

## DEVELOPMENT MANAGEMENT COMMITTEE – 6 DECEMBER 2017

<b>Application Number</b>	3/17/2112/OUT
<b>Proposal</b>	Erection of 35no. dwellings (outline application – all matters reserved)
<b>Location</b>	Dolans Field, Land off Bromley Lane, Much Hadham
<b>Applicant</b>	Chaldean Properties Ltd of The Old Grain Store, Bromley Lane Much Hadham
<b>Parish</b>	Much Hadham
<b>Ward</b>	Much Hadham

<b>Date of Registration of Application</b>	15 September 2017
<b>Target Determination Date</b>	15 December 2017
<b>Reason for Committee Report</b>	Major planning application
<b>Case Officer</b>	Hazel Izod

### **RECOMMENDATION**

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

#### **1.0 Summary of Proposal and Main Issues**

- 1.1 The application is in outline form with all matters reserved for up to 35 dwellings. Access is shown indicatively to Bromley Lane to the northeast, which is the only possible location for a vehicular access. An indicative layout has been submitted showing development within the northeast and eastern parts of the site only. A landscaped buffer is then proposed to the rear (west) of the houses with undeveloped open space beyond, which does not appear intended to be a publically accessible space. A landscaped buffer is also indicated to the eastern boundary to the rear of Nos. 1 and 2 Northend Cottages. Dwellings are proposed to front onto Bromley Lane behind a landscaped verge.
- 1.2 An indication of bedroom numbers is given: 9 no. 2 bed, 12 no. 3 bed and 14 no. 4 bed dwellings.
- 1.3 The site lies outside the existing and proposed village boundaries of Much Hadham, and therefore within the Rural Area beyond the Green Belt wherein inappropriate development will not normally be permitted. However, given the Council's lack of a 5 year housing supply, in advance of the steps toward adoption of the District Plan and having regard to the NPPF, permission should be granted unless the adverse

impacts of doing so would significantly and demonstrably outweigh the benefits.

- 1.4 The main issues in this case relate to the benefits of the scheme in terms of housing delivery, and economic and social sustainability; balanced against the location of the site in relation to village services, landscape and visual impact of the development, access arrangements, drainage, impact on heritage assets, and the quality of agricultural land which is lost.

## **2.0 Site Description**

- 2.1 The site measures approximately 4.1 hectares in area and comprises an agricultural field located to the north of Much Hadham. Its northeast boundary is shared with Bromley Lane (where access is proposed), with residential properties and gardens to the east, south east corner and part to the north. The west boundary backs onto further agricultural land.
- 2.2 The site rises in topography above Bromley Lane with a bank of approximately 2m high adjacent to the road. At its highest point, the site rises up to 10m from east to west.

## **3.0 Planning History**

There is no planning history relevant to this proposal.

## **4.0 Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 (DP), and the adopted East Herts Local Plan 2007 (LP). Much Hadham has been designated as a Neighbourhood Area, but has yet to produce a draft Neighbourhood Plan.

<b>Main Issue</b>	<b>NPPF</b>	<b>LP policy</b>	<b>DP policy</b>
Principle of development and sustainability	Para 6-16 Section 6	SD1, SD2, GBC2, GBC3, OSV1, HSG1, LRC3,LRC9 IMP1	GBR2, DPS1, DPS2, DPS3, DPS4, TRA1, CC1, CC2CFLR10, VILL1, VILL4, DEL1, DEL2, INT1, CFLR3, CFLR7,

			CFLR9
Layout, design and density	Section 7, 8	ENV1, ENV2, ENV3, ENV4, ENV11, LRC3, LRC9	DES3, DES4, NE4, HOU1, HOU2, HOU7 CFLR1
Affordable housing	Section 6	HSG3, HSG4	HOU3
Heritage assets	Section 12	BH1,2,3, BH6	HA1, HA2, HA3, HA4, HA7
Trees and landscape impact	Section 7, Section 10	ENV2, ENV11, GBC14	DES1, DES2
Access and parking	Section 4	TR1, TR2, TR7, TR12, TR14, tr20	TRA1, TRA2, TRA3
Drainage and flood risk	Section 10	ENV18, ENV21	WAT1, WAT3, WAT4, WAT5, WAT6
Ecology and biodiversity	Section 11	ENV16, ENV17	NE3, NE4
Residential amenity	Section 7, Section 11	ENV1	DES3
Loss of agricultural land	Para 112, Section 13	-	-

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

## 5.0 **Summary of Consultee Responses**

- 5.1 HCC Highway Authority does not wish to restrict the grant of permission subject to conditions. It comments that the proposed access to Bromley Lane is acceptable in principle, but there are some concerns with the width of Bromley Lane between the access and the B1004 – this should be widened to 4.8m – and the junction with the B1004 narrowed as the current arrangement is likely to lead to excessive speeds entering Bromley Lane from the south. The Highway Authority is content in principle with the proposed visibility, but seeks confirmation as to the exact location of the applicant's surveys to support a reduction in the visibility splay distance. Trip generation forecasts are acceptable in principle.
- 5.2 In respect of sustainability, the Highway Authority comments that given the linear nature of the village, access to facilities may involve a fairly long walk – e.g. some 1.5km to the village shop. A bus service is

available at Spindle Bridge but is a hail and ride service. The 351 service runs approximately every 2 hours during the day. It is requested that consideration be given to providing new bus stops closer to the junction with Bromley Lane.

- 5.3 Pedestrian accesses are currently considered to be inadequate as the layout requires pedestrians to cross a wide junction to access the footway on the east side of the B1004. There are also steps to the east side of the B1004 and problems with the culvert and flooding. It is therefore requested that a pedestrian crossing scheme be provided with step-free access to the east of the B1004, preferably further north where levels are more suitable. Sustainable Transport contributions are requested in accordance with the HCC Planning Obligations Toolkit
- 5.4 Lead Local Flood Authority objects to the application on the grounds that the Flood Risk Assessment (FRA) is inadequate. It advises that the proposed drainage strategy needs to consider impacts on the water quality of the River Ash, runoff rates need to achieve greenfield rates, adequate fluvial modelling of the area of catchment, flow paths and connections, and the proposed culvert under Bromley Lane requires approval from the Highway Authority prior to determination. It is advised that the applicant can overcome the objection by submitting the necessary information and demonstrating that sustainable drainage methods can be used, and that the development will not increase flood risk elsewhere.
- 5.5 EHDC Engineering Advisor comments that the site is mostly situated in floodzone 1 with the northeast edge in floodzone 2. The site is generally away from overland surface water flows, aside from a portion to the central west end, and along the south, east and northeast boundaries. There is one historical flood incident relating to an event at Whiprow Cottages in December 2009, probably related to the existing culvert. The advisor comments that the proposed drainage systems are of a good standard, and the boundary watercourses particularly along the south and eastern edges should be remediated and improved to enable the new western ditch to be accommodated. The existing culvert from the rear of 3 Whiprow Cottages should be naturalised to enable flows to be incorporated more efficiently into the system.
- 5.6 Thames Water comments that surface water drainage is the responsibility of the developer, and it is recommended that storm flows are attenuated or regulated into the public network through on or off site storage. If the developer proposes to discharge to a public sewer, prior approval will be required from Thames Water. It raises no objection in respect of sewerage infrastructure capacity.

- 5.7 EHDC Housing Development Advisor comments that 40% affordable housing is acceptable, and the tenure split should be 75% for rent and 25% for shared ownership, which needs to be secured in an accompanying legal agreement.
- 5.8 EHDC Conservation and Urban Design Advisor recommends refusal on the grounds that the development would harm the open rural setting of the Much Hadham Conservation Area, especially at the key entrance point to the north of this historic linear settlement. The advisor also objects on the grounds that it does not appear that 35 dwellings could be accommodated within the site whilst providing a suitable site layout in terms of permeability and building orientation. Only a single access point is shown, which would result in an unacceptable long winding cul-de-sac layout, and the indicative layout shows parts of the site dominated by parking. One other pedestrian footpath is shown, but the footpath down the High Street from Bromley Lane would require substantial works to allow for increased pedestrian traffic and buggies/wheelchairs.
- 5.9 Historic England offers no comment.
- 5.10 HCC Historic Environment Unit advises that the site lies approximately 100m away from three Areas of Archaeological Significance, and the site lies at the location of a supposed Roman road from Braughing to Harlow. The area has the potential for medieval remains as it is 200m northwest of the remains of a medieval moat at The Lordship, and 250m southwest of a medieval moat at Chaldean Farm. The development should therefore be regarded as likely to have an impact on significant heritage assets of archaeological interest. It is therefore requested that further investigations be carried out prior to the determination of the application. This would involve an archaeological geophysical survey, and if necessary, an archaeological evaluation via trial trenching. An informed decision can then be made with reference to the impact of the proposal on the historic environment.
- 5.11 Herts Ecology raises no objection subject to a condition to secure a Construction Environmental Management Plan for biodiversity mitigation, and a long-term Landscape and Ecological Management Plan to secure delivery and implementation of the masterplan.
- 5.12 HCC Development Services seeks the provision of fire hydrants through a legal agreement, and financial contributions as follows:
- Primary education towards the expansion of Little Hadham Primary School to 1 form of entry;

- Secondary education towards the new secondary school at Bishop's Stortford North;
  - Library service towards a CreatorSpace in Bishop's Stortford Library.
- 5.13 HCC Minerals and Waste comments that regard should be had to relevant waste management policies to minimise construction waste and encourage recycling. This should be secured through a condition to require a Site Waste Management Plan. The advisor also comments that the site lies entirely within the sand and gravel belt as identified in Policy 5 of the Hertfordshire Minerals Local Plan (2007) which encourages the opportunistic extraction of mineral for use on site prior to non-mineral development, where significant mineral resources would otherwise be sterilised. It recommends that this be incorporated into any planning permission.
- 5.14 EHDC Environmental Health Advisor raises no objection subject to conditions on land contamination, a Construction Management Plan, and lighting details.
- 5.15 EHDC Operational Services raises concerns where properties 1-7 and 30-35 would place their bins on collection day. They should be placed to the rear to prevent the lorry stopping too close to the access, and crews needing to walk along the front footpaths.
- 5.16 Herts Police Crime Prevention Advisor comments that policy ENV3 is mentioned but then omitted from the Planning Statement. Concerns are raised that the applicant has failed to demonstrate how they intend to address crime, disorder, and the fear of crime contrary to the NPPF. It is strongly suggested that the applicant makes contact to discuss the project with a view to building to Secured by Design standards.
- 5.17 Herts and Middlesex Wildlife Trust objects on the grounds that the DEFRA Biodiversity Impact Calculator must be applied to demonstrate no net loss or net gain to biodiversity as required by the NPPF. It raises no objection in principle to location of the development as the land is currently low ecological value, but the calculator needs to prove no net loss. Once an ecological unit score has been generated a condition is recommended to secure a landscape and ecological management plan to achieve or exceed that score.
- 5.18 Hertfordshire Fire and Rescue comments that access for fire-fighting vehicles should be in accordance with Building Regulations, access routes should achieve a minimum carrying capacity of 19 tonnes, and

turning facilities should be provided in any dead-end route that is more than 20m long.

- 5.19 Campaign to Protect Rural England (CPRE) objects on the grounds of inappropriate development in the Rural Area. It comments that the site lies outside the village boundary and is not included as a potential development site in either the adopted or emerging plans. Policies in the emerging District Plan should be accorded significant weight and encroachment into the Rural Area should only take place once development locations within the village (in accordance with policy VILL1) have been identified and exhausted. It also comments that the land is Grade 2 agricultural land, and the NPPF states that development of the best and most versatile agricultural land should be avoided. The site is some way from the northern boundary of the village settlement and would constitute ribbon development along Bromley Lane and would damage the character of the northern approach to the Conservation Area. Finally, it comments that the footway on the east side of the B1004, which the developer relies on, is narrow and potentially dangerous and requires crossing the B1004.
- 5.20 National Grid comments that there is Cadent Gas apparatus in the vicinity of the site, and the developer should make contact prior to commencing any works to ensure that the apparatus is not affected by the proposed works.

## **6.0 Town/Parish Council Representations**

- 6.1 Much Hadham Parish Council has submitted a lengthy and detailed objection to the proposal, summarised as follows:
- Harm to character and appearance of the local landscape;
  - Contrary to development plan and emerging District Plan;
  - Unsustainable development;
  - Policies GBC2 and GBC3 should not be deemed out of date;
  - Emerging Neighbourhood Plan does not support development beyond the village boundary;
  - Out of keeping with existing linear form of development;
  - Loss of high quality agricultural land;
  - Open space to the rear is meaningless and inaccessible;
  - Housing estate is out of scale and inappropriate to rural setting;
  - Limited local employment and reliance on cars;
  - Site is too remote from village services;
  - Limited public transport;
  - Developer has not sought pre-application advice;

- The planning harm clearly and significantly outweighs the benefits;

## **7.0 Summary of Other Representations**

7.1 73 responses have been received objecting to the proposals on the following grounds:

- Site is outside the village boundary and development is contrary to the development plan;
- The site is not being put forward for development in the Neighbourhood Plan;
- Housing would not contribute to the village housing targets;
- Excessive pressure on the school, doctor's, roads, and local facilities;
- Residents will be dependent on cars – the development is not sustainable;
- Not within easy walking distance to local amenities or bus stops, footways are poor and narrow, and there is no street lighting;
- Precedent for other developments around the village;
- Harm to the character of the village, surrounding rural area, and Conservation Area;
- Scale of development is wholly out of keeping with the pattern of development in the area;
- Dangerous junction from Bromley Lane to the B1004 due to reduced sightlines;
- Bromley Lane is a narrow country lane – prone to accidents;
- Poor drainage, and the scheme will exacerbate flooding to neighbouring roads and properties;
- Loss of agricultural land;
- Loss of outlook and views from the rear of Whiprow Cottages;
- Increased noise, disturbance and pollution;
- Loss of light to neighbouring properties;
- Concern over ground movement and loss of value to property;
- Impacts on wildlife and biodiversity;
- Affordable housing is poorly located at the furthest point of the site;
- Harm to the local landscape character at the entrance to the village;
- Inadequate public consultation;
- Harm to setting of listed buildings;
- Increased light pollution;
- Developer should bear the costs of diverting the culvert and widening Bromley Lane;
- Concern over impact on areas of archaeological significance;
- Concern that the developers will not provide low cost housing;



- There is a gas mains nearby that may be affected;
- Merging of villages;
- The developer has offered £500,000 to the village – this is a bribe.
- 1 letter objects solely in respect of the housing not contributing towards the Neighbourhood Plan allocation – otherwise supports the development.

7.2 1 response has been received supporting the proposal, and another neither in support nor objecting. They comment that the houses are too small and should be built to the best energy efficient standards.

7.3 Councillor Ian Devonshire objects for the following reasons:

- The application is contrary to policies GBC14 and ENV1 as the proposed residential estate well beyond the village boundary will be isolated and totally out of keeping with the local landscape and local housing character.
- It would also be contrary to policies GBC2 and GBC3 as it represents inappropriate development in the Rural Area. The emerging District Plan carries some weight and the proposal is contrary to policy GBR2.
- There are no footpaths between Dolans Field and the village, and few buses. Residents would therefore need a car to access facilities which will lead to additional traffic on a narrow country lane, and at a busy junction.
- The site is elevated and therefore surface water will runoff to Bromley Lane which already experiences flooding.
- The development will lead to the coalescence of villages as it extends development towards Little Hadham.
- The site is classed as good quality agricultural land and should be protected.

## **8.0 Consideration of Issues**

### Principle of Development and Sustainability

- 8.1 The site lies outside the defined village boundary of Much Hadham, a Category 1 Village, and therefore within the Rural Area beyond the Green Belt wherein inappropriate development will not normally be permitted. The site also lies outside the proposed boundary for Much Hadham as a Group 1 Village in the emerging District Plan.
- 8.2 Regard is had, however, to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development, and the Council's acknowledged lack of a 5 year housing supply in advance

of further steps towards the adoption of the Council's District Plan. In accordance with paragraph 14 of the NPPF, planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where specific policies in the Framework indicate development should be restricted. It is therefore necessary to consider whether the development will result in any significant adverse impacts.

- 8.3 Emerging policy VILL1 requires that Category 1 Villages accommodate at least a 10% increase in housing stock over the period 1 April 2017-31 March 2033 within the village (currently estimated at 54 houses for Much Hadham). This site, however, is not within the village boundary, and the emerging District Plan cannot be given full weight at this time. Further, policy VILL1 encourages future allocations within Group 1 Villages to come forward through the Neighbourhood Planning process. Much Hadham has been designated as a Neighbourhood Area, but a draft of its plan has not yet been published and therefore no weight can be assigned to emerging policies at this time.
- 8.4 Much Hadham has a considerable range of village services, and is allocated as one of the District's more sustainable villages. However, the village is linear in form, and the site is located to the north of the village, quite some distance from these facilities. The primary school is located approximately 1.2km to the south, whilst the village shop is approximately 1.5km south. Therefore, whilst the village has a range of services available, it is anticipated that future residents would be highly car dependent.
- 8.5 There is one bus service (351) that runs down the B1004 with a hail stop at the junction. The Highway Authority has requested that should development be approved, a new permanent bus stop should be provided in this location. The service runs between Hertford and Bishop's Stortford approximately 10 times a day Monday-Friday, 4 times a day on Saturday, but with no service on Sundays or Bank Holidays. Whilst a new bus stop would improve sustainable transport options, it is still considered that the location of the site, and restricted bus service, weighs against the sustainability of the proposal.
- 8.6 There is a pavement along the east side of the B1004 but it is narrow, and with stepped access. It is also poorly maintained and lacking in street lighting. Concerns have been raised by the Highway Authority in respect of the quality of pedestrian links, and the accessibility to local services. The Highway Authority has requested details of a crossing point over the B1004 in a reserved matters application. However it is considered that this information is required at outline stage to satisfy the

Local Planning Authority that a safe and sustainable development can be achieved.

- 8.7 The provision of an additional 35 dwellings will of course make a meaningful contribution to the Council's continuing housing supply need, and this carries positive weight. It is also acknowledged that the development would provide some economic benefit through construction, and through economically active new residents with associated spending power. The scheme would also provide some social benefit through the provision of housing, including affordable housing, and support for local services. These factors weigh in favour of the scheme.

#### Layout, Design and Density

- 8.8 The application is in outline form with all matters reserved; however indicative layout, scale and appearance details have been submitted. The layout proposes housing on the eastern part of the site only, with land to the rear retained as undeveloped open space with a tree buffer. The open land to the rear does not appear to be accessible by the public, or residents. Whilst it would provide some benefit in terms of amenity for future residents, these benefits would be limited as there are no other connections to public rights of way. Future maintenance of this land would need to be secured by condition or legal agreement in the event of an approval.
- 8.9 The indicative layout proposes Plots 1-7 and 30-35 to front onto Bromley Lane behind a landscaped buffer, set back approximately 15m from the road. The estate road will then split to serve two cul-de-sacs, with plots 8-29 fronting onto the estate road. A landscaped buffer is also proposed to the east of the site adjacent to neighbouring residential properties.
- 8.10 In terms of scale, it is proposed that the dwellings be two storeys in height, with some deviation to create interest in the roofscape. The layout plan appears to show a number of dormers which would result in 2½ storey dwellings. Indicative heights are proposed at 8-10m for ridge heights, and 4-5m for eaves height. Given the topography of the land, the new houses, particularly along the site frontage, would appear prominent above Bromley Lane.
- 8.11 The density of the development, taking into account the entire site including open land to the west, would equate to 8.5 dwellings per hectare. Excluding the additional land, the density of the built part of the site would equate to approximately 21 dwellings per hectare.

- 8.12 The Conservation and Urban Design Advisor has raised concerns that 35 dwellings could not be accommodated whilst providing a suitable layout in terms of permeability and building orientation. Concerns are raised over the single vehicular access and the resulting long winding cul-de-sac layout. There are limited options for additional or alternative access points, which indicates that the site would provide a poor form of development in urban design terms if it were to come forward. Whilst the proposed density, is not unacceptable in principle it is considered that, putting the access and permeability issue aside, there could be alternative layouts which would achieve the same scale of development but likely be more successful in urban design terms. As the proposals are wholly outline in nature, this issue is considered to be neutral in the balance.
- 8.13 The landscape and visual impact of the development, having regard to the character and appearance of the surrounding area is discussed in further detail below.

#### Affordable Housing

- 8.14 The application makes provision for 40% affordable housing in accordance with policies HSG3 and HSG4. This weighs in favour of the scheme and contributes to its social sustainability. No information has been submitted on tenure split, which would be required to be 75% social rented and 25% shared ownership in accordance with current planning policy. The emerging District Plan identifies a requirement for 84% affordable rent and 16% intermediate housing, and will carry greater weight as the District Plan nears adoption. This would need to be secured through a legal agreement.

#### Heritage Assets

- 8.15 The site lies outside the Much Hadham Conservation Area, but immediately adjacent to it. It will form an entrance to the village from the north. A high quality scheme is therefore necessary to respect the setting of the village. Policy BH6 requires new developments to be sympathetic in terms of scale, height, proportion, form, materials, and siting in relation to the general character and appearance of the area. And emerging policy HA4 requires developments to preserve or enhance the character or appearance of the area, including respecting layouts and patterns of development, and to be of a scale, proportion, form, height, design and overall character that accords with and complements the area.

- 8.16 In this case, the proposed development will be out of scale with any neighbouring forms of development. The pattern of development in this area to the north of the village comprises loose knit single developments (many being listed buildings), with some small rows of terraced dwellings fronting onto the street. There are no other estate forms of development in this area, and the proposal will therefore fail to respect the prevailing pattern and form of development of the village.
- 8.17 The proposed development will also sit on higher land levels and appear wholly out of keeping with the character of this part of the village. The proposed development will result in suburbanisation of this rural site that forms an entrance to the village. The Conservation and Urban Design Advisor is of the view that the proposal will harm the setting of the Conservation Area at this approach to the village. The proposal fails to comply with adopted policy BH6, and emerging policy HA4 and fails to preserve or enhance the Conservation Area. This weighs significantly against the scheme.
- 8.18 There are a number of listed buildings within the vicinity of the site, including Whiprow Cottages (Grade II) to the southeast, Old Lordship Farmhouse and barns further northeast (Grade II), and The Lordship and Stable Blocks further south (Grade II\*). However, given the distance retained to these buildings, and the provision of landscaping that can be secured through a planning condition, it is not considered that the setting of any of these buildings would be harmed by the proposal. The Conservation Officer raises no objection in this respect.
- 8.19 In respect of archaeology, the site is not located within a designated Area of Archaeological Significance, but is in close proximity to three separate areas of importance. The HCC Historic Environment Unit has raised concerns that given the historic interest of the area, including nearby medieval moats, and a supposed Roman road, the site has the potential for medieval remains. The site is deemed highly likely to comprise heritage assets of archaeological significance. Given the scale of concern, the Historic Environment Unit is not satisfied that this can be controlled by condition as it currently does not have sufficient information to determine the heritage impact of the development. The developer will therefore need to carry out further investigation works prior to the determination of any application.
- 8.20 Policy BH2 makes it clear that “on sites where it is demonstrated that there are remains of archaeological importance... the applicant will be expected to provide the results of an archaeological evaluation and/or assessment prior to the determination of an application.” Further, emerging policy HA3, in accordance with paragraph 128 of the NPPF,

requires, where necessary, a field evaluation. In the absence of the required information, it is considered that the development is likely to impact on heritage assets of archaeological significance and this weighs against the scheme.

### Trees and Landscape Impact

- 8.21 There are existing trees and hedges along the field boundaries, but none are protected. The indicative plans propose retention of boundary planting, and this could be secured by condition. Extensive new planting is proposed across the site, including a planted buffer through the middle of the site to separate the proposed development, and undeveloped land to the west. Landscaped buffers are also proposed to the east and south where the site borders neighbouring residential properties, and full details of landscaping would be required by condition. No objection is therefore raised to the indicative landscape proposals.
- 8.22 In terms of landscape and visual impact, the site sits above the road, rising from approximately 2m to 12m above road level. The site is currently open and undeveloped, and the proposal will therefore result in noticeable change to the character of the site and surrounding area. The submitted Landscape and Visual Impact Assessment states that the overall effect of the development would not be significant. It suggests that “the development would not be substantially out of scale or character with its surroundings”, but would instead “be seen as a modest addition to the pattern of buildings on the fringes of the settlement.” However given the site characteristics and the potential layout of the development as outlined above, it is considered that the change would result in clear harm to the character and appearance of the area, which is devoid of residential estate developments.
- 8.23 In accordance with the Council’s Landscape Character Supplementary Planning Document (SPD), the site lies in Landscape Character Area 93 ‘Hadhams Valley’, which is characterised by extensive linear ancient settlements, and a marked valley formation with steep undulating slopes. The area is possibly the largest single landscape character area in south Hertfordshire and is rare by virtue of its simplicity and large scale. The SPD states that “the hamlets retain their character and provide a historic focus.” The area is identified of moderate strength of character, and good condition, and should therefore be conserved and strengthened. Given the scale, siting, and suburban character of the development proposed, it is not considered that the proposal would meet these guidelines, and its impact would be harmful to the

landscape character of the area contrary to policies ENV1 and GBC14. This weighs against the proposal.

### Access and Parking

- 8.24 All matters are reserved, including access, but an indicative access is proposed to Bromley Lane, approximately centrally within the site frontage. There are no other options for vehicular access to the site. The Highway Authority has raised no objection in principle to the proposed access. It is satisfied that adequate visibility can be achieved, but concerns are raised in relation to the width of Bromley Lane. The width of the section of Bromley Lane between the access and the B1004 should be widened to 4.8m, whilst the width of the junction should be narrowed as the current bell mouth is likely to encourage excessive speeds entering Bromley Lane from the south (B1004). It is considered that full details can be provided at reserved matters stage, and controlled by condition.
- 8.25 A number of third party concerns have been raised over safety at this junction given that Bromley Lane has a national speed limit, and the B1004 at this point is a 40mph zone. The Highway Authority has no accident records within the vicinity of the site, and subject to carrying out the above highway works, it is not considered that the development would result in harm to highway safety.
- 8.26 The application is accompanied by a Transport Statement, which the Highway Authority considers to be acceptable in principle. It is demonstrated that trip generation forecasts are acceptable, and the development will not result in a harmful increase in traffic movements.
- 8.27 In respect of pedestrian access, the Highway Authority raises concerns over the proposed access arrangements which will require residents to cross the B1004 in a 40mph zone at its junction with Bromley Lane. There are also steps to access the existing footway, and a record of flooding issues with the culvert in this location. It is considered that this pedestrian connection is unacceptable in terms of safety and amenity, and this weighs against the scheme. The Highway Authority has suggested relocation of the pedestrian access over land to the north which is under the applicant's control and more suitable in respect of land levels. However, a relocation of the pedestrian route further north would be less attractive to pedestrians by lengthening the journey south into the village. The limitations in providing a safe and suitable pedestrian access therefore weighs against the sustainability of the proposal.

### Drainage and Flood risk

- 8.28 The site is mostly located in floodzone 1, with the northeast edge in floodzone 2, and the site is at very low risk of surface water flooding. The Lead Local Flood Authority (LLFA) has objected to the application on the grounds that the submitted Flood Risk Assessment (FRA) is inadequate. It advises that the proposed drainage strategy needs to consider impacts on the water quality of the River Ash, runoff rates need to achieve greenfield rates, adequate fluvial modelling of the area of catchment, and flow paths and connections. The developer also proposes a culvert under Bromley Lane, and it is noted that this should address existing highway flooding issues. However, this requires approval from the Highway Authority prior to determination.
- 8.29 It is acknowledged that the developer should be able to overcome this objection, and an amended FRA has been submitted and sent to the LLFA for consideration, but at the time of writing this report, no further response has been received. Members will be updated with any further information at the Committee meeting. Therefore, in the absence of an acceptable FRA, it has not been demonstrated that the development could achieve a satisfactory sustainable drainage system that would not increase the risk of flooding. The proposal is thereby contrary to policy ENV21 of the Local Plan, and emerging policy WAT5 of the District Plan and this weighs against the proposal.

### Ecology and Biodiversity

- 8.30 The site is considered to be of low habitat value as it currently comprises an arable field. The trees and boundary hedgerows may provide a suitable habitat for nesting birds, and the field may provide some habitat for ground nesting birds. A Preliminary Ecological Appraisal has been submitted, and no objection has been raised by Herts Ecology. The Appraisal makes a number of recommendations that would be secured through a planning condition, and subject to these controls, it is not considered that the proposal would result in any harm to protected species or habitats.
- 8.31 An objection has been raised by the Herts and Middlesex Wildlife Trusts in the absence of biodiversity calculator results. It states that the DEFRA Biodiversity Impact Calculator must be applied to demonstrate no net loss or net gain to biodiversity as required by Section 11 of the NPPF. Once an ecological unit score has been generated, the Trusts recommend a condition to secure a landscape and ecological management plan to achieve or exceed that score. The applicant has since run the biodiversity calculator, which concludes that the



development would result in a net biodiversity gain of 4.12 units. At the time of writing this report no further response has been received from the Wildlife Trusts; however on the basis of the information submitted, and the comments received from the statutory advisor, Herts Ecology, it is not considered that any ecological issues weigh against this proposal.

### Residential Amenity

- 8.32 The nearest residential properties are Acorn Hill and Suncrest to the north, 1 and 2 Northend Cottages to the east, and 1-4 Whiprow Cottages to the southeast. Northend Cottages are particularly close to the development site as they back immediately onto the site with side gardens only. There are further properties, known as Agogs and Little Agogs, to the south of the site that share a lengthy boundary with the application site. However, the indicative layout proposes landscaped buffers to the east and southern boundaries, and it is considered that an appropriate layout can be achieved at reserved matters stage that would maintain an appropriate distance to neighbouring property to protect their amenities. There will be some increased activity and disturbance as a result of the development (construction issues would be temporary), but it is not considered that the impact would be harmful.

### Loss of Agricultural Land

- 8.33 The land has been identified as Grade 2 agricultural land. Paragraph 112 of the NPPF requires Local Planning Authorities to take into account the economic and other benefits of the 'best and most versatile agricultural land', and defines this as Grades 1, 2 and 3a of the Agricultural Land Classification. In this case there would be a loss of Grade 2 land, and this weighs against the proposal.

## **9.0 Planning Obligations**

- 9.1 Contributions have been requested from the County Council in respect of primary and secondary education services, and library services, as well as sustainable transport contributions. These contributions would be considered reasonable and necessary to mitigate the impact of the development. East Herts Council contributions would also be requested towards outdoor sports facilities, and children's play facilities for the village in the event of an approval.

## **10.0 Planning Balance and Conclusion**

- 10.1 In accordance with paragraph 14 of the NPPF, and given the Council's current lack of a 5 year housing supply, permission should be granted for new developments unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Whilst some benefits have been identified in this case in respect of housing delivery, and economic and social sustainability, a number of issues have been identified that weigh against the scheme.
- 10.2 It is considered that the scale and siting of the development would result in harm to the setting of the village, and its Conservation Area. The proposal would also result in a harmful visual and landscape impact to the character and appearance of the area by introducing a suburban estate in an area that is characterised by loose-knit scattered forms of development, following the linear form of the village. This harm is considered to be significant and adverse.
- 10.3 The proposal is also considered to be unacceptable in respect of its proposed pedestrian links to the village and therefore the encouragement given to the use of and attractiveness of transport modes other than the car. The Highway Authority has raised safety concerns over residents crossing the B1004 in such close proximity to the Bromley Lane junction. There is also a levels issue with regards to accessing the footway on the east side of the B1004, and concerns over the quality and width of this footway. Therefore, as it stands, the proposal does not provide for acceptable pedestrian connections, and this weighs against the sustainability of the proposal.
- 10.4 The proposal also currently lacks an adequate scheme for dealing with surface water drainage and archaeology. Whilst a revised FRA has been submitted by the applicant, at the time of writing this report, the LLFA has not removed its objection. No further submissions have been received in respect of archaeology, and the Local Authority is unable to determine the heritage impact of the development on assets of archaeological importance. These issues also weigh against the proposal.
- 10.5 Finally the development will also result in the loss of some of the best and most versatile agricultural land, but this does not carry significant weight in the overall balance.
- 10.6 Overall, whilst there are some benefits in delivering 35 new houses on this site, the adverse impacts highlighted above would significantly and demonstrably outweigh the benefits. In conclusion, the development

would not therefore represent a sustainable form of development and is therefore recommended for refusal for the reasons set out below.

## **RECOMMENDATION**

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

### **Reasons for Refusal**

1. The proposed development, by reason of the location of the site in relation to village services, the inadequacy of pedestrian access arrangements and the lack of provision of other methods to encourage alternative means of transport, fails to encourage walking and cycling as alternatives to the private car, and therefore fails to represent a sustainable form of development in transport terms. The proposal is thereby contrary to policies ENV1 and TR1 of the East Herts Local Plan Second Review April 2007, policies DES3 and TRA1 of the emerging District Plan, and Section 4 of the National Planning Policy Framework.
2. The proposed development, by reason of its scale, form, and siting, would result in harm to the character and appearance of the site and the surrounding landscape, and would harm the setting and approach to the village and the Much Hadham Conservation Area. The proposal therefore fails to preserve or enhance the Conservation Area and is thereby contrary to policies GBC14, ENV1, and BH6 of the East Herts Local Plan Second Review April 2007, policies DES1, DES3, and HA4 of the emerging District Plan, and Sections 7, 11 and 12 of the National Planning Policy Framework.
3. In the absence of an acceptable Flood Risk Assessment, the Local Planning Authority is not satisfied that the proposed development would not increase the risk of flooding to the site and elsewhere. The proposal is thereby contrary to policy ENV21 of the East Herts Local Plan Second Review April 2007, policy WAT5 of the emerging District Plan, and Section 10 of the National Planning Policy Framework.
4. The site is deemed highly likely to comprise heritage assets of archaeological significance, and in the absence of a geophysical survey, potentially trial trenching and any other appropriate investigative works, the Local Planning Authority is unable to determine the impact of the development on heritage assets of archaeological importance. The proposal is thereby contrary to policies BH1, BH2 and BH3 of the East Herts Local Plan Second Review April 2007, policy HA3 of the emerging District Plan, and Section 12 of 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 the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

**KEY DATA****Residential Development**

<b>Residential density</b>	<b>21 units/Ha</b>	
	Bed spaces	Number of units
Number of existing units demolished	-	0
Number of new units	-	Individual house sizes not confirmed at this stage as outline application

**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
14	40%

**Residential Vehicle Parking Provision**

Assessment not appropriate at this stage as outline application.

**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.

<b>Obligation</b>	<b>Amount sought by EH Planning obligations SPD</b>	<b>Amount recommended in this case</b>	<b>Reason for difference (if any)</b>
Affordable Housing	40%	40%	N/A
Parks and Public Gardens	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A
Outdoor Sports facilities	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A
Amenity Green Space	In accordance with Table 12 of Open	£0	To be provided on site

	Space SPD		
Provision for children and young people	In accordance with Table 12 of Open Space SPD	£0	To be provided on site
Maintenance contribution – Parks and public gardens	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A
Maintenance contribution – Outdoor Sports facilities	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A
Maintenance contribution – Amenity Green Space	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	Only required if adopted by the Council
Maintenance contribution – Provision for children and young people	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	Only required if adopted by the Council
Community Centres and Village Halls	In accordance with Table 13 of Open Space SPD	In accordance with Table 13 of Open Space SPD	N/A