombe Road.
- 3.9 The Housing Development Officer has noted that the scheme comprises 23 affordable units which accords with policy. The units appear appear to comprise:
- 1 bed apartments – 8 units
 - Flats over garages – 2 units
 - 2 Bed Houses – 5 units
 - 3 Bed Houses – 5 units
 - Bed Houses – 3 units.
- 3.10 In terms of the internal layouts she would prefer to see that the flats over the garages are provided with a separate kitchen area. It would be helpful to know which of the affordable units would be lifetime homes; which are rental and which shared ownership units.
- 3.11 Finally, she comments that there appears to be a clustering in the centre of the scheme of affordable housing which does not comply with the Councils aspiration to achieve the dispersal of affordable housing as set out in para 6.20 in the Affordable Housing and Lifetime Homes SPD.
- 3.12 The Crime Prevention Design Advisor has no objections and will be supporting the intention to achieve Secured By Design for this site.
- 3.13 Herts County Council Highways does not wish to restrict the grant of consent subject to conditions and a S106 legal agreement to cover sustainable transport contributions of £65,000 and £30,000 for making bus stops DDA compliant. They comment that the site is anticipated to generate 66 two way person trips in the AM peak and 60 two way person trips in the PM. This is not considered to have a significant impact on the local road network. The accident records show no road

safety issues with the development. The applicant has demonstrated the access can be upgraded to HCC standards. Contributions could be pooled with the Fairview (Buckwell Fields) development to improve local bus services. Neither of the two bus stops within 400m of the site have DDA compliant kerbing or shelters. They recommend planning conditions include provision of access roads and parking, wheel washing, space for site works off the highway, construction vehicle movements and a Green Travel Plan.

- 3.14 The East Herts Council's Environmental Health officer has no objections but recommends conditions to address soil decontamination, piling works and hours of working.
- 3.15 The Herts County Council Minerals and Waste Team have commented on the need to have regard to the policies of the Waste Core Strategy and Development Management Policies DPD 2012. The submitted Site Waste Management Plan includes the majority of the relevant information required but some details need further considering such as targets for reducing waste, the adoption of a Waste champion and the omission of training. Finally it is noted that the site lies within the sand and gravel belt south of Rickney's Quarry and may contain significant deposits. Policy 5 of the Minerals Local Plan Review encourages their use prior to other development taking place where the mineral would otherwise be sterilised. Development may give rise to the opportunistic use of some minerals at the site consistent with the principles of sustainable development.

4.0 Town Council Representations:

- 4.1 Hertford Town Council objects to the proposal on the grounds that the land is Green Belt and that the proposed access onto Sacombe Road is inappropriate. The character of Sacombe Road as a country lane is being eroded. While implacably opposed; should this be approved the current proposal provides insufficient amenity land. High quality hedging to protect the quality of the allotment site was requested and pressure on school places is also a major concern.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Hertford Civic Society disputes the applicant's justification put forward on the grounds of the site's existing buildings; that housing is needed and that the area is being considered for development. Firstly, as the

buildings on site are horticulture, they are therefore appropriate in the Green Belt, this does not mean the site does not fulfil a Green Belt function. They consider the site safeguards the countryside and prevents settlements merging. Secondly, it is not justified by the need for housing as targets are one aspect of the Local Plan and relate to the district as a whole. Green Belt land is designated for other reasons to provide form and shape to settlements. Finally, although there is a north area of search no draft plan has been published, still less have the views of the public been heard. If it were agreed then they would wholeheartedly support the planning for infrastructure as a whole, otherwise it is an open door to the piecemeal accretion of unrelated housing estates.

- 5.3 The Campaign for the Protection of Rural England (CPRE) objects that this application is contrary to the NPPF and premature in advance of the Council's emerging District Plan. They respond to the applicant's case that provision of family housing and the shortage of housing land provide very special circumstances. While in recent years developers have focussed on flatted developments this does not provide justification. The shortfall of housing land is a matter for debate and with the revocation of the Regional Spatial Strategy and other factors, the required quantum is in a state of flux. The applicant has misquoted comments in the Council's SHLAA and say that the NPPF (para 83) is clear that Green Belt boundaries should only be altered through the preparation of the Local Plan and not by ad hoc applications in advance of such a review. They further point out that due to a shortage in primary school provision and a forecasted deficit in secondary education provision, then any development that adds to it should require further discussion to develop a strategy around it. The County Council may object to sterilisation of mineral reserves as the site lies within a preferred area identified for sand and gravel extraction.
- 5.4 The Molewood Residents Association have objected in a long and detailed letter stating, inter alia, that the development is contrary to Green Belt policy; to the NPPF and Local Plan requirements for good design; that infrastructure is inadequate to support the development and that excessive density will damage existing trees and vegetation. An 8m wide development free width along the whole boundary of the site is recommended. They further object to poorly defined streets and provision of car courts; and state that green space should be on site rather than paid to go off site. The Transport Assessment is out of date and exhibits gaps in local knowledge. A Travel Plan coordinator is an inadequate measure. A petition with 49 signatures has been received from the association objecting to the development.

3/12/2138/FP

- 5.5 A further petition with 9 names has been received from the Watermill Estate Residents Association objecting to the proposal.
- 5.6 In total 111 individual letters of objection have been received at the time of drafting this report. No letters of support have been received, although a few comments have suggested that if the land is to be released then a much improved scheme should result.
- 5.7 Of the letters received the most common objection was to the loss of Green Belt land mentioned by a majority of objectors (70%). The other main objections were to the local deficit in primary school places (48%); the inadequacy of local roads and traffic congestion (35%); that Sacombe Road is only single track (26%); that parking on Sacombe Road is a problem (26%); that they have road safety concerns (18%) and that the density is too high (18%). Other points made, with numbers of representations, are set out below:

Green Belt /Countryside

Proposal extends town boundary/ribbon development	14
Damaging to character of countryside	9
Existing horticulture food production is appropriate use	9
Site prevents urban sprawl	8
Proposed building heights exceed nursery	9
Greater impact on Green Belt openness	7
Not justified by family housing	7
Encroaches Waterford	5
Opportunities cited are spurious	5
Green light to future development	4
Prejudices review of Green Belt	2

Roads / travel

Site is not accessible or sustainable. Distances to buses, stations.	
Steep hill to town is a barrier to walking and cycling	14
An isolated segregated community	5
Potholes on Sacombe Road	7
Damage to verge on Sacombe Road	6
Inadequate pedestrian facilities in Sacombe Road	5
Need to widen Sacombe Road	4
ERPD paper said congestion and traffic caused	4
Transport Assessment very limited/out of date	3
Cyclists / horse riders endangered	2
Inadequate road drainage	2
No support for increased bus journeys	1
Double yellow lines needed	1
Main access should be from Wadesmill Road	1

3/12/2138/FP

Raised crossings are detrimental to cyclists	1
Lack of emergency access	1
Housing	
Should be passivhaus	6
Market housing doesn't meet code 3	4
Inadequate house sizes	1
Design	
Green amenity space inadequate. Should be on site	12
Proposal harms the Conservation Area	9
Allotments would be harmed, overlooked, loss of light	7
Design and layout poor/ unexceptional	5
Loss or damage to trees on boundaries	4
Similar eyesore display of bins as at Buckwells Field	2
Re-route bridleway along southern edge of site by allotments	1
Use / Infrastructure	
Inadequate infrastructure	10
Nursery provides employment	7
Pressure on allotments – provide more	4
No sheltered housing	2
No community centre	1
Amenity	
Light pollution	8
Disturbance from construction	4
Proximity to Rickneys	3
Parking	
Inadequate parking	7
School parking worse since nursery closed	6
3 or 4 parking spaces per house are needed	1
Parking should be on street in front of people's homes	1
Alternatives	
B1000 land damaged, more suitable	15
Should build on other brownfield, in built up area	6
Miscellaneous	
Harms wildlife	3
Planning decisions favour larger developments	3
Serenity has been a disaster	2
Dog fouling increased with new development	1

No mention of petition against at public consultation	1
Play area a waste of space	1

5.8 The public response to the application is in apparent contrast to the public consultation carried out by the applicant. The submitted Statement of Community Involvement does identify a number of the same issues and concerns but it concludes that, aside from a vocal minority, “*most residents have engaged pragmatically and constructively with a view to ensuring the scheme is appropriate for the local area*”. Although the document states that the applicant’s consultation has enabled local residents to shape their future, this does not appear to be reflected in the consultation responses received and the detailed points of objection and other positive suggestions arising.

6.0 Policy:

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

SD1	Making Development more Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of sites not allocated in this plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
GBC1	Appropriate Development in the Green Belt
GBC14	Landscape Character
TR1	Traffic Reduction in New Developments
TR2	Access to new developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car parking standards
TR12	Cycle Routes – new developments
TR17	Traffic Calming
EDE2	Loss of employment sites
ENV1	Design and Environmental Quality
ENV3	Planning Out Crime
ENV11	Protection of existing trees and hedgerows
ENV21	Surface Water Drainage
ENV23	Light pollution and floodlighting
BH6	New development in Conservation Areas
LRC3	Recreational requirements in new residential developments
LRC9	Public Rights of Way
HE2	Reserve Housing Land (site to west)
IMP1	Planning Conditions and Obligations

3/12/2138/FP

- 6.2 The site is designated in the East Herts Local Plan as Metropolitan Green Belt, there are no other site specific designations. As mentioned previously the site is adjacent to the Hertford Conservation Area. The Hertford Conservation Area Character Statement 1999 requires updating but is a useful reference.
- 6.3 In respect of adjacent land, the Local Plan (Policy HE2) allocated the site to the west of Sacombe Road as reserved housing land which has recently been developed by Fairview Homes, "Serenity" but now named Buckwells Field.
- 6.4 The considerations of the National Planning Policy Framework (NPPF) are also relevance, in particular sections:
- 4 Promoting Sustainable Transport
 - 6 Delivering a wide choice of high quality homes
 - 7 Requiring Good Design
 - 8 Promoting Healthy Communities
 - 9 Protecting Green Belt land
 - 11 Conserving and enhancing the natural environment
 - 12 Conserving and enhancing the historic environment

7.0 Considerations:

- 7.1 The main issue to address in determining this application is whether the principle of any residential development on the site is acceptable having regard to its designated Green Belt status. It is necessary to consider whether the harm caused to the Green Belt by reason of inappropriateness, and any other identified harm, is clearly outweighed by other material considerations to which such weight can be given that they constitute the very special circumstances required to justify the development contrary to Green Belt policy.
- 7.2 While Green Belt justification is at the core of the planning judgment to be made in this case, a range of other planning issues also fall to be considered as part of the wider planning balance assessment and these include:
- Employment Use - Whether a residential scheme is acceptable having regard to the loss of employment – Policy EDE2 of the Local Plan and NPPF.
 - Highways / Parking and sustainable travel objectives – whether the development is acceptable in terms of traffic impacts, parking

provision and whether sustainable travel patterns are promoted and opportunities at the site are taken to reduce travel by private car – NPPF and Policies SD1, TR2 , TR4 and TR7.

- Design – Whether the development meets the requirement for quality in its design and will support local distinctiveness - Policy ENV1 of the Local Plan and the NPPF.
- Conservation– Whether the development is acceptable in relation to its impact on the Conservation Area (adjacent to the site) and responds to the site context – Policies ENV1 and BH6.
- Housing – the weight to be assigned to housing delivery and whether there are appropriate provisions for affordable housing as part of the development. - Policies HSG3 and HSG4.
- Trees / landscaping – Whether the proposed development safeguards existing trees of significance and integrates a coherent landscape strategy approach within the design - Policy ENV1, ENV2 and ENV11.
- Amenity – whether the proposed development will achieve an acceptable standard of accommodation and amenity - Policy ENV1.
- S106 Contributions – whether full and proper mitigation measures and funds are secured to address and mitigate the related and wider impacts of new development – Policy IMP1 and NPPF.

Principle of development in the Green Belt

- 7.3 With regards to adopted Green Belt policy GBC1, the proposal is acknowledged to be in conflict . There can be no assumption at the current time, notwithstanding District Plan areas of search, that the site will be released from the Green Belt. The District Plan, in its consultation form, is yet to be published and of course full public consultation has yet to commence or run its course. The submission of the application does not therefore respect the guidance of the National Planning Policy Framework at Para 83 which states:-

“Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan”.

3/12/2138/FP

- 7.4 The application is therefore premature with regards to its timing and no weight can be given to the fact that the site lies within an area of search for the future District Plan.
- 7.5 In considering an application contrary to Green Belt designation where, by definition, harm is caused by its inappropriateness (para 87 NPPF), it is necessary to consider all the circumstances of the site and the proposed development, both harmful and beneficial, to then assess whether there are the very special circumstances that would clearly outweigh the identified harm and justify inappropriate development in the Green Belt.

Green Belt Openness and Character

- 7.6 The development of the site will involve removing a single large glasshouse building within the centre of the site and replacing it with a wide and expansive area of residential accommodation. The applicant has not addressed the question of openness in submission but has focused on what they argue is the site's failure to fulfill a Green Belt role. It is not presumably in dispute that there would be harm to openness by the proposed development but the applicants arguments in support of the proposal centre on the fact that the site is previously developed land and that it fails to perform a Green Belt role. With the retention of existing trees, they say, this proposed development will avoid urban sprawl or any harm to the countryside.
- 7.7 In Officers view, however, the character of the site would inevitably change from a horticultural site, whose presence will often be found in the countryside to one of a suburban housing development situated prominently at the edge of the settlement. The openness of the site will be harmed, in Officers view, as both a wider area and a greater volume of building will be developed and the impact on the Green Belt therefore significantly greater than the existing development. The glasshouse, although sizeable, is a lighter weight structure and occupies by footprint only 12% of the site, whereas inevitably the wider spread of development proposed will impact adversely on openness. This results in harm to the openness and character of this Green Belt site. The NPPF emphasises that it is the openness and permanence of the Green Belt that is its essential characteristic.
- 7.8 Officers also consider that the site does not fall within the definition of previously developed land in the National Planning Policy Framework, as Annex 2 is clear that the definition excludes agricultural or forestry buildings, and Horticulture is within established and accepted definitions of agricultural use.

- 7.9 While the site is screened on its boundaries, it is mostly open and sits within a open landscape setting. Officers consider that it performs a valuable Green Belt function, preventing encroachment of the countryside, limiting urban sprawl and preventing coalescence. The present, Sacombe Road, boundary to the Green belt is considered to be a sound and strong one, clearly identifiable. It is considered, in accordance with Local Plan policies and the NPPF, that very significant weight should be attached to the harm caused by the proposed development in Green Belt terms.

Employment

- 7.10 The site is currently in a lawful employment use and the development would result in a permanent loss of jobs. In 2006 when the main glasshouse building was approved it was estimated that 5 employees would work at the site. The loss of employment, albeit limited, is not addressed in the application and, in local plan policy terms, no justification has been made for the proposal as required by policy EDE2. The submitted scheme is wholly residential and no consideration is given as to whether the site should provide uses other than residential accommodation.
- 7.11 The applicant sets out that because of the limitations on expanding the buildings on the site there is little scope to continue the employment use. However, in terms of policy EDE2, sites need to be tested by marketing to see whether existing employment land and buildings are still feasible and attractive for employment use before accepting development proposals that result in their loss. The application is therefore contrary to the provisions of local plan employment policy and is therefore harmful in this respect. Some additional weight against the proposals can be assigned in this respect.

Highways

- 7.12 Many representations have been made about highways, access and traffic to the development. The County Highways Officer has made no objection to the application and Officers consider therefore that there is no basis upon which to refuse the application due to traffic congestion or the use of the highway. While there is undoubtedly existing congestion in the area which raises concern, including peak hour queuing of traffic into Hertford and local issues such as the Bengoe rat run and parking problems on Sacombe Road, the development cannot be expected to resolve those existing traffic congestion problems. The additional traffic that will be generated by the current proposed

development has been assessed and is considered acceptable by the Highway Authority.

- 7.13 Whilst the additional traffic and intrusion of cars into the area would contribute towards the change in character of the area and would be harmful in that respect, no additional harm is considered to result from the proposed development in respect of traffic generation and highway safety matters and Officers therefore consider that this matter weighs neutrally in the planning balance consideration.
- 7.14 The option to access the site from the B158 was raised at the public exhibition, but is not fully explored in the submitted Transport Assessment. This could, in the view of Officers, provide improved access and egress for the development and may better connect the site with its surroundings and sustainable transport measures. However, as the proposed access arrangements are considered by the Highway Authority to be appropriate in any event, the lack of a second or alternative access onto the B158 is not assigned harmful weight.

Sustainable travel and car parking

- 7.15 While financial provisions for sustainable transport contributions are being offered to the County Council, Officers are concerned that the scheme, both in its layout and in its proposed connections to its surroundings, appears incomplete, failing to fully explore options for instance in improving pedestrian linkages towards Bengo and also in terms of improving passenger travel options. This is a detailed matter that would be likely to necessitate negotiations with other adjacent landowners as well, but were the site to be allocated in the future District Plan, then it would be expected to provide good quality, safe and direct routes to link it with its surroundings.
- 7.16 The Open Spaces Manager has referred to the need for improved pedestrian crossing on Sacombe Road, to align with links back to the Sacombe Road recreational area, and the Moleswood Residents Association have also suggested that the proposed crossing point across Sacombe Road be moved further south. Internally, however, the proposed layout of the development does not, in Officers view, provide the clear, attractive and safe routes that are needed through the site to encourage people to walk and cycle and to encourage good circulation and connectivity. The Landscape Officer has criticised, for instance, the Byway 1 link that passes through a parking court.
- 7.17 Officers also consider that linkages to bus stops should be more fully examined as, at a distance of 400m from the site, these are not easily

accessible or attractive. At present, there is a substandard path 1.5m along Sacombe Road and a narrow unattractive footpath, if that is the only provision, would not promote the use of passenger transport in the manner required by local plan policy and supported by the National Planning Policy Framework. As part of this development, Officers consider that clear desire lines for new pedestrian routes should be explored to see what opportunities there may be.

- 7.18 The proposed Travel Plan ‘coordinator’, whilst considered to be a useful initiative, is not a substitute for exploring in spatial terms the planning opportunities of the site. The Travel Plan itself contains sustainable transport objectives although it is not clear how these will be attained. The Travel Plan target, for instance, to reduce single occupancy car trips from 73% to 68% over 5 years appears to be fairly unambitious as the target figure is above average rates mentioned in the Local Plan for commuting by car (66%) across the whole district. Also it is not clear what measures are to be introduced to enable this reduction.
- 7.19 The scheme provides for parking in accordance with the maximum parking provision levels contained in the Councils SPD. No objection is raised to the development in respect of parking provision therefore, although this maximum provision does again suggest that the development would be car dependent and would not give priority to pedestrians; cyclists and public transport use. Overall however, the proposals must be assigned negative weight in relation to these matters.

Design and layout

- 7.20 At pre-application stage significant points were made by Officers about the lack of distinctive character within the draft proposals. The public comments and the expert views on the application consultation, including the Council’s Landscape Officer, confirm this view that the proposed development does not reflect local distinctiveness in the area. The three sub areas appear to be rather arbitrary and the use of 13 house types within a scheme of 58 dwellings, together with the relationship between them, is not clearly defined or explained.
- 7.21 These weaknesses in the design, in Officers view, undermines any claim that there is special justification on design grounds to approve the scheme contrary to the presumption of Green Belt restraint and in Officers view the proposal would not meet the required standard for design expected by local and national planning policy. The provision of a single formal square in the scheme is insufficient to meet all the requirements for open space in accordance with adopted policy.

Additional on site provision would be necessary to achieve an appropriate layout and could perhaps include more allotments adjacent to the existing areas to the south. Certainly, Officers consider that more space for boundary planting, for street trees and for informal green areas can be justified and, if carefully incorporated, would significantly enhance the scheme.

- 7.22 The application also fails, in Officers opinion, to fully reflect the positive attributes of the location such as views back to the Conservation Area, the views out to countryside or to establish a positive relationship with public frontages. Houses are also proposed close to the existing telephone mast when there is an opportunity to provide much greater separation.
- 7.23 Density has been criticised by many of the public objectors although in absolute numbers it is not considered to be excessive. 58 dwellings on a site of 1.7 ha is 34 dwellings per hectare, not significantly above the previously recommended minimum density for development sites (in PPS3) and lower or comparable to other development within the area. However, the dwelling sizes, together with the limited amount of open and green space around the proposed buildings, would make the scheme appear cramped and dense. Overall the proposals are considered to be poor in design terms and negative weight must be assigned in this respect.

Trees, landscaping and open space

- 7.24 Trees and planting proposed within the development are located in close proximity to proposed dwellings and would, in some cases, be likely to result in the shading of dwellings and gardens. Access roads and buildings are also considered to infringe root protection zones. In particular, the shading of gardens to houses on the south boundary; the encroachment of root protection areas by the access road on the north side and the dominance of trees in some gardens e.g. plots 11 and 41 is of concern. This would cause excessive shading of resident's gardens and will inevitably lead to demands for tree felling and threatens their long term retention.
- 7.25 For the boundaries to be safeguarded as a landscaped feature, Officers consider that trees should preferably be located outside private gardens in communally maintained land and public space where they will be enjoyed by all and can continue to provide boundary enclosure to the site in the long term. This would also ensure an attractive boundary to the allotments adjacent to the Conservation Area.

3/12/2138/FP

7.26 With regards to the level of open space provision at the time of the pre application discussions it was anticipated that a contribution to improving the space at Sacombe Road would be made. However, the advice from the Open Spaces manager is that this contribution is no longer required but that provision should be made instead to link the development, by a safe crossing of Sacombe Road, to the existing open space. The site itself is too small to accommodate a LEAP. However, Officers consider that a LAP should be provided on the site itself and this would need to be in a large enough space away from residents which is not currently provided in the scheme. In view of this the local objections that insufficient amenity space is being made on site are reinforced and reference to the Council's SPD and its amenity space calculator is that there is a deficit in the proposed layout. More informal green space is, in Officers view, needed for street trees; to respect boundaries; to soften the setting and outlook of some homes and perhaps to improve provision of allotments as some have suggested (the existing allotments are full with a waiting list). Further negative weight is assigned in respect of this issue.

Education

7.27 The applicant has in negotiation and by submission made clear that they would meet in full educational contributions to meet the impacts of demands for school places as a result of the development. They have not however as yet clarified formally that they accept the sums being requested for primary and secondary education by the County Council totaling approximately £320,000.

7.28 Such funds would be used to make new provision in relation to the development and the County Council has indicated that this is an acceptable approach. No commitment is made as to where the funds would be spent as this is a strategic decision of the County Council.

7.29 It is also the case that educational matters may be a consideration in the wider strategic decision of local plan making and on this basis there is added weight to the argument that the application is premature and that such a strategic view is needed to inform long term planning decisions, as part of the District Plan process.

7.30 However subject to funds being agreed Officers consider that there are no grounds to refuse the current application in relation to the impact on education provision and no additional harm is attributed to the proposal on these grounds.

Minerals

- 7.31 As commented on by the County Council, while they do not object to the application they do point out that the site may include mineral reserves and that there may be opportunities to recover minerals that would otherwise be sterilised by the development.
- 7.32 The applications does not fully address this issue and, in view of the development plan policies, Officers consider that this should take place before any “in principle” decision is taken about the planning merits of a residential development of the site.
- 7.33 Minerals are likely to be present at the site and no assessment has been made of their value as part of this application or whether measures should be taken and how to recover them. If the reserves were to be prejudiced by the application then this would be contrary to Mineral plan policy and the current Development Plan. This again suggests that the proposal is premature at this stage and some additional harm is therefore attributed to the proposal as a result.

Considerations in support of the proposal

- 7.34 The applicant has acknowledged the Green Belt status of the site but argues that there are ‘very special circumstances’ to justify development in this case and they make reference to:
- the brownfield status of the site
 - the shortage of housing land supply and
 - the need for family housing in Hertford.
- 7.35 As already stated, in Officers view, the land is not brownfield as it constitutes an agricultural use, specifically excluded from the definition of previously developed land within Annex 2 of the NPPF. Officers therefore give no weight to this stated benefit of the scheme.

Housing need

- 7.36 The applicant’s figures for housing land supply depend in part on the use of the Regional Plan. Latest residential land monitoring indicates that the Council does have a shortfall in housing land supply, based on the five year figure. This is to be addressed via the District Plan which is the appropriate vehicle for making any changes to Green Belt designations. Some weight does then need to be given to the potential for this site to deliver housing and therefore boost the supply levels

currently available.

- 7.37 The scheme provides satisfactorily for affordable housing in its layout and overall numbers. A concern about clustering has been raised by the Housing Development Officer, but although the distribution could be increased I feel there is sufficient separation of affordable housing elements. If there is a concentration it is around the Communal Garden Land area which is the one area of the layout with a more satisfactory greener outlook. This factor makes it difficult to object to the distribution. Limited negative weight is therefore assigned to this factor.

Conservation

- 7.38 The applicants have not referred to the latest Conservation Area Character Statement in their submissions. In Conservation terms the importance of the site lies in its relationship to the northern edge of the town. The Hertford Conservation Area Character Statement 1998 says, in its Bengo section, that:

“The Conservation Area terminates at the fork in the roadhere allotment gardens and hedging retain the openness of the rural area beyond and signify the edge of the built up area of Hertford/Bengo, a location dominated by the entrance block to Bengo Mews”

- 7.39 The allotments have a role in signifying the edge to the built up area when assessed against the Conservation Area. If development were to proceed for strategic reasons, then a layout should provide an attractive landscaped edge to the allotments and a positive relationship to them. The allotments then are valued for their active use and as a facility but also emphasised as a feature which provides greater amenity for the surroundings. The proposed layout by contrast is quite cramped and places buildings along this frontage which turn their back to the space with standard back garden fencing as the visual edge of the development. Officers consider that this would harm the visual amenity of the area and be detrimental to the character and appearance of the closest part of the Conservation Area.

Residential Amenity

- 7.40 The provision of a good standard of amenity for new residents and retaining acceptable standards of amenity for existing residents affected by the development are key Local Plan provisions. In Officers view, the proposed residential use would not result in harm to neighbours by overlooking, loss of privacy or light etc. Some change to views from dwellings will occur and there will be the inevitable disturbance of new

building work, but these are not considered to be reasons to refuse planning permission and no additional harm is therefore attributed to the proposal on these grounds. However, the provision of private amenity areas for residents of the new houses is, in some cases, limited and results, in combination with the limited provision of public amenity space to a further harmful impact.

S106 Obligations

- 7.41 The S106 contributions offered and those sought are at variance. Provision has not been made for community space or recycling contributions for instance which is an element sought within the adopted SPD. The enhanced contributions for the County Council and Highways are yet to be formally confirmed. It may be that the applicant is prepared to meet all of these including the revised education figures as well as all the Highways contributions. This is a matter to be clarified but in view of the inevitable impacts of development on local services and because the amounts are supported by established evidence based policy then it is necessary to see such contributions provided in a formal undertaking were a decision to be taken to approve the development. As such in the absence of agreement it is considered that this is also harmful.

8.0 Conclusion:

- 8.1 The site is designated within the Metropolitan Green Belt. The applicant has submitted this application prior to the publication of the new District Plan which has yet to identify whether the site should be released from the Green Belt. The proposed development would prejudice the District Plan assessment work and would seek to allow the development of a housing site within the currently adopted Green Belt. This represents an ad hoc and piecemeal approach to development which is not supported by the National Planning Policy Framework. On the contrary there is clear expectation that sites can only exceptionally be released from the Green Belt and that this should come about through formal review of Local Plan designations.
- 8.2 The applicant's arguments in support of the proposal, including the weight to be given to the provision of housing, have been fully considered and weighed in the balance against the harm caused to the Green Belt by inappropriateness and other identified harm. It is clear that the substantial Green Belt harm, and all the other elements of harm, set out in this report, cannot be considered to be clearly outweighed, and therefore the proposals cannot be supported.

3/12/2138/FP

- 8.3 For this reasons it is recommended that the application be refused. The recommended refusal reasons, set out at the beginning of this report, set out all the areas where it is considered that the proposals have an unacceptable harmful impact.