

ITEM NO:	<u>Location:</u>	Land rear of 39 - 59 Station Road, Ashwell, SG7 5LW
	<u>Applicant:</u>	Tingdene Homes Ltd
	<u>Proposal:</u>	Outline Planning Application (all matters reserved, except for access) residential development comprising of 9 dwelling with associated access off Green Lane
	<u>Ref. No:</u>	16/02863/ 1
	<u>Officer:</u>	Joanne Cousins

Date of expiry of statutory period: 07 April 2017

Reason for Referral to Committee

As the site area exceeds 0.5 hectares and this application is for housing development, under the Council's scheme of delegation this application must be determined by the Planning Control Committee.

1.0 Relevant History

- 1.1 An outline application for up to 15 dwellings with access from Station Road was submitted under ref 13/01233/1. This application was withdrawn. A subsequent outline application for up to 17 units with a multi use games area (MUGA) and access arrangements off of Station Road and Green Lane (14/0141/1) was also withdrawn. A further application for 17 dwellings (14/02611/1) accessed by vehicles only off of Green Lane was submitted and yet again withdrawn in light of objections from both the Highway and Planning authorities.
- 1.2 An Outline Planning application (all matters reserved, except for access) for a residential development comprising 14 dwellings with associated access off Green Lane was refused permission under reference 15/00691/1 in July 2015. The decision cited four reasons for refusal - two highway reasons, effect on character and appearance of the area contrary to Policy 6 and the National Planning Policy Framework (NPPF) and lack of a valid legal undertaking to secure the provision of necessary planning obligations.
I have appended a copy of that report for Members information (**see Appendix A**).
- 1.3 A subsequent appeal was dismissed in February 2016 with the Inspector upholding the highway concerns and concluding that:

'...the benefits of the scheme are significantly and demonstrably outweighed by the adverse impact of the proposal in terms of its failure to provide a safe and suitable means of access for all people and its severe residual cumulative impact on highway safety

I have appended the appeal decision letter to this report (**see Appendix B**).

2.0 Policies

- 2.1 **National Planning Policy Framework**
 Section 6: Delivering a wide choice of high quality homes
 Section 7: Requiring good design
 Section 11: Conserving and enhancing the natural environment
 Section 12: Conserving and enhancing the historic environment

2.2 North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies 2007)

Policy 6 - Rural Areas beyond the Green Belt

Policy 16 - Areas of Archaeological Significance and other Archaeological Areas

Policy 55 - Car Parking Standards

Policy 57 - Residential Guidelines and Standards

2.3 Supplementary Planning Guidance

Vehicle Parking at New Development (September 2011)

Design

2.4 North Hertfordshire District Local Plan 2011-2031 Proposed Submission Local Plan and Proposals Map - October 2016

Public consultation on the Council's Submission Local Plan has been completed and the Plan is scheduled for submission to the Secretary of State in April 2017. The Policies of the submission Local Plan therefore carry limited weight at this stage (however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption). The policies of relevance in this instance are as follows:-

Policy SP1 Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy

Policy SP5 Countryside and Green Belt

Policy SP8 Housing

Policy SP9 Design and Sustainability

Policy SP11 Natural Resources and Sustainability

Policy SP12 Green Infrastructure, Biodiversity and Landscape

Policy CGB1 Rural Areas beyond the Green Belt

Policy T1 Assessment of Transport Matters

Policy T2 Parking

Policy HS3 Housing Mix

Policy HS5 Accessible and Adaptable Housing

Policy D1 Sustainable Design

Policy D4 Air Quality

Policy NE1 Landscape

Policy NE7 Reducing Flood Risk

Policy NE8 Sustainable Drainage Systems

Policy NE9 Water Quality and Environment

Policy NE10 Water Framework Directive and Wastewater Infrastructure

Policy HE4 Archaeology

3.0 Representations

3.1 Ashwell Parish Council - object on the following grounds:-

1. The proposed access is inadequate and would be detrimental to highway safety.

2. The proposal is for development on a greenfield site outside both the existing and the proposed new settlement boundary.

3. The proposal is not supported by the emerging Neighbourhood Plan.

They note that this is the latest of a number of applications on the site and that the application for 14 dwellings considered in 2015 resulted in an appeal being dismissed in 2016.

3.2 Hertfordshire Highways - Has maintained its objection on the grounds that Green Lane is not wide enough to accommodate two way traffic. Moreover, the Highway Authority is concerned that inadequate details have been supplied such as to demonstrate that large vehicles can negotiate Green Lane and its junction with Station Road.

3.3 **Local Residents** - The occupiers of the following properties: 37,41,46,48,52 **Station Road**; 1,3,5,8,10 and Baldwins Corner **Green Lane**; 17 & 19 **The Maltings, Green Lane**; 5,6,7,8,11,12 **Philosophers Gate**; 2, 4 & 11 **Lucas Lane**; 2 **Springhead**; 12 **Claybush Road**; 20 **Alder Close, Baldock** and 14 **Bassingbourn Road, Litlington** have objected for the following reasons:-

- outside of village envelope
- The site is not part of the areas identified for housing in the Local Plan.
- development would have a harmful impact on the setting of the adjacent Conservation Area
- traffic safety and pedestrian safety
- Green Lane / Station Road junction dangerous
- village services will not cope
- Green Lane not wide enough it is a single track lane which is not suitable for additional traffic or large vehicles
- adverse impact on existing amenity, including overlooking and loss of privacy
- unsustainable
- does not include any affordable housing
- loss of good farmland
- large detached houses are not needed. Ashwell survey shows the need for smaller affordable houses and bungalows.

In addition an independent review of the Transport Statement and Stage 1 Road Safety Audit (RSA) undertaken by Motion and Gateway TSP respectively on behalf of Tingdene Developments Ltd has been submitted by a resident of Green lane. This review dates from May 2015 and undertaken on an impartial basis by a Chartered Transport Planner (CMILT) and qualified Road Safety Audit Team Leader (MSoRSA).

A further resident of Green lane has provided some independent traffic flow data, questioning the soundness of the information submitted with the application and highlighting local concerns.

3.4 The occupiers of 47 **Station Road** support the application for the following reasons:-

1. Development is well situated in the village. Although outside the village boundary the houses would be out of sight.
2. The Green Lane entrance would not be a problem with access as most of the High street is a single lane due to parked cars.
3. Understands the need for houses.

3.5 **Environmental Health** - No objections, subject to an informative in respect of hours of working and conditions pertaining to contamination.

3.6 **CPRE** - urges the Authority to reject the application. Comment as follows:-

'This is the seventh Application for development on this site since 2010. All have either been rejected or withdrawn, the most recent following appeal. The grounds for those refusals remain unchanged.

In responding to the point regarding inadequate access, cited by the Inspector in the Appeal Decision (APP/X1925/W/15/3136314), that the proposal fails "to provide a safe and suitable means of access for all people ... No provision is made for pedestrians along Green Lane, including the elderly, and those with prams or disabilities, who would share the surface with vehicles and therefore be vulnerable." In considering the planning balance, the Inspector concluded that the lack of a safe and suitable means of access for all people outweighed the arguments in support of development, including the Councils lack of a 5 year housing supply. In response, the Applicant states in the Planning Statement accompanying

the current application that: "It seems especially unlikely that this would include an elderly or disabled person given the low number of properties accessed by the lane. The lane is sufficiently wide for most normal able bodied people to step to one side on the grass verge should the worst case scenario arise." In our view this is a discriminatory response. It is also unlikely that someone with a pram would be able to lift it easily on to the grass verge. For this reason alone the access to the site is inadequate and the Inspectors criticism remains valid. We urge the Council to reject this application.'

- 3.7 **Archaeology** - No objection subject to conditions (previous application)
- 3.8 **Environment Agency** - No objection subject to adequate assessment of flood risk by the developer (previous application) (refer to good practice guidance).
- 3.9 **Herts Ecology** - recommend the imposition of a condition to safeguard protected species (previous application)
- 3.10 **Herts and Middlesex Wildlife Trust** - Recommend refusal on the grounds that no ecological information has been submitted such that would allow a proper understanding of biodiversity impacts (previous application).
- 3.11 **Waste Management** - comment as follows:-
'We are very concerned by the length of the proposed reverse in order to facilitate collection along an unmade track. At this time we would recommend the application is refused as although the vehicle tracking document shows it is physically possible for the refuse vehicle to fit down the road, doing so for the proposed length would not be considered safe. It appears the anticipated reverse length is double what the vehicle currently does and this is considered a very long reverse.'

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site currently comprises an agricultural field off of Green Lane and to the rear of Station Road. The site lies close to the boundary of the Ashwell Conservation Area.

4.2 Proposal

- 4.2.1 The application is outline (all matters reserved, except for access) and proposes nine dwelling houses with associated access off Green Lane and pedestrian/cycle access via Station Road. While the proposal is outline, with layout reserved, the illustrative scheme shows seven 4/5 bedroom detached houses and two 3/4 bedroom semi-detached properties. The illustrative scheme is based on the provision of 32 car parking spaces (including garages).

4.3 Key Issues

- 4.3.1 The key issues in this case can be summarised as follows:

- Site history and appeal decision
- Highways and Access

4.3.2 Site history/appeal decision

Members will note from the extensive history above that the residential development of this site has been previously debated at Committee and has been the subject of an unsuccessful appeal. The appointed Inspector in his report considered the main issues to be whether, in the absence of a 5 year supply of deliverable housing land, the proposal would amount to a sustainable form of

development with particular reference to the effect the proposals would have on the settlement pattern, the character and appearance of the area and the effect on highway safety.

- 4.3.3 The Inspector agreed that the proposal was in conflict with Policy 6 and would not fall within any of the specified circumstances cited under the Policy. However she gave little weight to Policy 6 given the age of the Local Plan, which precedes the introduction of the NPPF. Other subsequent appeal Inspectors in relation to sites elsewhere in the District have placed more weight on Saved Local Plan Policy 6 during the continued absence of a deliverable five year land supply. For example a recent appeal decision (December 2016) for a site in Therfield (Police Row), in dismissing the appeal the Inspector noted in paragraph 15 of their decision letter that:

'In terms of the principle of the development the starting point in this case must be the adopted Local Plan - the NHDLP 2007. The site is just outside the current selected village boundary as shown on the Proposals Map and lies within the rural area beyond the Green Belt (Policy 6). Despite the age of the NHDLP 2007, Policy 6 is still relevant and broadly consistent with a core principle of the NPPF, which is to recognise the intrinsic character and beauty of the countryside. The main thrust of Policy 6 is consistent with the NPPF in protecting the countryside which may otherwise be injurious to the character of the rural area. Therefore I attach considerable weight to Policy 6 in this case.'

In terms of impact on the character and appearance of the area the Inspector concluded that the proposal would not result in harm from the loss of an open area of land with appropriate mitigation in terms of layout and landscaping. She concluded that the development would not result in any significant harm to the settlement pattern or character or appearance of the area. Thus the third reason for refusal was not upheld. A planning obligation was completed prior to the determination of the appeal. Thus the fourth reason for refusal was not upheld.

- 4.3.4 The first and second reasons for refusal related to highway safety issues and these were upheld by the Inspector. Therefore, for the purposes of the current proposal, I consider the key issues to be whether the reduction in the number of dwellings from fourteen to nine would have such a significant change to highway impacts as to overcome the reasons for refusal that were upheld at appeal.

4.3.5 **Highways and access**

The Highway Authority (HA) have maintained an objection principally on the grounds that Green Lane is unsuited for two-way traffic, a concern reinforced by local residents and supported at appeal. The HA expresses further concerns over whether the scheme can be safely or adequately served by large vehicles moving to and from the development along the narrow confines of Green Lane onto Station Road. Again, I see no sound reasons for disagreeing with these conclusions or those of the Planning Inspector.

- 4.3.6 In addition to its consultation response, as part of this application, the Highway Authority (HA) has reviewed the submission information, the pre-application advice the applicant was provided with regards to a 10 unit scheme dated 05 September 2016 and also the Inspectors decision relating to the previous application for 14 dwellings under reference 15/00691/1. The HA comment as follows:-

'Within the Inspector's report for the previous 14 dwelling application it states that "The increased level of vehicle movements in unsatisfactory conditions would have a severe localised effect on highway safety and traffic movement".'

My colleague Roger Taylor during his pre-application advice noted that HCC's Road in Herts Guidance sets out that a single lane access will normally be sufficient to serve to up to 5 dwellings. Roger also mentions that without improvement the lane in its current condition is at capacity.

From the information submitted as part of application 16/02863/1, it appears that the only improvement offered is that of the turning facility at the access arrangement, which was offered as part of the previous application. Whilst it is acknowledged this is a benefit the Inspector clearly set out in the decision for 15/00691/1 that this turning facility does not outweigh the harm of the proposal in terms of safety.

HCC acknowledge that the development has reduced from 14 dwellings to 9 dwellings which reduces the number of trips but as mentioned in the pre-application advice in order to accommodate the proposed level of trips improvements will be required. Therefore, without improvements and given the traffic flow on Green Lane currently the impact from the development can be considered as severe, as per the test in the NPPF.

From the Inspectors Decision Notice it is acknowledged that it was agreed between parties that it is not possible for two vehicles to pass on the single track and that vehicles may need to reverse long distances (up to 70m). Manual for Streets para 6.7.2 sets out that fire tenders should not have to reverse more than 20m, I note that this may not always be the case. I cannot see if the fire authority has been consulted but I have had initial high level discussions with Mick Stratford (fire protection, fire and rescue service) who has confirmed that 20m is the ideal maximum and its not ideal to be reversing along a single track lane to allow other vehicles to manoeuvre in a response situation.

On this basis, the HCC recommendation for refusal is upheld. '

4.3.7 I am satisfied that this thorough review of the information provided and the continued highway concerns expressed are sound grounds upon which a recommendation of refusal should continue to be based. I do not consider that the reduction in the number of dwellings at this site materially or significantly changes the situation in so far as highway advice is concerned and that these concerns are rightly given significant weight.

4.3.8 Whilst this is an outline application the submitted details acknowledge a provision of 32 parking spaces which exceeds the minimum set out in the SPD for a scheme of nine units. As garages form part of the provision and assuming a size of less than 7m by 3m internally, an additional 7 spaces would be required (0.75 x 9 units). For a scheme of nine units (including garages) therefore parking provision of 9 X 2 plus 7 additional spaces would be required. This equates to 25 spaces. Accordingly, the presented indicative scheme would adequately provide for its parking needs. As this is an outline proposal with layout reserved this matter would however still need to be considered in any subsequent submission of reserved matters.

4.4 **Conclusion**

4.4.1 In the light of the appeal decision it is acknowledged that Ashwell is a large village which boasts a wide range of services and facilities including reasonable access to a mainline station. It is not in the Green Belt and the Council is presently unable to demonstrate a five year supply of housing land or an up-to date local plan. However, the Inspectors reasoning relating to up to 14 new dwellings accessed off of the Lane must carry forward for 9 dwellings now proposed and in my view this harm is still severe as evidenced by the Highway Authority in initial response to this application and the subsequent review of the response requested by the applicant.

- 4.4.2 In the circumstances described above the Framework cautions that there must be **demonstrable** and **significant** reasons to refuse planning permission. In this case substantive and locally severe highway concerns still remain. Green Lane would fail to provide a safe and suitable means of access for all people including those with physical disabilities and special needs and in this regard I disagree with the applicant's unfortunate assertion that this group should not be considered:

“It seems especially unlikely that this would include an elderly or disabled person given the low number of properties accessed by the lane. The lane is sufficiently wide for most normal able bodied people to step to one side on the grass verge should the worst case scenario arise.”

That the Inspector concluded that there would not be significant harm to the character of the locality such as to warrant refusal on this issue by itself (Policy 6) is noted. However, development on this greenfield site would undoubtedly occasion some environmental harm. This harm, when weighed in the planning balance with the significant and locally severe harm associated with the access along the narrow Green Lane, clearly amounts to the significance required by the Framework such that would offset the acknowledged benefits such a scheme would deliver. Accordingly, I would strongly recommend that permission be refused for the reasons set out below and the views of Highway Authority and the appeal Inspector be upheld.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That permission be **REFUSED** for the following reasons:
1. The proposed access along Green Lane serving the development is considered inadequate by reason of the width and excessive distance to the dwellings for two-way traffic to serve the proposed development. The development if permitted would therefore be to the detriment of public and highway safety. This would be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework and not in accordance with Roads in Hertfordshire: Highway Design Guide. This harm would be locally severe and taken with other harm, be considered to significantly and demonstrably outweigh any benefits of granting permission.
 2. The swept path analysis shown on Vision Transport Planning drawing number 15001-02 does not demonstrate that large vehicles for example, delivery and waste collection vehicles serving the development can simultaneously with other highway users safely access and egress along Green Lane. This would give rise to conditions detrimental to vehicular and pedestrian safety and as such would result in an unsatisfactory form of development. The development if permitted would be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework, Manual for Streets and not in accordance with Roads in Hertfordshire: Highway Design Guide. This harm would be locally severe and taken with other harm, be considered to significantly and demonstrably outweigh any benefits of granting permission.

3. The introduction of development of the scale and nature proposed, on a green field site, would have a urbanising effect at the edge of the settlement, at odds with the established low density character of the locality. Accordingly, such development would fail to maintain the character of the wider countryside or the village of Ashwell contrary to the provisions of Policy 6 of the North Hertfordshire District Local plan No 2 with Alterations, Policy SP5 of emerging North Hertfordshire District Local Plan 2011-2031 and the aims of the National Planning Policy Framework as it relates to safeguarding and sustaining the intrinsic beauty of the countryside (paragraph 17).

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.