



EAST RIDING

OF YORKSHIRE COUNCIL

Consultation Response

To:- Development Management

Officer Ref:- Karen Abba

From:- Forward Planning

Officer Ref:- Owen Robinson

Date: 22 April 2015

Planning Application No: 14/03927/PLF

Site Address: Land South of Cherry Tree Lane, Hedon

Comments:

The proposal is a housing scheme in Hedon. The existing Development Plan for the application site comprises the saved policies of the Holderness District Wide Local Plan (HDWLP) 1999 and the saved policies of the Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire (JSP) 2005.

Relevant existing development plan policies

The site lies within the development limits shown on the proposals map for the HDWLP. The policies map also shows the site to be an Important Open Area Within a Settlement which is covered by Policy Env33. This states that the Council will seek to enhance and preserve these important areas. The proposal site is adjacent to a scheduled monument and is adjacent to the Hedon town centre conservation area. Policies Env24, Env25 and Env28 would therefore apply.

Policy SP1 of the JSP is of particular relevance for this application. It states that important features in and around settlements should be identified, protected and respect. It continues to state that special consideration should be given to valuable open areas within settlements.

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) confirms that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration and should be taken into account in the determination of this planning application.

Paragraphs 214 - 216 of the NPPF refer to the weighting to be attached by decision takers to existing and emerging policies. In particular, they identify that due weight should be given to relevant policies in existing development plans. Weight may also be given to policies in emerging plans (i.e. the emerging East Riding Local Plan) according to the stage of preparation of the plan, the extent of unresolved objections to relevant policies in the Plan and the degree of consistency between relevant policies and the NPPF.

The NPPF (paragraph 14) provides for a presumption in favour of sustainable development. For decision making this means that development proposals that accord with the development plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or specific policies within the NPPF indicate development should be restricted.

Of particular importance to this application, are paragraphs 100-103 of the NPPF which concern development and flood risk. The Framework requires the application of the Sequential Test to ensure developments are, wherever possible, steered to the areas of lowest risk. Where necessary, the application of the Exception Test should also be used to determine the wider sustainability benefits of the proposal and whether the development will be safe for its lifetime.

Paragraphs 131-135 of the NPPF set out the approach to determining planning applications that may affect conservation areas and heritage assets such as scheduled monuments. Principally, planning decisions should be based on an understanding of the significance of the asset and the level of harm development would cause.

Emerging Local Plan

The 'Proposed Submission Strategy Document and Proposed Submission Allocations Document/ Policies Maps' were published for public consultation in January 2014. The Documents, together with a schedule of proposed changes and all responses received to the consultation, were submitted to the Secretary of State on 29 April 2014. The Secretary of State appointed an independent Planning Inspector to hold a public examination into the Documents. The hearing part of the examination closed on 18 November 2014.

On 30 March 2015, the Council published two schedules of modifications for public consultation, one for the Strategy Document and one for the Allocations Document. Through the Examination several policies were identified where a Modification is required to address concerns identified by the Inspector or other representors, or to reflect recent changes to national planning policy. In addition, the proposed modifications include changes to the Plan to aid clarity and understanding or provide a factual update.

The Submission Strategy Document identifies Hedon as a Town. However, Policy S5 does not identify a specific housing requirement for the town other than to reflect the number of plots with permission at the baseline of the Plan. Paragraph 5.9 of the Strategy Document notes that there are significant challenges associated with flood risk and managing surface water in the town. It continues to state that significant engineering solutions would be required to overcome these challenges and that at this time, it is not known if these are deliverable and whether they could support development safely. As such no specific housing allocations have been identified for Hedon in the Allocations Document.

Other policies of principal relevance to this application are ENV2 (Important Landscape Areas), ENV3 (Valuing our heritage), ENV6 (Managing environmental hazards), H1 (Providing a mix of housing and meeting needs), H2 (Providing affordable housing) and H4 (Making the most efficient use of the land).

As a consequence of the approach taken in the Strategy Document, no sites in and around Hedon have been assessed for the purposes of the Allocations Document, though this site is given a reference of HED11.

The Strategy Document and Allocations Document can be given some weight as a material planning consideration in the determination of planning applications. The degree of weight given to these draft policies must be decided by the decision maker, giving due consideration to paragraph 216 of the NPPF.

In relation to paragraph 216, both the Strategy and Allocations Documents have been subject to significant public consultation and as both documents have now been Submitted for Examination and the hearing sessions have closed, Forward Planning would therefore advise that a degree of weight can be given to both document in terms of their stage of preparation.

In respect of Policy S3, which concerns the Settlement Network, some weight can be given to it for the purposes of this application due to the general level of support for Hedon as a Town. However, there have been objections to the approach taken in Policy S5 to housing development in Hedon. As such, more limited weight can be given to this policy in the decision making process.

Forward Planning would advise that both documents have been prepared following the publication of the NPPF and that they are considered to be consistent with the NPPF.

Emerging Policy Requirements

Flood risk and surface water management

The vast majority of Hedon, including the proposal site, is located within Flood Zone 3a as indicated on the Environment Agency's Flood Maps and the Council's Level 1 Strategic Flood Risk Assessment (SFRA). The NPPF and Policy ENV6 of the Strategy Document adopt a sequential approach to development, avoiding where possible, development in high risk areas. As noted above, there are additional elements related to surface water management in Hedon which have led the Council to its position on Policy S5 and no specific allocations being made in the town.

The town's susceptibility to surface water flooding arises from its low-lying topography and tide locking of the Burstwick Drain. The Council's Infrastructure Study, informed by the detailed Hedon Study 'Review of Existing Evidence of Flood Risk in Hedon', identified that there may be some feasible solutions, such as additional pumping capacity and on-site storage of run-off, available to reduce flood risk which could potentially facilitate future development in the town. However, the residual level of risk would remain high. Therefore, it does not consider it appropriate to propose further development allocations for the town until a more detailed hydraulic modelling study has been completed and the level of risk has been more quantitatively assessed. The Council is proceeding with the detailed hydraulic modelling for the Hedon and the Burstwick Drain catchment to develop a more detailed understanding of flood risk in the town. This will then determine the feasibility of producing a flood risk strategy for the town which may draw on a number of flood mitigation or alleviation measures. In respect to new development, sustainable drainage systems (SUDs) and surface run-off restrictions are not considered to be adequate / practical means of managing surface water.

In principle, the application is not supported by the Strategy Document.

The supporting text to Policy S5 notes that there may be certain circumstances where proposals may be acceptable as windfall developments in Hedon. The applicant will need to demonstrate that development can be delivered safely in accordance with Policy ENV6 and that drainage matters are adequately addressed. Forward Planning note the current objection from the Environment Agency and would advise that a response is sought from the Council's Flood and Coastal Erosion Risk Management Team.

If the applicant can demonstrate that the development can be made safe and surface water can be adequately addressed, the Sequential Test should then be applied. Forward Planning would advise that

the area of search for this proposal could be limited to the Town of Hedon. The Council acknowledged through the Local Plan examination that the level of 'Towns' provides a justifiable and sound 'cut off' point in which to support, in certain circumstances, development in areas of high flood risk. The Council's Level 1 Strategic Flood Risk Assessment (SFRA) sets out the different risks associated with flooding across the authority area. Small Map 22 of the Level 1 SFRA (Appendix A) confirms the site to be within Flood Zone 3a and within the 'Danger to Some' sub zone.

Housing Mix and Type

Policy H1 of the Strategy Document requires a mix of housing and policy A1 which specifically identifies a need for smaller properties in the sub area. The proposal is largely for 3-bed properties with some additional 4-bed properties, and therefore is inconsistent with policy provisions set out in the emerging Plan.

Although a proposed modification to policy H2 is being tabled (ref SM52), a development of this scale will still trigger the requirement for affordable housing (25% for this area). Forward Planning are encouraged to see that this requirement is being met.

The proposed net density of the scheme is well below the 30 dwellings per hectare set out as a guide in Policy H4. However, Forward Planning note that the site circumstances, other issues notwithstanding, may justify a lower density.

Landscape and heritage

Policy ENV2, part A2, states that development should protect and enhance important open spaces within settlements which contribute to their character. The application site makes a valuable contribution to the character of the area on the edge of the Conservation Area. It is specifically mentioned in the 2006 conservation area appraisal that "Wychcroft [the application site] is of particular significance as the only remaining open space affecting the setting of the Conservation Area." Indeed, the site is identified in the existing Holderness District Wide Local Plan as an 'Important open area within or adjacent to a settlement' as described in saved policy ENV33.

There are some unresolved objections to Policy ENV2, primarily in respect of the extent of Key Open Areas and Important Landscape Areas. However, there are no unresolved objections to part A2 (open spaces within settlements), which means that the policy can be given significant weight for the purposes of this proposal.

As noted above, the application site bounds a Scheduled Monument and the Hedon Conservation Area. Policy ENV3 of the Strategy Document states that the significance, views, setting, character, appearance and context of heritage assets should be preserved and enhanced, especially the key features that contribute to the East Riding's distinctive character. Specific mention is made to those elements which contribute to the special interest of Conservation Areas, including open spaces.

The views of the Conservation Officer and other parties with archaeological interests are essential in determining whether the proposal meets the requirements of the policy. There are no significant unresolved objections to Policy ENV3 so it can be given significant weight.

Housing land supply

The most recent study on the supply of housing sites in the East Riding (the 2014 Strategic Housing Land Availability Assessment (SHLAA)) identifies that as of April 2014, the Council had a 7.6 year supply of deliverable housing sites across the authority. The 5-year supply position includes those

allocations identified in the Proposed Submission Allocation Document, and does not include the application site.

Conclusion

Forward Planning do not, on balance, support the principle of residential development on this site at this point in time. This decision takes account of: (1) the approach taken in the emerging Local Plan to managing development in Hedon until further data and solutions are identified to address flood risk (as per Policy S5) or unless site specific solutions can be found, as set out above; (2) the types of properties proposed which does not reflect the needs of the area or provide a suitable housing mix (Policy H1 of the emerging Local Plan); (3) the fact that the site makes an important contribution to the character and appearance of the Town as set out in Policy ENV2 of the emerging Local Plan and policies Env33 of the HDWLP and SP1 of the JSP; and (4) the proposal is likely to be detrimental to the setting of the Conservation Area as it makes a valuable contribution to its character (Policy ENV3 of the emerging Local Plan).

In summary Forward Planning do not consider that the proposal represents sustainable development and should not, therefore, be supported in line with the provisions of paragraph 14 of the NPPF.