

DEVELOPMENT MANAGEMENT COMMITTEE – 24 MAY 2017

Application Number	3/17/0387/OUT
Proposal	Outline application for residential development comprising 15 dwellings (including 6 starter homes) with associated access
Location	Land adjacent to The Old Rectory, Baldock Road, Cottered, Herts, SG9 9QP
Applicant	Mr and Mrs Robert Taussig
Parish	Cottered CP
Ward	Mundens and Cottered

Date of Registration of Application	17 February 2017
Target Determination Date	19 May 2017
Reason for Committee Report	Major application
Case Officer	David Snell

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. Despite the emerging District Plan, the Council is not currently able to demonstrate a five year supply of housing land. In these circumstances the NPPF requires that planning permission 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 the NPPF as a whole.
- 1.2 The main consideration for Members, in relation to this development then, is whether it is considered to represent a sustainable form of development.
- 1.3 The contribution to housing supply of 15 dwellings is a clear benefit of the proposal and is accordingly assigned positive weight in the overall planning balance. However, other material considerations weigh against the proposal; in particular its limited access to sustainable transport, employment, shopping and other services. Additional harm is identified in terms of the impact of the proposal on the character and appearance of the surrounding area, the absence of provision of a

satisfactory form of affordable housing and lack of clarity in relation to the mitigation of its impact on local infrastructure.

2.0 Site Description

- 2.1 The site comprises 0.9ha of open rural farmland fronting the north west side of A507, the main road through the village of Cottered.
- 2.2 The site is bounded by open fields to the north; Magpie Farm to the east; The Old Rectory sited within substantial grounds to the west, and existing housing fronting the A507 to the south.
- 2.3 The site lies in the Rural Area beyond the Green Belt.

3.0 Background to Proposals

- 3.1 The application proposes the erection of up to 15 dwellings with access off A507. The application is submitted in outline with details of access, layout and scale.
- 3.2 Details relating to appearance and landscaping are reserved for subsequent consideration.
- 3.3 Proposals for residential development on a larger site (2.1ha), but including the current application site, were the subject of pre-application advice in November 2016 when Officers advised that residential development of the site was unlikely to be regarded as sustainable.

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, the Emerging District Plan and the Buntingford Community Neighbourhood Plan (NP):

Key Issue	NPPF	Local Plan policy	Emerging District Plan policy	Emerging NP policy
The principle of the development, including sustainability and housing land supply	Paras 7-16	SD2 GBC3	GBR2 INT1	

Layout and design	Section 7	ENV1 ENV2	DES2 DES3	HD4
Housing		HSG7	HOU1, HOU2	HD1, HD7
Villages		OSV3	VILL2	
Highway implications	Section 4	TR2, TR4, TR7, TR20	TRA2 TRA3 TRA3	T1, T2, T4
Affordable housing	Section 6	HSG3	HOU3	
Heritage impact	Section 12	BH6	HA4	
Neighbour impact		ENV1	DES3	
Planning obligations and infrastructure		IMP1	DPS4 DEL1 DEL2	

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

5.0 Emerging District Plan

- 5.1 The District Plan has been submitted to the Secretary of State for examination. 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 Plan has yet to be examined.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority sought additional information and amendments to the point of access to the site. It is understood that they now have no objection in principle to the proposal, subject to conditions. A formal response is awaited and an update will be provided for Members at the meeting.
- 6.2 Lead Local Flood Authority (LLFA) advises that that the submitted Flood Risk Assessment (FRA) does not provide a suitable basis for the flood risks arising from the proposed development. Discussions are ongoing between the LLFA and the applicant and an update will be provided for Members at the meeting.

- 6.3 EHDC Housing Development Advisor comments that the Planning Statement states that affordable housing will be delivered in accordance with Local Plan policy requirements, subject to overall viability. However, the proposed affordable housing provision currently relates to proposed Starter Homes and lots of detail has been provided on Qualifying Persons with a Local Connection to the village/parish – this is not possible with Starter Homes. Starter Homes are a Government set scheme for which the consultation regulations (which have not been enacted) only restrict ownership through age and finances. There is a need for affordable rent and shared ownership properties in the District.
- 6.4 EHDC Landscape Advisor comments that the development fails to demonstrate how it conserves, enhances or strengthens the character and distinctive features of the local area. The development is not a natural infill and extends the village. It represents ribbon development; would remove the gap between the historic core of the village and newer housing to the east, and would change the character of Cottered as a compact village.

7.0 Parish Council Representations

7.1 Cottered and Throcking Parish Council has commented as follows:

- They understand the relevant policies contained within the NPPF; the East Herts Local Plan; the emerging District Plan and the emerging Buntingford Community Area Neighbourhood Plan (BCANP) and that they had been much involved in formulating the BCANP.
- They believe that these policies should be applied and that those in the emerging plans should now be given considerable weight.
- They accept the analysis of EHDC in pre-application consultation, and of the Campaign to Protect Rural England (CPRE) and they consider that the application is inconsistent with these policies.
- Nevertheless should EHDC be minded to grant permission it should not do so until it can be certain that the various community facilities on which the applicant's place great emphasis will be delivered in practice and promptly; these include affordable housing in continuing village control, allotments, extended and direct footpath access, road safety measures and an "honesty shop".
- EHDC are requested to consider whether delivery of these facilities can realistically be assured.

8.0 Summary of Other Representations

8.1 The application has been advertised by site and press notices and neighbour consultation.

8.2 12 responses have been received supporting the proposal. The following points are raised:

- Need to ensure viability and life of the village is maintained
- A good development for the village with a good layout with plenty of parking
- Provides housing for younger people
- Affordable housing, extra parking and other features will benefit the village
- Design and low density are sympathetic to the environment
- The site is clearly within the village so it is a good site for sensitive development
- It will support local businesses

8.3 The campaign to Protect Rural England (CPRE) object to the proposal on grounds summarised as:

- The site lies outside the village boundary as defined in the Local Plan, the emerging District Plan and emerging Neighbourhood Plan
- This is not an infill site and the proposal would constitute ribbon development along the A507
- The quality of the agricultural land has not been assessed in the application
- The site is not sustainable. There is no shop, post office, school or playgroup in the village and employment is limited. Public transport is limited with only one bus every three hours. As a consequence there would be heavy reliance on the private car
- The absence of a five year housing land supply will not necessarily be a conclusive reason to grant permission and other issues can be given due weight when considering the balance implicit in paragraph 14 of the NPPF. The balance is clearly against approval of the application

8.4 Herts and Middlesex Wildlife Trust object to the proposal on grounds summarised as:

- The species ecological survey was undertaken in sub-optimal winter conditions

- No compensation is offered for the loss of the greenfield site
- In accordance with the NPPF the ecological impacts should be clearly identified and minimised
- The BIC Environment Bank Calculator 2015 should be used to demonstrate net ecological loss or gain
- The area behind the development may be sufficient to compensate for the impact of the proposal with sufficient habitat enhancements but opportunities to incorporate biodiversity in and around developments such as bat and bird boxes will also be required

9.0 Planning History

9.1 There is no relevant planning history for this site.

10.0 Consideration of Relevant Issues

10.1 The main issues for consideration are:

- The principle of the development, including sustainability and housing land supply
- Design and layout
- Impact on the character and appearance of the area
- Access and highway matters
- Affordable housing
- Surface water drainage

The principle of the development

10.2 The application site lies just outside the built up area of Cottered, a Category 3 settlement in the Rural Area beyond the Green Belt wherein Policies GBC3 and OSV3 of the adopted Local Plan would not permit, as appropriate, residential development, other than rural exceptions affordable housing. In the emerging District Plan Cottered is designated as a Group 2 Village where limited infill housing development would be permitted under policy VILL 2. However, the site lies outside the defined village boundary in the emerging Plan and, by reason of its scale and siting, the development is not regarded as 'limited infill' development. The proposal therefore represents inappropriate development in the Rural Area beyond the Green Belt.

10.3 The Council has acknowledged its lack of a five year supply of housing and the need for housing in the District. Whilst the pre-submission District Plan has been published and sets out the up to date policy position in relation to the supply of housing land, it remains the case

that the Council currently remains unable to demonstrate a five year housing supply and, as confirmed by recent case law in *Suffolk Coastal DC v Hopkins Homes Ltd and Richborough Estates Partnership v Cheshire East BC* (May 2007), paragraph 14 of the NPPF is engaged. In these circumstances there is a presumption in favour of granting 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 the NPPF as a whole.

- 10.4 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.

Whether the proposal is sustainable development

- 10.5 Paragraph 7 of the NPPF provides that there are three dimensions to sustainable development: economic, social and environmental.

Economic considerations

- 10.6 With regard to the economic dimension of sustainable development, the proposal would provide some temporary employment opportunity during construction and other associated benefits in the building process. There may also be other economic benefits in respect of future occupiers of the development making use of local facilities such as the public house. This is therefore a matter which carries some weight in favour of the development. However, that weight is limited as there is little employment opportunity in the village and no shopping facilities.

Social considerations

- 10.7 The development would provide 15 dwellings and, in the absence of a five year supply of housing land, this must be regarded as a benefit of the proposal. However, the village has very limited facilities for residents. There is a village hall and a public house, but there are no shopping facilities, post office or school. There is a general lack of services to support housing development.
- 10.8 Public transport is limited to an infrequent bus service to distant larger settlements providing shopping and service facilities such as Buntingford (2.9 miles) and Stevenage (7.1 miles). However, in reality it is considered that residents would be largely reliant on the private car to access employment, services and shopping facilities.

- 10.9 The proposed provision of an 'honesty shop' within the scheme is noted but this is unlikely to provide for the day to day needs of residents who will need to travel by car to access most shopping facilities.
- 10.10 The application proposes that 40% of the development (6 units) will be 'Starter Homes' as its contribution to affordable housing. However, whilst the Government has provided the statutory framework for the delivery of starter homes within The Housing and Planning Act 2016 the subsequent Starter Homes Regulations have yet to be formally published. They are not therefore currently recognised by the Council as an appropriate form of affordable housing and the proposal does not provide any alternative means of providing that requirement.
- 10.11 These factors weigh against the proposed development and limit the positive weight that can be assigned to the provision of housing in this location.

Environmental considerations

- 10.12 The site is important to the character and appearance of the surrounding area, comprising an effective and attractive open rural space at the edge of the village. The proposed development will have an appreciable and detrimental impact on this open space.
- 10.13 The scale of the new development would be 2 storeys for the 2/3 and 3/4 bed family homes and 3 storeys for the larger 4/5 bed homes. It is considered that the proposed development and the 3 storey dwellings in particular would be out of keeping with and detrimental to the scale and character of surrounding development, resulting in a prominent and visually discordant development in the area.
- 10.14 The development would also be poorly connected to the rest of the village and would not assimilate well with the character of the site and surroundings.
- 10.15 In respect of sustainable drainage, the Lead Local Flood Risk Authority have advised that the Flood Risk Assessment (FRA) and supporting information submitted do not currently demonstrate the feasibility of the proposals for the sustainable drainage of surface water from the site and they maintain an objection to the proposal on that basis. The applicants have indicated that they are seeking to address the issues raised and an update in this respect will be provided for Members at the meeting.

- 10.16 These environmental issues are regarded as negative aspects of the proposed development.
- 10.17 Overall, the sustainability considerations set out above indicate that the site does not represent a sustainable location for residential development on the scale proposed.
- 10.18 In respect of other material planning considerations, the following are of relevance in the overall planning balance.

Design and layout

- 10.19 The application is submitted in outline but layout and scale are matters for consideration at this stage.
- 10.20 A single point of access is proposed off the A507 with a car park (12 spaces) located on the west side of the junction. A terrace of 6 starter homes is proposed on the west side of the site served by an access road aligned northwest to southeast. The remainder of the site would be occupied by detached houses in substantial plots served by a continuation of the access road running through the centre of the site aligned southwest to northeast.
- 10.21 The layout indicates the provision of two potential vehicular access points on the northwest boundary of the site to open land at the rear of the site indicated as being within the applicant's ownership.
- 10.22 The design approach to the layout provides a very regular development form reflective of the rectangular shape of the site. Whilst landscaping is not a matter for consideration at this stage the layout provides adequate public realm space. However, the access road culminates in two ends on the northeast boundary of the site and it would be preferable if these were omitted in order to provide landscaping at these points.
- 10.23 The layout proposes that rear gardens would face the A507 and it is considered that this design approach would result in a poor frontage to the existing street scene comprising rear garden fencing/boundary treatments turning their back on the rest of the village and with the potential to deteriorate in appearance over future years.
- 10.24 Having regard to policy ENV1 of the adopted Local Plan; DES 3 of the emerging District Plan and HD4 of the emerging Neighbourhood Plan, the proposal would fail to integrate well with the pattern, grain and character of its surroundings.

Impact on the character and appearance of the area

- 10.25 The site comprises an existing open area of rural character sited outside the village boundary adjoining the A507. The open area contributes to the character and distinctiveness of the locality and, as set out above, it is considered that the proposed development particularly at 3 storeys would intrude into the open rural area to the detriment of the character, appearance and distinctiveness of the locality.
- 10.26 The western boundary of the site forms the boundary of Cottered Conservation Area, but it is separated from it by a strong belt of existing trees situated within the extensive grounds of The Old Rectory. It is considered therefore that the proposed development would not significantly impact on the setting of the Conservation Area.

Highways, parking and connectivity

- 10.27 No precise details of the parking provision for the proposed development have been provided. However, from the submitted plans it appears to provide for 42 spaces and it is considered that sufficient space is available within the plots and the site to provide a satisfactory level of parking to adopted standards.
- 10.28 Further details in relation to the provision of a satisfactory parking layout could be required by planning condition should Members be minded to support the proposal.
- 10.29 In respect of connectivity, the proposal lacks a footway link to the remainder of the village and this would encourage trips being made by unsustainable forms of transport and this weighs against the proposal.

Neighbour impact

- 10.30 The nearest existing properties are those fronting the A507 opposite the site to the south, Magpie Farm to the north east, and The Old Rectory, standing in substantial grounds to the west. Given the distances to those properties, it is unlikely that the proposal would have any adverse impact on the living conditions of nearby occupiers. Any overlooking or loss of privacy can be considered at the reserved matters stage and can be suitably controlled by planning condition if Members wish to support the application.

10.31 The proposed development would alter the existing view of the residential properties opposite the application site but there is no right to a view within planning legislation and this matter cannot be given weight in the planning balance. It is the impact of the development on the open appearance and character of the area that is the material planning consideration in this case.

Surface water drainage

10.32 The Lead Local Flood Authority advises that that the submitted Flood Risk Assessment (FRA) does not provide a suitable basis for the flood risks arising from the proposed development. Further information has been submitted and discussions are ongoing between the applicant and the LLFA in this respect. An update will be provided for Members at the meeting.

Planning obligations

10.33 In addition to affordable housing, the development would impact on the provision of local infrastructure and contributions would be sought in accordance with the table set out at the end of this report.

10.34 Herts CC Planning Obligations Unit have also requested the following contributions:

- A contribution to the expansion of Millfield School to 2 forms of entry (£30,594.00)
- A contribution towards the refurbishment of Buntingford Youth Centre kitchen (£658.00)

10.35 The application does not make any commitment to these contributions and, given that the proposal is recommended for refusal, the commitment of the applicant has not been sought. However, the absence of contributions is a material consideration of significant weight and the absence of that mitigation is contrary to Policy IMP1 of the adopted Local Plan. This is therefore reflected in the third reason for refusal.

11.0 Conclusion

11.1 The proposal represents an inappropriate form of development which is contrary to the Council's Rural Area Policies. 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 unless the

impact of doing so would significantly and demonstrably outweigh the benefits of the proposal.

- 11.2 To make that judgement, all relevant material considerations have been assessed. In this case, whilst positive weight is assigned to the provision of 15 new dwellings and the contribution that makes to housing supply, it is not considered that the proposal represents a sustainable form of development, given the limited access to services, facilities, amenities and public transport. The provision of starter homes does not accord with current affordable housing policy and the proposal is unsustainable in terms of its economic, social and environmental impacts. It is therefore considered that the presumption in favour of sustainable development in the NPPF is not applicable in this case.
- 11.3 The application site is considered to represent a significant and important gap that makes a contribution to the rural character of the area beyond the built up area of the village. The overall quantum of development and its proposed layout and scale is considered to result in a significant and adverse impact on the character and appearance of the site and its surroundings. Furthermore the proposed development would be poorly connected to the remainder of the village, encouraging the use of unsustainable forms of transport. In the opinion of Officers, these are matters that weigh significantly against the development proposal.
- 11.4 The development is considered to be acceptable in terms of highway considerations and in respect of the relationship with neighbouring properties. These are matters which are considered to be neutral in the overall balance of considerations.
- 11.5 Having assessed all the relevant material considerations, therefore, the proposal is not considered to result in a sustainable form of development and would have a significant adverse impact on the character and appearance of the local area. Inadequate mitigation measures are put forward to alleviate the impact of the proposal on local infrastructure, services and amenities and the positive impacts of the development in terms of housing supply are considered to be outweighed by the unsustainable nature of the development. As a result, Officers consider that the development proposal cannot be supported and recommend that planning permission is refused for the reasons set out below:

Reasons for Refusal:

1. The proposal, by reason of its siting, scale and poor connectivity with the village, would result in an unsustainable form of development within the Rural Area beyond the Green Belt with poor access to services and facilities. As such, future residents would be heavily reliant on private motor vehicle transport for day to day residential amenities. The harm identified cannot adequately be mitigated and the proposal is thereby contrary to Policies SD2, GBC3, OSV3 and ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
2. The proposal would be detrimental to the pattern, grain, character and appearance of the surrounding area, contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
3. The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development, and does not provide appropriate affordable housing. The proposal would thereby be contrary to Policies IMP1, HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. East Herts Council has considered, in a positive and proactive manner, whether planning objections to this application could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in the decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Framework.

KEY DATA

Residential development	
Units	15
Density	16.6 dph

The application is submitted in outline and the housing mix and parking requirements/provision are not assessed at this stage.

Parking	Spaces
Proposed	42
Local Plan Standard	33 - 40
Emerging District Plan Standard Accessibility Zone 4	37 - 42

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. However, in this case the application is submitted in outline and as the housing mix is unknown an assessment cannot be made. The application is recommended for refusal and in the circumstances financial obligations have not been sought.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	40% but Starter Homes not appropriate	
Parks and Public Gardens	Unknown – outline application	In accordance with SPD Table 4	
Outdoor Sports facilities	Unknown – outline application	In accordance with SPD Table 4	
Amenity Green Space	Unknown – outline application	In accordance with SPD Table 4	
Provision for children and young people	Unknown – outline application	In accordance with SPD Table 4	
Maintenance contribution –	Unknown – outline application		

Parks and public gardens			
Maintenance contribution – Outdoor Sports facilities	Unknown – outline application		
Maintenance contribution – Amenity Green Space	Unknown – outline application		
Maintenance contribution – Provision for children and young people	Unknown – outline application		
Community Centres and Village Halls	Unknown – outline application	In accordance with SPD Table 4	
Recycling facilities	Unknown – outline application	In accordance with SPD Table 4	