

**3/14/1627/OP – Outline application for approximately 24 houses (40% affordable) and provision of public open space, landscaping and associated works. All matters reserved except for access at land east of Cambridge Road, Puckeridge for The Co-Operative Group**

**Date of Receipt:** 09.09.2014

**Type:** Full – Major

**Parish:** STANDON

**Ward:** PUCKERIDGE

**RECOMMENDATION:**

That subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

- The provision of 40% affordable housing comprising of a mixture of 75% social rent and 25% shared ownership;
- Financial contributions towards nursery, first education, childcare, youth and library services based upon table 2 of the Hertfordshire County Council Planning Obligation toolkit;
- A contribution of £15,004 towards health care provision;
- A financial contribution of £24,000 towards bus stop improvements;
- A financial contribution towards sustainable transport schemes and traffic calming/safety enhancements based upon the size of the dwelling (1 bed = £625, 2 bed = £750, 3 bed = £1125, 4 bed £1500.);
- A financial contribution towards the Puckeridge Community Centres based upon table 11 of the Planning Obligations SPD;
- A financial contribution towards outdoor sports facilities based upon table 8 of the Planning Obligations SPD;
- The provision of a LAP (Local Area for Play) within the area of open space;
- Details of management of the open spaces and LAP;
- Fire hydrants;

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- Monitoring fee of £310 per clause.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 2 years commencing on the date of this notice.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and in the interests of ensuring that the development meets the housing needs of the District.

2. The development to which this permission relates shall be begun prior to the expiration of a period of 1 year commencing on the date upon which final approval is given by the Local Planning Authority or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and in the interests of ensuring that the development meets the housing needs of the District.

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

Reason: To comply with the provision of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

4. Approved plans (2E103) (TPMA1034\_101 A, P-01-000 P1, P-02-004 P1, P-02-002 P1)
5. Programme of archaeological work (2E02)
6. Prior to the commencement of any development, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;

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- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To minimise impact of construction process on the on local environment and local highway network.

7. Construction hours of working (6N07)
8. Prior to the commencement of development, a detailed surface water drainage scheme and maintenance strategy for the drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be based upon the flood risk assessment (Curtins, Ref: TPMA1220/FRA, 29 August 2014) and shall include a restriction in run-off and surface water storage on site. The development shall be implemented in accordance with the approved details.

Reason: To prevent an increased risk of flooding, to improve and protect water quality, and improve habitat and amenity and to ensure that the drainage infrastructure put in place in managed and maintained properly in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and section 10 of the National Planning Policy Framework.

9. The gradient of the access road at the junction with the main road shall not exceed 1 in 20.

Reason: To ensure that the access and proposed roadworks within the highway are constructed to an adequate standard.

10. Details of an extension to the kerb line on Cambridge Road to the northern boundary of the development site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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Reason: To ensure that the proposed roadworks within the highway are constructed to an adequate standard.

11. Prior to the commencement of development a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:
  1. A site investigation scheme, based on the Phase 1 Detailed Desk Top Study (Curtins, Ref: EB1442/AW/3875, 22 July 2014), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action

Any changes to these components require the express written consent of the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of groundwater protection, human health and the environment and in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and section 11 of the National Planning Policy Framework.

12. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details.

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Reason: In the interests of groundwater protection, human health and the environment and in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and section 11 of the National Planning Policy Framework.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented in accordance with the approved details.

Reason: In the interests of groundwater protection, human health and the environment and in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and section 11 of the National Planning Policy Framework.

14. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: In the interests of groundwater protection, human health and the environment and in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and section 11 of the National Planning Policy Framework.

15. The recommendations in section 6 of the Ecological Assessment (Dated May 2014, reference RT-MME-116937 Rev A) and section 6 of the Reptile Survey (Dated July 2014, reference RT-MME-117164 Rev A) shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and protected species in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007 and section 11 of the National Planning Policy Framework.

#### Directives:

1. Ownership (02OW)

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2. Ground water protection (28GP)
3. Highway works (06FC2)
4. Planning obligation (08PO)
5. Street Naming and Numbering (19SN)

### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies together with the positive way in which the proposed development will address five year housing land supply issues is that permission should be granted.

\_\_\_\_\_ (162714OP.MP)

### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract and forms a parcel of land around 1.9ha in size which is located to the west/south-west of the village of Puckeridge. The site is located to the east of Cambridge Road and forms a long narrow strip with Cambridge Road forming the western boundary of the site and the Puckeridge Tributary forming the eastern boundary. To the south of the application is a small cluster of dwellings and flats known as Shenley and, beyond that, the A120. To the north of the site is the main settlement of Puckeridge.
- 1.2 There is a hedge/landscaped boundary to the western boundary and, internally the site is generally open and is classified as grade 3 agricultural land, although it is not currently used for agriculture or any other purpose.
- 1.3 The application is in outline form only with all matters reserved, other than access. A parameters plan has been submitted with the application which shows an area for residential development which is adjacent to Cambridge Road and an area of open space in between the developable area for residential dwellings and the Puckeridge Tributary. The plan proposes 2-3 storey residential dwellings and an indicative

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masterplan is submitted showing a suggested layout. The illustrative plan shows the provision of a footpath through the open space and the provision of a community orchard to the north of the site.

### **2.0 Site History**

2.1 There is no relevant and recent planning history relating to the site.

### **3.0 Consultation Responses**

3.1 The Highway Authority does not wish to restrict the grant of permission subject to a Sustainable Transport Contribution and a number of conditions.

The Highways Officer comments that the access is acceptable in principle but, to ensure adequate visibility, the existing boundary hedge will be required to be trimmed. In addition, as Cambridge Road is around 7.5 metres in width, edge of carriageway road markings should be provided to reduce its visual width and highlight the new access. In addition, street lighting should be provided along the main road.

Having regard to the size of the development, the increase in traffic generation will not be significance and the site is close to the strategic network.

The site is within normal accessibility criteria for local bus services on Standon Hill although existing bus stops do not meet current standards. Footways along Cambridge Road are limited in width due to encroaching vegetation. The vegetation should be cut back to improve access and a financial contribution of £24,000 is recommended to secure improvements to the bus stop.

The northern pedestrian access will join the footway at a point where there is no kerb and the kerb line should therefore be extended, which can be agreed through a planning condition.

It is important that pedestrian/cycle links to local facilities are provided and this could be dealt with through the recommended financial contribution towards sustainable transport measures.

Construction traffic should be routed via the A10 and A120 and access through the village should be avoided.

3.2 Herts County Council Planning Obligations team request financial contributions towards nursery education, first education, youth and

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library services and fire hydrants as set out in the HCC Planning Obligation Toolkit.

- 3.3 Herts County Council Historic Environment Unit comment that the site abuts Area of Archaeological Significance No 94 which includes the historic core of the medieval settlement of Puckeridge, and the nationally important Late Iron Age and Roman settlements at Braughing/Puckeridge.

No archaeological evidence is known from the application site but it is immediately adjacent to Ermine Street, and evidence of Iron Age occupation was recorded immediately to the north, during the archaeological evaluation of the site of the new housing constructed next to The Buffalo's Head. In addition, any archaeological remains present are likely to be well preserved since there has been no disturbance from modern ploughing. There may also be an accumulation of alluvial material on the site, given its location close to a water course, which again, may have protected any remains.

The Historic Environment Unit consider that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and proper provision for archaeology should be required through a planning condition which, given the significance of the site would be both necessary and reasonable.

- 3.4 The Environment Agency originally objected to the application but following further discussions, have commented that they raise no objection subject to planning conditions relating to contamination, remediation and surface water drainage measures.

Thames Water advise that, with regard to sewerage infrastructure capacity, they have no objection to the application. There are public sewers crossing or close to the development and consent from Thames Water will be required for any building crossing the sewer or within 3 metres of it.

With regards to surface water drainage, they comment that it is the responsibility of the developer to make proper provision for drainage. In respect of surface water it is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Connections are not permitted for the removal of groundwater, and where a developer proposes to discharge into a public sewer, prior approval from Thames Water will be required. Water supply in the area is covered by Affinity Water.



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3.5 Affinity Water comment that the site is located within the Groundwater Source Protection Zone of Standon Pumping station and all development should be carried out in accordance with British Standards and best management practice to reduce the risk to groundwater.

3.6 Campaign to Protect Rural England (CPRE) object to the application. The application site is outside of the boundary of the village and is therefore contrary to Local Plan Rural Area policy.

They comment that the applicant's reference to a lack of five year housing land supply in their submissions is based on out-dated information. The proposed development as an outline application will not meet the immediate housing need nor address the sustainability requirements of the National Planning Policy Framework.

The proposal represents ribbon development by extending the village in a linear form to the south and will lead to further pressure for development between Cambridge Road and the A10.

There are limited retail amenities and employment within the village and public transport access is limited with a likely reliance on cars. Furthermore, CPRE consider that there will be implications on health care and education.

3.7 Hertfordshire Constabulary do not object to the application but comment that they do have some concerns regarding the informal path on the eastern aspect of the development which has the potential to be a crime generator due to the access to rear gardens. The Constabulary acknowledge however that the site is in outline and detailed matters are yet to be submitted – they recommend that the applicant discuss the scheme with the Constabulary before submission of an application for reserved matters.

3.8 East and North Herts Clinical Commissioning Group comment that the growth associated with the development could be around 58 people which may impact on existing community services.

3.9 NHS Hertfordshire comment that the current situation in the area is that due to the rural location of the proposed development there is only one GP practice offering general medical services within a three mile radius. The proposed development will result in around 58 new registrations for primary care which will mainly be the responsibility of Puckeridge and Standon Surgery, which is around 0.7miles from the application site.

The existing surgery is defined as constrained which means that it is

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working over-capacity for the size of their premises and the clinical space available to provide the required services to patients. A Practice in this situation would usually need to be re-configured, extended or in exceptional circumstances even relocated to absorb a significant number of new registrations.

NHS Hertfordshire request a Section 106 contribution to support the practice and to make this scheme favourable to NHS England. NHS Hertfordshire calculate a figure of £15,004.60 is necessary in the case of this application (£625 per dwelling).

- 3.10 Natural England comment that the site is within close proximity to Plashes Site of Special Scientific Interest but that there will be no impact on this designated space. Natural England advise the Local Authority to consider their standing advice in respect of protected species and consider biodiversity and landscape enhancements.
- 3.11 Hertfordshire Ecology comment that appropriate survey methodology, evaluation and analysis have been carried out by an ecological consultant and Herts Ecology agree with their assessment and recommendations.

The ecology reports contain sufficient information for the LPA to make a fully informed decision. Herts Ecology advise that the recommendations as detailed in the Ecology report are secured through planning conditions.

- 3.12 The Council's Housing Officer notes that 40% affordable housing is proposed and comments that the tenure split should be 75% social rented and 25% shared ownership.
- 3.13 The Council's Landscape Officer comments that the site presently gives a clear and well defined transition between village and surrounding countryside and bridges the gap between open undeveloped land to the east and west, making for of a contiguous and coherent surrounding landscape and field pattern.

The proposals are for the introduction of built form into the open space between the village and Standon Road and for the hedgerow along Cambridge Road to be thinned and breaks extended/created to make a new frontage to the site.

The non-development of this site is considered by the Officer to be key in the containment of Puckeridge through the prevention of ribbon development and other further expansion of the village boundaries.

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- 3.14 Environmental Health recommend planning permission be granted subject to conditions on construction hours of working, soil decontamination, and piling works.
- 3.15 The Council Engineers comment that the site is situated partially within flood zone 1 and adjacent to flood zone 2 and 3 on the eastern side, and partially within the Environment Agency's designated surface water inundation zone.

A number of flooding sites are under investigation in Puckeridge including a property at Vintage Corner to the north of the site. The property probably flooded due to insufficient capacity in the culverts under the old A10 which created surcharging along the carriageway and down to the property.

The Flood Risk Assessment proposes a number of SuDS (Sustainable Drainage Systems) and it is recommended that such systems be incorporated into the detailed design of this site.

## **4.0 Parish Council Representations**

- 4.1 Standon Parish Council object to the planning application.

The Parish Council acknowledge the applicants reliance on five year land supply but consider that regard should be had to the adopted Local Plan and the draft District Plan policies.

The Parish Council are engaging with the community in the preparation of a Neighbourhood Plan and concern is raised with the impact on the character of the village and amenity of existing residents associated with the cumulative effect of development of this site, other sites within the village and the development as being implemented to the north of the village (the Wallace Land – a designated housing site in the Adopted Local Plan).

Having regard to the adopted Local Plan and the emerging District Plan the following concerns are raised:

- The proposed development is located within the Rural Area and represents a departure to rural area policy;
- The layout of the site will create an isolated form of development, set back from the footpath with back gardens facing onto Cambridge Road – this would not follow the linear layout and character of development in the street;

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- There are limited employment opportunities in the village and public transport is generally poor and there will therefore be a reliance on private motor vehicles, contrary to the core principle of the NPPF;
- The development will lead to a harmful level of traffic movements on the junction with the A120 and lead to further traffic movement through the historic core of the village;
- The proposed development will lead to an increase of flood risk;
- The application does not properly take into account recent flooding events in the village;
- The proposed development will not deliver the need for housing in the next five years and, in any event, no research has been undertaken to establish what the housing needs are in Standon and Puckeridge;
- The existing doctors surgery is oversubscribed and the development will result in further pressure on that surgery;
- The existing schools are oversubscribed and the development will impact harmfully on education provision;
- Insufficient space for children's play is provided;
- The existing sewerage system does not have sufficient capacity to accommodate the development.

If the Council are minded to grant planning permission and without prejudice to the concerns raised above, the Parish Council request that the following planning conditions are attached: the provision of childrens play space; re-siting of the access; management plan for the Puckeridge Tributary; discussion with the Parish Council regarding density, design, energy efficiency, water harvesting, garden space, open space and land management and landscaping.

#### **5.0 Other Representations**

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

5.2 42 letters of representation have been received which can be summarised as follows:

- The application site is within the rural area and represents an inappropriate form of development, contrary to rural area policy;
- The development is isolated ribbon development and will be harmful to the character of the village and the open rural setting;
- The proposed development will result in harm to protected species and wildlife;

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- Flood risk impact to existing residents of the village;
- The development will increase traffic flow and pressures in the village;
- The proposed housing will not meet or cater for local people;
- The existing infrastructure, in terms of education and health care provision are not sufficient to cope with the proposed development;
- The development will lead to additional traffic exiting onto an already busy junction with the A120;
- Harmful impact on neighbour amenity in terms of outlook.

5.2 Correspondence has been received from Oliver Heald MP, who refers the Council to a representation received from a local resident and asks for the matters raised by that local resident to be considered by the Local Authority.

## **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
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond 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
TR14	Cycling – Facilities Provision (Residential)
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage

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BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
LRC1	Sport and Recreation Facilities
LRC3	Recreational Requirements in New Residential Developments
LRC9	Public Rights of Way
IMP1	Planning Conditions and Obligations

6.2 In addition to the above the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also a consideration in determining this application. Members will be aware that, due to the draft nature of the District Plan, limited weight can currently be applied to its policies.

## **7.0 Considerations**

7.1 The main issues to consider in respect of the proposed residential development having regard to relevant policies of the East Herts Local Plan Second Review April 2007 and the NPPF, will be:

- The principle of residential development (policy GBC2/GBC3);
- Whether the proposal represents a sustainable form of development having regard to the environmental, economic and environmental dimensions of sustainability (NPPF);
- Whether any harm to the assessment process of the East Hertfordshire District Plan, the character and appearance of the local countryside and landscape, public services within Puckeridge and any other harm attributable to the development, outweighs the presumption in paragraph 14 of the NPPF to favourably consider applications for sustainable development in areas where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable housing sites.

### The principle of development

7.2 The site is located within the Rural Area beyond the Green Belt and is not within the boundary of the category one village as set out in the East Herts Local Plan Second Review April 2007. The provision of residential development therefore represents a departure from the aforementioned Local Plan.

7.3 One of the determining issues in this proposal is whether there are any overriding material considerations to outweigh this in principle policy

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objection.

- 7.4 The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. Whilst the policies in the 2007 Local Plan are considered largely to be consistent with the NPPF, there is a recognised deficiency in that the Local Plan does not identify adequate land to enable a five year supply of land for housing development. This position is confirmed in the Annual Monitoring Report, February 2014 where, having regard to previous undersupply of housing in the past, it is confirmed that the Council are unable to demonstrate a five year housing supply
- 7.5 This is a position which Members will be familiar with having regard to the various appeals, and ongoing appeals in relation to the sites in Buntingford. As Members will be aware, appeals were allowed early this year for around 160 dwellings on land designated as Rural Area in Buntingford. The Council's housing policies, as set out in the saved Local Plan, are now deemed to be out of date, and this was confirmed by the Inspector at the Buntingford appeal.
- 7.6 The NPPF sets out a presumption in favour of sustainable development 'which should be seen as a golden thread running through plan-making and decision-taking'. The issue of sustainability is discussed in more detail below, but for decision-taking this means that "where the development plan is absent, silent, or relevant policies are out of date", planning permission should be granted for sustainable development unless any adverse impacts of doing so "would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or specific policies in this Framework indicate development should be restricted."
- 7.7 The Parish Council refer the Council to the District Plan. However, the ability to afford weight to the emerging District Plan is also addressed in the NPPF at paragraph 216, which states that:
- "From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
  - the degree of consistency of the relevant policies in the emerging

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plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

- 7.8 Draft policy VILL1 of the District Plan sets out that Parish Councils are encouraged to prepare Neighbourhood Plans to allocate land for development or to introduce additional policy requirements aimed at ensuring that development contributes toward local distinctiveness or other community objectives.
- 7.9 The draft policies map which accompanies the District Plan does not include the proposed site within the village boundary and as such the proposed development is in conflict with the above draft policy as well as being contrary to policies of the existing adopted Local Plan.
- 7.10 Policy VILL1 of the draft District Plan is predicated on the need for decisions over development within villages being determined at a local level through Neighbourhood Plans and Officers acknowledge that it is disappointing that the development site has not come through that process, as was suggested to the applicant at pre-application stage. However, the District Plan is, as set out above, at an early stage of preparation and holds very limited weight in the determination of this planning application.
- 7.11 Whilst a draft version of the Council’s District Plan has now been published and subject to consultation, is not at an advanced stage of preparation. The feedback to that consultation has not been considered formally, but the level of housing development overall and the allocation of land for development in the plan have been the subject of considerable response. Limited weight can therefore be attached to the District Plan.
- 7.12 The concern of the Parish Council and some third parties is that the application is premature and should be considered through the District Plan process.
- 7.13 Guidance in respect of prematurity is provided in the National Planning Practice Guidance. This states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. It goes on to state that, such circumstances are likely, but not exclusively, to be limited to situations where both:



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- a) The development proposed is so substantial or its cumulative effects would be so significant that to grant permission would undermine the plan-making process and;
- b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

7.14 Officers have considered this advice carefully. The emerging plan against which this advice must be considered is the draft District Plan. The scale of development being brought forward in this application is modest and will not be prejudicial in relation to the scale, extent and location of development overall in the District Plan. In that respect it is considered that the proposals are not so significant that they could be considered premature.

7.15 That said, the provision of 24 dwellings will have positive impact in addressing five year land supply issues in the short term. This weighs in favour of the development provided that the location is sustainable and the housing can be delivered in the short term to address the current shortfall in housing supply. Sustainability is discussed later in this report, but deliverability is also a material consideration. This was a matter which was raised by the Planning Inspector in relation to the Buntingford appeals. The Government has also indicated that Councils should consider the deliverability of development.

7.16 Unlike the Buntingford appeals, this application is not submitted on behalf of a housebuilder but by the landowner. The grant of outline planning permission will likely invoke a period of marketing of the land by the applicant. However, the grant of outline planning permission on this site, where there are limited requirements for on-site infrastructure improvements or remediation, will likely appear as an attractive development opportunity for a number of small/medium sized house building companies. The fact that the application is not submitted on behalf of a house builder should not be taken to indicate that the site cannot make a contribution to housing supply in the next five years. The 'standard' time limitation conditions which were adjusted as part of the Buntingford appeals could be similarly adjusted in this application to encourage early development and the potential for contribution to the economic dimension of sustainability.

7.17 In summary then, the development proposal represents a departure from the Rural Area policies of the adopted Local Plan and the draft District Plan is not at such a stage where any significant weight can be attached to the relevant village policies. However, the Council does not have a five year supply of housing and, in these circumstances, the NPPF makes a presumption in favour of granting planning permission

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unless the adverse impacts of doing so would be significantly and demonstrably outweighed by the benefits. Furthermore, Officers are of the view that the development proposal would not be prejudicial to the District Plan process and is not therefore premature. Officers therefore consider that the proposed development is acceptable in principle, provided that the Council is satisfied that the scheme would result in a sustainable form of development.

- 7.18 Sustainability is the golden thread running through planning, as set out in the NPPF, and this should form the main consideration in weighing the benefits and impact of the development, as is discussed below:-

#### Sustainability

- 7.19 Officers are of the view that the main planning considerations with regards to an assessment of whether the proposal meets the sustainable development tests are as follows:

1. Whether there are appropriate facilities in the village to accommodate the development and appropriate access to them;
2. Whether there is appropriate employment provision for an increase in the size of the village and any resultant impact on commuting;
3. Whether there is an appropriate access to serve the quantum of development;
4. whether an appropriate level of affordable housing would be provided to address local needs;
5. Whether the layout and amount of development is appropriate to the site and setting and will the development integrate well with the village and setting;
6. Green infrastructure and surface water drainage issues;
7. The impact on the quality of the agricultural land;

#### Infrastructure and village facilities

- 7.20 The main considerations relate to whether there is appropriate school provision and how the existing retail provision will serve the development. It is also important to consider whether there is appropriate levels of access to sustainable modes of transport.
- 7.21 With regards to school provision Hertfordshire County Council as education provider consider that the impact associated with the quantum of development envisaged for this site can be dealt with through financial contributions, which are set out below.
- 7.22 Retail provision within the villages of Puckeridge and Standon are

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limited. There are a couple of shops, including a post office in the two High Streets serving the villages, together with four pubs and Church's. The level of amenities in the villages means that the vast majority of shopping, other than for basic items, are likely to be obtained from the larger settlements beyond the village boundary. The lack of amenities in the village in terms of retail offer weighs against the development proposal.

- 7.23 The recreational playing fields and community centre are around 1 km from the application site and the village allotments are around 100m to the north of the site. There is therefore reasonable provision within the village for recreational facilities, given the size of the village. There are also opportunities to secure financial contributions in relation to outdoor sports provision and the community centre which are set out below.
- 7.24 The site is a short walk and cycle from the main centre of Puckeridge where there is access to some limited amenities. The site is close to the Catholic Primary School, St Thomas. However, the route to the other two schools in the village – Roger de Clare Primary School and Ralph Sadler Middle school is somewhat further from the application site at a distance of around 1km along the main roads within the village. The applicant considers that these schools are within acceptable walking distance as suggested by the Chartered Institute for Highways and Transport.
- 7.25 Officers have had regard to the lack of amenities (particularly shopping) within the village and the likely need for future residents to travel to larger settlements for anything other than basic products. In addition, Puckeridge/Standon is not in a particularly sustainable location in terms of the levels of facilities for sustainable transport. There is a bus stop along Standon Hill (A120) which has a reasonably direct route to Bishop's Stortford. Bus routes to other larger settlements are not quite as straightforward and there is no train line in the villages and access for shopping would likely be by private car which would weigh marginally against the proposal, having regard to the scale of the development.

#### Employment

- 7.26 There is acknowledged to be limited opportunities for employment within the village and, with a population of around 3319 (according to the Draft District Plan figures which are based upon 2001 Census data), it is considered that the majority of residents who do work will need to travel outside of the village for employment. However, there are some opportunities for employment at the local schools, medical centre and

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also at the Enfield Safety Supplies on Station Road and the small industrial units on Stortford Road.

- 7.27 The deficiencies in public transport identified above mean that the majority of workers will likely use a private car. The need for future residents of the site to use private car to travel to work therefore weighs marginally against the proposal, having regard to the scale of the development.
- 7.28 There will of course be employment generation in association with the development processes to construct the houses and, whilst for a limited period, is a matter which weighs in favour of the development and which is encouraged within the NPPF to stimulate growth.

#### Affordable housing

- 7.29 The approach to considering affordable housing is set out in policy HSG3 of the Local Plan. That policy sets out that development within category one villages should provide up to 25% affordable housing. However, as acknowledged above, the application site is not within the boundaries of the category one village and there is therefore no policy provision within the Development Plan for the provision of affordable housing as part of a general housing development (although this differs if the proposal is for an entirely affordable housing scheme in accordance with policy HSG5).
- 7.30 However, the NPPF is a material consideration and it includes a social dimension as part of sustainable development. Section 6 of the NPPF deals with housing and para 50 sets out that LPA's should ensure a wide choice of homes and plan for a mix of housing which is based on current and future trends and the needs of different groups in the community. In this respect, it is considered to be appropriate to adopt the level of affordable housing as prescribed in policy HSG3 of the Local Plan for a development such as this. The Council's policy in respect of the tenure mix for any affordable housing is 75% social rent and 25% shared ownership, as confirmed by the Housing Team.
- 7.31 The description of the application proposes the provision of 40% affordable housing is considered to be acceptable and would represent a sustainable form of development, in social terms.

#### Flood risk and SuDS

- 7.32 The siting of the proposed development is such that it is located outside of the main flood risk areas and is set back an appropriate distance to

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allow maintenance of the watercourse and the provision of SuDS (Sustainable Drainage Systems), which are recommended in the Flood Risk Assessment which accompanies the application.

- 7.33 The Environment Agency raise no objection to the development in flood risk terms but recommend that a drainage strategy for surface water be submitted. Whilst mindful of the concerns raised by third parties, having regard to the comments from the Environment Agency and the siting and scale of the proposed development, there will not, in Officers opinion, be a significant impact in flood risk terms. The parameter plans show a significant open space where sustainable drainage systems can be incorporated into the design, as recommended by the Councils Drainage Engineer. Such sustainable features will benefit the existing watercourse by slowing the movement of water into the water course and improving the quality of the water together with biodiversity enhancements.

#### Agricultural land

- 7.34 The applicant comments that the land is grade 3 agricultural land which is defined as 'good to moderate quality' agricultural land. The NPPF sets out that Local Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, Local Authorities should seek to use areas of lower quality.
- 7.35 Given the housing needs across the District it is inevitable that development on agricultural land will be required. This said, the agricultural land is good to moderate and not therefore the higher quality agricultural land in the District. Furthermore, the parcel of land is not significant in size and does not form part of an integral or wider agricultural field. Development of this site will not harmfully impact on the agricultural efficiency or farm viability. Officers therefore raise no objection to the development of this agricultural land.

#### Character and appearance of the local countryside

- 7.36 The planning application is in outline form only and there is therefore limited information regarding the layout and design of the proposed dwellings. The parameter plan, as submitted with the application is considered to be acceptable. This shows the provision of residential development in the form of 2-3 storey dwellings on the west of the site and an area of open space to the east of the site. The main consideration is whether development of this site, will result in harm to

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the countryside.

- 7.37 The site lies within Landscape Character Area 73 which is described as a 'two speed landscape', with open, undulating plateau bisected by the A10. The site forms a relatively small field compared to other larger fields in the wider landscape area and there is a strong landscaped boundary to the west of the site. The Landscape Officer considers that the site gives a clear and well defined transition between the village and the surrounding countryside and bridges the gap between the open, undeveloped land to the east of the site and that to the west of the site and further to the west beyond the A10. Concern is raised by the Landscape Officer in terms of the loss of this open space and the joining of the village with the cluster of development to the south (known as Shenley), a concern also raised by CPRE, the Parsh Council and other third party representations.
- 7.38 Officers acknowledge the concerns and consider that the site does form an open space between the village and the cluster of development to the south – Shenley. However, the site for development is relatively modest in the overall context of the village and a significant area of open space is retained between the edge of the residential development and the Puckeridge Tributary. This open space will retain a landscaped and open buffer between the development site and the open area to the east of the application site. That open space extends to the north of the application site and will retain a small gap between the southern edge of the existing village and the northern part of the development site.
- 7.39 Views of the site will predominantly be from Cambridge Road and there are limited other public views of the land. There is a significant strip of landscaping to the western boundary with Cambridge Road which, Officers acknowledge, will be reduced and thinned in the proximity of the new access, but which can otherwise be retained through planning conditions, when considered as part of any future reserved matters planning application (landscaping is a reserved matter). There will inevitably be an impact in view from Cambridge Road however, the retention of the landscaping to the western edge of the site will help to reduce the degree of impact to an acceptable level.
- 7.40 Officers acknowledge that the site is open rural countryside and the development will, in effect link the village with Shenley. The development of this site is however similar in context to previous village expansions in Puckeridge which have occurred to the east of the village along South Road and Station Road and, more recently to the north of the village at the Wallace Land. Having regard to the scale of

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development and retention of landscape features and open space provision, the harm caused by the development of this site on landscape character and the countryside setting will not, in Officers opinion, be so significant as to outweigh the benefits of housing supply. The site does not, in Officers opinion, form an important open gap in the village, such that a refusal of planning permission on landscape or visual amenity terms would be justifiable.

- 7.41 Layout and design are reserved matters and are not the subject of detailed considerations of this application. Nevertheless the illustrative masterplan submitted shows one particular layout. There are deficiencies in the detail of this layout but this should not prejudice the determination of this outline planning application. As identified above, retention of existing landscaping on the western boundary can be secured through a condition as part of any reserved matters application, which would help to soften the impact of the development from Cambridge Road. Within the site the land falls approximately five metres from west to east towards the tributary. Such a fall in levels means that some limited three storey dwellings could be accommodated within the development site without resulting in harm to the countryside setting and relationship with existing development.
- 7.42 In Officers opinion the development of this site appears as a logical extension to the village and has the potential to assimilate well with the existing village pattern and layout. There will be some limited harm to the village setting associated with the development of the site however retention of landscape features and the provision of a significant open landscape area will reduce the degree of impact to an acceptable level.

#### Highways

- 7.43 Whilst the application is in outline only one of the planning considerations which is not reserved is access. Third parties and the Parish Council are critical of the development in terms of the impact on existing highway infrastructure, particularly flow within the village and in terms of the access onto the A120.
- 7.44 The Highways Authority raises no objection to the development and consider that appropriate visibility onto Cambridge Road can be achieved and that traffic generation will not be significant. The Highways Officer acknowledges deficiencies with the pedestrian footway and recommends the provision of financial contributions to improve sustainable transport and improvements to the bus stop.
- 7.45 Having regards to the comments from the Highways Officer the

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proposed development is considered to provide an appropriate level of visibility onto Cambridge Road and is of a scale such that there will be no significant harm to highways safety or access in the vicinity of the site, the village or the A120.

- 7.46 The Highways Officer recommends the inclusion of planning conditions relating to street lighting and road markings and considers that this should be dealt with through a planning condition as some other works fall outside of the application site boundary. In Officers opinion, these are matters which are regulated by the Highways Authority through S278 works and a planning condition is therefore unnecessary.

#### Financial contributions

- 7.47 With regards to financial contributions, as the application is for in the region of 24 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for open space and recreation facilities, education, sustainable transport modes and other infrastructure improvements.
- 7.48 HCC have confirmed that they will require contributions towards nursery, first education, childcare, youth and library services based upon table 2 of the Hertfordshire County Council Planning Obligation toolkit. A sustainable transport contribution has also been requested by the Highway Authority which is necessary to mitigate the impact of the development on the transport network, in accordance with the Council's adopted Planning Obligations SPD. The Highways Authority also request a financial contribution towards improvements to the bus stops in the vicinity of the site.
- 7.49 As the application is in outline form the Council are unable to determine the precise level of contributions but will refer to the relevant part of the Planning Obligations Toolkit. Having regard to the comments from the County Council, the contributions requested are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 7.50 The East Herts Council SPD also requires contributions towards open space provision. The Council's PPG17 audit identifies that there are deficiencies in parks and public gardens, children and young people and outdoor sports facilities.



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- 7.51 However, as identified above, the parameters plans which forms part of the consideration of this application shows a significant area for open space. As such, Officers do not consider that it is appropriate to seek contributions towards parks and public gardens. Furthermore, given the size of the open space there is an opportunity to secure provision for children and young people on site. The applicant has agreed to the provision of a LAP (Local Area for Play) on site and which will be the subject of the Section 106 agreement. This will provide an appropriately sized space for the scale of development and will provide local and close access for children's play associated with the development. The provision of onsite play space for children and young people weighs in favour of the development proposal.
- 7.52 With regards to contributions for outdoor sports provision, Officers understand that there are opportunities for financial contributions to be invested into the existing playing pitches at the recreational playing fields in the village. These facilities are an appropriate distance to the application site and will help to offset the impact of the development on existing facilities.
- 7.53 The NHS comment that the existing surgery is working to over-capacity for the size of their premises and the clinical space available to provide the required services to their patients. The NHS comment that a financial contribution will help support and offset the impact on the practice.
- 7.54 Having regard to the information available and, taking into account the Planning Obligations SPD and Open Space SPD, Officers are of the opinion that the contributions for outdoor sport, community centre and health care together with the onsite provision of a LAP are necessary and reasonable to offset the impact of the development on existing infrastructure in accordance with S122 of The Community Infrastructure Levy Regulations (CIL) 2010.

### Ecology

- 7.55 The site is not located within, or adjacent to, any Wildlife Site and currently comprise of arable land. Ecological Appraisal reports have been submitted which identify that the key ecological feature on the site are the hedgerows which provide suitable habitat to support nesting birds and provide foraging and commuting habitat for bats. The Puckeridge Tributary is also of habitat value. The ecological report recommends that any hedgerows proposed to be retained are protected by condition and that lighting adjacent to hedgerows be limited. It is also recommended that a reptile survey be undertaken and that vegetation

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removal be undertaken outside bird nesting season.

- 7.56 Herts Ecology agree with the recommendations of the ecology reports and raise no objection to the proposal subject to conditions. The proposal is therefore considered to be in accordance with the NPPF and policy ENV16 of the Local Plan and Officers consider that it is necessary and reasonable to include a planning condition in relation to the recommendations of the Ecology Report, as recommended by Herts Ecology.

#### Neighbour amenity impact

- 7.57 The main considerations in terms of neighbour amenity impact relate to those dwellings to the north and south of the boundary of the application site.
- 7.58 The parameter plan submitted show that there will be a gap of around 35metres between the northern edge of the development site and the nearest dwelling to the north (Buffalos Head). Having regard to that distance there will be no significant impact on the amenity of that property or any other neighbours to the north of the application site.
- 7.59 With regards to the impact on properties to the south, the nearest residential property is Shenley. This property is however set away from the boundary with the application site which, together with an appropriate layout (which will be the subject of a reserved matters application), Officers are of the opinion that there will be no significant harm to the amenity of that property.

#### Contamination

- 7.60 The Environment Agency and the Environmental Health Team recommend planning conditions in relation to contamination of the site. Taking into account the comments from those consultees and, having regard to policy ENV20 of the Local plan and section 11 of the NPPF, it is necessary and reasonable to attach planning conditions relating to these matters.

#### Archaeology

- 7.61 The comments from the County Archaeologist are noted. In accordance with policies BH1, BH2 and BH3 of the Local Plan and section 12 of the NPPF, it is considered to be necessary and reasonable to attach a planning condition requiring archaeological work.

**8.0 Conclusion**

- 8.1 The proposal represents an inappropriate form of development which is contrary to the Council's Rural Area policies.
- 8.2 However, the NPPF sets out that, where Local Plans are out of date in terms of housing supply, there is a presumption in favour of sustainable development and development should be approved unless the impact of doing so would significantly and demonstrably outweigh the benefits of development.
- 8.3 Considering the sustainability of the development proposals, Officers acknowledge the concerns raised by the Parish Council and third parties. Public transport in the village is limited and the lack of employment and retail offer for anything other than basic items is poor. There is therefore likely to be some reliance on private vehicles and the development in the village is therefore relatively unsustainable in transport terms.
- 8.4 However, Officers consider that, given the limited scale of the development proposed, these matters do not significantly and demonstrably outweigh the benefits of the development. Favourable weight should also be attached to the way in which the development will support the economy and provide affordable housing in a village location with reasonably good access to existing village amenities. In addition, Officers are of the view that development of this agricultural land is acceptable and, given the scale of development, will not result in significant or demonstrable harm to the countryside location or landscape setting. The impact of the development is acceptable in highways terms, flood risk and neighbour amenity and financial contributions will help to offset the impact on existing infrastructure.
- 8.5 In accordance with paragraph 14 of the NPPF a balancing exercise has to be undertaken to determine whether the adverse impacts associated with the development would significantly and demonstrably outweigh the benefits.
- 8.6 Officers have considered the impact of the development in terms of accessibility to sustainable modes of transport but consider that Puckeridge is, in general terms, a sustainable location for some development. The scale of the development site and number of proposed homes is not considered significant, having regard to the size of the village, and there will be no significant or demonstrable harm to the village or countryside setting. Officers therefore consider that, on the balance of considerations, the development can be considered as sustainable and the adverse impacts associated with the development would not be significant and demonstrably outweigh the benefits.

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- 8.7 In accordance with the above considerations Officers therefore recommend that planning permission be granted subject to conditions and the signing of a Section 106 agreement.