

7	ITEM NO:	<u>Location:</u>	Former Black Squirrel Public House, 10 Gernon Road, Letchworth Garden City, SG6 3DU
		<u>Applicant:</u>	Bakestall Limited
		<u>Proposal:</u>	Residential redevelopment of site to provide 18 dwellings comprising 7 x 1 bedroom flats and 11 x 2 bedroom flats, landscaping and ancillary works following demolition of existing building (as amended by plans received on 22 June 2016).
		<u>Ref. No:</u>	16/00410/ 1
		<u>Officer:</u>	James Gran

Date of expiry of statutory period: 19 May 2016

Reason for Delay

Extension of time agreed by applicant to 28.7.16

Reason for Referral to Committee

Application called in by Councillors Needham and Hone in the public interest, due to lack of parking provision within the scheme.

1.0 Relevant History

- 1.1 15/00848/1PRE - Pre-application advice given on scheme for redevelopment of site for a three storey block of 21 flats as affordable housing. Advice stated suggestions on further design improvements (from those originally submitted for advice), also that a convincing case would have to be made for the Council to accept zero parking as contrary to the adopted SPD on parking.

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations**
 Policy 8 - Development in Towns
 Policy 26 - Housing proposals
 Policy 57 - Residential Guidelines and Standards
 Policy 58 - Letchworth Garden City Design Principles
- 2.2 **Supplementary Planning Documents**
 Design
 Vehicle Parking Provision at New Development
- 2.3 **National Planning Policy Framework (NPPF):**
 Paragraph 14 'Presumption in Favour of Sustainable Development'
 Paragraph 17 'Core Planning Principles'
 Section 1 - Building a strong, competitive economy.
 Section 4 - Promoting sustainable transport.
 Section 6 - Delivering a wide choice of high quality homes.
 Section 7 - Requiring good design.
 Section 11 - Conserving and enhancing the natural environment.
 Section 12 - Conserving and enhancing the historic environment

- 2.4 **North Hertfordshire District Local Plan 2011-2031 'Preferred Options Consultation Paper' and Proposals Map**
Policy SD1 'Presumption in Favour of Sustainable Development'
Policy T1 'Sustainable Transport'
Policy T2 'Parking'
Policy HDS1 'Housing Targets 2011-2031'
Policy HDS2 'Settlement Hierarchy'
Policy D1 'Design and Sustainability'
Policy D3 'Protecting Living Conditions'

3.0 Representations

- 3.1 **Local Residents / Site Notice** - 2 comments, 1 support and 31 objections received (at the time of writing) from local residents, The Heritage Foundation and The Letchworth Garden City Society, stating the following points:
- Lack of parking provision will add to parking congestion on local roads
 - Overdevelopment of the site, small spaces for landscaping and building block too large for site
 - No separation to the cinema site adjacent, after its extension which is currently being built. Will result in a cramped form of development and appear cramped in the street scene
 - Fenestration design is cluttered and the vertical nature of the windows is not found in Garden City design
 - Materials are poorly related to the vernacular, particularly the timber boarding
 - When the theatre extension to the cinema building was designed, it did not allow for a substantial residential block adjacent to it and this is noise sensitive area, with deliveries and use of service yard to rear of site
 - Poor quality of accommodation for occupiers
 - High density development in a low density area
 - The current restaurant use would be more viable now with the theatre extension to the cinema, so keeping the existing would be a better use of the site.
 - The building should be kept as an asset of community value for the social well being of the community i.e. To remain as a restaurant or such like.
- 3.2 **Highway Authority** - No objection, with no conditions
- 3.3 **Environmental Health** - Objection, see detailed comments below
- 3.4 **Conservation Officer** - Initial objection on design grounds but through suggestions of the officer being taken account of, now no objection raised with regard to impact upon the character and appearance of the Conservation Area.
- 3.5 **County Council - Planning Obligations** - No contributions sought from this scheme due to pooling limits
- 3.6 **Environmental Protection** - No objection, with recommend condition for any potential ground contamination.
- 3.7 **Waste Manager** - No objection and Waste Management Strategy is acceptable
- 3.8 **Anglian Water** - Recommend condition for submission of drainage strategy.
- 3.9 **Hertfordshire Ecology** - No objection but recommend biodiversity enhancements be incorporated into the scheme.
- 3.10 **Landscape and Urban Design Officer** - Concerns regarding the large footprint on the site and very small amenity / landscaped areas. No objection to a three storey block of residential development.

3.11 **Environment Agency** - No objection

3.12 **Lead Local Flood Authority** - Objection due to lack of a surface water drainage assessment

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 This building is a former public house and has more recently been used as restaurant with the former operators being The Globe and the current Thai Garden. The site lies between the Broadway Cinema building, an art deco building of some 4 stories equivalent height and the corner 1960s building of the Arcade shopping centre. Opposite the site are bungalows along Gernon Road and to the rear of the site is a service yard serving commercial properties including Argos, Sainsburys Local and Poundland. Delivery lorries arrive early mornings to make deliveries into this yard and there is a barrier at the entrance to the yard which is adjacent the proposed building.

4.2 Proposal

4.2.1 The proposal consists of redevelopment of the whole site to provide a three storey block of 18 flats, as 7 x 1 bedroom and 11 x 2 bedroom units. The current plans have been amended from the original submission, in order to address design concerns with the overall block but particularly the frontage facing Gernon Road. The front section has been moved away from the boundary, with fenestration and detailing improvements and the overall building reduced in size from the originally proposed 21 flats to 18 flats. The building would measure some 19.7 metres in maximum width (14.5 metres to front section facing Gernon Road), 25.8 metres in maximum depth and 12.8 metres in height, with pitched roofs into a crowned roof section to the rear section of the building. A small courtyard of amenity space would be located to rear, with edge landscaping to the front and right hand sides of the block. A cycle store with access from the front left corner would be to the left side of the building. Materials are proposed of predominantly brickwork and rendered sections on the elevations, with timber used between the bay window levels and in the gables, with plain clay tiles for the roof. A mix of single and double light windows and Juliet balconies are proposed for fenestration. The units are proposed to be of 100% affordable housing, all as intermediate shared ownership tenure. A section 106 agreement is not required to secure the units as affordable housing, as fully market homes would be acceptable in principle for this number of units, being below the current threshold of 20 units.

4.3 Key Issues

4.3.1 Taking account of the development plan policies and other material considerations, including all representations received from interested parties, I consider the key issues to be addressed in the determination of this planning application are as follows:

- Whether the Council can demonstrate a five year land supply of deliverable housing sites. In the clear absence of a five year land supply it is necessary to apply the;
- Presumption in Favour of Sustainable Development, whereby planning permission should be granted unless any identified harm that the development may cause would 'significantly and demonstrably' outweigh the benefits of delivering new homes;
- Applying the 'planning balance' which must include a consideration of all the benefits of delivering new homes on this site as set out in this planning application

against any elements of harm that can be identified.

- 4.3.2 The following paragraphs set out an assessment of the planning application proposals based around this framework. Moreover, as the development plan is nearly 20 years old and the emerging Local Plan is some way off adoption, it is necessary to rely heavily on policies contained within the National Planning Policy Framework (NPPF) for much of the most up to date policy guidance.

The other key issues in this case are set out below in turn:

- Residential use of the site
- Layout, design and form
- Amenity for occupiers
- Amenity Space
- Impact upon surrounding properties and land
- Car parking and cycle parking
- Refuse storage and collection
- Land contamination
- Drainage of surface water
- Biodiversity
- Planning Obligations

4.3.3 **Five year land supply for housing**

Paragraph 47 of the NPPF requires Local Planning Authorities to:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land".

- 4.3.4 Paragraph 49 of the NPPF goes on to state that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

- 4.3.5 Referring to paragraph 47 above, the latest official position on the Council's five year land supply is summarised in paragraph 7.22 of the December 2014 Annual Monitoring Report (AMR). Which states that:

"The latest calculations for whether the district has enough housing land to meet needs for the next five years are contained in the Strategic Housing Land Availability Assessment (SHLAA) of November 2014. It concludes that the district has between a 2.2 and 3.8 years' supply of housing land, and is therefore well short of a five year supply".

- 4.3.6 From this evidence, it is clear that the Council cannot demonstrate a five year land supply of deliverable housing sites. On this basis in accordance with paragraph 49 of the NPPF, this planning application for housing must therefore be assessed against the 'Presumption in Favour of Sustainable Development'.

4.3.7 **Presumption in Favour of Sustainable Development**

- 4.3.8 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development as for decision takers in development management as follows:

"Where the development plan is absent, silent or relevant policies are out-of-date

[see paragraph 49, absent five year land supply, policies relating to housing delivery are out of date], granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits [of delivering new homes], when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be restricted".*

4.3.9 For specific policies in this framework, in North Hertfordshire these include designated Green Belt, SSSIs, National Parks, AONBs. This application site is not within any of these designations and so the presumption in favour of sustainable development applies in this case.

4.3.10 **The Benefits of Delivering New Homes**

4.3.11 In the absence of a five year land supply of deliverable housing sites, the benefits of delivering new homes are greater, as the absence of a five year land supply is a clear indication that insufficient homes are being delivered within the District to meet housing need (household formation). This planning application proposes 18 new homes which would make a contribution towards improving the five year land supply but also helping to meet the objectively assessed housing need of 16,500 new homes across the District, through the plan period (2011-2031). Meeting housing need is in itself a benefit of the proposed development.

4.3.12 In terms of economic benefits, it is clear that the proposed development would create some employment opportunities in construction and the development would help to support existing local businesses and services in Letchworth and the wider area.

4.3.13 Since the enactment of the Localism Act 2011, Section 70(2) of the Town and Country Planning Act 1990 (as amended), requires planning applications to be determined in accordance with the development plan, any local finance considerations and any other material considerations. The Act defines local finance considerations for the purposes of determining planning applications as income derived from the Community Infrastructure Levy (CIL) and the government's Homes Bonus scheme as a top up to revenue grant to support the delivery of new homes.

4.3.14 Whilst the Council has not adopted a CIL, it is necessary to consider homes bonus income to the Council that would result from this development proposal. This is in my view another benefit of the scheme that must be considered, albeit, a non-land use factor.

4.3.15 The above is not an exhaustive list of the benefits of delivering new homes on this site, but it does however provide a useful summary. Applying the presumption in favour of sustainable development, it is necessary to critically assess this planning application against the policies of the NPPF taken as a whole.

4.3.16 **Applying the policies of the Local Plan and NPPF to identify harm**

4.3.17 **Residential use of the site**

The National Planning Policy framework (NPPF) encourages the re-use of urban land to negate development on green field sites. The site is regarded as brownfield land within the urban area, and there is therefore no objection to the principle of the change of use of this land for residential development in my view. Furthermore, this is a highly sustainable location, being a short walk to Letchworth train station, local bus services and to all amenities and facilities required for day to day living. The three roles of sustainable development, as prescribed by the NPPF of social, environmental and economic, are met by the location of this site in my view.

4.3.18 Layout, design and form

With regard to the development layout, this is now considered to be acceptable following submission of amended plans. I disagree with the comments regarding overdevelopment and consider the site can accommodate the number of units and the scale of building now proposed.

4.3.19 The site is within the Letchworth Conservation Area and the Council's Conservation Officer has made various suggestions to improve the design and form of the building from the initial pre-application submission, with a revised design under that advice and during the course of this formal application. The revisions are now acceptable to the Conservation Officer and it is considered that the new building would not harm the character or appearance of the Conservation Area in this location and context. Nor would the proposal be contrary to the Letchworth Garden City Design Principles in this location.

4.3.20 The footprint layout on the site is such that it still rather maximises the available land but this has been reduced from the original design. Although this would present a distinct change from the current building on the site, it is considered that this proposal makes efficient use of the land available to deliver much needed homes for the District in a sustainable location.

4.3.21 The form of the building has been reduced by way of a reduced area of crowned roof as a single block and has instead been re-designed to incorporate fully pitched and hipped roofs to the front section, with the crowned roof element to the rear. This has enhanced the design fronting onto Gernon Road. Revisions to the bay window detail to front elevation has also improved the design. The building would sit comfortably within this context in my opinion, being set between the equivalent four storey cinema building and the large two storey retail building. As can be seen from the Street Scene drawing, this would result in a graduating reduction in building heights from left to right as viewed from Gernon Road. Furthermore, the front section of the building has been moved away from the boundary with the cinema, so that a full detached gap would remain, instead of only a gap to uppermost part of the building. I consider that this is an acceptable relationship to neighbouring buildings in design and form terms and consider the overall building size and massing to be acceptable in this context.

4.3.22 The materials proposed of brickwork, render and timber detailing to gables and bay windows, with plain clay roof tiles is acceptable in my view, subject to the submission of samples.

4.3.23 Therefore, with the design now of an acceptable level, I consider the layout, design and form of the proposal to be acceptable overall and would not occasion harm upon the character of the Conservation Area and visual amenity of the street scene.

4.3.24 Amenity for occupiers

With regard to this issue, the comments received from Environmental Health are highly relevant. Their initial comments are set out, followed by second comments given to the amended plans as follows.

4.3.25 1st comments:

"Thank you for your recent consultation regarding the above application. I have

visited the application site and reviewed the Housing and Environmental Health Service's records pertinent to this proposed development and I would like to make the following comments:

Areas of concern

Light:

There are a number of wall mounted security lights in the service yard at the rear of the development site. I was unable to visit at night so I am not able to comment on the impact of these at the development site. If issues were to arise I feel that they could be dealt with easily and should not affect this application.

Noise:

As highlighted in my pre-application comments on 5th May 2015, the proposed residential development will be located in an area with a number of noise sources which are likely to have an adverse impact on the residential amenities of prospective occupiers of the dwellings. These noise sources include:

- i) Road traffic noise from Gernon Road.
- ii) Noise from activities (deliveries, collections etc) in the Garden Square shopping centre service yard.
- iii) Wall mounted plant (i.e. AC units) attached to buildings in the vicinity of the development site.
- iv) Noise from the rear yard of the Broadway Cinema (see planning permission 14/00463/1).

I recommended that a noise survey be carried out and submitted with an application for planning consent which I note has been included. I have reviewed the noise assessment by Entran Limited dated 17th February 2016 which concludes that residential development at the site can proceed without a significant impact on residential amenity from noise providing a number of noise mitigation measures are implemented, namely a glazing and ventilation specification. Ultimately, the assessment demonstrates that BS4142: 2014, BS8233: 2014 and the WHO guidelines for community noise can all realistically be achieved with the noise mitigation measures in place.

Whilst the above would seemingly support the planning application and illustrate that the noise issues are surmountable, I still have significant concerns about the existing noise environment and the impact it will have on prospective residents of the new dwellings. I am less concerned about road traffic noise on Gernon Road since this is likely to be consistent and only really significant during the day. My main concern relates to the use of the service yard to the rear of the site which may have lorries entering it during night time hours (especially very early morning for deliveries/collections which are notorious for yielding noise complaints). The entrance point is directly to the east of the development site so it is very possible that the noise from these lorries will be heard and could cause sleep disturbance (note that this side was not one of the noise monitoring locations). There may even be instances where vibration is felt from the lorries. The BS4142: 2014 assessment does not address this aspect and only covered noise from unloading and the bay door operation at the Sainsburys Local. It is the unpredictable and intensive nature of these lorry movements that may keep residents awake or wake them from their sleep both with and without windows open.

The Broadway Cinema is also currently being extended to the rear which is directly adjacent to (and not far off adjoining) the development site in question. There were concerns at the planning stage about the noise impact the operations would have on nearby residents (those overlooking Eastcheap) but these were allayed.

However, the prospective residents of the new dwellings would be much closer and a number of habitable rooms would overlook the rear of the cinema. The planning permission for the cinema has allowed for later use of the cinema and the rear area for theatre so there will certainly be activity (and associated noise) after 11pm which is the night time period within the WHO guidelines and BS8233: 2014.

Given the unpredictable and sporadic nature of some of the noise sources present around the development site as detailed above, I consider that a significant loss of residential amenity could occur, especially during night time hours. To this end, I recommend that planning permission be refused".

4.3.26 2nd comments:

"My previous memo recommended refusal of the planning application on the basis that I still have significant concerns about the existing noise environment and the impact it will have on prospective residents of the new dwellings. My main concern relates to the use of the service yard to the rear of the site which may have lorries entering it during night time hours (especially very early morning for deliveries/collections which are notorious for yielding noise complaints). The entrance point is directly to the east of the development site so it is very possible that the noise from these lorries will be heard and could cause sleep disturbance (note that this side was not one of the noise monitoring locations and therefore a worst case scenario on this facade may have been overlooked). I observed this area during the day and vehicles would need to wait to enter and also wait to use the ramp to access the far end of the yard. HGVs running their engines in these locations will bring out significant noise in my opinion. There may even be instances where vibration is felt from the lorries.

Given the unpredictable and sporadic nature of some of the noise sources present around the development site as detailed above, I consider that a significant loss of residential amenity could occur, especially during night time hours. I originally recommended refusal on this basis but I have considered whether it was possible to have fixed shut windows with alternative mechanical ventilation on the rear and east facades. This would require the developer to redesign the scheme to take out all the juliet balconies and replace them with windows. The benefit of fixed shut windows is that it guarantees a suitable noise environment as the occupier cannot subject themselves to higher noise levels and therefore consider it necessary to complain about lorry movements or deliveries etc. However, I do not consider that this provides an acceptable standard of living and it may be possible that some complaints are still generated with fixed shut windows if the noise occurrences are extremely high level as the glazing specification will only attenuate noise up to a certain level.

A few other aspects of the noise environment add to my concerns. The outdoor amenity area to the rear is at the upper limit of 55dB (A) LAeq and to the front exceeds this at 57dB (A). This may be acceptable where the development is desirable but the random, unpredictable and high level noise sources that will be apparent to the rear will significantly impact on the use of these areas, even if it is demonstrated that the average level over the daytime (16 hour) period is compliant with the WHO guidelines. The distance between this rear outdoor amenity area and the service area for Sainsburys Local and Pound Stretcher is so small meaning attenuation by distance is minimal. The BS4142: 2014 assessment for a Sainsburys delivery also predicted a 3dB below background level whereas the Council normally asks for 5dB below background. Whilst this may be accepted if it is the only noise issue apparent, this is in combination with the concern about internal noise levels, noise in the outdoor amenity areas and future noise from the cinema extension activities.

I consider that the overall noise climate and the potential impacts when considered cumulatively are too significant to recommend planning consent even with fixed

shut windows to two facades. I therefore still recommend that planning permission is refused".

4.3.27 The Officer therefore still has significant concerns with the overall level of noise and disturbance for occupiers of the proposed development in this location. These second comments have been conveyed to the applicants and they have revised their noise report and assessment to try to address these concerns. The report has been received but comments are awaited from the Environmental Health Officer at the time of writing. Further comments received will be updated to Members at the meeting and, if the concerns are overcome, this may change the overall recommendation of the application. In the event of a change in recommendation to approval, a list of recommended conditions is attached as Appendix 1. However, as it currently stands, I consider the level of amenity for occupiers would be unacceptable with the details and design as proposed. The NPPF is clear in its Core Planning Principles that planning should,

"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

Moreover, paragraph 123 of the NPPF states the following:

"avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development"

4.3.28 I do not consider a good standard of amenity would be secured for future occupiers and that the adjacent noise sources would give rise to significant adverse impacts upon quality of life for future occupiers. This constitutes an element of significant and demonstrable harm from the development and weighs against the application in my opinion.

4.3.29 Amenity Space

A small amount of outdoor amenity space is proposed at the rear of the building and to front corner, adjacent the windows of units 1 and 2. However, given the town centre location of the site and the very short walking distance to Howard Park, I consider this under provision to be acceptable.

4.3.30 Impact upon surrounding properties and land

The proposed three storey building would face the single storey detached dwellings along Gernon Road. It would not over dominate these properties given the distance between buildings of some 22 metres. The building would not have any overbearing impact upon the cinema site, with that building being higher, or the adjacent two storey retail building. The proposal would also not affect the commercial use of the service yard behind the site in my view.

4.3.31 Car parking and cycle storage

The development proposes zero parking spaces for the 18 units. The Highway Authority have no objection to the development proposed with a concluding comment of the following:

"The residents of the new development if they owned a vehicle would have to rely on the existing town centre car parks and on street parking when available consequently the traffic using the local highway network would not significantly differ, therefore Hertfordshire County Council as Highway Authority has considered

that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and consequently have no objections on highway grounds".

4.3.32 The Council have adopted minimum parking standards in 2011 and for this scheme would require 29 spaces, as set out in the adopted SPD 'Vehicle Parking Provision at New Development', with 1 space per 1 bedroom unit and 2 spaces for 2 bedroom units being required. It should be noted though that this document does recognise that lower car parking standards should be applied in town centre locations. However, since the adoption of this SPD (November 2011), the National Planning Policy Framework has been published (March 2012) and at paragraph 32 it states the following,

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

This means that were the Council minded to refuse planning permission for this development on the basis that it does not provide off street car parking, clear evidence would be required that the residual impacts on highway safety would be severe.

4.3.33 There are parking restrictions in the road, by way of double yellow lines, with public car parks in close proximity. There is no system of residential parking permits in Gernon road, with one hour parking only during the day. Parking Services department of the Council have confirmed that applicants of parking permits have to reside in the same road of the permit spaces, in order to be approved. Therefore, occupiers would not be eligible for any parking permits, with no resulting impact, in my view, upon the immediate highway network to the site. It is likely in my view that some occupiers of the development would own cars but they would need to park them elsewhere in the town in unrestricted roads, or on other private land or private garages etc. The resulting impact therefore, would be diluted around the town and could not be considered severe in my view. Given the above, I consider that the impact of zero parking provision upon the highway network, from 18 flats in this highly sustainable location, together with parking restrictions in the locality, would not result in a 'severe' impact. Moreover, as the Highway Authority do not object to this planning application any refusal of planning permission on the basis of lack of on site car parking would need to be supported by clear evidence of severe harm to the surrounding highway network without the support of the Highway Authority in this analysis.

4.3.34 In providing even just a few parking spaces on site would dramatically restrict the available area for the building itself. There is therefore a balance to be considered with the benefits of providing more housing with no parking, compared to less housing with some parking spaces. Given the highly sustainable location of the site, with excellent access to public transport links, all everyday amenities and facilities, with several public car parks in the locality for visitors, together with parking restrictions in this and nearby roads, I consider that on balance, there is no objection to the zero parking spaces proposed in this case.

4.3.35 Cycle parking

Cycle parking is proposed to the left hand side of the building and is now able to be accessed externally from the side, rather than from internally only on the original plans. This is due to the front of the building having been pulled away from the left hand boundary, which gives a better gap in design terms between the extended cinema building and to allow the external access for cycles. With 18 spaces for cycles proposed, this complies with the SPD and is acceptable in my opinion.

4.3.36 Refuse storage and collection

A waste management strategy has been submitted with the supporting documents. The bin store is proposed to be located at the rear of the building and is of a sufficient size to accommodate the volume of waste and recycling for this sized development. A refuse collection vehicle would be able to enter the service yard, turn and exit onto Gernon Road in forward gear. This is acceptable to both the Waste and Recycling Manager and the Highway Authority.

4.3.37 Land contamination

Environmental Protection have no objection to the Geo-Environmental Assessment Report submitted, with no requirement for any further condition for land contamination.

4.3.38 Drainage of surface water

The Lead Local Flood Authority at Herts County Council have commented that a suitable surface water drainage strategy is required for the development. This is considered to be appropriate by way of condition of such details to be submitted to and approved by the Local Planning Authority.

4.3.39 Biodiversity

Hertfordshire Ecology have commented that enhancements to site biodiversity should be achieved through the development. This is considered to be appropriate by way of condition of such details to be submitted to and approved by the Local Planning Authority.

4.3.40 Planning Obligations

Planning obligations are not required as, due to the pooling limits of the main contributions towards County Council facilities, this site is not selected as one to be pooled. There are no sufficient district council projects directly attributable to the development to justify contributions at this time.

4.4 **Conclusion**

4.4.1 In summary of the key issues of this application:

- The application is considered to be acceptable in terms of residential use in this highly sustainable location on a brownfield site.
- The layout, design, form and materials of the proposed building are considered acceptable, with an acceptable impact upon the visual amenity of the street scene and upon the character and appearance of the Conservation Area.
- There would be no material adverse impact upon the living conditions of neighbouring properties.
- The impact upon the local highway network is considered acceptable by the Highway Authority. I conclude the residual impact from the zero parking provision upon the local highway network, could not be considered as severe.
- The development provides adequate waste and recycling storage for collection from the service yard to rear of the site.
- However, at the present time there remains a fundamental objection from the Council's Environmental Health Officer in that the development would give rise to a poor standard of residential amenity as a result of the noise sources adjacent the

site via the service yard. The lack of a five year housing supply and the highly sustainable location of the site, do not outweigh this fundamental area of harm resulting from the development. In the balance of the benefits and harm resulting from the development, the identified harm is considered to be significant and demonstrable and outweighs the benefits of providing 18 new homes on this site. I therefore recommend refusal of planning permission on this issue as the development would result in an unsatisfactory standard of residential amenity for occupiers of the proposed development.

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 reason:

1. Given the unpredictable and sporadic nature of the noise sources present adjacent the development site, in the opinion of the Local Planning Authority a significant loss of residential amenity would occur for occupiers of the development, particularly during night time hours. The proposal is therefore contrary to paragraphs 17, 123 and Section 7 of the National Planning Policy Framework.

Proactive Statement

Planning permission consent has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line 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.