

DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

Application Number	3/17/0975/OUT
Proposal	Outline planning for the erection of up to 18 dwellings, all matters reserved apart from access
Location	Land on the Eastern side of Albury Road, Little Hadham
Applicant	John Ruane
Parish	Little Hadham
Ward	Little Hadham

Date of Registration of Application	24 th April 2017
Target Determination Date	28 th July 2017
Reason for Committee Report	Major
Case Officer	Fiona Dunning

RECOMMENDATION

That had East Herts Council been in a position to determine the application, that it would have **REFUSED** planning permission for the proposed development for the reasons set out at the end of the report.

1.0 Summary

- 1.1 The proposal is for outline planning permission for 18 residential dwellings. The percentage of affordable housing is 40%. This is equivalent to 7 dwellings. A proposed site layout plan has been submitted with the application to help demonstrate how the site could be developed if outline planning permission was granted.
- 1.2 The proposed site layout plan submitted with the outline application indicates that the site could accommodate 6 dwellings fronting Albury Road and 12 dwellings located in the middle of the site, with one access road into the site is proposed. All matters are reserved apart from access.

- 1.3 The site is with the Rural Area beyond the Green Belt and is outside the village boundary of Little Hadham; a Category 2 Village in the Local Plan. At present the Council cannot demonstrate a 5 year housing land supply. As a result, policies relating to rural areas are regarded as out of date and paragraph 14 of the National Planning Policy Framework must be taken into account. Paragraph 14 requires decisions on planning applications to granted permission unless any adverse impacts would significantly and demonstrably outweigh the benefits.
- 1.4 The contribution of 18 dwellings would provide a benefit and therefore has significant weight. However this benefit is not considered to outweigh the adverse impacts developing the site for residential will have.
- 1.5 The application is now subject of an appeal against non-determination so it is for the Planning Inspectorate to make the final decision. The Council has only to indicate what its decision would have been on the application. This report will form the basis of written statements for the appeal.

2.0 Site Description

- 2.1 The site has an area of 1.4 hectares and is currently used for agricultural purposes and is part of a larger arable field, which is located to the north of the site. Albury Road generally runs in a north-south direction and the development site is located on the eastern side. The site has a depth of between 125 to 160 metres leading to the River Ash.
- 2.2 Adjacent to the river is a hedgerow and there is another hedgerow adjacent to Albury Road.
- 2.3 The pattern of the development along Albury Road is generally single dwellings with a range of front boundary treatments. The dwellings generally have a similar set back to Albury Road. To the south of the site is a Right of Way adjoining the residential property of Stanemedede, which forms the northern edge of the village

boundary. Stanemedde and other properties on the eastern side of Albury Road have the River Ash as the eastern boundary. Due to the meandering river the depth of the residential properties to the south of the site are differing depths and are much shorter than the development site.

- 2.4 Stanemedde's northern boundary is heavily landscaped adjacent to the Right of Way. The roof of the single dwelling is visible through the trees from the public Right of Way.
- 2.5 The western side of Albury Road, directly opposite the site is a cluster of 6 dwellings. To the south of these dwellings is a track that leads to a site known as Lime Kiln Bungalow, which has outline planning permission for 5 dwellings.

3.0 Planning History

The applicant has submitted an appeal under non-determination.

4.0 Main Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the draft East Herts District Plan 2016 (DP) and the adopted East Herts Local Plan 2007 (LP). The site falls within the Little Hadham Neighbourhood Plan Designated Area, which was designated in 6 September 2016. There is no draft Neighbourhood Plan to date.

Main Issue	NPPF	LP policy	DP policy
Principle of development and sustainability	Para 6-16 Section 6	SD1 SD2 GBC2 GBC3 OSV2 HSG1 HSG3 HSG7	GBR2 Para 3.3.2 Guiding Principles DPS1 DPS2 DPS3

		IMP1	TRA1 CC1 CC2 VILL2 DEL1 DEL2 INT1
Layout, design and density	Section 7, 8	ENV1 ENV2 ENV3 ENV4 ENV11 LRC3 LRC9	DES3 NE4 HOU1 HOU2 HOU7
Trees and landscape impact	Section 7, Section 10	ENV2 ENV11 GBC14	DES1 DES2
Affordable housing	Section 6	HSG3 HSG4	HOU3
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

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 advises that it has reviewed the supporting statements and is content with the access proposals. It notes that the development is heavily reliant on the private car but the impact on the wider local highway network is not considered to have a material impact. The authority requests conditions with regard to visibility splays, access, the details of internal roads and parking, construction traffic not to emit dust, mud or other debris, construction traffic management plan, phasing details, public footpath details, and limits the gradient of the access.
- 5.2 Lead Local Flood Authority has reviewed the additional drainage strategy submitted and is satisfied that there is a feasible sustainable drainage scheme for the site. The surface water management proposes on-site attenuation and flow control with the use of permeable pavement and a swale on the south west boundary to assist in controlling outflow into the River Ash. The scheme would need to be reassessed when full layout details are submitted.
- 5.3 Environment Agency advise that the proposal is acceptable if a condition is included requiring a scheme to be agreed to protect a minimum of an 8 metre wide buffer zone along the River Ash. This condition is to protect the area for wildlife and minimising the impact on biodiversity.
- 5.4 EHDC Engineering Advisor comments that the entire site is permeable at present and the proposal would create impermeable surfaces. The proposed SuDS, which include permeable paving, propriety treatment systems, water harvesting and an open channel swale will reduce the risk of flooding.
- 5.5 Thames Water provides comments on waste water and does not raise any objection.
- 5.6 EHDC Housing Development Advisor states that 40% affordable housing is required.

- 5.7 EHDC Conservation and Urban Design Advisor raises concerns about the sprawl of the dwellings across the site shown in the indicative site layout plan, which is out of character with the remainder of the locality where there is a common building line. Development down the hill towards the River Ash will impact on views from the opposite side of the valley. The one access proposed does not follow good urban design principles with regard to limiting the permeability of the site. The scheme is not supported due to the proposed number of dwellings and the harm to views across the River Ash valley due to the likely sprawl across the site.
- 5.8 EHDC Landscape Advisor states that the tree/hedgerow along Albury Road will be lost due to the provision of a 2m wide footpath. No arboricultural survey or impact assessment on tree removal has been submitted. It is not considered that there are any mitigation measures that would overcome the adverse local and wider landscape effects.
- 5.9 Herts Ecology advise that there is no biological data for the application site but there are records of bats, notable birds and uncommon plants in the area. There is limited ecological value for the majority of the site. Any trees removed in the hedgerow should be replaced with native species to improve other parts of the hedgerow. Bat, bird and invertebrate boxes and logs and gaps under fencing should be incorporated in the detailed plans. A Biodiversity and Landscape Management Plan is requested.
- 5.10 HCC Development Services has requested obligations towards education, childcare, library and youth services. If planning permission was recommended for approval then S106 contributions would be sought for these services.
- 5.11 HCC Minerals and Waste advises that any waste generated should be minimised to reduce off-site disposal of waste. Storage facilities at residential premises should be provided and sets out the relevant policies of the County Council's Waste Core Strategy and Development Plan. This and other policy requirements can be met

through planning conditions. A Site Waste Management Plan can be reviewed by the County Council. The location of the site is entirely within the sand and gravel belt as set out in the Herefordshire Minerals Local Plan. It would be encouraging to see if any of the mineral resources on site could be incorporated into the development if planning permission is granted.

- 5.12 EHDC Environmental Health Advisor requests a condition restricting construction hours and requested an informative with regard to unsuspected contamination.
- 5.13 HCC Fire and Rescue requests provision for fire hydrants in the S106.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Little Hadham Parish Council Representations

- 6.1 The Parish Council raised concerns about the application on the following grounds:
- Unsuitable location
 - Risk of flooding impacts
 - Increased road congestion on Albury Road and within the village
 - Visual impact on countryside and views to and from St Cecilia's Church
 - 18 houses is not infill development
 - Loss of good agricultural land
 - Proposed bypass should not allow for further development of Little Hadham
 - Little Hadham does not have a shop and there is an infrequent bus service so residents are reliant on private car use

7.0 Summary of Other Representations

7.1 22 responses have been received objecting to the proposals on the following grounds:

- other planning permissions in the village already
- pressure on school spaces, no gp appointments available
- nothing positive for village
- not many buses available and none on Sunday
- increase in traffic
- bypass would not alleviate volume of traffic
- access isn't safe on Albury Road due to poor visibility and to make it safe will require significant loss of trees. Albury Road has traffic safety problems and the proposal will add to it
- out of keeping with character and amenity of village
- scale of development is out of character
- overdevelopment of countryside
- character of countryside lost
- impact on flood plain
- loss of agricultural land
- impact on wildlife

7.2 CPRE object to the planning application on four grounds:

- the proposal conflicts with policies GBC2 and GBC3. The lack of a five year housing land supply does not automatically mean that policies protecting the countryside are rendered null and void and applications for housing should be granted. These policies still carry weight.
- the application does not mention Agriculture with regard to avoiding the loss of the best and most versatile farmland. Agriculture policies should be afforded weight as it would result in the loss of an important economic asset.
- the layout and scale is out of character with the pattern of development and would comprise a small housing estate.
- the Landscape Assessment should be taken into account as the proposal introduces an urban element into the countryside where there are prominent views from several public vantage

points. No landscaping or sympathetic design would mitigate adverse impacts.

8.0 Consideration of Issues

Principle of development and sustainability

- 8.1 The site lies outside the village boundary of Little Hadham, which is a Category 2 Village in the Local Plan and a Group 2 Village in the draft District Plan. The site is within the Rural Area beyond the Green Belt where inappropriate development will not normally be permitted.
- 8.2 It is acknowledged that the Council cannot demonstrate a 5-year housing land supply at present. Therefore the application must be assessed in accordance with Paragraph 14 and 49 of the National Planning Policy Framework. Paragraph 14 states that planning permission should 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.
- 8.3 Little Hadham has limited services and facilities and as the Highway Authority has recognised, future residents will be very largely reliant on the private motor car. Bus stops are located on the A120 approximately 400 metres from the site. The services include Hertford to Bishop's Stortford (351) and Stevenage to Bishop's Stortford (386). There are other services which are very limited. Albury Road has a footpath on the western side and an intermittent footpath on the eastern side between the site and the bus stop.
- 8.4 The provision of an additional 18 dwellings will make a meaningful contribution to the Council's housing supply and will provide some economic and social benefit.

Layout, design and density

- 8.5 Whilst the application is outline with all matters reserved apart from access, an indicative site layout plan has been submitted with the application indicating how the site could be developed. Given the site constraints, It is considered that the positioning of 18 dwellings on the site will generally be in the same location as shown on the site layout plan, particularly with the access not being a reserved matter. Therefore layout, design and density although indicative; have been considered in the assessment of this outline application.
- 8.6 The layout and density is not considered to respect the existing character of the locality as all the dwellings to the south of the site have a consistent front and rear building line. The provision of the second row of dwellings towards the river will be out of character and is considered to have a detrimental impact on the character of the adjoining village. The site has not been previously developed so there is no justification for this impact.
- 8.7 The loss of part of the hedgerow on Albury Road will open up views into the site and the internal access road running parallel to Albury Road limits the amount of landscaping behind the hedgerow. This layout is an alien feature in the locality and is not considered to be good design, which is required by Section 7 of the NPPF, Policy ENV1 of the Local Plan and Policy DES3 of the draft District Plan.
- 8.8 Dense landscaping shown on the proposed site layout plan will partially reduce the impact but the proposed dwellings will still be visible from short and long views. Due to the topography of the site, the proposed dwellings will be visible from across the valley and it will be clear that the character of the development is not shared by any sites adjoining or nearby.
- 8.9 The internal layout is considered to be of poor design with the access to the 6 dwellings fronting Albury Road having an access road parallel to Albury Road. If planning permission was to be granted, then the reserved matters application would need to

incorporate a much better layout of the parking and internal road. The concept plan is considered to be of poor design.

- 8.10 The density, relationship with the existing character and the lack of a footpath for the entire length of the eastern side of Albury Road are all negative elements of the proposal. This is considered to hold considerable weight.

Trees and landscape impact

- 8.11 The site lies in Landscape Character Area 93 Hadhams Valley as set out in the Council's Landscape Character Supplementary Planning Document. A Landscape and Visual Impact Appraisal was submitted with the planning application and concludes that while the site makes a positive contribution to the local landscape character, the proximity of the settlement edge slightly detracts from this. The appraisal also states that the site is a natural extension of the linear settlement pattern of the village, as it would align with the settlement boundary on the opposite side of Albury Road. The Landscape and Visual Impact Appraisal acknowledges that any development on the site should be well-integrated and maintain the quality of the transition between the developed and rural landscape and boundary treatments and spaces between buildings will be key to maintaining and enhancing the transition.
- 8.12 This approach is supported, however the conclusion reached isn't. The current transition is between one dwelling on a single plot and the countryside and the proposal is for 18 dwellings. This is not considered to create a natural transition between the village and the countryside regardless of the quality of landscaping surrounding 18 dwellings, which is much more dominant
- 8.13 The Landscape and Visual Impact Appraisal has also taken into account the proposed A120 bypass and the visual impact this will have on the countryside as a justification for the proposed development.

- 8.14 Notwithstanding the above and the loss of trees and development pressure on trees within the property of Stanemede, conditions could be included to improve the hedgerows and require additional landscaping. It is also considered appropriate to require a setback from the public footpath that adjoins the site, which will help reduce development pressure on the trees on Stanemede as well as not creating an alleyway for the public footpath.
- 8.15 The landscape impact of the proposal is considered to be significant as at present the site is an agricultural field with views to and from St Celia's Church and the surrounding countryside. It is considered that the proposal would have a detrimental impact on the landscape character contrary to policies ENV1 and GBC14 of the Local Plan and DES1 and DES2 of the draft District Plan. This impact is considered to have significant weight.

Affordable housing

- 8.16 The application indicates that 7 houses would be provided as affordable and this is shown on the indicative site layout plan. This equates to 40%, which is consistent with policy. The application has not provided any details of the tenure split or the likely housing provider. Under the current Local Plan, the tenure split is 75% for social rent and 25% for shared ownership. Table 14.3 of the draft District Plan indicates that the mix should be 84% affordable rent and 16% intermediate housing. If planning permission was to be granted then the details would be subject to a S106 Agreement.
- 8.17 The provision of affordable housing on the site is a positive element. Due to the lack of a viability statement being submitted and the applicant agreeing to provide 40% affordable housing, it must be taken that the scheme is viable with the provision of 7 affordable houses.

Access and parking

- 8.18 The Highway Authority has not raised any concerns regarding the proposed access in terms of highway safety. The provision of the

access will require some of the existing hedgerow to be removed to provide visibility splays.

- 8.19 The Highway Authority did not agree with the objections raised by objectors regarding highway safety and the likely increase in traffic being significant. For this reason, the access is considered acceptable.
- 8.20 The parking shown on the proposed site layout plan appears to meet the standard.

Drainage and flood risk

- 8.21 The Lead Local Flood Authority has advised that the proposed surface water drainage plan is acceptable and demonstrates that the site surface water can be contained within the site in accordance with SuDS requirements. The Lead Local Flood Authority has requested conditions if planning permission is granted.
- 8.22 Many of the objections raised concern about existing flooding and development of the site creating more flooding in the locality. This concern is understandable, however neither the Environment Agency nor the Lead Local Flood Authority have raised objections and it has been demonstrated that there are sustainable drainage options that will not create any further impacts on flooding as all surface water will be dealt with on site.

Ecology and biodiversity

- 8.23 It is unlikely that the proposal will have any significant impact on ecology and biodiversity but this would be subject to conditions. The conditions would include additional tree planting, details of bat and bird boxes and control of fencing to accommodate hedgehogs. These elements would form part of the reserved matters application if planning permission was granted.

Other Matters

- 8.24 Other matters raised by objectors include the loss of agricultural land, the limited services provided in the village and other developments in village with planning permission.
- 8.25 The agricultural land classification of the site is 3b, which is moderately productive. While there will be a loss, it is not considered to be significant.
- 8.26 Little Hadham does have limited services and the developments that have already been granted planning permission will place additional pressure on these services. An additional 18 dwellings adjacent to the village is considered to create a significant impact.

9.0 Planning Balance and Conclusion

- 9.1 Limited weight can be given to Policy GBC3 due to the lack of a 5-year housing land supply. In accordance with paragraph 14 of the NPPF, permission should be granted for new developments unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.2 There are recognised benefits of providing 18 new dwellings on the site with 7 of these being affordable and improvements to the hedgerow on Albury Road. However, the adverse impacts of the development are considered to significantly and demonstrably outweigh this benefit of new housing.
- 9.3 The adverse impacts of the development include the significant impact on the landscape character and the character of the village. The proposal is not considered to be sustainable development.

RECOMMENDATION

That had East Herts District Council been in a position to determine the application, that it would have **REFUSED** planning permission for the proposed development for the following reasons:

Reasons:

1. The proposed development, by reason of its scale and density, would result in significant harm to the character of the site and the surrounding landscape, and would harm the setting and approach to the village and the use of the public footpath. The proposal would therefore be contrary to policies GBC3, GBC14, ENV1, of the East Herts Local Plan Second Review April 2007, policies GBR2, DES1, DES2 and DES3 of the draft District Plan and Section 7 of the National Planning Policy Framework.
2. The proposed development, by reason of its location, scale and density would result in future occupiers being reliant on private motor cars to access employment, services and facilities in larger settlements and as such would represent an unsustainable form of development. This is contrary to policies GBC2, ENV1, SD1 and TR1 of the East Herts Local Plan Second Review April 2007, policies GBR2, INT1 and TRA1 of the draft District Plan and Section 4 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. The proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.