

5h 3/11/1448/FP - Erection of 5 new dwellings including 2 affordable units with associated access road and landscaping at Little Orchard, off Aston End Road, Aston for JC and LB Thomson Trust

Date of Receipt: 23.08.2011

Type: Full – Minor

Parish: ASTON

Ward: DATCHWORTH AND ASTON

RECOMMENDATION

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

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to the rural area. The proposed development will impact on the openness of the Green Belt in this location and conflict with the purposes of including land in the Green Belt by encroaching into the countryside and closing the gap between Aston village and Stevenage. No very special circumstances are apparent in this case that would outweigh the harm caused, and the proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007, and Planning Policy Guidance 2 'Green Belts'.
2. The proposed development would increase use of a vehicle access at Aston End Road, where visibility for vehicles emerging into the public highway is restricted, to a level below standards contained in the Department for Transport publication Manual for Streets and would thereby lead to conditions prejudicial to highway safety for users of the access road and those on the public highway.

_____ (144811FP.LP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is some 0.48 hectares in size to the northwest of Aston. A private road bounds the southern boundary which provides vehicular access onto Aston End Road; beyond the eastern hedge boundary lie the detached dwellings fronting Aston End Road; to the north is the open paddock; and to the west is a 17th Century barn converted into residential use. A public footpath No. 8 runs to the north of the site beyond the retain paddock

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space.

- 1.2 The application proposes the erection of 5 detached dwellings (3 x 3 bed as market houses and 2 x 1 bed bungalows as affordable housing) accessed via a single road.

2.0 Site History:

- 2.1 3/11/0156/FP - Erection of 6 new dwellings including 2 affordable units with associated access road and landscaping. Application withdrawn after Officers recommended refusal.
- 2.2 3/11/0155/FP - Erection of 5 new dwellings including 2 affordable units with associated access road and landscaping. Application withdrawn after Officers recommended refusal.
- 2.3 3/86/1064/FP - Erection of 14 no. detached houses and garages. Refused on reason of being sited within the Green Belt with no special circumstances being apparent.

3.0 Consultation Responses:

- 3.1 Hertfordshire Constabulary have raised comments in respect of the Design and Access Statement submitted with the planning application. They comment that if the affordable housing is to be grant funded then the developer must seek to achieve at least Code 3 Sustainable Homes. Some plots appear to have fencing missing to their boundary and there is no indication of refuse facilities.
- 3.2 Hertfordshire Biological Records Centre recommend consent subject to conditions. They agree with the conclusions of the ecological report; namely that no indicative signs of notably important species were found; the pond was found to have a low probability of supporting amphibians, particularly Great Crested Newts; the site does not support sufficient optimum habitat to support reptiles; the site could support breeding birds.
- 3.3 Veolia Water comment that the site is located within the groundwater Source Protection Zone of Aston pumping station.
- 3.4 The Councils Environmental Health Section have commented that a condition for soil decontamination will be required if the questionnaire for lower risk land is not adequately completed.
- 3.5 The Councils Conservation Officer recommends consent. She comments

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that the impact on the character and appearance of the Conservation Area has been addressed. In terms of design and materials the houses will relate well to the character and visual amenity of the area.

- 3.6 Hertfordshire Highways recommend refusal on the grounds that this proposal would increase vehicular use of an access road which enters the public highway at a point where visibility is restricted to a level below standards in the Manual for Streets and would thereby lead to conditions prejudicial to highway safety.
- 3.7 The Councils Landscape Officer has recommended consent, commenting that the development is non contentious on existing trees and the proposal has a well designed layout with an acceptable landscape proposal.
- 3.8 No response has been received from Environmental Services or the Planning Obligations team.

4.0 Parish Council Representations:

4.1 Aston Parish Council comment:

'My Council wish to positively support this application as the development meets our local need demonstrated in the most recent Housing Survey, and also the Council's declared planning policies. Despite have a tight Green Belt policy, the location is regarded by this Council as infill and suitable for a category 2 village.

My Council's support is, though, subject to the following conditions:

- 1. That EHDC and the applicant devise a way to ensure that the social housing goes to Aston people in the first occupation and also future occupations, through a 106 agreement, covenant or other means (similar in principle to that provided in Ashcroft Farm, Lt.Hadham).*
- 2. That the Social Housing will be taken on and managed by a Housing Association.*
- 3. That responsibility for future maintenance of the access road, pond and pond fencing are agreed and the Parish Council is made aware of who holds these responsibilities.*
- 4. This Council has concerns over the type of road surface (shingle)-especially as the site is naturally damp. Shingle is noisy. We want to be assured that the road construction is acceptable in terms of*

safety, durability and maintenance with a provision of access for possible disabled tenants. This Council wants to know who will be responsible for the maintenance of the paddock to the north and its proposed use.

5. *Given that Gt.Crested newts are common in Aston and all ponds have them at some time, that the groundwork construction is done in such a way and time that they are not harmed.*

Further points arose at a public meeting (attended by 25 residents) held on Sept. 22nd. Most of these residents were not in favour of the development but also made some suggestions which this Council would endorse.

6. *We would like the developer to give an undertaking not to seek to build on the paddock to the north for a period of 15 years.*
7. *The rural views from the rear gardens of 35 & 37 Aston End Road would be significantly obscured by the 2 bungalows in their proposed locations which are very close to the boundary and are mindful of the 'Aston Parish Plan' policy D in section 2:*

'Policy D

Landscape and Environmental considerations

The Rural aspect of Aston, both from outside the village and looking out from within it shall be preserved. No development which destroys the 'invisibility' from outside or the rural aspect from within will be endorsed. Section 2.1'

A substantial improvement to meet this in part would be for the 2 bungalows to be moved 3-4 metres to the west and a lowering of their roof lines.

Please appreciate that many of these conditions are not simply to do with the current application, but my Council, assuming that it is approved, are looking to the future, when they are the eyes and ears of the local community to make sure that this development meets its objectives and the site will be visually an asset to the village'.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 10 letters of representation have been received from residents in St Mary's Close and Aston End Road (together with 1 unaddressed email) which can be summarised as follows:-

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- The site is not within the built-up area of the village and does not conform to Category 2 guidelines, and will encroach into the Green Belt
- The introduction of housing well beyond the edge of the settlement will be detrimental to the form and character of the village
- Proposal is not to meet a local housing need – provides open market housing with only 40% as affordable
- The gap represents significant open space to separate the village from urban sprawl
- Ecological benefits for the pond are not very special circumstances
- Aston is a Conservation Area
- Approval would set a precedent for the remainder of the land to be developed
- Development would urbanise the footpath to the north
- Petition signed by 179 residents was passed to the Parish Council in January 2010 stating they want no development on Little Orchard (18 in favour);
- Development would erode the barrier between Stevenage and Aston;
- Site was previously a haven for wildlife but was bulldozed in November 2009 and is just beginning to recover;
- If granted would seek the development to contribute to the Village by way of a donation to the Village Hall
- Concerns with access traffic, safety and condition of roads and footpaths – would seek conditions to ensure these issues are acceptable
- Detrimental impact on amenities of Nos. 35 and 37 Aston End Road
- Access road is unsafe and will increase likelihood of accidents
- Proposed gravel would be noisy on the access road
- Queries over management and maintenance
- Will create a detrimental impact upon wildlife
- Concerns about who will manage the pond and access road
- No consideration of refuse management and crime prevention
- Land is often water logged
- There are alternative sites in the village that would provide more suitable space for development
- The houses do not seem suitable for either first time buyers or downsizers as per the 2007 Housing Needs Survey;
- Impact on drainage from Nos. 35 and 37 Aston End Road and potential for flooding
- Steep pitch of bungalow roofs is not in-keeping with neighbouring

properties;

5.3 The **Aston Village Society** (their letter states that they represent 80 households in Aston) conditionally supports the proposal subject to the affordable houses being offered to Aston residents first and in the future; that the social housing is taken on by a management company; responsibility for future maintenance of the access road, pond and fencing needs to be agreed including for the paddock to the north of the site; road construction needs to be acceptable and that construction should not harm Great Crested Newts. They also raise concern over the proximity of Plots 1 and 2 to neighbouring boundaries.

6.0 Policy:

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

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| SD2 | Settlement Hierarchy |
| HSG3 | Affordable Housing |
| HSG4 | Affordable Housing Criteria |
| HSG5 | Rural Exceptions Affordable Housing |
| HSG7 | Replacement Dwellings and Infill Housing Developments |
| GBC1 | Appropriate Development in the Green Belt |
| GBC14 | Landscape Character |
| TR2 | Access to New Developments |
| TR7 | Car Parking - Standards |
| TR14 | Cycling – Facilities Provision (Residential) |
| ENV1 | Design and Environmental Quality |
| ENV2 | Landscaping |
| ENV3 | Planning Out Crime – New Development |
| ENV11 | Protection of Existing Hedgerows and Trees |
| ENV16 | Protected Species |
| ENV20 | Groundwater Protection |
| OSV2 | Category 2 Villages |

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Statement 1: Delivering Sustainable Development,
Planning Police Guidance 2: Green Belts
Planning Policy Statement 3: Housing
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 9: Biodiversity and Geological
Planning Policy Guidance 13: Transport
Panning Policy Statement 23: Planning and Pollution Control

7.0 Considerations:

7.1 The main considerations in this case relate to the principle of the development; acceptability of the chosen layout and design; impact on the surrounding area including the Conservation Area; neighbour amenity; highway matters, and ecological and flooding issues.

Principle of the development

7.2 Aston is within the Metropolitan Green Belt but is also designated as a Category 2 village wherein infill residential developments are appropriate in principle within the built-up area of the village, in accordance with policies HSG8 and OSV2. However, there is no defined boundary of a Category 2 village. Guidance in the Local Plan (Para 17.2.6) of the definition for infill development states that

“Infill development does not constitute the linking of two separate built up areas within a settlement, separated by a significant gap or the consolidation of an isolated group of buildings”

7.3 In this case, Officers consider the built-up area of the village to be to the northeast (including dwellings up Aston End Road), to the east (the main part of the village), and to the south (including the St. Mary's Close development). There are existing dwellings to the west of the site including Oddies Barn, Dene House and Deneside, accessed via a single rural track Dene Lane which are considered to be 'an isolated group of dwellings'. At this point Officers consider that there is a distinct change from the built-up area of the village to a more rural character. The site that forms the subject of this application is therefore considered to represent a break in the built-up part of the village, and development would therefore not comply with policies HSG8 or OSV2.

7.4 The development is therefore considered to represent inappropriate development in the Green Belt. The development will also impact on the openness of the Green Belt in this location, and conflict with its purposes as set out in PPG2 by encroaching into the countryside and enclosing the gap between Aston village and Stevenage. Officers had indicated the possibility of the front of the site only being acceptable for affordable housing in accordance with policy HSG5. However the proposed development is not for affordable housing and is therefore considered to be unacceptable in principle. No very special circumstances are apparent that would clearly outweigh the harm by reason of inappropriateness in this case.

Affordable Housing

- 7.5 It is noted that a need has been identified for up to 8 no. units in the village in a 2007 Housing Needs Survey, comprising a mix of 1, 2 and 3 bed units of mixed tenure, and this need has not yet been met. However, the survey concluded that further survey work was required to establish the exact provision required, and no further work has yet been carried out. This 2007 survey also concluded that there was a 'significant need' for affordable housing in the village. Officers therefore consider that there may be a justification for a rural exceptions affordable housing development on part of this site in order to meet this identified local need. However, the applicant has chosen to apply for a predominantly market housing development, rather than a rural exceptions development, and this fails to comply with Green Belt policy.
- 7.6 Requests have been made from the Parish Council for the 3 market houses to be provided to local residents. However, this would contradict the Council's established allocations policy based on need and, furthermore, it could not be justified or supported in policy terms.
- 7.7 As the site is considered to lie within the Green Belt, the starting point for affordable housing would be 100% (under rural exceptions policy HSG5). This application proposes only 40% affordable housing and is therefore considered to be unacceptable. It is also noted that a number of representations received have objected to this proposal, despite the need for local housing. I therefore do not consider that the 2007 Housing Needs Survey amounts to a very special circumstance to outweigh Green Belt policy.

Layout and design / Impact on surrounding area and Conservation Area

- 7.8 The layout is proposed with the 5 dwellings in a cul-de-sac. Whilst the village is mainly characterised by a pattern of built development that follows the contours of the roads with relief between plots provided by generous rear gardens, the form and layout of the proposal reflects the cul-de-sac of the St. Mary's Close development immediately to the south. Both the Council's Conservation Officer and Landscape Officer have raised no objection to the application on grounds of layout. Nonetheless, Officers had recommended that any dwellings front Dene Lane rather than being scattered in a cul-de-sac form. Such a layout could also allay concerns that development will expand to the north later by restricting the availability of access. The reason for the applicant's layout appears to centre on the retention of options for the development to the north of the site rather than for any clear design reason.

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- 7.9 In terms of density, the surrounding area is characterised by a range of densities, and it is therefore considered that the proposal is acceptable in this regard. The development is proposed as predominantly two storey, with plots 1 and 2 being single storey bungalows. This is considered to be acceptable as the surrounding area is characterised by predominantly two storey developments.
- 7.10 The detailed design is proposed to incorporate a range of traditional materials which are considered to be appropriate, including plain clay tiles or slates, with soft red brick, tile hanging, weatherboarding or render, and painted timber joinery. The use of gable pitched roofs and bay windows also reflect local distinctiveness.
- 7.11 The site lies just outside the Aston Conservation Area (the boundary runs along the south of the site). The proposed development, in terms of its layout, design and materials of construction, is considered not to have an adverse impact on the setting of the Conservation Area.

Neighbour amenity

- 7.12 There are existing dwellings on Aston End Road that back onto the site (Nos. 31-39 odds). Whilst there will be some change to their outlook, I do not consider that this would be harmful given the distances involved. Plots 1 and 2 are located at a back-to-back distance of approximately 14m to 17 metres from Nos. 35 and 37 Aston End Road, and as these proposed units are bungalows, with their roofs sloping away from the boundary, it is not considered that any harmful outlook, overlooking or similar would result.
- 7.13 Within the development itself, I consider it will provide for acceptable amenity for future occupiers. The layout and design of the development will minimise any overlooking between dwellings and habitable rooms would receive sufficient daylight. Private gardens are proposed for each dwelling and overall the living conditions would be acceptable.

Highways matters

- 7.14 A new vehicular access is proposed from Dene Lane through the centre of the site to serve all 5 dwellings. Sufficient parking is proposed on site in the form of garaging and frontage parking, and is considered to be acceptable in accordance with policy TR7.
- 7.15 Dene Lane is a privately owned block paved road leading from Aston End Road. County Highways have objected to the application on the grounds that visibility to the south of the access onto Aston End Road

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fails to comply with the Manual for Streets standards which would require 2.4 x 43 metres in each direction – this can be achieved to the north but not to the south. It is noted that permission granted for the St. Mary's Close development in 1987 was subject to a condition requiring maintenance of 2.4 x 70m visibility splays (reference 3/87/0166/FP). However it appears that this has not been maintained along the eastern boundary of No. 1 St. Mary's Close, hence Highways' objection to the application. On this basis the application is recommended for refusal on the grounds that increased use of this access could impact on highway safety.

- 7.16 The agent has suggested that enforcement action should be taken to secure the original visibility splay and hence overcome the highway objection. However Officers consider that, given the passage of time since the condition on the 1987 application has been breached, it would not now be enforceable. Officers do not consider that a condition would cover the requirement for visibility splays because at this stage there is no agreement or commitment from the landowner that this will be achievable.

Ecological and flooding

- 7.17 It is proposed to retain an existing ash tree within the centre of the site, and an oak tree in the pond, along with a number of other trees along the northern and western boundaries of the site. The built form of the development falls outside of the Root Protection Area of these trees and no objection has been raised by the Landscape Officer on these grounds.
- 7.18 The southern boundary of the site currently comprises overgrown hedging with a number of trees proposed for removal. Removal of this vegetation would open up the site and impact on the existing semi-rural character of the lane; however this in itself is not considered to be a reason to refuse the application.
- 7.19 Hertfordshire Biological Records Centre agree with the conclusions of the ecological report in that no indicative signs of notably important species were found and that the site does not support a sufficient optimum habitat to support reptiles. It is proposed to restore and enhance the pond to the north of the site. This is an ecological benefit and could be secured by way of condition.
- 7.20 In regards to flooding, the site lies outside of an area subject to risk of flooding. A condition could be imposed on any permission to secure adequate surface water drainage.

8.0 Conclusion:

8.1 Overall, the site is considered to lie outside the built-up area of Aston and does not meet the definition of appropriate infill development within the policies of the Local Plan. It is therefore situated within the Green Belt wherein this residential development is inappropriate in principle. The development will also impact on openness of the Green Belt in this location. Whilst it is noted that a local housing need has been identified, the development has not been put forward as a rural exceptions affordable housing scheme, and no very special circumstances are evident that clearly outweigh the harm caused to the Green Belt. Furthermore highway safety would be compromised by insufficient visibility splays at the southern access onto Aston End Road, unless this can be addressed by landowner agreement. The application is therefore recommended for refusal for the reasons set out above.