

DEVELOPMENT MANAGEMENT COMMITTEE – 8 MARCH 2017

Application Number	3/16/1742/FUL
Proposal	Development of 12 No dwellings and associated access and landscaping, including improvements to public footpath.
Location	Nine Ashes, Acorn Street, Hunsdon
Applicant	Ewin Developments Ltd
Parish	Hunsdon
Ward	Hunsdon

Date of Registration of Application	01 August 2016
Target Determination Date	31 October 2016
Reason for Committee Report	Major Application
Case Officer	Martin Plummer

RECOMMENDATION

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

1.0 Summary

- 1.1 The proposal represents an inappropriate form of development in the Rural Area beyond the Green Belt. The Council is not currently able to demonstrate a five year supply of housing and, in such situations, national planning policy requires that planning permission be granted for sustainable development unless there are any significant adverse impacts that would outweigh the benefits of the proposal or where specific policies of the NPPF indicate that development should be restricted.
- 1.2 This report describes that policy assessment and considers the positive weight that can be attached to the provision of housing, including affordable housing, against the negative weight that can be attached to any adverse impacts that would result from the development. Positive weight can also be attached to the way in which the development will address surface water flooding issues at the site and surroundings
- 1.3 The site is considered to be reasonably well located for day-to day services and facilities located in Hunsdon, albeit access will likely be dependent on private vehicles. The application site performs less well in terms of access to employment and more significant weekly shopping trips, and access to secondary education.

- 1.4 The development is considered to be neutral in terms of the impact on the setting of listed buildings and in terms of highway safety, parking, ecology and impact with neighbouring properties. Appropriate financial contributions can be secured which will adequately mitigate against the impact on existing infrastructure.
- 1.5 However, the site is considered to make a positive contribution to the character and appearance of the area and the development of this site will result in a significant and adverse impact on the landscape character and rural character of the site. The harm associated with this impact is considered to significantly and demonstrably outweigh the benefits of the proposal in terms of the provision of housing and the improvements associated with flood risk.

2.0 Site Description

- 2.1 The application site is located around 800 metres to the south of the category one village of Hunsdon and within the hamlet of Hunsdonbury. The site is located to the east of Acorn Street and forms an open parcel of meadow. A public right of way (Hunsdon 005) runs from Acorn Street through the site connecting to the wider public right of way network to the east of the site. A small fishing lake is located to the east of the site (and outside the application boundary) and which is accessed by the public right of way.
- 2.2 There is a hedge/tree boundary with the road, extensive landscape tree/hedge planting to the northern boundary and more open views to the south of the site.
- 2.3 To the north / north east of the application site are open agricultural fields which includes the former WW2 airfield. To the west and south west of the site are grade II listed buildings.

3.0 Background to Proposal

- 3.1 The application site is not currently used for any purpose and forms an open meadow space.
- 3.2 The application proposes the provision of 12 dwellings comprising of 1no 2 bed dwelling, 3no 3 bed dwellings and 7no 4+ bed dwellings. The development includes the provision of 2 affordable units (which comprise of 1no 2-bed dwelling and 2no 3-bed dwelling. There is therefore provision for 25% affordable housing.

4.0 **Key Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007 and the pre-submission District Plan:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan
The principle of residential development within the Rural Area	Paragraph 14	SD2, GBC3	DPS2, GBR2
Whether the development represents a sustainable form of development	Paragraph 7		INT1
Impact on character and appearance of the area and neighbour amenity	Paragraph 14	ENV1	DES3
Landscape impact		ENV2, ENV11	DES1, DES2, DES3.
Impact on setting of heritage assets	Section 12		HA1, HA7
Flood risk impact and SuDS	Section 10	ENV18, ENV19, ENV21	WAT3, WAT5
Affordable housing and contributions to mitigate the impact of the development on existing infrastructure / services	Section 6	IMP1	HOU3

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

5.0 **Emerging District Plan**

5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan has recently been completed. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in

preparation. There does remain a need to qualify that weight somewhat, given that the detail of the responses to the consultation is yet to be considered.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority comments that it does not wish to restrict the grant of planning permission subject to planning conditions relating to visibility splays; maintenance of the public right of way; a pedestrian access from the site frontage to the west side of Acorn Street, a scheme for the regulation and discharge of surface water and; a Construction Traffic Management Plan.

The Highway Authority comment that an appropriate access can be achieved onto Acorn Street and the impact associated with 12 dwellings is not considered to have a material impact on the local highway network.

The site is located outside of Hunsdon although the village facilities can be accessed which is approximately 0.8km. A limited bus service is available to be accessed within the distance. The site is likely to be heavily reliant on private vehicles for travel and the sustainability of the site may be questioned.

- 6.2 Lead Local Flood Authority comments that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. Planning conditions relating to the drainage strategy are recommended.

It comments that the proposed development can bring significant betterment to the existing flooding issues in the area but cannot alleviate the flooding entirely. The drainage strategy is based upon attenuation and discharge into the existing watercourse, with significant modifications to the watercourse on-site. Relevant calculations for the opening up of the channel have been provided including volume from the catchment at different return periods up to the 1 in 100 plus climate change event. The information submitted shows the capacity of the proposed channel, the volumes that it is managing and ensures that there is no increased risk of flooding to the development itself or the road.

- 6.3 Environment Agency has responded to confirm that it has no comments to make on the application.

- 6.4 EHDC Engineering Advisor comments that the site is located in flood zone 1 (an area of low fluvial flood risk) but within a designated surface water inundation zone. The Councils SFRA (Strategic Flood Risk Assessment) has information regarding a flood event at a dwelling opposite the site in 2011 and 2014 which was associated with surface water flooding.

The current site is permeable and the development will increase the amount of impermeable areas. There are defective drains within the site and there is known to be an almost continuous flow of water across the site in a westerly direction.

The proposals for the SuDS (Sustainable Drainage Systems) comprising of permeable paving, detention basin and an open swale/ditch, will help reduce flood risk for the site as they would enable a defined and sustainable drainage connection to be made linking the fishing pond to the drain in the road. Such SuDS would also help to improve the water quality and provide amenity/biodiversity habitats to be created.

- 6.5 Thames Water comments that it is the applicant's responsibility to make proper provision for surface water drainage. Surface water should be attenuated or regulated into the receiving public network through on or off site storage. No objections are raised in respect of sewerage infrastructure capacity and a directive is recommended in relation to groundwater protection.

- 6.6 EHDC Conservation and Heritage Advisor commented initially on the application that amendments should be sought in relation to the elevational treatment of the proposed dwellings. Such amendments were made and the Advisor now recommends approval of planning permission subject to conditions relating to samples of materials, details of hard surfacing and boundary treatment.

The Advisor comments that the site is currently open countryside, which includes a public right of way. There are various Grade 2 listed buildings around the site, such as Spellers House and Spellers Cottages, Nine Ashes Farm House, Stables, barns and sheds, the Granary, and the Dovecot. The Advisor does not consider that the proposals will harm the already much altered setting of the nearby Listed Buildings and the proposed design is considered to be suitable and will imbue the development with sufficient character associated with the contemporary design with vernacular references.

- 6.7 EHDC Landscape Advisor recommends that planning permission be refused.

The site is greenfield and represents a gap in development along the eastern side of Acorn Street. Hunsdonbury is characterised by small clusters of dwellings (and other structures) symbolic of various stages in the historic growth of the settlement and the separation between these different parcel of development helps define the local distinctiveness of the local area.

The site is connected to open countryside to the east by a public footpath which runs along the northern site boundary. There is also a collection of listed buildings to the south west of the application site.

The proposals result in the loss of an open space which is important to the landscape character and setting of the local built environment and the development represents an inappropriate size and scale of development for this location. The development will result in a significant adverse landscape and visual impact on users of the Public Right of way running along the northern boundary of the site as well as upon the setting for the listed buildings abutting the south west boundary of the site and impact adversely on the local distinctiveness of the local area by altering the historic scale of development locally.

- 6.8 Herts Ecology comments that the ecological appraisal has identified a number of species on the site which will need mitigation and protection. A planning condition requiring the provision of a mitigation strategy is recommended to deal with this matter.
- 6.9 HCC Development Services seek a financial contribution towards the Library Service to make improvements to the Children's Area at Ware Library (£2,350) and towards the expansion of Hunsdon Junior Middle School.
- 6.10 HCC Minerals and Waste refers the Council to the waste, recycling and sustainable construction and demolition policies in the County Council Waste Plan. The advisor also refers to the HCC Minerals Local Plan which seeks to avoid the sterilization of minerals and their opportunistic extraction prior to non-mineral development. It is noted that this site is located within the Hertfordshire sand and gravel belt.
- 6.11 EHDC Refuse Services comments that the sufficient provision for refuse bins to be manoeuvred to the roadside should be provided and that sufficient vehicle space for manoeuvring of refuse lorries should be provided, including the provision for dropped kerbs.

- 6.12 HCC Historic Environment Unit comment that the site is located in an Area of Archaeological Significance which identifies a concentration of multi-period heritage assets including earthworks, cropmarks, late medieval/early medieval farmsteads, part of a medieval deer park and two Scheduled Monuments comprising World War II pillboxes associated with Hunsdon airfield.

The proposed site lies adjacent to Nine Ashes which has its origins in the C16th – It appears to have retained the extents of its original medieval plot which often contained the buried remains of low level industrial activity when associated with buildings. The existing complex of Nine Ashes Farm contains nine, Grade II listed buildings including the main farm house, stables, a dovecote, a granary and various barns. Despite Nine Ashes Farm's conversion/redevelopment to residential accommodation, the setting of these buildings will be affected by the development which is not addressed in the accompanying Archaeological Desk-Based Assessment.

The site itself contains an undated earthwork which is most likely a track associated with the farm and the site is also located within the boundary of a medieval deer park. It is highly likely that the site also contains archaeology associated with Nine Ashes Farm and further investigation of the site could determine a more precise date for the original farmstead complex.

The information submitted with the application suggests a low to negligible potential for archaeology, it is considered that the above mentioned history of the site and the size of the development and surrounding heritage assets would indicate a greater potential for impact on heritage assets of archaeological interest, especially dating to the late medieval and post-medieval periods.

The Historic Environment Unit therefore considers that it is necessary and reasonable to require further archaeological work which can be secured through a planning condition.

- 6.13 HCC Fire and Rescue Service comments that access for fire fighting vehicles and fire hydrants should be provided.
- 6.14 Herts and Middlesex Wildlife Trust objects to the application on the basis that the net gain to biodiversity has not been adequately or objectively demonstrated; ecological mitigation measures not clearly or definitively stated; mechanisms to ensure in perpetuity management of ecological features are not described.

7.0 Hunsdon Parish Council Representations

7.1 The Parish Council strongly objects to the planning application on the following grounds:

- Development represents inappropriate development in the Rural Area;
- The site regularly floods and the proposed drainage measures will increase the risk of flooding to existing residents and present a flood risk to future residents of the development;
- Lack of infrastructure to accommodate development (school provision and health care provision);
- The site is not easily accessible to Hunsdon's amenities by walking or cycling by virtue of the narrow width of the pavement and poor road conditions;
- The site is not easily accessible to buses and there will be over-reliance on private vehicle;
- Road width/conditions and increased traffic associated with the development will increase risk of accidents along Acorn Street;
- Harmful impact on setting of listed buildings and archaeology;
- Development conflicts with pre-submission District Plan.

8.0 Summary of Other Representations

8.1 32 representations have been received in objection to the application raising the following concerns:

- Inappropriate development in the Rural Area;
- Harmful impact on highway safety and access;
- Harmful increase of traffic along narrow rural roads;
- Unsustainable location for development;
- Harmful impact on landscape character;
- Site is regularly flooded and the drainage proposals will not adequately address risk of flooding to existing dwellings and proposed dwellings;
- Inadequate services and facilities to accommodation development;
- Harmful impact on ecology;
- Existing school is at capacity;
- Inadequate health care provision;
- Harmful impact on the setting of listed buildings;
- Conflict with District Plan and pre-submission District Plan;

9.0 Planning History

9.1 There is no relevant planning history relating to this site.

10.0 Consideration of Relevant Issues

Principle of development

- 10.1 The site lies outside the defined village boundary of Hunsdon and therefore within the Rural Area Beyond the Green Belt in both the current and emerging Local Plans. In the current Local Plan, policy GBC3 only allows for specific forms of development, not including new residential developments, in such locations. This policy approach is replicated in policy GBR2 of the emerging District Plan. The proposal therefore represents inappropriate development in the Rural Area beyond the Green Belt. When considering the principle of development it is necessary to consider, of course, any other material considerations, including policies contained in the NPPF.
- 10.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and also states that ‘where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or because specific policies in the Framework indicate development should be restricted.’
- 10.3 The Council has acknowledged its lack of a 5 year housing supply and the need for housing in the District. It is also acknowledged that, in respect of the wording of the NPPF, the Council’s settlement boundaries and housing allocations based on the 2007 Local Plan are considered to be out of date. The pre-submission District Plan has been published and sets out an up to date policy position in relation to the supply of land for housing. It is considered therefore that weight can now be assigned to this emerging policy position, but there remains a need to qualify that weight somewhat, given that consultation on the Plan has been complete and is being considered and an examination is yet to take place. In these circumstances, the Council currently remains unable to demonstrate a five year housing land supply.
- 10.4 In the adopted Local Plan, Hunsdon is identified as a category 1 village, where development is permitted within the identified development boundary. In the pre-submission District Plan policy VILL1 sets out that Group 1 villages (which includes Hunsdon) should make provision for a

10% increase in housing stock based on the 2011 census. The emerging policy encourages Parish Councils to prepare Neighbourhood Plans to allocate land for such development. Prior to the preparation of a Neighbourhood Plan, the policy sets out that development should be constrained to within the identified development boundary.

- 10.5 Hunsdon Parish Council has, as Officers understand, commenced with some initial work in the preparation of a Neighbourhood Plan but no detailed information has yet been published. Accordingly, no weight can be attached to the Neighbourhood Plan at this stage.
- 10.6 The Council has granted outline planning permission for a residential development on land to the west of Hunsdon at Tanners Way (LPA reference 3/14/2023/OP). Outline planning permission has also been granted for a residential development of 14 dwellings on land at Hunsdon Lodge Farm under LPA reference 3/15/2217/OUT and subsequent reserved matters approval was granted under LPA reference 3/16/0899/REM. Development at Hunsdon Lodge Farm therefore has full planning permission. Members also resolved to grant full planning permission for a development comprising of 12 dwellings on the application site to the north of this current application at the Well House (LPA reference 3/16/0260/FUL). These different sites are shown on the attached OS extract.
- 10.7 The Council has, therefore, against a similar policy background, accepted the provision of residential development on sites not within the boundary of the category one village on Hunsdon and therefore within the designated Rural Area.
- 10.8 The site in this application, as with the site at the Well House, is not located immediately adjacent to the category one village, as with the sites referred to above at Tanners Way and Hunsdon Lodge Farm. The site does not also represent previously developed land (as with the Well House site) and comprises of a greenfield site.
- 10.9 Nevertheless, in the absence of a five year supply of housing, the Council are required by paragraph 14 of the NPPF to grant planning permission 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. It is necessary then to consider whether the development is sustainable; whether there are any significant or demonstrable adverse impacts associated with it, and whether there are specific policies in the Framework which indicate that development should be restricted:

Sustainable development

Economic dimension

- 10.10 With regard to the economic dimension of sustainable development, the provision of a residential development on the site will mainly involve short term employment opportunities and other associated benefits with the building process. There may also be other economic benefits in respect of future occupiers of the development making use of local amenities and services. This is therefore a matter which weighs in favour of the application.
- 10.11 Paragraph 112 of the NPPF requires a consideration of 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 planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The applicant comments that the land is classified as grade 3 (good to moderate quality). The applicant comments that the site is not currently used for agricultural purposes, nor has it been used for such uses in recent history. The site is enclosed and separate from other nearby agricultural uses and there is little or no prospect of the land coming back into agricultural use. The development of the site in accordance with the proposals would not compromise surrounding agricultural uses and the loss to stock of agricultural land or land that could be used as such would not be significant, and does not present a negative factor in the balance of weighing the considerations of the application.

Social dimension

- 10.12 Turning to the social dimension of sustainable development, this matter generally relates to the positive way in which the development will provide and address housing need. The application is for full planning permission and the applicant has the option to purchase the site subject to planning permission being granted. There is therefore reasonable opportunity then for the development of this site to provide identified housing within five years and a planning condition requiring implementation of the development within a shorter timescale than the normal three years. Furthermore, the development incorporates the provision of three affordable dwellings which amounts to 25% provision. Such a level of housing is considered to be appropriate, having regard to the policy requirements of HSG2 and the NPPF. Officers consider that significant weight can be attached to the provision of housing in this case.

- 10.13 The site is within walking and cycle distance of the village of Hunsdon which is to the north of the application site and there is a pedestrian footway which can be used for pedestrian access to the village. Representations received set out that the inadequate width of the pavement and the road will likely discourage these modes of transport and the site cannot reasonably be considered as a sustainable one in transport terms. The constraints of the road/pavement are acknowledged, but the site still remains within recognised distances of the village of Hunsdon. If private cars were to be used the village is, in any event, a short journey which would not, in Officers view, likely lead to a significant increase in traffic movements.
- 10.14 There are some local amenities and facilities within the village for day-to-day essentials including a village shop, two public houses and a garage. Other weekly shopping trips would require travel further afield, to the larger settlements of Bishop's Stortford, Harlow for example – a position not dissimilar to the existing residents in Hunsdonbury or Hunsdon.
- 10.15 There is a primary school in Hunsdon and third parties have drawn a lack of school places to the Council's attention. However, such a concern is not raised by the County Council, responsible for the provision of school places. Secondary education will need to be accessed at the larger settlements referred to above or elsewhere in the District.
- 10.16 There are very few employment opportunities within the village apart from the collection of industrial units within Little Samuels Farm. It is acknowledged that the majority of employment will likely be in the surrounding settlements.
- 10.17 There are bus stops with access to nearby settlements which operate on a reasonably regular basis during the week and weekend. That service does provide some access for shopping trips, education and employment. However, it must be acknowledged that the service is not likely to be regular enough for many trips and access to other settlements, including access to rail lines for weekly shopping trips, secondary education and employment will likely rely on private vehicles. This is a matter which does not weigh in favour of the application.
- 10.18 In relation to housing mix, as noted in section 3 above, the development provides a mixture of housing types and sizes including 2, 3, 4 and 5 bed dwellings.

- 10.19 The current Development Plan (East Herts Local Plan Second Review April 2007) contains no specific policy criteria relating to mixture of housing sizes/types. The pre-submission District Plan, however, sets out a new policy approach, and emerging policy HOU1 identifies that an appropriate mix of housing tenures, types and sizes will be expected, taking account of the most up to date evidence and emerging policy.
- 10.20 This is a new policy position within the emerging District Plan and therefore the weight that can be attached to it must be qualified (as set out in section 5.0 above). However, given that the policy is based on very recent and up to date evidence contained in the Strategic Housing Market Assessment (SHMA) and in the absence of any contrary evidence, Officers consider that it can be afforded some reasonable weight.
- 10.21 The Strategic Housing Market Assessment identifies a clear need for affordable housing in the district, with the majority of the need being for two and three bed dwellings. The SHMA indicates that 40% of affordable homes should be provided as 2 bed units, houses and flats, and 34% as 3 bed units. In these proposals, 1 x 2 bed unit and 2 x 3 bed units are proposed which generally accords with that assessment.
- 10.22 For open market housing, the emerging policy requirements seek a provision of 46% of homes to be 3 bed, 23% to be 4 bed and 6% to be 5+ bed dwellings. The proposals in this case comprise 2 x 3-bed units (25% of the total development) 2 x 4-bed (25%) and 5 x 5 bed dwellings (42%). There is a higher than average provision of larger 5 bedroom dwellings and a lower than average provision of smaller 3 bed dwellings. The overall mix of development does not, in this respect, reflect the requirements of the SHMA and this is a matter which weighs against the proposal.

Environmental dimension

Character, appearance and landscape impact

- 10.23 The core principles of the NPPF set out that planning should take account of the different roles and character of different areas, by recognising the intrinsic character and beauty of the countryside (para 17). Section 7 of the NPPF requires good design and sets out that developments should respond to local character, history and reflect the identity of local surroundings.
- 10.24 Local Plan policy GBC14 sets out that a Landscape Character Assessment will be used to assess development proposals and will

seek to improve and conserve local landscape character by conserving, enhancing or creating desirable landscape features; contribute to the strategy for managing change with reference to the Landscape Character Assessment, and enhance or conserve key characteristics and distinctive features.

- 10.25 Policies ENV1, 2 and 3 of the Local Plan set out a need for development to demonstrate compatibility with the structure and layout of the surrounding area, consider the impact of any loss of open land on the character and appearance of the locality, retain and enhance existing landscaping. Policy SD1 requires development to be physically well integrated and respond to local character.
- 10.26 In the emerging District Plan policy VILL3 sets out criteria for development in the Group 3 villages, including the impact on open spaces and gaps and neighbouring amenity. Emerging policies DES1 and DES2 deal with landscaping with the additional requirement (over the current Local Plan) for a Landscape and Visual Impact Assessment and/or Landscape Sensitivity and Capacity policy. Policies DES3 and DES4 set out a range of detailed design and layout requirements, including the need to consider crime prevention.
- 10.27 The consultation responses and representation from third parties indicate that a key consideration is whether the amount, layout and design of the proposed development would result in an adverse impact on the landscape character and appearance of the site and its surroundings. The Landscape Officer is critical of the development proposals and objects to the planning application for the reasons set out in section 6 above.
- 10.28 A Landscape and Visual Impact Assessment has been submitted by the applicant which considers that the provision of additional planting, particularly along the southern and south-western boundaries, will significantly limit the impact of the development for existing residents to the south west of the application site; the development is of an appropriate design that is reflective of the existing built environment; the development will retain spacing and separation to the public footpath and; the eastern part of the site will remain undeveloped which will have ecological and biodiversity enhancement. The Assessment considers that the development, after mitigation measures have become established (trees and planting which will mature is approx. 15 years), will have a minimal-moderate and localised impact only. The site and its surrounding would have the capacity to absorb changes due to the proposed development.

- 10.29 There is a clear separation and change to the landscape character and pattern of development from the built up area of Hunsdon moving south through Hunsdonbury towards the A414. The area to the south of Hunsdon comprises of open agricultural fields which, to some extent, is dominated by the openness of the WW2 airfield. Beyond that open space and the built up area of Hunsdonbury there is an irregular pattern of predominantly residential buildings set amongst a relatively low density of development which generally follows the direction of Acorn Street.
- 10.30 The application site itself is a relatively large field of open pasture which is considered to be important to the landscape as it forms an effective and attractive open gap in the overall pattern of development described above. There are clear views of the application site from Acorn Street, adjoining residential development to the west and south west and, the public right of way to the north of the site. The site is considered to make a significant contribution towards the character and beauty of the Countryside and in terms of public and private views.
- 10.31 The proposal incorporates a relatively low density with generous pockets of amenity space and spacing to the northern boundary with the public right of way. The proposed design, as reflected in the submitted plans, also shows a high quality elevation treatment to the proposed dwellings and an appropriate level of private amenity space and living conditions for future residents of the development is provided. However, the siting, scale and form of development proposed does not, in Officers opinion, assimilate well with the character of the site and surroundings and there will be a very clear change to the visual and landscape character of the site from open pasture to housing development.
- 10.32 The most significant impact would be experienced in local views due to the location of the site and field boundaries – there are views of the site from Acorn Street, nearby houses and the public right of way – those living and walking in the area would experience the change as significant (as reflected in the consultation responses received) and harmful in terms of the attractive views, openness and tranquillity that the site currently provides.
- 10.33 The conclusions of the Landscape and Visual Impact are noted and have been considered. They differ, however, from that of the Landscape Officer who reaches a conclusion that the landscape sensitivity of the site is moderate and the landscape capacity is low and that there will be a significant adverse landscape and visual impact. Your Officers consider that, overall, the scheme would detract

significantly from the character and appearance of the area, contrary to the aims and objections of policy GBC14, which seeks to conserve and improve local landscape character, including recognising the intrinsic character and beauty of the countryside. Significant negative weight is therefore assigned to this matter in the overall planning balance.

Impact on setting of listed buildings

- 10.34 As noted above, paragraph 14 of the NPPF sets out that planning permission should be approved where the development plan is out-of-date unless specific policies in the Framework indicate that development should be restricted. The NPPF sets out that such policies include designated heritage assets.
- 10.35 The site is not within a Conservation Area but there are designated heritage assets to the north, east and south of the site as noted in section 3 above. Third party representations are critical of the harmful impact of the development on the significance of those heritage assets in terms of their setting and the Landscape Officer in particular raises concern of this impact.
- 10.36 The NPPF sets out that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance of a heritage asset can be harmed through development within its setting and harm or loss should require clear and convincing justification.
- 10.37 The Conservation and Design Team have commented that the proposed development will not harm the setting of nearby designated heritage assets.
- 10.38 There is a SAM (Scheduled Ancient Monument) to the north of the application site which comprises of a WW2 airfield and which includes a pillbox to the immediate north of the application site. The relationship of the development with this heritage asset, including the retained landscaping to the north of the application site will ensure that the setting of this heritage asset is preserved.
- 10.39 There is a grade I listed building to the south (Hunsdon House) and third parties refer to the historical significance of this building and consider that the development will impact on the setting of this asset. Given the distance between the development site and this asset, together with intervening development and fields, Officers consider that the impact on the setting of this asset will be preserved.

- 10.40 The development site forms a much closer relationship with grade II listed buildings which include the cluster of grade II listed buildings associated with Nine Ashes (which incorporates a series of former agricultural buildings which have been converted into dwellings); Spellers House and Spellers Cottage to the west of the application site the other side of Acorn Street and Nine Ashes Farm to the south east of the application site.
- 10.41 Having regard to the advice from the Conservation and Design Team, Officers consider that the setting of listed buildings associated with Nine Ashes to the south west of the site have been negatively impacted by their conversion, including various boundary treatments and the access road which runs from Acorn Street and wraps around the eastern edge of those listed buildings. The proposed design and relationship between the development and those listed buildings is considered to be acceptable and there will be a neutral impact on those listed buildings.
- 10.42 Other listed buildings to the north and north west of the site are located an appropriate distance with intervening roads and landscape features such that their setting will, in Officers opinion, be preserved.

Highway safety and parking

- 10.43 Third party representations raise concern with regard to the access for the development onto Acorn Street and the increased risk of accidents associated with a residential development, particularly in respect of the narrowness of the highway to the north of the application site.
- 10.44 The comments from third parties are noted, but no similar concerns are raised by the Highway Authority. It is considered that traffic generation associated with 12 dwellings will not be significant and an appropriate provision for visibility can be provided at the site entrance with Acorn Street. It is considered then that the development is acceptable in terms of highway safety and capacity and does not represent a 'severe' impact.
- 10.45 With regard to parking, the development incorporates the provision of a range of parking provision for the proposed dwellings which exceeds the Councils parking standards but, given the location of the site and the comments made above in relation to the need for future residents to travel for work, main shopping and secondary education, this is considered to be appropriate.

Neighbour amenity

- 10.46 The only consideration in relation to neighbour amenity relates to the impact of the development on the existing residential development to the west and south west of the site. Officers consider that the relationship and siting of the development in relation to those existing residential dwellings is such that there will be no significant or harmful impact on living conditions such that would warrant the refusal of the application.

Drainage matters

- 10.47 The NPPF sets out that local planning authorities should take full account of flood risk, water supply and demand considerations. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.
- 10.48 In the current Local Plan, policy ENV18 requires that development should be required to preserve and enhance the water environment. Policy ENV19 addresses issues related in areas at risk of flooding and policy ENV21 deals with surface water drainage matters.
- 10.49 In the emerging District Plan, policy WAT3 sets out that development proposals should preserve and enhance the water environment ensuring improvements in surface water quality and the ecological value of watercourses and their margins. Opportunities should be taken for the removal of culverts and river restoration and naturalisation. Policy WAT5 of the emerging District Plan relates to the implementation of sustainable drainage solutions.
- 10.50 The site lies within flood zone 1 which is an area designated at low risk of fluvial flooding. However, the Environment agency surface water flooding maps indicate that the application site is at a high and medium risk of flooding.
- 10.51 Representations have been received from the Parish Council and third parties raising concern with regard to the impact of the development on flood risk and the Council's attention is drawn to flooding events at the field and surrounding area including on Acorn Street.
- 10.52 In response to a flood event that took place to a property and section of Acorn Street in February 2014, the LLFA undertook investigations in respect of the matter and published a Flood Investigation Report on 15 February 2017. The Report identifies the catchment of surface water (which includes the application site) and identifies the flooding

attributable to a series of storm events, a damaged culvert which runs through the site and that other culverts within the catchment were at capacity. The report recommends alleviation to flooding to properties by the installation of property level protection, together with better controlling of the surface water flows from the Nine Ashes site and the highway.

- 10.53 The proposed scheme incorporates the replacement of the existing (and damaged) culvert which runs through the site with an open channel to the north of the site and the provision of various areas of permeable surfaces within driveways. The LLFA have commented that the drainage proposals show that the development site can be adequately drained and potential existing surface water risk can be mitigated. The development incorporates the opening up and provision of an open water channel through the site which offers a significant enhancement upon the existing culverted system which can be considered as representing a high quality sustainable drainage system in accordance with existing and emerging policy. The development will also address in part the recommendations in the Flood Investigation Report identified above.
- 10.54 The LLFA acknowledge that the development will bring significant betterment to the existing flooding issues in the area, but also acknowledge that the scheme proposed will not alleviate the flooding entirely. From the information available, the provision of an improved drainage strategy to deal with existing surface water flooding is a matter to which significant weight can be attached. The applicant has limited control in addressing wider issues of flooding but has taken all reasonable steps to create a sustainable drainage strategy which results in significant improvement to the existing problems. It is also material that, without the development of this site, it is unlikely that the drainage strategy as proposed will be implemented and a less satisfactory (and less sustainable) system will be provided (which will likely include repairing the existing culvert only). Some positive weight can be given to this matter within the planning balance.

Ecology

- 10.55 Having regard to the comments from Herts Ecology, Officers are satisfied that the development proposal would not result in harm to any protected species on the site, subject to imposition of a planning condition requiring further information in respect of mitigation measures.

Section 106 matters

- 10.56 As the proposal is for more than 10 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.
- 10.57 The County Council have set out a requirement for financial contributions towards libraries and youth in accordance with the HCC 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.
- 10.58 With regards to other District Council contributions the Council's Planning Obligations SPD sets out a requirement for contributions towards open space provision, community centres and recycling. In this respect, contributions towards parks and public gardens, outdoor sports facilities and children and young people have been discussed with the applicant. The obligations are considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 10.59 The applicant has agreed to the financial contributions as set out at the end of this report and the proposed development is therefore not considered to result in a significant or material impact on infrastructure.

Other matters

- 10.60 HCC advisors have made comments in regard to mineral potential in that the site sits entirely within the sand and gravel belt as identified in the Hertfordshire Minerals Local Plan. Minerals Policy 5 encourages the opportunistic extraction of minerals for use on site prior to development that would sterilise any potential. Given the currently unknown status of the site with regard to minerals potential it cannot be clear what impact the identification of deposits may have, if any were found. It is considered that further investigation should take place ideally in advance of any determination. This however is a matter which could be controlled through imposition of a planning condition and has a neutral impact in the planning balance.

11.0 Conclusion

- 11.1 The proposal represents an inappropriate form of development which is contrary to the Council's Rural Area policies. Emerging policy in the pre-submission District Plan is at a stage where some weight can be attached to it, but this must be qualified by the stage reached in the preparation processes. The Neighbourhood Plan has not yet been published and no weight can be attached to this.
- 11.2 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 significant weight should be given to the benefit of the delivery of new homes. In these circumstances, proposals should be approved unless the impact of doing so would significantly and demonstrably outweigh the benefits of development.
- 11.3 To make that judgement, all relevant material considerations have been assessed. In respect of the economic and social dimension of sustainability, the development will result in job creation in terms of the initial construction phase and the way in which future residents will help to support existing local services and amenities. More significantly, the development will create 12 new dwellings including affordable housing and these matters must attract significant weight in support of the application.
- 11.4 The application site is considered to be reasonably well located to the existing amenities in the village including, primary and other village amenities including a village shop, albeit road and pedestrian footway conditions are unlikely to encourage the provision of walking or cycling to the village. The village is limited in terms of secondary education, employment and the retail offer for anything other than very basic items is also limited. There is therefore likely to be reliance on private vehicles to access these services and this must weigh against the proposals.
- 11.5 The site is known to flood and there are significant issues with surface water drainage. Third parties indicate that the development will exacerbate the existing flooding problems at the site and surroundings. The applicant nonetheless proposes a drainage strategy which will see a significant betterment of the existing flooding issues and has demonstrated that the strategy will adequately deal with surface water capacity issues associated with the development site. The development includes the provision of sustainable drainage systems and is a matter for which significant weight can, in Officers opinion, be attached.

- 11.6 The applicant's position in respect of the landscape and visual impact of the development are acknowledged. However, having regard to the comments from third parties and the Councils Landscape Officer, the application site is considered to represent a significant and important gap which makes a positive contribution to the countryside setting. The overall quantum of the development is considered to result in a significant and adverse impact on the rural character and appearance of the site and the surroundings. This is a matter which weighs significantly against the development proposal, in Officers opinion.
- 11.7 The application site is located in proximity to a number of designated heritage assets and third parties raise concern with the impact on the setting of those assets. Having regard to the advice received from the Conservation and Design Team, Officers consider that the development will preserve the setting of those heritage assets.
- 11.8 The Development is considered to be acceptable in terms of highway considerations and in respect of the relationship with neighbouring properties. Furthermore, the applicant has agreed to make financial contributions which will mitigate against the impact of the development on existing infrastructure. These are all matters which are considered to be neutral in the balance of considerations.
- 11.9 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 significantly and demonstrably outweigh the benefits. The conclusion to this balancing exercise in this case is that there is a significant and adverse impact on the character and appearance of the site and surroundings. The Development does not therefore result in a sustainable form of development and the weight attached to this matter does outweigh the benefits of the proposed development as identified in this report. As a result, Officers consider that the development proposal cannot be supported and recommend that planning permission is refused for the reason set out below:

Reason for Refusal:

1. The proposal, by reason of its siting, scale and form would result in a significant adverse visual impact on the landscape character of the area and views of the site from the north, south and south west. The harm identified cannot adequately be mitigated and the proposal is thereby considered to be contrary to policies ENV1, ENV2 and GBC14 of the East Herts Local Plan Second Review April 2007; policies DES1, DES2, DES3 and VILL1 of the pre-submission District Plan 2016; and the NPPF.

KEY DATAResidential Development

Residential density	13.2 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	
	2	
	3	
Number of new house units	1	
	2	1
	3	4
	4+	7
Total		12

Affordable Housing

Number of units	Percentage
3	25%

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.50	1.5
3	2.25	6.75
4+	3.00	21
Total required		29.25
Proposed provision		36

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

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	2
3	2.50	10
4+	3.00	21
Total required		33
Accessibility reduction	25%	8.25
Resulting requirement		24.75
Proposed provision		36

Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing		25%	
Parks and Public Gardens	£5,346	£5,364	
Outdoor Sports facilities	£14,854	£14,854	
Amenity Green Space	£2,105	0	Some space is allocated within the development site for amenity green space which is commensurate with the area of space required in the SPD.
Provision for children and young people	£2,194	£2,194	

Maintenance contribution – Parks and public gardens			No maintenance requirement as no on-site provision
Maintenance contribution – Outdoor Sports facilities			No maintenance requirement as no on-site provision
Maintenance contribution – Amenity Green Space			No contribution sought as amenity space would be privately maintained
Maintenance contribution – Provision for children and young people			No maintenance requirement as no on-site provision
Community Centres and Village Halls	£3,970	£3,970	
Recycling facilities (11 dwelling net increase)	£864	£864	