

MUCH HADHAM PARISH COUNCIL

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Notice is hereby given that the meeting of the Much Hadham Parish Council **Planning Committee** will be held on **Tuesday, 3 March 2020**, in the **Green Tye Mission Hall**, following the closure of the Much Hadham Parish Council meeting, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

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Clerk of the Council

27 February 2020

A G E N D A

- 20/24. Apologies for absence
- 20/25. Declarations of Interest
- 20/26. Chair's announcements
- 20/27. Minutes of the last meeting held on 4 February 2020
- 20/28. Reports on outstanding matters
- 20/29. Kettle Green Lane Nature Reserve
- 20/30. East Herts Council Policies Map – village boundary extension
- 20/31. Decisions issued by East Herts Council:
 - (i) Permissions granted:
 - 3/19/2437/HH & 3/19/2438/LBC - Removal of fence; construction of brick wall to front of property to include repositioning of gate and a new brick column at Little Maltings Malting Lane Much Hadham
 - 3/19/2553/HH - Single storey side extension to include lantern skylight at Foxglove Barn Moor Place Park Much Hadham
 - 3/19/2583/HH - Extension to basement and erection of a side/rear extension (retrospective) at Hoppits Kettle Green Lane Much Hadham
 - (ii) Permission refused:
 - None
 - (iii) Application withdrawn:
 - None
- 20/32. Planning enforcement
- 20/33. Residents' comments on current planning applications and appeals

20/34. Planning appeals

To consider the Parish Council's response to the following planning appeal: None

To note the outcome of the following planning appeal:

3/19/0154/FUL - Change of use from agricultural land, to equestrian; erection of a stable block and a revised gate entrance at Warren Farm Green Tye Much Hadham:

Appeal dismissed

20/35. Current Planning Applications for Committee to consider:

3/19/2616/FUL - Siting a mobile home for a temporary period of 3 years for an agricultural workers dwelling at Land off Bromley Lane New Barns Much Hadham

3/20/0144/FUL - Demolition of all buildings; erection of 9 dwellings comprising 3 detached, 6 semi-detached served by a new access and 24 parking spaces at Land At South End Perry Green Much Hadham

3/20/0269/FUL - Erection of 4 two bedroomed dwellings, 2 three bedroomed dwellings and 2 four bedroomed dwellings with associated access, parking and landscaping at Land At Old Station Yard Millers View Much Hadham

20/36. Date of next meeting – Tuesday 7th April 2020 at Green Tye Mission Hall

20/29. KETTLE GREEN LANE NATURE RESERVE

The Chair highlighted that there were two matters to consider – enforcement of planning conditions and the sale of land.

Enforcement of planning conditions

The Clerk provided the response received from East Herts Council's Planning Enforcement Officer:

"I visited the site and saw the area in question, to the east of Moor Place Park, being a large rough grass meadow, with a pond and mown pathways. The matter has now been discussed.

It is considered that the spirit of the Condition has been implemented in that the area has been left as it remains today but that technically there is a breach of Condition in that it is apparent that trees have not been planted.

I will contact the landowner to encourage this issue however, I must stress that should they not carry out this request, giving due regard to the passage of time it is considered as not expedient for the Council to pursue."

Sale of land

The Chair highlighted that the landowner had offered to sell a segment of land to those properties behind Walnut Close through to the back of the Recreation Ground to enable those owners to extend their gardens. As the offer did not highlight that planning permission would be required to change the existing use of the land to residential garden, it was considered that this offer was misleading, especially given it is known that planning permission was likely to be refused.

Cllr B O'Neill also highlighted that a footpath across this land was supposed to have been created as part of the nature reserve.

Conclusion

Following discussion, it was agreed that the Clerk should draft a letter to the landowner stating that:

- attempts to sell the land on the basis of extending a garden when doing such requires planning permission that is unlikely to be given is misleading; and
- ask for trees to be planted and other features completed in line with the existing planning condition for a nature reserve.

20/30. EAST HERTS COUNCIL POLICIES MAP – VILLAGE BOUNDARY EXTENSION

The Chair stated that a discrepancy in the District Plan Policies map had been identified when considering the planning application at Millers View (agenda item 20/35) in that the village boundary had been moved. This change has been made without any form of consultation and when challenged, East Herts Council's Principal Planning Officer has stated the change was to align the map with the District Plan.

For the benefit of those present, the Chair outlined the process that had been taken for other villages where their boundaries had been changed, highlighting that such changes had been detailed in the "Schedule of Minor Changes".

Following discussion, it was agreed that the Clerk would write a letter to formally register the Parish Council's displeasure with this action, pointing out the lack of transparency on how this change had been approved, ask for its reversal and seek assurance that any future changes would be properly consulted on.

20/31. DECISIONS ISSUED BY EAST HERTS COUNCIL

(i) Permissions granted:

3/19/2437/HH & 3/19/2438/LBC - Removal of fence; construction of brick wall to front of property to include repositioning of gate and a new brick column at Little Maltings Malting Lane Much Hadham

3/19/2553/HH - Single storey side extension to include lantern skylight at Foxglove Barn Moor Place Park Much Hadham

3/19/2583/HH - Extension to basement and erection of a side/rear extension (retrospective) at Hoppits Kettle Green Lane Much Hadham

(ii) Permissions refused:

None.

(iii) Permissions withdrawn:

None.

20/32. PLANNING ENFORCEMENT

No items in addition to those reported as part of outstanding matters (Minute ref: 20/28) to be considered.

20/33. RESIDENTS' COMMENTS ON CURRENT PLANNING APPLICATIONS AND APPEALS

3/20/0144 - Demolition of all buildings and erection of 9 dwellings comprising at South End

A resident stated that an objection had been submitted for this application and outlined the main reasons as:

- substantial overdevelopment;
- out of character for the area – would change the appearance of country lane to suburban;
- current bungalows were built with temporary planning permission and, as no longer required by St Elizabeth's, there is no requirement to replace them;
- number of poplars would be lost;
- increase in traffic, together with an additional entrance/exit will increase traffic accidents;
- insufficient parking proposed on site which will result in visitors, including deliveries, parking on the country lane;
- no play facilities for children proposed on the site e.g. gardens are not substantial and there are no footpaths so local open spaces cannot be safely accessed;
- a local need for starter homes is not known of; and
- permission for this application could set a precedent for overdevelopment should there be any future development of the St Elizabeth's site.

The resident indicated they would have been supportive of improvements for this site if it had been linked to a need by St Elizabeth's. In addition, there would be no objection to the existing buildings being demolished and a smaller development.

These comments were supported by other residents present.

3/20/0269 - Erection of 8 dwellings At Old Station Yard Millers View

A resident asked that the Parish Council object to this application. There is still the possibility that the s52 agreement should be enforced. A number of bat surveys have been done but the site has had trees cut therefore there won't be a dark corridor for them. This is the 3rd application for this site which has moved a further 10 m into the woodland.

Village Boundary

Residents made the following comments in relation to the change in the village boundary:

- Mill Cottages have been outside the village boundary since 1893 and requested that the Parish Council object to this boundary change;
- any letter written by the Parish Council should be stronger in opposing the change, and requesting it is withdrawn, especially given the localism agenda; and
- suggestion made that it could be possible that East Herts Council were not within their rights to make this change.

Nature Reserve at Moor Place Park

A resident stated that this was supposed to be protected and if not addressed will destroy open grassland area. East Herts have let down the parish.

20/34. PLANNING APPEALS

The Parish Council's response to the following planning appeal: None

The outcome of the following planning appeal was noted:

3/19/0154/FUL - Change of use from agricultural land, to equestrian; erection of a stable block and a revised gate entrance at Warren Farm Green Tye Much Hadham:
Appeal dismissed

20/35. CURRENT PLANNING APPLICATIONS CONSIDERED

(i) Support given to the following application:

3/19/2616/FUL - Siting a mobile home for a temporary period of 3 years for an agricultural workers dwelling at Land off Bromley Lane New Barns Much Hadham

Vote: all Cllrs present voted to support this application.

(ii) Objections raised on the following application:

3/20/0144/FUL - Demolition of all buildings; erection of 9 dwellings comprising 3 detached, 6 semi-detached served by a new access and 24 parking spaces at Land At South End Perry Green Much Hadham

Objection on the basis that:

- by comparison to residential development elsewhere in South End (albeit some distance away) that is characterised by detached dwellings with surrounding gardens, this proposal represents an inappropriate intensification of density. The current residential units benefitted from having the facilities of St Elizabeth's available so a higher density was appropriate. Some of those units were not permanent accommodation, so amenity standards could be lower for them;
- there is insufficient provision in the proposal for outdoor play nor access to such open space for children who might live there, which is highly likely as the target market for 3- and 4-bed homes would include families. There should be fewer units on the site if dwellings are to reflect the character of local family housing; and
- sustainability credentials are harmed with a need to drive to access appropriate facilities (schools, shops etc).

Vote: all Cllrs present voted to object to this application.

3/20/0269/FUL - Erection of 4 two bedroomed dwellings, 2 three bedroomed dwellings and 2 four bedroomed dwellings with associated access, parking and landscaping at Land At Old Station Yard Millers View Much Hadham

The basis of the objection is detailed in Appendix B.

Vote: all Cllrs present voted to object to this application.

(iii) Neutral view on the following application:

None.

20/36. DATE OF NEXT MEETING

Tuesday, 7th April 2020, in the Much Hadham Village Hall, Green Room, following the close of the Much Hadham Parish Council meeting.

There being no further business the meeting closed at 9:10 pm

Much Hadham Parish Council's response to East Herts Council's Affordable Housing Supplementary Planning Document consultation

East Herts has published a draft Affordable Housing Supplementary Planning Document (SPD) for public consultation. A six-week period of consultation runs from 30 January - 27 February 2020.

The SPD will aid the effective implementation of the Council's strategic housing objectives and affordable housing policies in the East Herts District Plan 2018. It can be found here:

<https://www.eastherts.gov.uk/affordablehousingspd>

The SPD doesn't change the district plan policies but it does give guidance on how they will be implemented e.g. around pre-application discussions, design and layout, and alternative provisions in lieu of on-site affordable housing.

We are in the course of preparing a Neighbourhood Plan that includes (in its Pre-Submission form) an objective to encourage affordability. The Parish Plan of 2011 contained significant support for low cost housing to be provided. In the circumstances it is appropriate that we participate in the consultation and that the residents' wishes are not compromised by the SPD.

In this regard the following points arise.

The CCIN Housing Commission comments that "CLH (*Community Led Housing*) can provide a way for local people to achieve their aspirations for an area. It fosters accountability and ownership and this, in turn, is an aid to generating acceptance and support for development. The rationale that underpins community lead housing is clear: to encourage groups to come together to decide what housing goes where and to acquire a role in the ownership, stewardship or management of the homes. The objective is to encourage a sense of community, and to foster high satisfaction levels and low anti-social behaviour, benefiting not only the people involved in developing and managing the homes, but the wider community. The potential benefits go further: CLH can develop skills in the community in the construction and management of new homes, and provide jobs and training for local people involved in renovating empty properties. All forms of delivery are going to be needed if we are to meet the challenge of increasing housing supply, CLH can help meet the challenge, as well as helping achieve the right balance in housing supply. "*Community-Led Housing: A Key Role for Local Authorities 2017*]

The creation of affordable housing is particularly relevant to our parish, for the following reasons:

1. Community-led housing as a means of providing affordable housing

Affordability is an issue across the rural communities, with a lack of options for young people to live in the area where they were born. Ours is no exception. The District Plan includes this paragraph:

QUOTE

*14.6.7 Localism will have an increasingly important influence on the shape of smaller rural settlements and the balance of rural housing stock. Parish Councils will be encouraged to identify sites in Neighbourhood Plans suitable for **community-led affordable housing**, including rural exception affordable housing sites which meet the criteria set out in the policy below*

(HOU4 Rural Exception Affordable Housing Sites).

UNQUOTE

Despite the above clear guidance, Chapter 4 of the draft SPD, Securing Affordable Housing, makes no mention of community-led development as a source of affordable housing. Indeed, as a PC currently we are unable to discern what the policy of EHC is towards CLH and what is EHC's approach and requirements with regards to it.

If the SPD were to be adopted "as is", therefore there is a danger that EHC will refuse to support any CLH on the grounds that it has no policy for it. This would be contrary to other localism initiatives at national and district level, potentially with no justification required to be provided by EHC other than it is not part of the SPD! A previous consultation draft in Jan/Feb 2019 included reference to and support for CLH in its para 13.3. It is unclear why this has been dropped.

MHPC calls for the SPD to explicitly support and encourage community-led housing and to publish its policies, detailing its approach and requirements so that this can be understood by all concerned.

2. Who decides who goes into affordable housing?

In Para 4.3.1 - EHC seeks to reserve for itself 100% nomination rights for the initial lets of affordable housing and a minimum of 75% for relets. This, however, is inconsistent with the express purpose which community-led housing is intended to fulfil, viz. to provide affordable housing for people from the local community as a first priority. It is for that purpose that the community supported CLH in the context of a neighbourhood plan. In the circumstances EHC's reservation of nomination rights is neither justifiable nor acceptable.

MHPC requests that EHC give due regard to the principle of "localism" and the wishes of the community and relinquishes nomination rights to the community trust responsible for bringing forward development.

3. Prioritising local residents in determining eligibility for shared ownership

In Para 4.3.3 – in determining eligibility for shared ownership EHC seeks to impose its shared ownership local priorities cascade.

MHPC recommends that for shared ownership CLH properties, priority be given to people from the local community ahead of other eligible applicants.

For both tenures (affordable rent and shared ownership), it would help achieve "joined up" governance if the definitions for preferential eligibility could be agreed with EHC as part of the planning agreement. We invite EHC to enter discussions with MHPC to achieve this.

ENDS

Submitted by email to planningpolicy@eastherts.gov.uk 18th February 2020

3/20/0269/FUL | Erection of 4 two bedroomed dwellings, 2 three bedroomed dwellings and 2 four bedroomed dwellings with associated access, parking and landscaping | Land At Old Station Yard Millers View Much Hadham

Development Principles

This site is an extension to Millers View but it is accepted by the developer that it is in the rural area. In rejecting a previous appeal on the site (application 3/16/2321, also for 8 dwellings), the planning inspector commented that “Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.”

The most obvious development policies that this application does not comply with are:

GBR2 Rural Area Beyond the Green Belt – permits development in the countryside only for certain specific exceptions, none of which apply.

VILL1 Group 1 Villages – prior to a parish council preparing a NP, development in the village is limited to the built up area as defined on the Policies Map, which excludes this site.

There is a 5-year housing supply, the local development plan is current and its policies are in accordance with NPPF policies. For these reasons alone, the application should be rejected as not in accordance with strategic policies in the development plan.

However, we should consider the applicant’s implied claim that there are material considerations that outweigh the development plan. At the risk of oversimplifying, this boils down to the contribution it could make to the NP: as the site is said to be adjacent to the village boundary (although this is disputed), the 8 houses would avoid the need for a windfall allowance to be relied on to meet our minimum housing requirement; it also provides for 4no. bungalows as affordable housing in perpetuity, which is lacking in other NP sites and unlikely to come forward as windfall.

Bolstering the NP with poorly located housing is something that we have resisted all along. Dolan’s Field, Jolly Waggoners, Kettle Green Lane and others were all rejected for being in unsustainable locations. The offer of affordable housing and the potential contribution to the NP housing target do not address the inspector’s concerns about conflict with the development plan. The NP is still a work in progress, so little weight can be given to considerations around it.

Finally with respect to development principles, extending the housing development beyond the village boundary towards the countryside would erode the clean break that currently exists between them. The proposals are not appropriate when regard is had to the immediate grain of development. They also run the risk of facilitating development of the greenfield land between this site and Kettle Green Lane, which is currently (and incorrectly) being promoted for sale as suitable for development.

Landscape Considerations

This site was not included in the Pre-Submission NP consultation because of the significant adverse visual impact on the landscape character of the area arising from any housing development's siting, scale and form.

Application 3/16/2321 was rejected for its adverse impact on character and appearance. The Inspector for the appeal dismissed it in June 2018 and commented that the addition of dwellings would add to built development in the locality, which would erode the character of the edge of settlement location. This could not be mitigated through the use of conditions. There is no reason to depart from his judgement:

This proposal extends the development boundary 15m north of the earlier (refused) proposal, which means more of the woodland is lost. The Landscape Officer previously noted that while the site comprises secondary woodland, it still acts as buffer between the open countryside to the north, west and south. The associated loss of woodland would have an adverse impact on the landscape character of the locality and local area. Additionally, no robust evidence has been provided to demonstrate that there will be a measurable net gain to biodiversity.

The proposal is therefore contrary to policies DES2 ("Development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape") and DES3 ("Development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure that there is no net loss of such features.")

Other Considerations

1. This site is too remote from the facilities and services of the village. Distances using online mapping software and the shortest footpath route from this site's entrance are: 940m to the Londis shop/PO, 1,117m to Doctors' surgery, 1,281m to the primary school gate (and the Recreation Ground opposite) and 1,590m to the village hall entrance, all beyond the 800m comfortable walking distance cited in the Manual for Streets. The walk along Station Road to the nearest bus stop is 502m, although most of this distance has no pedestrian kerb and is poorly lit, posing obvious dangers. Indeed, this site proposal makes no provision for pedestrians, who will be forced to walk in the road along its entire length. The assertion in the D&A Statement at 2.5.2, that "a bus service provides frequent services to Herford (sic), Bishop's Stortford, Stevenage, Welwyn Garden City and Stanstead Airport" is incorrect. The services are low frequency and almost entirely absent at evenings and weekends.

2. The site is also at the highest point on the Windmill Way / Millers View / Station Road estate, rising 20m at an average gradient of 3.5% from the main road, which is uncomfortably steeper for longer than cited for cyclists in the Manual for Streets. Consequently, in practice, journeys to use local facilities and drop off / pick up children at the school would be made by car, exacerbating the existing parking issues along the B1004 through the village.
3. The proposed design appearance seems not to recognise the style of Millers View housing and includes flat roof extensions and minimalist detailing.
4. In granting permission for the development of the adjacent site (application 3/15/1952/FUL) at the Development Management Committee in February 2016, District Councillors were advised by Planning Officers that they would retain control over the future development of this second woodland site. Should an application be received to develop this site, so compromising its habitats and biodiversity and the ability of bats and roman snails to adapt to the development of the first site, then councillors could object to it at that time, they were advised. That time has arrived (again).

Decision to approve this submission made at the Much Hadham Parish Council Planning Committee meeting 3rd March 2020.