

<b>ITEM NO:</b> 6.2	<u>Location:</u>	<b>Sunnymead Farm, Station Road, Ashwell, SG7 5RN</b>
	<u>Applicant:</u>	<b>D Barker</b>
	<u>Proposal:</u>	<b>Erection of 14 detached eco dwellings (outline: all matters reserved) on former Poultry farm site.</b>
	<u>Ref.No:</u>	<b>08/00240/ 1</b>
	<u>Officer:</u>	<b>Richard Tiffin</b>

**Date of expiry of statutory period :** 29 April 2008

**Date of expiry of statutory period :** 29th April 2008. Reason for presentation to Committee – Site area.

### **1.0 Relevant History**

- 1.1 In 1988 permission was granted for the siting of a mobile home for an agricultural worker to serve the then operational poultry farm. In the same year an outline application was made to erect an agricultural workers bungalow. This was refused. Applications were submitted and approved in 1991 and 1997 for the continued siting of a mobile home for a specialist worker to serve the poultry business. The 1997 permission for the mobile home expired in 2002.
- 1.2 In 2003 a retrospective application to use the site for the storage of motor vehicles was refused.
- 1.3 A similar application to that now being considered was submitted but not proceeded with (returned to applicant) due to a lack of supporting information in 2007.

### **2.0 Policies**

#### **Local Policy**

- 2.1 North Hertfordshire District Local Plan No 2 with Alterations, Policy 6 – Rural areas beyond the Green Belt
  - 2.2 North Hertfordshire District Local Plan No 2 with Alterations, Policy 25 – Re Use of Rural Buildings
  - 2.3 SPD – Planning Obligations
- #### **National Policy**
- 2.4 PPS 1 Delivering Sustainable Development
  - 2.5 PPS 1 (supplement) Planning and Climate Change
  - 2.6 PPS 3 Housing
  - 2.7 PPS 7 Sustainable Development in Rural Areas.
  - 2.8 PPG 13 Transport

### **3.0 Representations**

- 3.1 **Ashwell Parish Council** – Offered the view that there was no objection in principle but that the PC recommended refusal on the grounds that detailed concerns were not adequately addressed by the outline application.
- 3.2 **Herts Highways** – While the application has been submitted in outline, with all matters reserved including access, the only obvious entrance to the site would be from Station Road. Accordingly, the views of the Highway Authority (HA) were sought. These indicate that the HA would want comprehensive details of access and internal roadway arrangements to allow proper consideration.
- 3.3 **Environment Agency** – The EA objects on the grounds that the applicant has failed to provide assurances that the pollution risks are fully understood and that the scheme has been submitted without a flood risk assessment.
- 3.4 **Environmental Health** – Recommends a condition requiring a full appraisal and remediation of any contamination on the site prior to any residential or associated development commencing.
- 3.5 **Herts Biological Records** – Has recommended 2 conditions. One requiring a study of barn owl presence on the site and the other prohibiting site clearance between 1<sup>st</sup> March and 30<sup>th</sup> August in order to protect breeding birds.

#### **3.6 Herts County Council**

##### **Planning Obligations Manager**

Has confirmed contributions set out in the Councils SPD as follows:

Primary education £38,430  
Secondary education £44,856  
Libraries £2884  
Youth £826  
Childcare £2324

Fire hydrant provision should also be sought via standard wording in 106 agreement.

##### **County Development Unit**

Has recommended conditions aimed at minimising waste and maximising the use of re-cycled materials.

- 3.7 **Local residents** – The occupier of 'Adelante', Station Road has written in full support of the proposal. The occupiers of 4 and 8 Orchard View and 21 Sunnymead Orchard have made representations highlighting the following concerns and objections:

- Too many homes.
- Proximity of landscaping to the Park Home Site (too close and would cause shading)
- Proximity of houses to Park Home Site (overshadowing /loss of privacy).
- Increased noise and traffic
- Increased vehicular activity would be a danger to Station Road.
- Proximity of the sewage works to Park Home Site
- Number of children and animals would be increase dramatically
- Car parking at the boundary of the site
- Gravel roads would be noisy

- Communal areas would introduce more noise.
- Would prefer less homes and bungalows.

The occupiers of 4 and 21 expressed support for the principle of residential development subject to some the above concerns being taken into account, specifically in relation to cross boundary noise and dominance of proposed dwellings.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The application site is situated directly adjacent to the eastern and southern boundaries of the Sunnymead Park Home site and behind houses fronting Station Road, outside of the village of Ashwell. Ashwell Station is 1 mile to the south east of the site.
- 4.1.2 A track / bridleway runs immediately to the east of the site after which the ground rises across open fields.
- 4.1.3 The site itself is a 'T' shaped area of land tucked in behind the The Park Home site and properties fronting Station Road. At just over 1 Ha, the former poultry farm is occupied by a number of large purpose built poultry units surrounded by concrete hardstanding. An unoccupied mobile home is sited near the existing entrance, just south of the access to the Park Home site. The site has been derelict for some time and has an untidy appearance with vegetation growing through gaps in the extensive concrete service areas.

### **4.2 Proposal**

- 4.2.1 The application seeks outline planning permission for 14 detached 'eco' homes. While all matters are reserved, the applicant has provided an indicative layout and dwelling design details.
- 4.2.2 The layout shows a scheme of detached properties around a 'green' with landscaping around the periphery of the site, two ponds and a communal allotment area to the south-east. The applicant describes the layout as follows in the Design and Access Statement (DAS):

***“The layout will be dominated by natural vegetation, orchard, allotments etc. Thus the houses can be informally positioned around gravel drives and orientated so as to optimise the potential for collecting solar energy. Limited covered parking is provided at the entrance area and cars will only be allowed to enter the site to drop off. This allows the layout to be very informal. Vehicles and pedestrians will use the same spaces. It will provide a rural environment that is unique to the district. The ‘suburban’ elements that blight many villages such as harsh street lighting, concrete kerbs and pavements will be avoided. Soft green landscape will dominate.”***

- 4.2.3 While the appearance of the proposed dwellings is a reserved matter the 'eco' credentials of the buildings lies at the heart of the applicants case. In this regard the applicant has provided an overview of the building specification and while he has not identified the dwellings with any specific or recognised code (ie Code for Sustainable Homes or Eco Homes) he has detailed a number of environmental features. I have summarised the proposed building specification below:

**Thermal Performance.** High insulation values using recycled products such as 'Warmcell' and high performance glazing. The glazing and open plan design optimised to facilitate high utilisation of passive solar energy.

**Space Heating.** Specification of air or ground source heat pumps to heat space in extended periods of low external temperatures.

**Ventilation.** Mechanically assisted and natural ventilation systems to avoid energy inefficient cooling.

**Cold Water Supplies.** Mains water supply with backup fill for secondary and grey water storage systems which will be used for garden irrigation.

**Domestic Hot Water.** Primary source of roof mounted solar heating providing up to 60% of household hot water needs supported at other times by ground source heating (GSH).

**Electric Power.** Metered National Grid supply.

**Rain Water.** All vehicular surfaces will be permeable and thus allow surface water to drain naturally. Roof run-off to be collected to underground storage and used to supplement grey water top up and garden irrigation.

**Waste Water (Grey).** Water from baths and showers etc collected and treated to be used for flushing toilets etc. Primary top up from rain water cistern and secondary top up from mains.

**Waste Water (Foul or Black)** . Passed through separating tanks and then fluid portion to be routed to vertical flow reed-bed soakaway pond in north west corner of the site. Remaining solids to be broken down and stored safely until capable of using as an inert compost.

**Solid Waste (domestic rubbish).** To be disposed of normally by residents through the Local Authority.

**Utility Services (summary).** In light of the above the requirements for utility services will be limited as below:

Water- drinking water and top up of grey water system in periods of low rainfall

Sewage – no mains connection needed.

Gas – no mains connection available but some limited use of bottles may be necessary

Electricity – normal supplies contracting with a supplier with an appropriate environmental policy.

Telecom – High speed ADSL (Broadband) to each property.

### **Carbon Balancing**

4.2.4 The applicant accepts that ‘top-ups’ to the sustainable services detailed above would be necessary from external sources such as the mains electricity supply. To offset these and bring the dwellings back toward a carbon neutral position, the applicant has carried out calculations (SAP 2005) which, he asserts, better the **Target Emission Rating** (TER) of 21.6 kg/yr/m<sup>2</sup> set by the Government for houses of this size to 5.8kg/yr/m<sup>2</sup> in the proposed dwellings - a 73% improvement over the stated TER. He further suggests that this carbon deficit may be reduced yet further by the prudent selection of household equipment. Any residual carbon debt may then, it is suggested, be offset by on-site tree planting or commuted sums to external carbon schemes through the section 106 mechanism.

### **4.3 Key Issues**

4.3.1 This application poses some interesting planning questions in seeking to take advantage of the promoted status of sustainable development in the Governments new planning agenda - a status trumpeted in key and relevant national planning

documents such as PPS 1, 3 and 7. As an outline application, this submission begs questions of principle and, quite rightly in my view, seeks to test the Authority's interpretation of the Government's well advertised sustainable development agenda.

- 4.3.2 As I suggest above, this application is not so much about issues of detail rather it demands an interpretation of both established and emerging national planning guidance. Accordingly, I will direct much of the following discussion to the establishment of such an interpretation and any consequent conclusions. Notwithstanding this, the matters of detail raised by local residents, the Parish Council and other consultees must also be considered.

### **Policy and Principle**

- 4.3.3 Policy 25 of the District Local Plan deals with the re-use of rural buildings and as such is of little direct relevance to an application seeking to secure the removal of existing structures. It is included in the policy list above because of its relevance to the associated discussion of alternative uses for the existing redundant buildings - a discussion which needs to be explored in the round. Accordingly, the starting point for any consideration of this application must be the 'saved' rural restraint Policy 6 of the District Local Plan. This reads as follows:

***In Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages and, and their character. Except in Selected Villages (Policy7), 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.***

As a starting point, this policy would clearly appear to weigh heavily against any positive consideration of a scheme for 14 houses in the rural area beyond a selected village boundary, subject to the allowance for exceptional circumstances operated by the word '**normally**' in the policy. The applicant has highlighted this allowance for exception and argued that the location of the application site, juxtaposed as it is with an established residential community; the proximity of Ashwell village; a mainline station within 1 mile; the sites negative impact in terms of the local landscape and environment and the range of possible or lawful uses to which the buildings may be put, may counter the strong presumption against development to the point where a carefully considered scheme of highly sustainable dwellings ought to tip the balance in favour of allowing an exception to be made.

**Summary:** The applicants assertion (above) is not without merit in my view and perhaps allows the argument for the re-development of this site to be explored further as an out and out exception but only after due consideration in the light of the substantive body of national policy advice supervening Policy 6.

- 4.3.4 The Government's main guidance in respect of development in rural areas is set out in PPS 7. On the subject of housing, this guidance is unequivocal in relation to the replacement of buildings in the countryside:

***“The replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPG 3 [now PPS 3] and, where appropriate, paragraph 10 of this PPS”.***

(PPS 7, para 20)

Paragraph 10 reads as follows:

***“Isolated new houses in the countryside will require special justification for planning permission to be granted.”***

(PPS 7, para 10)

Paragraph 9 of PPS 7 underscores the clear presumption that new housing should be focused on established settlements:

***“In planning for housing in their rural areas, local planning authorities should apply the policies in PPG 3 [now PPS 3]. They should:***

***(ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.”***

(PPS 7, para 9)

PPS 3 (Housing) reinforces the presumption against housing development away from established settlements:

***“In support of its objective of creating mixed and sustainable communities the Government’s policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure.”***

(PPS 3, para 36)

- 4.3.5 The application site, while close to Ashwell and a mainline station, is outside an established settlement providing the range of accessible services and facilities cited in the above guidance. While it may be true that Ashwell is nearby, I consider that it is highly unlikely that the residents of the proposed community would access the services on offer in the village, or elsewhere, by means other than private vehicle. Indeed, the Council has won a number of recent appeal decisions in the vicinity (Wallington, Hinxworth and Sandon) where the respective Inspectors have consistently rejected proposals for new dwellings in rural areas which, by virtue of their location away from accessible service centres, would necessarily rely on private vehicles to service daily needs.

**Summary:** It may be true that the relative proximity of a mainline station 1 mile distant and a nearby large village, offering a range of services, may offset some car use. However, I consider it highly unlikely that a scheme of this scale would be substantially serviced by non-car trips. On the contrary, the use of private vehicles would, in my view, be the transport mode of choice for most inhabitants. This being the case there can be little or no support for this proposal when considered against the substantive content of central government guidance.

- 4.3.6 In light of the above conclusion, it remains to consider whether the package of circumstances advanced by the applicant in this case amount to the '**special justification**' mentioned in paragraph 10 of PPS 7 sufficient to allow the strong general presumption against development outside of established rural settlements to be set aside.

#### **The case for 'special justification'**

- 4.3.7 In the presence of any strong policy presumption against development, a decision to grant planning permission as an exception must be capable of robust defence as to do otherwise would be to encourage other applications for unsustainable, speculative residential development in the rural area. The applicant has advanced a number of factors which, he asserts, amount to the 'special justification' required. These are set out above at 4.3.3 and can be summarised as follows:

- The extensive and industrial nature of the former poultry unit and its negative impact on the local environment.
- The range of other possible uses (including use as a poultry farm without permission) and their consequent impacts on the environment.
- The proximity of Ashwell and a mainline Station.
- The site is adjacent to an established residential community
- The sustainability of the proposals in terms of a commitment to eco-design.

In my view these factors can be considered in the balance in deciding whether there is a case for setting aside the normal presumption against residential development in the rural area.

#### **The existing complex of poultry buildings and the former use.**

- 4.3.8 There can be little doubt that the existing complex of buildings has a significant and detrimental impact on the local area. Not only are the buildings large and unsightly, their state of semi-dereliction detracts further from the appearance and character of the surrounding area. Other than a growing population of rats, it is also questionable as to whether this extensive concreted 'agri-industrial' site offers much in the way of habitat. In an appeal decision relating to a proposal to replace purpose built poultry units in the nearby village of Barkway (2000), the presiding Inspector commented as follows:

***"It is clear that the buildings on this site are very specialist ones that were built a considerable while ago and have now largely served their useful life. If the buildings had further potential for beneficial use, they could be brought back into an intensive agricultural use without planning permission, but the evidence before me indicates that this is not likely to happen. Any other use or redevelopment on the site would require planning permission, and I am persuaded that the previous use of the site is an important material consideration to be weighed against the development plan policies seeking to restrict additional development outside a village. However, it seems to me that highways concerns raised in this particular case are also a major consideration in deciding whether or not a particular proposal would be acceptable on this site. "***

Many of the Barkway circumstances are directly comparable to this case. Moreover, it is my reading of the above that the Inspector considered the established existence of the Barkway poultry unit complex an 'important' material consideration to be weighed in favour of allowing an alternative form of development on the site. I agree with this general approach and consider that, in this similar case, it is a matter of assessing more precisely the weight attributable to the existing complex of buildings and the former use against that which is now being proposed.

4.3.9 In light of the above, I am of the view that, in principle at least, the existing buildings and previous use do allow the Authority to consider development which may otherwise be unacceptable in the rural area. However, the weight attributable to this consideration must be cautiously assessed and necessarily tempered by an appraisal of the harm caused by the existing site, both in terms of its visual impacts and its potential to generate inappropriate and perhaps unsustainable traffic movements in the future.

4.3.10 In terms of visual impacts the existing buildings and infrastructure undoubtedly represent an unsightly 'blot' on the landscape, built as they are to accommodate large quantities of intensively farmed birds. The austere factory appearance of the buildings is not helped by the extensive concrete servicing areas surrounding them. This said, the structures on site are purpose built and single storey in height and do not have an extensive visual impact. In terms of potential to cause harm by a return to a poultry use or an alternative use, the applicant's architect and planning consultant are circumspect about the sites future potential for active use :

***"The existing buildings are very specific to their function and cannot be altered to accommodate alternative uses. Any industrial use or storage use would, in any case, be inappropriate given the use of the adjacent residential sites."***

(Applicant's DAS)

***" The existing site is at present unused, and the former poultry buildings are falling into disrepair. Whilst it would appear unlikely that the site and buildings will be used once again for rearing poultry, that could be reinstated without any need for planning permission."***

(Applicant's supporting statement)

**Summary:** I concur with the applicants assessment of the sites future potential and this being the case I would suggest that it is only the visual appearance of the site and its consequent aesthetic and amenity impacts in the locality, rather than its potential to generate any new activity, which will weigh most significantly in the balance when considering the proposed 14 houses. This follows very much the pragmatic approach taken by the Barkway Inspector (4.3.8).

#### **Impact of the proposed use.**

4.3.11 Sustainable development can not be defined simply as the production of zero carbon homes, it also very much about locating development intelligently such as to minimise the inefficiencies associated with travel. As I note in 4.3.5 above, the application site is relatively close to Ashwell and a mainline station. However, it is not so close as to be fairly comparable with a scheme in the heart of the village or one in a town adjacent to a station and / or bus routes. Conversely, the site is not in the 'middle of nowhere' and the presence of the station and the village do, in my view, weigh slightly in its favour. This said, most of the trips to and from the site would, unquestionably in my view, be by private vehicle, trips to service the full range of domestic and business needs of the inhabitants. Accordingly, I would suggest that any carbon savings made by the clever application of sustainable design techniques would be significantly offset by the carbon footprint associated with travel patterns and the mode thereof. If a conservative car ownership ratio of two cars per dwelling is assumed, this would give rise to 28 new vehicles resident on the site. If daily vehicular activity and destination patterns were extrapolated, I would suggest that this would be significantly in excess of the patterns of travel associated with a working poultry unit, even if this were a likely re-use option.

4.3.12 Widening the debate still further, there is also the issue of social infrastructure capacity locally and social integration generally. A scheme of 14 new homes would be likely to place a significant load on local services such as the school and surgery in Ashwell regardless of any contributions paid through planning obligations. I have asked the County Council to comment on what I know to be capacity problems at the local primary school but as of yet I have had no response. Similarly, there may be issues with the surgery. If these essential services were not available to the residents this may generate yet further use of private vehicles into Royston, Baldock or the next nearest villages in South Cambridgeshire. In terms of social integration, I would also be concerned that a significant number of dwellings on this site would give rise to a 'community within a community' given the nature of the Home Park site and the relative distance to Ashwell.

**Summary:** The development of a scheme of 14 family homes on this site would give rise to a significant number of daily movements by private vehicle, to a range of destinations. Moreover, the scheme would be likely to exceed the capacity of the local social infrastructure to cope, forcing yet more trips by car to other service centres. Such vehicular use would undoubtedly and significantly exceed any agricultural or acceptable commercial re-use of the site.

4.3.13 Only four local residents have made representations to this proposal one of which fully supports the scheme. The other representations appear to be generally supportive of a much lower density approach, including the specification of bungalows to safeguard views and avoid over-dominance. If a single thread of concern can be identified in these representations it relates to the demographic composition of the Park Home site, as being mainly of retired and elderly people. Residents have expressed the view that families and younger people in the new development would create levels of noise and disturbance the consequences of which would be injurious to their current levels of amenity. I do not consider that the age or relative youth of prospective occupiers can be afforded much weight. Neither do I consider objections about loss of views significantly material. However, I do have some concern about social integration generally and the prospect that the sites would be poorly integrated, a concern heightened by the relative isolation of the proposed dwellings away from the village of Ashwell where such problems would invariably be less marked.

4.3.14 The application was not accompanied by a unilateral undertaking committing the applicant to the sums set out in the Council's adopted SPD for both County and District services and infrastructure. The absence of an undertaking would, in itself, justify the refusal of planning permission.

#### 4.4 **Conclusion**

4.4.1 I concur with views of the Barkway Inspector set out in 4.3.8 above in that I consider that the previous use of this site is an important material consideration in determining this planning application. The Sunnymead Farm site is a significant environmental impediment to existing residential amenity and the improvement of the local landscape generally, moreover it offers little in the way of natural habitat. This said, the site is unlikely to be lawfully brought back into any significant use, a prognosis confirmed by the applicants agents (see 4.3.10 above).

4.4.2 From a sustainability point of view, this is not an ideal site for dwellings as it would undoubtedly rely very heavily on the use of private vehicles for the range of services now deemed essential to a modern lifestyle. The applicant's attempt to specify the scheme and buildings as a self contained eco-community, complete with allotments and orchards, is admirable, if not entirely convincing. However, I still contend that such a development would operate much in the same way as any conventional small housing estate, albeit a more unusual one. Moreover, the development of 14 houses would be likely to stretch or exceed the capacity of local

services and relate poorly to its immediate neighbours and the village of Ashwell socially. The geographic proximity of a mainline Station and the village of Ashwell do offset some of this harm by offering local destination choices, unavailable to a more rural location, but this is marginal in my view. More convincing perhaps is the need to visually improve the site and protect the amenities of what is a sizeable and established residential community surrounding the site.

- 4.4.3 Allowing development in order to tidy a site is, as a matter of principle, a risky approach to adopt for a number sound planning reasons, significant amongst which is the precedent such a decision would establish. This said, there will be circumstances where a limited amount, of what would be otherwise inappropriate development, may be acceptable if, by allowing such, a tangible environmental benefit might accrue. This site is arguably exceptional in that it is only 1 mile from a mainline station, it sits within an established residential community and is reasonably close to a large village. It is unsightly and unquestionably a scar on the landscape locally and the nature and scale of the existing building undoubtedly militates against resolution without some form of development incentive. Conversely, it is not a polluting site and it is unlikely to be useful for any significant lawful traffic generating purpose in the future. These factors considered in the balance, I am unable to support a replacement scheme for what amounts to a small housing estate. Not because the applicant has failed to demonstrate the latest in cutting edge eco-house building design or that the layout lacks merit but because of the unrealistic expectation that the travel patterns and service and social needs of a community this large would in themselves be in any way sustainable. It is conceivable that a small number of carbon neutral dwellings, together with extensive habitat creation and site remediation, may allow a more positive view to be taken in the future but the case needs to be robustly made on the basis that what is being proposed is proportionate to the environmental harm occasioned by the scale of the existing development on the site.

## **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 development, by reason of the number of residential units proposed and their distance from established social infrastructure and essential services, would give rise to a significant number of trips by private vehicle. In the opinion of the Local Planning Authority (LPA) the likely level of travel by private vehicle and the sites relative social isolation, would significantly outweigh any benefits associated with the remediation of the site, the specification of low carbon buildings and a 'green' layout. Accordingly, the LPA does not consider that the case for special justification has been made and that consequently the proposed development is at variance with the advice set out in PPG 13, PPS 1, PPS 3 and PPS 7 and the general provisions of Policy 6 of the District Local Plan with Alterations.

2. The application makes no provision for the mitigation of the impact associated with the proposed development as required by the Council's adopted Supplementary Planning Document: Planning Obligations. This seeks contributions to support the local infrastructure, services or facilities arising from the development consistent with the advice on creating sustainable communities as set out in PPS 1: Delivering Sustainable Development.
3. The application is not accompanied by sufficient information such as to assure the Local Planning Authority and Environment Agency that the development poses no material threat to controlled waters contrary to the precautionary approach advocated by PPS 23 - Planning and Pollution Control.
4. The application is not accompanied by flood risk assessment (FRA) contrary to the requirements of PPS 25 - Development and Flood Risk.