

ITEM NO: 4	<u>Location:</u>	Land rear of 39-59 Station Road, Ashwell
	<u>Applicant:</u>	Mr Gibbard Tingdene Developments Ltd.
	<u>Proposal:</u>	Outline Planning Application (all matters reserved, except for access) residential development comprising of 14 dwelling with associated access off Green Lane (as amended by plan 130425- 06 received 5.6.15).
	<u>Ref.No:</u>	15/00691/ 1
	<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period : 26 June 2015

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 This application was withdrawn.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with a multi use games area (MUGA) and access arrangements off of Station Road and Green Lane (14/0141/1) was also withdrawn.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application for 17 dwellings (14/02611/1) accessed by vehicles only off of Green Lane was submitted and yet again withdrawn in light of objections from both the Highway and Planning authorities.

2.0 Policies

- 2.1 Rural Areas beyond the Green Belt
North Hertfordshire District Local Plan No.2 with Alterations
- Policy 6 - Rural Areas beyond the Green Belt***
In Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages, and their character. Except in Selected Villages (Policy 7), a development proposal will normally be allowed only if:
- (i) it is strictly necessary for the needs of agriculture, forestry or any proven need for local community services, provided that:***
- (a) the need cannot practicably be met within a town, excluded village or selected village, and***
- (b) the proposal positively improves the rural environment; or***
- (ii) it would meet an identified rural housing need, in compliance with Policy 29;***
- or***
- (iii) it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or***
- (iv) it involves a change to the rural economy in terms of Policy 24 or Policy 25.***
- 2.2 District Local Plan No 2 with Alterations Policy 51 – Development Effects and Planning Gain
- 2.3 District Local Plan No 2 with Alterations Policy 55 (SPD Parking) – Car Parking Standards
- 2.4 District Local Plan No 2 with Alterations Policy 57 – Residential Guidelines and

Standards

2.5 **North Hertfordshire District Local Plan No.2 with Alterations**

SPD : Planning Obligations, Design and Vehicle Parking at New Development

2.6 **NPPF** Generally and specifically **6** Delivering a Wide Choice of Quality Homes. **7** Design. **11**. Conserving and enhancing the natural environment

3.0 Representations

3.1 **Ashwell Parish Council** - Objects (see appendix A)

3.2 **Hertfordshire Highways** - Has objected 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: 39,46,48,50,52,54 **Station Road**; 1,3 5, 7 and 8 **Green Lane**; 59 **High Street**; and 36 and 38 **Lucas Lane** and **Baldwins Corner** have objected for the following reasons:

- outside of village envelope
- adjacent to Conservation Area
- too dense for edge of settlement
- affordable housing not justified
- traffic safety
- traffic problems associated with MUGA / not needed
- Green Lane / Station Road junction dangerous
- village services will not cope
- Green Lane not wide enough
- adverse impact on existing amenity
- unsustainable

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

3.5 **Archaeology** - No objection subject to conditions (previous application)

3.6 **HCC (Planning Obligations)** - Have requested funds towards primary education in the village amounting to **£44,704** and fire hydrants.

3.7 **Environment Agency** - No objection subject to adequate assessment of flood risk by the developer (refer to good practice guidance).

3.8 **CPRE** - urges the Authority to maintain its previous objection.

3.9 **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.

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.

4.2 Proposal

4.2.1 The application is outline (all matters reserved, except for access) and proposes 14 dwelling houses with associated access off Green Lane and pedestrian/cycle access via Station Road. The scheme would include 4 units of affordable housing. While the proposal is outline, with layout reserved, the illustrative scheme shows 4 detached, 4 semi-detached and two link detached properties (6 x four bed, 6 x three bed and 2 x two bed). The illustrative scheme is based on the provision of 34 car parking spaces (including garages).

4.3 Key Issues

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

- Principle of Development
- Design
- Highways and Access
- Planning Obligations

Principle of Development

4.3.2 The starting point for a determination in this case must be the Local Plan. The site is just outside the selected village boundary (Policy 7) and lies within the rural area beyond the Green Belt (Policy 6). Despite the age of the Plan, Policy 6 is still regarded as being relevant and in some part compliant with the NPPF. In a recent appeal decision for a new dwelling at Gannock Thatch, Sandon, a site outside of the selected village boundary, the Inspector commented as follows:

"5. LP Policy 6 is broadly consistent with a core principle of the National Planning Policy Framework (the Framework), which is to recognise the intrinsic character and beauty of the countryside. It does, however, differ to national guidance, which seeks to ensure that housing is located where it will enhance or maintain the vitality of rural communities. There is no compelling evidence before me to show that the addition of a dwelling at this location would do so by, for example, making a significant contribution to sustaining existing services or by supporting new facilities.

6. A proposal could add to the vitality of rural communities and not fall within the categories of development specified in LP Policy 6. As such, there might be some tension between national guidance and this policy. Nevertheless, the inclusion of the word 'normally does allow for some flexibility in the application of the policy and its main thrust is not inconsistent with the Framework. Therefore, I attach considerable weight to LP Policy 6 in this appeal.'

The important point to note following this decision is that the Inspector found Policy 6 relevant in protecting the countryside from development which may otherwise be injurious to the character of the rural area. In this regard he found it compliant with the NPPF in recognising the 'intrinsic beauty of the Countryside' (para 17). The Policy is not however as well equipped to guide on other questions relating to travel, access to services (sustainability) and housing supply. In this regard, reference must be made directly to the NPPF and the status of the Council's emerging Local Plan, specifically the issue of housing land supply.

4.3.4 Turning now to what the NPPF says about development which may appear contrary to the development plan, paragraph 14 of the NPPF reads as follows for decision making:

- **approving development proposals that accord with the development plan without delay; and**
- **where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:**
 - **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
 - **specific policies in this Framework indicate development should be restricted.**

As noted above, Policy 6 does not offer a steer on matters such as 5 year housing land supply or indeed the matter of non-car access to essential services in determining planning applications. However, recent appeal decisions have helped to clarify and interpret the NPPF in the District in this regard. The 3 complimentary measures of sustainability are set out in the NPPF as the **economic**, **social** and the **environmental**, all of which should be given equal consideration. In terms of the social and environmental aspects of new development, the need to access everyday services without significant reliance on private transport is a prime consideration. Ashwell is a selected settlement and is likely to retain this status in the emerging plan. It has a primary school and a wide range of services and it will continue to be a focus for some development in the emerging plan as one of the District's larger villages. In the circumstances, the fact that the application site is outside of the Selected Village boundary as described by Policy 7, is not of itself determinative and the consideration of this application must look beyond the notional policy boundary of the village and balance the positive aspects of the proposal, in terms of the sites convenient proximity to a large well serviced settlement and the reality of a sub 5 year housing land supply, with any other harm which may be identified.

- 4.3.5 In my view, the status of the adopted plan and lack of a 5 year supply of housing land, allied with the sites convenient location and the offer of 29% affordable housing, weigh in favour of this scheme when judged against both the **social** and **economic** parameters set out in the Framework. Paragraph 14 is clear in these circumstances, that permission should only be refused if the adverse impacts of doing so would **significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted**. The 'golden thread' running through the NPPF is clearly sustainable development as defined by the metrics of social, environmental and economic improvement. Both harm and benefit therefore must, in NPPF terms, be weighed in the scales using these measures. As set out above, the social and economic benefits of approval are reasonably clear. Determination then, centres on whether there may be any counterbalancing social, economic or environmental factors which are so demonstrably and significantly harmful as to outweigh the advantages of supporting this scheme.
- 4.3.6 Residents and the Parish Council have consistently outlined a wide spectrum of concerns in relation to development on this site, ranging from the prospect of affordable housing to the ability of existing services in the village to cope with the increased number of residents. Prime among these concerns is the inadequate nature of the access from Green Lane and the impact of housing on what is a greenfield site off of what is currently a low density part of the settlement. The access concern is certainly shared by the Highway Authority and discussed below. The County Council has not raised any concerns about lack of school capacity (indeed it is looking for a contribution toward provision - see 3.6 above) and I have no evidence to suggest that the village surgery could not accommodate the modest uplift in patient registrations which would result from a scheme of this size (cumulative or otherwise). Considering all of these issues in the round, I am of the view that two of these expressed concerns, relating to access arrangements and

the impact of development on the character of the settlement, do have the potential to amount to the significance required by the Framework to warrant a refusal of planning permission when weighed in the balance against the acknowledged benefits.

- 4.3.7 As noted, the highway issues will be discussed below. The other matter of significance identified is the impact this scheme would have on the character of the village, located as it is on an undeveloped and large swathe of open agricultural land. A previous application for development on this site comprising 17 units (14/00141/1 - withdrawn) described that proposal as giving the village a '**hard urban edge**'. While this comment was omitted from the documents supporting this application, paragraph 1.3 of the DAS which accompanied the last withdrawn submission (14/02611/1) characterised the proposed development of 17 units on this site thus:

"The proposed development was designed having regard to the existing site context and the fact that it is surrounded on three sides by a combination of existing and consented developments. In this regard, it is considered that the southern-most portion of Ashbridge Farm would provide for the consolidation of the urban [my underlining] settlement of Ashwell at the northern end of the village. "

In short, there would appear to be a recognition by the applicant's consultant in a number of the previous applications that development on this site would have an urbanising effect. I broadly agree with this prognosis as do the Parish Council and a number of those residents making representations. What I continue to disagree with however is the characterisation of the area as urban at present. In my view it is anything but. Other than perhaps the former Maltings building, the character of this part of the village is unquestionably rural, albeit unremarkable. In submitting this application for 14 units and omitting the games area (MUGA) it has perhaps been acknowledged by the applicant that the introduction of up to 17 dwellings, on what is currently an arable field beyond the current built form of the settlement, would have an urbanising effect. The question now to be addressed is whether reducing the number to 14 and omitting the MUGA makes any material difference such as would remedy what all parties might have previously characterised as 'urbanising' development (17 units).

- 4.3.8 The applicant's consultant now offers the following characterisation by reference to an approved scheme on the former commercial premises further down Station Road:

"The proposed development represents a density of development which is consistent with the character of this area of Ashwell. The scheme will consolidate the existing settlement and the proposed layout reflects and complements existing residential properties along Station Road, as well as those included in the recently approved scheme for the adjacent site to the east (Planning Ref: 12/02079/1)."

As the application acknowledges, this is a greenfield site. Its comparison with an established commercial site further down Station Road, for which planning permission was granted for housing, is not a reasonable one in my view. The re-development of a former commercial premises and the consequent removal of associated buildings and activity is quite different to the '*consolidation*' which would be occasioned by building houses on a former greenfield site. Further, the argument that development is acceptable just because its density is similar to its surroundings is not a coherent one. Again, I find myself agreeing with the applicant's agents previous analysis. Whether it be 17 or 14 units, a housing scheme on a greenfield site such as this would represent a consolidation and it is precisely this consolidation which would be harmful in this location and give rise to what applicant's agent has previously forecast as a 'hard urban edge' - an

outcome which I might suggest would be clearly harmful to the character of the village in this location. The question is rather more whether this harm would be so significant as to outweigh any benefits the scheme may bring.

- 4.3.9 The submitted Planning Statement appears to argue that the affordable housing element might qualify this as an 'exception' site as defined by the NPPF. I have challenged this interpretation. Paragraph 54 of the NPPF reads as follows:

"In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs."

It is important to note the emphasis in this statement on the word 'significant'. In my view this allows for the provision of "**significant additional affordable housing**" on the back of "**some market housing**". In this case the equation is reversed and the significant element of the scheme is market housing with some affordable housing. Accordingly, this is not an exception site in my view and paragraph 54 is of little direct relevance.

Highways and Access

- 4.3.10 The Highway Authority (HA) has objected principally on the grounds that Green Lane is unsuited for two-way traffic, a concern reinforced by local residents. 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.
- 4.3.11 The scheme does provide for 32 parking spaces which exceeds the 2 spaces for unit minimum set out in the SPD for a scheme of 14 units. However, as garages form part of the provision and assuming a size of less than 7m by 3m internally, an additional 11 spaces would be required (0.75 x 14 units). For a scheme of 14 units (including garages) therefore parking provision of 14 X 2 plus 11 additional spaces would be required. This equates to 39 spaces. The scheme as presented could accommodate some on road parking but it is not clear how much. Accordingly, the presented indicative scheme does not adequately provide for its parking needs. As this is an outline proposal with layout reserved this matter would need to be addressed in any subsequent submission of reserved matters.

Planning Obligations

- 4.3.12 The applicant has submitted a 'Heads of Terms' (HoT) which sets out the items which may be delivered by a legal agreement under section 106 of the act. The offered terms are as follows :
- Up to 4 RSL controlled affordable housing units
 - Community centre/ halls provision as required by the SPD subject to justification.
 - Open space, sport, recreation as required and justified by the SPD.
 - Waste collection as per SPD
 - County matters as justified by HCC (see 3.6 above).

The relevant providers have been consulted and no contributions have been identified. The scheme is below the threshold for affordable housing as set out in the local plan (20 units) however the applicant has offered up to 4 units unilaterally and the Council's housing liaison officer has suggested a mix as follows:

- 2 x 2 bed houses for rent; and
- 2 x 3 bed houses for sale on a shared ownership lease.

In summary a 106 is required to secure the 4 units of affordable housing and the county contributions. There is no draft 106 on the table at present but should Members be minded to resolve in favour of granting permission, contrary to the recommendation set out below, officers would work with the applicant to produce an agreement acceptable to the necessary parties. If Members are minded to support the recommendation, the absence of a 106 agreement would necessarily be one of the reasons for refusal as set out below.

4.4 Conclusion

4.4.1 There are undoubted benefits in supporting development on this site and these must be acknowledged. 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. The arguments for approving up to 14 new dwellings must undoubtedly carry weight in these circumstances. Furthermore, the proposal before the Authority offers up to 29% affordable housing for which there is also an unmet need in the village and throughout the District. In combination these aspects of the proposal represent clear **social** and **economic** benefits.

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 there are two substantive concerns. The first relates to the narrowness of Green Lane for access and egress and the second to the overall environmental impact of such a scheme on the character of the settlement and the surrounding countryside, on what is presently a green field site. In my view these are significant **environmental** concerns which, in sum, amount to the significance required by the Framework to offset the acknowledged benefits such a scheme would deliver. Accordingly, I would recommend that permission be refused.

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

1. The proposed access from Green Lane serving this site is inadequate by reason of its width and the excessive distance over which two-way traffic would need to travel in order 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.
2. The swept path analysis shown on Motion drawing number 130425-TK10 does not demonstrate that large vehicles for example, delivery and waste collection vehicles serving the development can safely access and egress along the site access road, Green Lane and at the junction with Station Road. 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.
3. The introduction of development of the scale and nature proposed, on a green field site, would have a significant 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 District Local plan No 2 with alterations and the aims of the National Planning Policy Framework as it relates to safeguarding and sustaining the intrinsic beauty of the countryside..
4. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a completed Unilateral Undertaking or Section 106 Obligation) securing the provision of the necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006). The secure delivery of these obligations is required to mitigate the impact of the development in accordance with the adopted SPD and Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations.

5. **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.