

5g 3/11/1280/OP - Residential development at Land to the south of Baldock Road, Buntingford for Mr Roff

Date of Receipt: 01.08.2011

Type: Full – Minor

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

That planning permission be **REFUSED** for the following reasons:

1. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The proposed development would be prejudicial to this policy, set out at policies GBC2 and GBC3 within the East Herts Local Plan Review April 2007.
2. The proposal would result in a cramped form of development and its layout would not be a high standard of design and would not reflect local distinctiveness or be compatible with the structure and layout of the surrounding area. The proposed development would thereby be contrary to the aims and objectives of policy ENV1 of the East Herts Local Plan Second Review April 2007.
3. The application lacks sufficient information regarding the issue of noise and activity in relation to the adjoining commercial premises and the A10 road to enable the Local Planning Authority to properly consider the planning merits of the application and any impact noise and activity may have on the amenities of future residents.

_____ (128011OP.FH)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract and is located close to the A10 on the western edge of Buntingford. The site consists an elongated parcel of land, some 0.25 hectares in size and is currently used as rough grazing pasture. The site is bounded by a mixture of fencing and hedgerow and trees which are particularly dense on the south east boundary. A drainage ditch also runs along the south eastern boundary.

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- 1.2 To the north and west, the site is bounded by commercial properties, an MOT station, a petrol station and vets surgery, and to the east and south by arable fields (and on part of this land planning permission has recently been granted for residential development).
- 1.3 The current application seeks outline planning permission to establish the acceptability of a residential development. All other detailed matters relating to access; layout; scale; appearance and landscaping are reserved for later consideration.
- 1.4 The application submitted includes a Supporting Statement and a Land Contamination Assessment. In addition an illustrative layout of the proposed development has been submitted. This shows a development of 3 dwellings with vehicular access provided from Baldock Road.
- 1.5 This application is being reported to Committee at the request of Cllr Bull.

2.0 Site History:

- 2.1 The site was originally included as part of a housing allocation site (Sites 217 and 303) at the 2001 Deposit Stage of the East Herts Local Plan Review. However, the site was deleted by the Council from the Re-Deposit Version in 2004 after the construction of a new house was allowed by an appeal inspector where the Council envisaged the access to the site would be provided. At the time, the Council considered that this decision rendered the site as being undeliverable as access could no longer be provided directly off Baldock Road.

3.0 Consultation Responses:

- 3.1 Environmental Health does not object to the proposed development subject to the imposition of conditions regarding noise, hours of construction, dust, bonfires, soil decontamination and piling works.
- 3.2 County Highways comments that the access onto Baldock Road is at a point where appropriate visibility is available and whilst the width will need to be altered to 4.8 metres the principle of access at this point is acceptable in a highway context. It is however noted that there is no footway along Baldock Road leading to the site from the town centre direction and without such a footway providing a safe and convenient route to the town, bus stops and schools a residential development would not be appropriate. It is therefore requested that conditions regarding the provision of a 1.8 metres footway between the site and the end of the existing footway along Baldock Road to the east, the widening

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of the existing access to 4.8 metres and the provision of a vehicular turning area within the site be imposed on any planning permission.

- 3.3 Thames Water advises that with regards to surface water drainage it is the developer's responsibility to make proper provision for drainage which should be attenuated and regulated. No objections are raised with respect to sewerage.
- 3.4 The Council's Landscape Officer comments that a tree survey has not been submitted and therefore the impact on trees can not be quantified although there are no obvious problems at this stage. He also comments that he has the same reservations over extending the built environment of Buntingford to the A10 as he outlined in his comments regarding the adjoining site (Land off Longmead LPA Ref 3/10/2040/OP).
- 3.5 In that application the Landscape Officer commented that the site was a pleasant and attractive enclosed open space. The site was of moderate landscape sensitivity and high landscape value and therefore had a low landscape capacity rating. It was recommended that a precautionary approach be taken and planning permission be refused in order that new housing proposals are appropriately directed to those sites that have a higher landscape capacity to accommodate such development.
- 3.6 CPRE does not object to the principle of developing the site given the recent outline planning permission granted on the adjoining site. Concerns are however raised regarding the relationship of the site with adjacent land uses to the west and south. In particular the shape and dimensions of the site would seem to show that any residential property on the site would be very close to industrial and commercial uses to the west, and to the adjacent newly permitted housing site to the south. The site should only be developed residentially in association with the adjacent land, to ensure the efficient use of the land at a time when there is so much pressure to develop Greenfield land outside existing settlements.

4.0 Town Council Representations:

- 4.1 Buntingford Town Council raises no objections to the proposed development.

5.0 Other Representations:

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

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5.2 No letters of representation have been received.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR2	Access to New Developments
TR7	Car Parking- Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protecting of Existing Hedgerows and Trees
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
IMP1	Planning Conditions and Obligations

6.2 In addition, the Regional Plan for the East of England (RSS) forms part of the Development Plan. Policy H1 of that plan relates to land supply.

6.3 In addition, the following National policy statements are relevant:-

Planning Policy Statement 1: Delivering Sustainable Development;
Planning Policy Statement 3: Housing
Planning Policy Statement 9: Biodiversity and Geological Conservation

7.0 Considerations:

7.1 This application seeks outline permission for residential development on the site with all detailed matters being reserved. The main issue for consideration is therefore whether the principle of residential development on the site is acceptable.

Principle of development

7.2 The site lies within the Rural Area beyond the Green Belt, where the aims and objectives of relevant Local Plan policies are placed firmly on growth restraint. Within the Rural Area under the provisions of Local Plan Policy GBC3, permission will not be given for the construction of new buildings or changes of use, other than for those purposes listed

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under the policy as appropriate development. The proposal does not fall within any of these exception categories and so constitutes “inappropriate” development.

- 7.3 Members will note however that planning permission was recently granted on two nearby sites (Land off Tylers Close, LPA Ref: 3/08/0840/OP and Land off Longmead LPA ref:3/10/2040/OP) both of which are within the Rural Area beyond the Green Belt. In both those cases the Council determined that despite the Council’s Local Plan being adopted in April 2007, there were subsequent developments in the policy base that needed to be taken into account.
- 7.4 In November 2006, PPS3: Housing was issued. This advises that the LPA should take into account the RSS and, where the LPAs policies have not been reviewed subsequent to the release of the RSS or where there is less than a 5 year supply of sites for development, then applications for housing on suitable sites should be considered favourably. In both the cases referred to above, it was considered that the sites were suitable for housing.
- 7.4 In respect of determining planning applications paragraphs 68, 69, 71 and 72 of PPG3 also state, respectively, that:

‘Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations. When making planning decisions for housing developments after 1st April 2007, Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans.

In general, in deciding planning applications, Local Planning Authorities should have regard to:

- *Achieving high quality housing.*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- *The suitability of a site for housing, including its environmental sustainability.*
- *Using land effectively and efficiently.*
- *Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues*

Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.

Local Planning Authorities should not refuse applications solely on the grounds of prematurity.'

- 7.5 The illustrative layout submitted with the application indicates that 3 dwellings could be provided on the site. Whilst this is illustrative, having regard to the size and shape of the site, officers consider that a development of more than 3 dwellings on the site would be both difficult to achieve and likely to be incompatible with the character of the area.

Given this, unlike the sites referred to nearby and adjacent, development here would not provide any significant contribution to the housing land supply. Indeed, combination of this site with land which has permission for development to the south east, would be a more efficient and effective use of the site and would probably ensure that it performed better in respect of detailed matters referred to below. In the absence of that, Officers conclude in this case that no weight of any great significance can be assigned to the benefit that this site may play in land supply terms and that this certainly does not outweigh the other restrictive policy provisions.

- 7.6 Turning now to more detailed considerations of the application, in Officers view unlike the two schemes mentioned above, the site does not easily lend itself to residential development. It is a narrow site only 24 metres in width at its widest point, bounded to the south east by a drainage ditch and significant landscaping and to the north west by commercial properties including an MOT garage and petrol filling station further restricting development. The illustrative plan shows a layout which in Officers view does not compliment the pattern of existing development in the area and would result in a cramped form of development, particularly in relation to the most southerly plot.
- 7.7 Furthermore the site is in close proximity to existing commercial premises and the A10. The impact that these premises and the A10 may have, particularly in relation to noise and activity, on future residents of the site have, in Officers opinion, not been fully addressed by the Applicant. The Applicant states in their additional information in support

of the application that none of the commercial uses can lawfully occur during the night time period when background ambient noise levels are low, and that noise attenuation measures can be incorporated into the building construction to mitigate against the impact of the noise from the A10.

Whilst the potential solutions to these matters are acknowledged, it is considered that some further exploration of the matter is required at this stage to ensure that there is a realistic prospect that these matters could be acceptably dealt with. This is important given the physical constraints of the site and that potential changes to layout to address these matters is limited.

- 7.8 Having regard therefore to all of the above considerations, Officers in respect of the principle of the development consider that the proposal fails to have proper regard for the criteria in paragraph 69 of PPS3 or meet the requirements of ENV1 which requires the layout, design and scale of a development is of a high standard of design, reflecting local distinctiveness and compatible with the structure and layout of the surrounding area. Officers therefore do not consider in this case that there are any matters to which such weight can be assigned that established Local Plan policy would be outweighed.

Highway Matters

- 7.9 Turning to traffic generation and highway implications Officers consider that the amount of traffic being generated from the development would not adversely impact on the surrounding highway network or on the safety of either pedestrians or vehicles using neighbouring roads and in this respect the proposal is acceptable. Furthermore Officers are satisfied from County Highways comments and the indicative layout that adequate vehicular access can be provided from Baldock Road onto the site.
- 7.10 Officers note that County Highways consider it necessary that a 1.8 metre wide footway along Baldock Road leading to the site from the town centre direction be provided via a Grampian style condition. It is agreed that without such a footway providing a safe and convenient route to the town, bus stops and schools a residential development would not be appropriate and therefore the request is reasonable to ensure that safe access to and from the site is provided for pedestrians.

Archaeology

- 7.11 Turning to archaeology, no comments have been received from the

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County Archaeologist however the application is located close to evidence of occupation of possible Late Iron age date, recorded during the construction of the Buntingford by-pass in 1988, and updated pits and ditches excavated during the archaeological evaluation of the former Sunnyside Nursery site. Officers consider that a condition requiring the implementation of a programme of archaeological work would be both reasonable and necessary to provide properly for the likely archaeological implications of the development proposed.

Ecology and Landscape

- 7.12 Finally, with regards to ecology and landscape, Officers have noted that the Landscape Officer has not raised any concerns regarding the impact the development may have on existing landscaping. Officers are therefore satisfied that given the location of existing landscaping along the boundaries the site and that the site is not allocated as a Wildlife Site in the Local Plan sufficient conditions could be imposed to ensure that any impact the development may have could be adequately mitigated against.

8.0 Conclusion:

- 8.1 Having considered the above matters, it is Officers opinion that the proposed development is contrary to both National and Local Plan policy. The application site lies within the Rural Area Beyond the Green Belt and no special circumstances exist to outweigh the presumption against development in this location. In addition, the proposal would result in a cramped form of development and its layout would not reflect local distinctiveness or be compatible with the structure and layout of the surrounding area. Finally, insufficient information has been submitted regarding the issue of noise and activity in relation to the adjoining commercial premises and the A10 road to enable this matter to be properly considered.
- 8.2 For these reasons Officers recommend that planning permission be refused.