

Public Document Pack

6 April 2018

Our Ref	Planning Committee/19.4.18	Control
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Your Ref.

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To: Members of the Committee: Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), Councillor John Bishop, Councillor John Booth, Councillor Paul Clark, Councillor Bill Davidson, Councillor Jean Green, Councillor Cathryn Henry, Councillor Tony Hunter, Councillor Ian Mantle, Councillor Michael Muir, Councillor Mike Rice, Councillor Adrian Smith, Councillor Harry Spencer-Smith and Councillor Martin Stears-Handscorn.

Substitutes: Councillor Elizabeth Dennis, Councillor Sarah Dingley, Councillor Faye S Frost, Councillor Gary Grindal, Councillor Simon Harwood, Councillor Ben Lewis, Councillor Valentine Shanley and Councillor Terry Tyler.

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH
GARDEN CITY**

On

THURSDAY, 19TH APRIL, 2018 AT 7.30 PM

Yours sincerely,

J. Scholz.

David Scholes
Chief Executive

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 15 MARCH 2018 To take as read and approve as a true record the minutes of the meeting of this Committee held on 15 March 2018.	(Pages 1 - 20)
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business that they wish to be discussed by the Committee at the end of either Part I or Part II business set out in the agenda. They must state the circumstances that they consider justify the business being considered as a matter of urgency. The Chairman will decide whether the item(s) raised will be considered.	
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as is practicable.	
6. 17/01781/1 - LAND NORTH OF, LUTON ROAD, OFFLEY REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Outline planning permission for up to 70 residential dwellings (including 40% affordable housing), new village gateway, new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access.	(Pages 21 - 74)
7. 17/01622/1 - THE STATION, STATION APPROACH, KNEBWORTH, SG3 6AT REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of 3 storey building to provide 9 x 2 bed flats; conversion and extension of store to 1 bed house and new vehicular access off of Station Approach (as amended by drawings received 12th and 25th October 2017).	(Pages 75 - 90)

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| 8. | 18/00572/FP - LAND REAR OF THE ROOKERY, KINGS WALDEN ROAD, OFFLEY, SG5 3DX
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
91 - 106) |
| | Erection of two 3-bed, three 4-bed and one 5-bed dwellings including new vehicular access off Harris Lane, widening of existing Harris Lane and parking and associated works. | |
| 9. | 17/04392/FP - BAILEYS CLOSE FARM, PASTURE LANE, BREACHWOOD GREEN, SG4 8NY
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
107 -
130) |
| | Residential development comprising of 4 x 1 bedroom flats, 6 x 2 bedroom houses and 8 x 3 bedroom houses with associated landscaping, parking and vehicular access following demolition of existing commercial buildings. | |
| 10. | 18/00273/FP - 1 HALF ACRE, HITCHIN, SG5 2XL
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
131 -
138) |
| | Erection of private road security gates and garden wall. | |
| 11. | 18/00322/FPH - 44 NEW CLOSE, KNEBWORTH, SG3 6NU
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
139 -
146) |
| | Erection of art studio in rear garden. Erection of wall around side garden with decorative screen and landscaping to create courtyard (as amended by drawings received 12/03/2018). | |
| 12. | PLANNING APPEALS
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
147 -
156) |

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY,
LETCHWORTH GARDEN CITY
ON THURSDAY, 15TH MARCH, 2018 AT 7.30 PM

MINUTES

Present: *Councillors Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), John Booth, Jean Green, Cathryn Henry, Tony Hunter, Michael Muir, Mike Rice, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscorn and Terry Tyler (In place of Paul Clark)*

In Attendance: *Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Tom Donovan, Nurainatta Katevu (Planning Lawyer) and Hilary Dineen (Committee and Member Services Officer)*

Also Present: *At the commencement of the meeting approximately 89 members of the public, including 6 registered speakers and 2 Member Advocates (Councillors Steve Hemingway and Claire Strong).*

117 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors John Bishop, Paul Clark and Ian Mantle.

Having given due notice Councillor Terry Tyler advised that he was substituting for Councillor Paul Clark.

118 MINUTES - 17 JANUARY 2018

RESOLVED: That the Minutes of the meeting of the Planning Control Committee held on 17 January 2018 be approved as a true record of the proceedings and signed by the Chairman.

119 NOTIFICATION OF OTHER BUSINESS

There was no other business.

120 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman welcomed the Committee, officers, general public and speakers to this Planning Control Committee Meeting;
- (2) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or make a sound recording of the meeting, but he asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices;
- (3) The Chairman reminded Members and speakers that in line with Council policy, this meeting would be audio recorded;
- (4) The Chairman advised that Members would be using hand held microphones and asked they wait until they had been handed a microphone before starting to speak;

- (5) The Chairman requested that all Members, officers and speakers announce their names before speaking;
- (6) The Chairman clarified that each group of speakers would have a maximum of 5 minutes. The bell would sound after 4 1/2 minutes as a warning, and then again at 5 minutes to signal that the presentation must cease; and
- (7) Members were reminded that any declarations of interest in respect of any business set out in the agenda should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which required they leave the room under Paragraph 7.4 of the Code of Conduct, could speak on the item, but must leave the room before the debate and vote.

121 PUBLIC PARTICIPATION

The Chairman confirmed that the 6 registered speakers and 2 Member Advocates (Councillors Hemingway and Strong) were present..

122 17/02778/1DOC - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON

Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell route by CALA dated 31/10/17 Construction Route Plan - Arrival and Departure via Holwell by Waterman Infrastructure & Environment Ltd dated 31 October 2017 Road safety audit of the laybys by Mayer Brown dated October 2017 Safety Audit Response Sheet by Waterman dated 19.10.17 Road Safety Appraisal by Mayer Brown dated 27th October 2017 Plan number 0049 rev A01 entitled Bus and large crane vehicle tracking by Waterman dated October 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016).

The Development and Conservation Manager introduced Manjinder Sehmi (Hertfordshire Highways) and Lyndsay McCauley (Opus International), who would be available to answer any questions regarding highways matters.

The Development and Conservation Manager advised Members that there was an update to the report as follows:

Paragraph 1.34

At the time that the report was written there had not been a start date for the combined appeals against two earlier decisions of this committee to refuse construction management plans using the Holwell in and out route for construction traffic to this site.

The Planning Inspectorate had now informed the Council of a start date of 6 March 2018.

The appeals would be considered together but separate decisions would be made on each appeal by the appointed inspector.

The appeal procedure had been confirmed as written representations for both appeals.

All interested parties had been informed and had been advised how they could make their written comments to the Planning Inspector.

The Council had until 10 April 2018 to provide any additional statement of case, but committee reports and decision notices had already been sent to the Inspector.

The Council also had until 19 March 2018 to respond, in full, to the appellant's application for a full award of costs against the authority.

The Development and Conservation Manager presented the report supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development and Conservation Manager advised the Committee that this was effectively the same application that was presented to the committee on 28 September 2017 with additional measures.

The recommendation is for approval, subject to completion of the associated S278 agreement between the applicant and the Highway Authority, to secure the delivery of the additional passing places.

Paragraph 4.2.2 detailed the additional mitigation as being:

- Signs installed at each end of the route warning that this is a construction route;
- Long vehicle detector signs placed at each side of the sharpest bend on Waterloo Lane;
- One week notice required for vehicles greater than 10m in length to inform Highway Authority who may require temporary road closures or use of escort vehicles;
- Use of remote holding bays on the A1 rather than the A600 as previously proposed.

The Development and Conservation Manager advised that Members now needed to decide if these proposed additional mitigation measures were sufficient to overcome the refusal of the previous application presented on 28 September 2017.

If Members were minded to support the recommendation he could then inform the planning inspectorate relating to the outstanding appeals that it was these additional mitigation measures that had persuaded the committee to resolve to approve this current construction management plan subject to the safeguards set out in recommendation 6.1.

Mr John Burden and Mr Brian Clamp, Holwell Against CALA Traffic, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02778/1DOC.

Mr Burden informed Members that he represented HACT, Holwell Against CALA Traffic, and was speaking on behalf of the objectors from Pirton and Holwell.

He continued by stating that the Committee was once again in an invidious position

They were not against the housing development in principle, but were very concerned that the officers seemed blind to the real impact on safety, posed by the substantial increase in heavy traffic, averaging one every 6 minutes, for 3 years, plus the scores of additional vehicles serving the site.

The route through Holwell village was severely sub-standard with its narrow lane and blind bends. It was only fit to carry single-file traffic over most of its length so the potential for further 2-way conflict of all vehicles was very high.

Lorries already mounted the footway illegally in Pirton Road, but no mitigation measures were proposed by CALA here.

To cope, the route required significant improvements in width and alignment however this had been ruled out by Highways and CALA because it would be mean widening the road beyond current boundaries. Very limited widening was proposed, but not where it was most needed.

Thus, the route would remain much as it was today, totally unsuitable for this unprecedented increase in heavy traffic.

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CALA and Highways have dismissed the use of traffic lights, a common solution in this situation, because it was too narrow within existing highways boundaries. Thus approaching vehicles could not pass waiting vehicles safely at the stop lines.

The proposed long vehicle detector signs merely warned of approaching large vehicles ahead. This would not prevent conflict, as the drivers could not see each other and there was no room to pull over in the narrow section of Waterloo Lane.

The signs would not eliminate conflict and would substantially increase the probability of HGVs, buses, and other vehicles reversing dangerously around blind bends.

With no prospect of adequate road widening or of adequate signing the only option remaining to CALA was the 'manual management' of construction traffic. To overcome this problem CALA had submitted a flawed 'tracking' analysis. Their modelling assumed that they could control all traffic flows and that all their vehicles would be in the right place, at the right time and be the right size to avoid conflict with each other and the local bus service (which doesn't run on time).

Their tracking diagrams were 'stage managed' showing vehicles specifically placed in the passing places to allow another vehicle to pass. Other road users including cyclists, horse riders and pedestrians had been completely ignored. How absurd is this? We all know that traffic flow is random in reality. It could not be controlled other than by competent road design and signing. The phrase 'on a wing and a prayer' came to mind.

Independent 'tracking' commissioned by HACT, showed that the route was incapable of safely accommodating the 2-way passage of heavy vehicles, but Highways had misguidedly endorsed CALA's 'doctored' tracking analysis.

Highways proposed that they should be given authority under the 278 Agreement, to agree measures that would satisfy the removal of Condition 6. How can we trust Highways to do this properly? They had already agreed that the most appropriate mitigation measures were ruled out because of the refusal to use third-party land. It was the same reason why the off-road route was not investigated properly, as the Committee requested previously. This was a safer, more efficient and feasible alternative.

It was plainly evident that there was no material change from the application that was refused by this Committee in September. The fear of an appeal should not be a reason for approving this application.

There was only one conclusion to be drawn from the circumstances before us. Condition 6 could not be discharged with the prospect of a serious risk to public liability and the public purse for any injury or loss incurred.

Should Condition 6 be removed in the face of all the evidence to the contrary, penalties must be enforced if demonstrable harm to safety and efficiency occur, but CALA and Highways were convinced that the outcome would satisfy Condition 6. So, failing that, a safeguarding procedure must be in place to stop all construction under a Stop Notice. CALA would then be compelled to overcome the failings until the Stop Notice was lifted. Such an amendment should be agreed and secured before Condition 6 was removed.

Unless such a deterrent could be introduced, the application should be refused outright for the following reason, which far from being weak as the officers imply, was readily justifiable: The proposals did not demonstrate with reliable evidence, that the efficiency and safety of this severely sub-standard construction route, would be maintained within acceptable standards. Reason: Policy T1.

Members asked for clarification regarding the placement of the informal passing places and whether this was on a steep incline.

Mr Clamp advised that the CALA tracking showed a lorry stationary in the passing place with another lorry passing. In reality there would be no control over the timing of lorries passing that bay as there was no visibility and no guidance as to which lorry should pull over. There was no substitute other than having a stop line with traffic lights at each side of the sharp bend to control the operation of two way traffic. There was simply nowhere for random traffic of the size proposed to pass freely along this section or indeed some of the straight sections.

Members noted that the corner of Burton Road into Holwell Road was very narrow and asked for clarification regarding suitability of the rest of the route for construction traffic.

Mr Clamp advised that even heavy traffic traveling in a straight line would produce problems because of the width of the road. As soon as large vehicles began to turn they would take up much more road width. These vehicles could not turn suddenly into and out of passing bays.

Members asked for clarification regarding the calculation used to determine the safety, or otherwise of the proposed route and mitigation measures.

Mr Clamp advised that the measurements used by CALA had been amended for instance the average vehicle length was originally 12 meters and this had been reduced to 10 meters and the normal width of lorries tested was 2.55 meters, however the width used by CALA was 2.5 meters. CALA did allow a further 0.3 meters to presumably allow for wing mirrors, but additional space was needed to allow clearance between the vehicles and between the vehicles and the verge/footpath as pedestrians would be at risk from the overhang.

When all of these additional widths were taken into consideration the vast majority of the route was unable to take two way traffic, and around the bend the width was very much greater.

The Chairman thanked Mr Burden and Mr Clamp for their presentation.

Councillor Claire Strong, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02778/1DOC.

Councillor Strong informed Members that they had heard a very eloquent presentation from HACT, who has used a very senior engineer to advise them.

She referred to Paragraph 4.3.9 of the report which asked the Committee to consider the construction route in and out of Holwell, with mitigations as detailed in the new plan.

Even if all of the safety issues were not taken into account, this only really focussed on Waterloo Lane and the bend at the bottom.

There was nothing in the revised mitigations that mentions the narrowness of Pirton Road, nor did it address the turning into the village from the A600 which was, as pointed out by CALA's engineer, very unsafe. It should be noted that there had been a lot of accidents in this area as well as some fatalities.

When they built the North Herts Crematorium, Highways engineers made the development make significant improvement to the A600, none of that had been proposed for the construction traffic route through Holwell.

This road had a speed limit of 60MPH and that safety issue had not been addressed.

Today she had witnessed a bus waiting for another vehicle to pass, this was not a large construction vehicle but a highways vehicle, and the only way it could pass the bus was to mount the pavement.

The Committee had refused this construction management plan twice before and she asked that they did so again as this would add weight to the appeals that were due to be heard regarding the previous applications. This would mean that the Inspector would make the decision as to whether this was a safe route, rather than Members or Officers.

The Committee had previously discussed an off-road option, that option still existed but did not seem to be being progressed and she queried why CALA Homes were not considering the safest option.

She understood that when the outline planning permission was granted no-one was thinking about how the construction traffic would reach the site, but this was perhaps something to think about with future applications.

There had been issues with other construction sites around the District such as the construction in Gap Lane where all of the verges had been destroyed despite the roads being a reasonable width.

These were narrow lanes that were not built for construction traffic, they were not even built for farm vehicles and to let all of these large vehicles through would have a decimating effect on the community.

Councillor Strong concluded by asking Members to have the conviction that they had before and refuse the application again. Let it go to appeal and let the Inspector decide whether or not this is a safe route for construction traffic. The strength of the appeal hearing, with representation from the Council, together with this third refusal will show that it had not been mitigated.

The Chairman thanked Councillor Strong for her presentation.

Mr Philip Wright, CALA Homes and Mr Andrew Trowbridge, Waterman Group, thanked the Chairman for the opportunity to address the Committee in support of application 17/02778/1DOC.

Mr Wright advised Members that they were here to help determine CALA's Construction Management Plan, pursuant to Condition 6 of the outline planning permission, which was approved by the Committee on 27 May 2016.

The area of concern related to the route for construction traffic, but before reviewing this detail it was important to be familiar with the wording Condition 6 and what CALA was reasonably and legally obligated to deliver.

On a literal interpretation, it could only apply to that which was in CALA's control, in addition the condition required details of vehicle routing to and from the site.

The later part of this condition, which was subject to localised concern, clearly fell outside of CALA's control and therefore information submitted to discharge this part of the condition was for information purposes only.

The outline planning permission did not require any specific mitigation measures relating to the routing of construction traffic.

Had such mitigation been required, the tests under Paragraph 206 of the Planning Policy Framework should have been exercised at that time.

It was therefore not fair or reasonable to impose additional mitigation measures on CALA that were not clearly defined in the Condition.

This was the opinion from leading Queens Counsel and Paragraph 5.3 of the report advised that an independent planning barrister agreed with Counsel's opinion.

Notwithstanding this, CALA had continued to work with NHDC and Highway Officers to move forward with the Construction Management Plan that went above and beyond the literal interpretation of Condition 6.

The mitigation measures on Highways controlled land, which fell outside of CALA's control, were outside the remit of the planning application, showed the intent of CALA to provide a Construction Management Plan that was acceptable to Members of this Committee.

At the meeting on 28 September 2017 the refusal was made, against officer recommendation, on the Chairman's casting vote. Between then and now CALA had been engaged with HCC, Opus International and Ringway to develop further additional mitigation measures to address Members' previous concerns.

Our road safety appraisal and expert witnesses at public enquiries concluded that the use of the road by construction traffic for the period of works was not likely to result in any material increase in risk to road users.

Furthermore in relation to the proposed plan with passing bays, auditors consider that no further increase in risk to road users would arise as a result of the proposals as submitted. Indeed the audit completed regarding these proposals considered that they provided the benefit of road safety to existing road users.

Mr Wright concluded by stating that HCC stated that the information submitted within this application was similar to previous submissions which were recommended for approval and on this basis HCC would raise no objection to a discharge of Condition 6.

He advised that the application went above the strict requirements of Condition 6 in order to secure consent. Fundamentally the recommendation in the report did not discharge the condition as it was conditional on a Section 278 being entered into and agreed with HCC Highways.

The recommendation was a further attempt to frustrate the discharge of Condition 6 in a clean manner and to deliver housing, affordable homes and planning contributions in excess of £1 million.

Members asked for clarification as to the name of the consultants that had advised that the proposed route was safe.

Mr Wright advised that the consultants were Meyer Brown, who conducted safety assessments and provided a report that concluded that the route was acceptable for construction traffic through Holwell and was refreshed with the additional mitigation measures.

Members referred to the report provided by Mr Clamp that stated that it would be impossible to use the route without expanding road and asked for comments regarding this.

Mr Trowbridge stated that they considered that the area was sufficient to allow vehicles to pass.

Mr Wright advised that, subject to the Section 278 agreement, that sort of detail and the passing places would be agreed with Highways.

Members also asked for clarification regarding the flashing warning signs and Mr Clamp's assertion that there would be nowhere safe for vehicles to stop if faced with the warning sign that a vehicle was approaching and that vehicles would have to mount the pavement to pass safely.

Mr Trowbridge advised that they were advanced signs meaning that vehicles approaching would activate them and any vehicle approaching at that time would be warned so that they could take avoiding action. The activation would take place at the point where there was a passing place and there was a slight widening where a vehicle could pull over to one side to allow another vehicle to pass.

The Chairman thanked Mr Wright and Mr Trowbridge for their presentation.

The Development and Conservation Manager clarified that that the Planning Inspectorate for the current appeals had confirmed they would be by written representations and that the deadline for the Council to submit written comments to the appeal was 10 April 2018.

The Chairman suspended the meeting briefly in order for a member of the public, causing a disturbance, to be asked to leave.

A Member commented that the report referred to Waterloo Lane and Waterloo Road, which gave a misleading impression of the road. He also stated that he had previously queried whether any trees would be removed in order to provide the passing places and was assured that no trees would be removed and expressed concern that the report stated that the applicant would work with HCC to remove trees and hedges.

He also expressed concern that the road safety audits had been carried out via desktop studies rather than on site. In respect of the length of lorries to be used, he acknowledged that 10 meter lorries had been deemed safe to pass, but the report mentioned vehicles that may require Traffic Regulation Orders or an escort and asked whether this meant that the road would be closed on occasion.

Mr Sehmi, Hertfordshire Highways, advised that, with reference to the passing places, the plans submitted by CALA Homes were a concept that would be subject to a Section 278 agreement under which CALA Homes would provide further detail.

In respect of the safety audits, stage two and stage three safety audits would be undertaken as part of the Section 278 agreement.

In respect of the route as a whole, a road safety appraisal had been undertaken on 27 October 2017 which concluded that it was safe for the use of vehicles up to 10 meters in length, vehicles over 10 meters in length would be escorted throughout the route.

Members acknowledged that obstructions that were on highway land would be removed, but queried what would happen to any obstructions that were on private land and whether the junction with the A600 was considered safe for construction vehicles.

Mr Sehmi advised that the Highway Authority could only undertake work on highway land and that they could only rely on the safety audits undertaken on the route itself.

A Member expressed concern that the safety audits were undertaken regarding current traffic conditions rather than that which was proposed and that there were pinch points throughout the route where two lorries were unable to pass without mounting the pavement and queried how road safety experts could have considered this as safe. He also expressed concern that the proposed electronic signs, although an improvement, would not stop the need for vehicles to reverse.

Mr Sehmi advised that the road safety audits were undertaken independently of the applicant or the Highway Authority and took into account any previous accidents as well as the traffic on the route.

In respect of the passing places, an assessment had been undertaken considering use by a long rigid truck to and from the site and this would be subject to further assessment under the Section 278 agreement.

Members queried whether the suggested alternate route had been considered and, if it had, why it had been rejected.

The Chairman advised that the Committee could only consider and make a decision regarding applications as they were presented.

Mr Sehmi advised that there had been an enquiry from the Parish Council regarding an existing track from Hitchin Road. The Highway Authority considered that it was not a viable option as it involved third party land and would affect an existing bridleway and rights of way and the building of the track to take large construction vehicles would be at considerable expense.

In respect of Recommendation 6.1.1, Members asked how strong a Section 278 agreement was in respect of ensuring that the proposed mitigations were put in place,

The Development and Conservation Manager advised that Recommendation 6.1.1 was the same as that proposed on 28 September 2017. The details provided of the passing places were conceptual and it was not until the exact dimensions and position had been agreed by the Highway Implementation Team through a Section 278 agreement, that the design was final and could be implemented.

The purpose of this recommendation was to give the Committee reassurance that the Condition would not be discharged until all of the details had been secured through the Section 278 agreement.

Mr Sehmi advised that a Section 278 agreement was a legal document that was based on National guidelines and would include details of the design and stage two and three safety audits.

Members queried what would happen if the final design of the mitigation measures were not possible.

The Development and Conservation Manager advised that, if the Committee agreed the Recommendation and subsequently the Section 278 agreement could not be completed, then the Condition would not be discharged.

The Committee was not being asked to discharge the Condition, but to resolve to discharge the condition subject to those processes being undertaken.

Some Members continued to express concern regarding the safety of the proposed route, even with the proposed mitigations.

A Member commented that discharge of conditions did not usually come to the Committee for a decision and acknowledged that it was not possible for a highway authority to instruct a developer to build a road across private land. The Highways Authority could only work with whatever was presented to them and they had come to a conclusion regarding this proposal. The Committee was being asked to leave the decision to the experts.

In respect of the width of the lorries, Members asked how much of a difference the 0.05 meter used in safety audits would make and whether the two-strike system would result in lorries who did not operate under the Construction Management Plan to be banned.

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Mr Sehmi advised that in respect of the two-strike system, if a lorry did not arrive or depart via a designated construction route, an offender would initially receive a warning and if they repeated the action they would be removed. A traffic route would be issued to all contractors and visitors to the site and the process would be managed by a gateman who would be guiding vehicles in and out of the site and ensuring that they used the correct route and schedule of departing. Records of these movements would be kept.

In respect of the tracking system, this used a vehicle width of 2.55 meters.

It was proposed and seconded that Condition 6 be discharged, subject to the conditions as set out in the report of the Development and Conservation Manager.

Upon the vote, the proposal was lost on the Chairman's casting vote.

The Chairman announced that there would be a 5 minute break.

When the meeting reconvened, it was proposed and seconded that Condition 6 be refused permission for the reason that notwithstanding the additional mitigation measures proposed in this application the Local Planning Authority does not consider that there could be a satisfactory or safe construction traffic route through Holwell. The proposed Construction Management Plan therefore conflicts with the requirements of Policy T1 of the North Hertfordshire District Submission Local Plan (2011-2031).

Upon the vote and on the Chairman's casting vote it was:

RESOLVED: That, in respect of application **17/02778/1DOC**, the details submitted pursuant to condition no. 6 of planning permission **15/01618/1** be **REFUSED** for the reason set out below, and that the requirements of condition 6 are not discharged.

REASON FOR REFUSAL: Notwithstanding the additional mitigation measures proposed in this application the Local Planning Authority does not consider that there could be a satisfactory or safe construction traffic route through Holwell. The proposed Construction Management Plan therefore conflicts with the requirements of Policy T1 of the North Hertfordshire District Submission Local Plan (2011-2031).

123 17/02175/1 - LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD

Residential development of 180 dwellings comprising 21 x 1 bedroom apartments; 18 x 2 bedroom apartments; 18 x 2 bedroom houses; 63 x 3 bedroom houses; 56 x 4 bedroom houses; and 4 x 5 bedroom houses; new vehicular access onto Bedford Road, associated garages and car parking space, public open space, landscaping and ancillary works. (As amended 2/2/18).

The Area Planning Officer advised that there were a number of updates to the report as follows:

Hertfordshire County Council Property Services

Updated financial contributions based on the slight reduction in the number of dwellings had been provided

The authority required slightly higher contributions for the lower and middle schools and a slightly lower sum for the Upper school contribution.

In addition, a slightly lower contribution was required for libraries provision.

Henlow Parish Council

Additional comments had been received that asked the Committee to note that the application site was adjacent to Henlow Camp rather than Lower Stondon and that the report should be amended to clarify that Henlow Camp settlement was entirely outside of the administrative boundary of North Hertfordshire and should not be referred to as a Category A settlement.

Conservation Officer comments

The Council's Conservation officer had formally confirmed an objection to the proposed development based on the development failing to satisfy sections 7 and 12 of the National Planning Policy framework as the proposals constituted poor design contrary to Paragraph 64 of the Framework.

NHDC Environmental Health Officer

The submitted noise assessment had been reviewed by the Council's Environmental Protection officer and he advised that the mitigation measures were appropriate and acceptable.

As such the officer recommends an appropriately worded condition should the Committee be minded to grant planning permission.

Applicant

A statement had been received from Barrett David Wilson North Thames and the Committee was asked to consider the following points:

- The site was identified for housing in the emerging local plan and would deliver 180 homes in sustainable location;
- If approved, the applicant could deliver 65 dwellings a year assisting the Council's housing target and five year land supply and providing 40% affordable housing;
- Statutory consultees had not objected to the development;
- Significant additional planting had been provided to screen the development and enhance the public footpaths;
- Footpath extensions were proposed as well as a considerable extension to public realm;
- The company had given a formal undertaking to meet the costs of a legal agreement which would be reflective of the heads of terms set out in the officer report. The drafting of the Section 106 agreement could therefore be undertaken without delay;
- The company believed that the scheme would deliver a significant range of benefits meeting the social, economic and environmental objectives of the National Planning Policy Framework;
- If not approved the Council would need to find further greenfield sites to meet its housing target, the timescale of which may be detrimental to the delivery of homes through the emerging plan.

Objection

A letter had been received from Mr Crowe of Turnpike Lane Ickleford raising concerns with regard to overdevelopment, adverse impact on heritage assets, loss of agricultural land and adverse impact on local services.

Draft Revisions to NPPF (Consultation Proposals)

Since writing this report the Government had published, on 5 March 2018, draft changes to the National Planning Policy Framework in order to implement planning policy changes since the Framework was first published in 2012.

The revised Framework was out for consultation until May 2018 and, although of limited weight due to its draft form, was a material consideration when determining planning applications.

Officers had considered the consultation document, which maintained the presumption in favour of sustainable development, however there was nothing in the draft consultation that would affect the officer recommendation in this case.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

Parish Councillor Miles Maxwell, Ickleford Parish Council, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02175/1.

Parish Councillor Maxwell informed Members that Ickleford Parish Council, along with neighbouring Parish Councils in Stondon and Henlow, opposed this application. They agreed with the NHDC Planning Advisors that permission should be refused because the development was of poor design and did not improve the character and quality of the area and the way it functioned.

It was an overdevelopment, it provided insufficient parking spaces, and would adversely affect the historical environment of the Grade II star listed Old Ramerick Manor and its associated non-designated heritage assets.

These were sufficient reasons for the Committee to refuse planning permission, but other relevant factors which further undermined the application should be mentioned

He drew attention to the recent case of *Steer vs the Secretary of State for Communities and Local Government and Ors* (2017) on the setting of heritage assets.

This case referred to the setting of the historical asset as being just as important as the bricks and mortar of the building itself.

Old Ramerick Manor was the hub of the farming community for centuries, and to remove the farmland adjacent to it and thus reduce the historical site to a manor house set behind a modern housing estate undermined its historical importance.

The site was not within a settlement boundary.

They had serious concerns about road safety at the entrance/exit point from the site on to the A600 as the road access was in a dip, with limited visibility in both directions.

Although the submitted plans proposed a reduced speed limit, with the absence of effective enforcement, vehicles would be travelling quickly over the brow of the hills either side of the site.

Compare this situation with the recent road safety improvements needed for the North Herts Crematorium a little further south on the A600.

It was negligent for the applicants not to have proactively proposed something similar here.

The impact on key local services had not been adequately factored in by the developers. For example, a Section 106 obligation of £146,000 was proposed to support GP services via expansion of the Lower Stondon Surgery.

However, the lead GP at that practice had objected to this site in his submission to the NHDC Local Plan. Even if physical expansion of the surgery were feasible and acceptable to the practice, the proposed funds would be insufficient to achieve it.

Paragraph 111 of the National Planning Policy Framework required preference to be given to development on brownfield land, and Paragraph 112 required planning authorities to consider the benefits of the best and most versatile agricultural land.

This site was high-quality Grade 2 land, and therefore development of this site underplayed the impact on loss of farm land.

It was unacceptable for developers to suggest that simple proximity to a bus route conformed to NPPF requirements on sustainable transport.

The 2011 census showed that only 1.9 percent of North Herts residents used the bus to get to work, a figure likely to be lower still in rural parts of the District.

The bus services in this area were irregular, infrequent, did not cover early mornings or late evenings, and did not directly serve either Hitchin or Arlesey train stations.

Most residents of this putative development would rely on private vehicles, adding to the already congested roads, and contravening NPPF Paragraph 34.

NPPF Paragraph 32 required cumulative traffic impacts of developments to be considered. This was particularly important in this location due to the number of new developments in adjacent Lower Stondon and Henlow.

A total of 1,724 new homes could be built in those two villages over the coming years. Due to the paucity of sustainable transport options, a conservative estimate of 2,750 additional vehicles could be expected on the nearby roads.

Moreover, the increased traffic was associated with impacts on pollution and air quality. The NPPF, Paragraphs 120 and 124, also required the cumulative effects of developments on these two factors to be considered.

Parish Councillor Maxwell concluded by stating that this proposal was an over-development of very poor standard. It attempted to urbanise a rural location, and did so with scant regard to a range of impacts.

The plans contravened a raft of NPPF criteria and would adversely impact residents present and future. He hoped that the Committee will agree with him and the NHDC Planning Advisors, and refuse planning permission.

The Chairman thanked Parish Councillor Maxwell for his presentation.

Members commended the Planning Officer for his report and agreed with the content. They also expressed concern regarding road safety in respect of the entrance to the site.

Members queried whether an additional reason for refusal of prematurity could be added.

The Development and Conservation Manager stated that guidance advised that prematurity was rarely used as a reason for refusal and, if it was, it was use for sites that were such that they would undermine the basis of the Plan.

In his opinion, a refusal for this reason would not be in accordance with that guidance and would be difficult to defend if there were a public inquiry.

RESOLVED: That application **17/02175/1** be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation Manager.

124 17/02180/1- SITE OF FORMER LANNOCK PRIMARY SCHOOL, WHITEWAY, LETCHWORTH GARDEN CITY, SG6 2PP

Outline application (all matters reserved except access) for residential development up to 44 dwellings.

Prior to the item being presented Councillors Barnard, Hill and Muir sought legal advice as to whether they could take part in the debate and vote regarding this application as it was a County Council application and they were County Councillors.

The Planning Lawyer advised that any Member that, as this application could be considered by the County Council Planning Committee, any Member that also served on the County Council Planning Committee would only be able to vote at one of the meetings and therefore, if they voted at this meeting would be unable to vote at the County meeting. It was up to the individual Member to make a decision as to which they wished to vote at.

Councillors Barnard and Muir stated that they would remain in the room and take part in the debate and vote.

Councillor Hill advised that she would remain in the room, but take no part in the debate nor would she vote.

The Development Officer advised that the Section 106 agreement had not yet been signed, it was however expected to be completed before the end of April 2018. However, if it was not completed in time:

Recommendation 6.1 contained in the report read:

“That Members resolve to GRANT permission subject to the completion of a satisfactory section 106 agreement and the conditions set out below”

New Recommendation 6.2 to read:

“That, should a satisfactory Section 106 agreement not be completed by 1 May 2018 (or any later date agreed between the parties), application 17/02180/1 be REFUSED planning permission with the reason for refusal being that there is no satisfactory agreement such that would be necessary to mitigate the effects of development.”

The Development Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

Members asked for clarification that the current access from the White Way would be used to access the development and whether this would be sufficient for use by the proposed development.

The Development Officer confirmed that the existing access position would be used for vehicle access and that the Highway Authority was satisfied with this proposal, with a number of conditions.

It was proposed, seconded and

RESOLVED:

- (1) That, subject to the completion of a satisfactory Section 106 agreement, application **17/02180/1** be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager;

- (2) That, should a satisfactory Section 106 agreement not be completed by 1 May 2018 (or any later date agreed between the parties), application **17/02180/1** be **REFUSED** planning permission with the reason for refusal being that there is no satisfactory agreement such that would be necessary to mitigate the effects of development.

125 17/02652/1 - 135A LONDON ROAD, KNEBWORTH, SG3 6EX

Erection of two 2-bed apartments with a ground floor commercial unit (Use Class A1, A2 or A3) including car parking and creation of new vehicular access of London Road (as amended by drawings B003C and B004A received 09/01/2018).

The Development Officer presented the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Development and Conservation noted that a relaxation of car parking standard would be required to enable this proposal to be granted.

The car parking standards did allow flexibility where the development was in an appropriate location and in this case there was a public car park and it was within walking distance of the train station, there it was considered suitable for a reduction in the car parking standards

Parish Councillor Roger Wilcocks, Knebworth Parish Council, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02652/1.

Parish Councillor Willcocks informed Members that although this was a small site, it had to be considered along with the development on the former Chas Lowe site opposite this development.

The main issue was, as ever, regarding parking.

The Chas Lowe site had an open area which offered parking for evenings and weekends, although this would be completely used for buildings.

The intention on this site was to build two 2 bedroomed flats with some parking on site and the provision of access to the site would result in the parking on the road itself being reduced.

Parking was a continuing issue in Knebworth and it was getting worse, a controlled Parking Zone was introduced recently and other parking in the village had to be paid for.

Due to the busy train station that catered for 600,000 passengers each year including people who drive into Knebworth and park all day, there was an acute shortage of parking.

He asked that parking standard be maintained on the site, or failing that Section 106 contributions to be payable for the Scout Hut, Parish Office or other community benefit.

Members asked for clarification as to whether the development would be restricted to those aged over 55.

Mr Willcocks advised that this was not an age restricted development and that the provision of three car parking spaces did not meet the Council's own policy standards. He also stated that the parking opposite was insufficient for the development and the shops.

The Chairman thanked Parish Councillor Willcocks for his presentation.

Councillor Steve Hemingway, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02652/1.

Councillor Hemingway informed Members that he supported the Parish Council and that parking was key when considering this development.

This was a commuter village with half a million passenger movements every year and, was the closest station to London with free on street parking therefore, on weekdays, every safe free parking space was taken by 7am by commuters.

Employees in village were very unhappy as they could not find an on street parking space and paid parking spaces had a maximum stay of 4 hours. The pay and display car park was heavily used by people going to the busy school and there was a proposal for a second school in the village resulting in more parents bringing their children to school by car.

The B197 was chronically busy in Knebworth and was difficult to navigate

.The nature of development needed to be considered with 2 shops, 2 flats and only 3 car parking spaces.

There was no justification for relaxing the parking standards in respect of these flats. This might be different if Knebworth had the full range of facilities without the need for access to a car.

There was a range of useful facilities in the village, which consisted of 2 funeral directors, 4 churches, and 0 pubs. 1 restaurant but it had to be acknowledged that Knebworth was a village and therefore people living there needed a car.

This development was logically connected to the development of 48 flats across the road which was for assisted living which would require many carers, catering and medical staff visiting and only had 20 parking spaces.

The Chairman thanked Councillor Hemingway for his presentation.

The Development Officer advised that. Although this application was from the same applicant as that across the road, he was concerned that the applications were being linked. A decision should only be made regarding the application being considered.

He further advised that applications should only be refused due to parking where the impact of development would be severe. This was recognised in an appeal regarding an application in Letchworth which, although there was not a comparison with services available, Inspectors approved a scheme for 18 dwelling with zero parking.

In this case the ideal provision would be 4 parking spaces however three spaces were being provided and it would be unnecessary to insist on the full parking standard when there were other facilities in the street.

Members acknowledge that this application was one car parking space short of the car parking standards for dwelling, but queried the parking requirements for the shops that would be provided below these flats.

The Development Officer advised that parking requirements for the shops below varied according to the type of provision and this detail had not been specified in the application and spaces may not need to be provided on site.

In considering the car parking provision he had primarily considered the residential aspect of the development and it should be noted that other commercial properties along the road did not appear to provide any private parking spaces.

Members noted that not only did the development only provide 3 car parking spaces, but that on-street parking spaces would be lost due to the provision of an access to the development.

The Development Officer advised that there was a Section 278 legal agreement that required the parking space that would be lost due to these being replaced further down the road.

Members queried where on London Road this parking space could be moved to.

The Development Officer advised that he had posed this question and was assured that this space would be able to be replaced and it was entirely possible that those living in a 2 bedroomed flat only owned one car. The area was also served by sustainable transport links.

Members acknowledged the car parking problems in Knebworth, but felt unable to refuse this application based on parking issues as any appeal may be lost.

It was proposed, seconded and

RESOLVED: That application **17/02652/1** be **GRANTED** planning permission subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

126 12/01903/1 - SITE D, LAND TO NORTH OF HOUSMAN AVENUE AND LINDSAY CLOSE, ROYSTON

Erection of 39 residential units comprising 1 x 5 bedroom dwelling; 14 x 4 bedroom dwellings; 16 x 3 bedroom dwellings; 2 x 2 bedroom dwellings; 4 x 2 bedroom flats and 2 x 1 bedroom flats with associated internal access arrangements, car parking and landscaping. (Access to the site subject of a separate application ref no. 12/01037/1). (As amended by plans received 22/02/13; 24/04/13 and 13/06/13).

Prior to the item being discussed Councillor Fiona Hill (Vice-Chairman) declared a Disclosable Pecuniary Interest as she live on the road adjacent to the site. She stated that she would leave the room for the duration of the debate and vote.

The Development and Conservation Manager advised that there were several amendments and updates to the report as follows:

Recommendation 6.1

Since the report was written the necessary Section 106 Obligation, which now included the requisite 40 percent affordable housing in line with emerging Local Plan policy, had been completed and if Members were minded to support the recommendation planning permission could be granted for this application which dated back to 2012.

Therefore the Recommendation should read:

“That application 12/01903/1 be GRANTED planning permission, subject to conditions and reasons set out in the report”

Condition 4

The current approved access to the site was the subject of a separate planning permission, the purpose of Condition 4 was to link the two developments.

Therefore an additional sentence at the end of Condition 4 was required to read:

“Either the approved access or another later approved access would be satisfactory to serve this development”

Additional Conditions

There were also additional conditions 30, 31 and 32 recommended to deal with approved landscaping, site waste management plans and assessment of the Royston Water centre.

NPPF

The recommendation remains the same despite the draft National Planning Policy Framework.

The Development and Conservation Manager presented the report supported by a visual presentation consisting of plans, drawings and photographs of the site.

Councillor Hunter advised that he had been previously spoken against other developments in the area as he felt it was over development and therefore would be abstaining from the vote.

It was proposed, seconded and

RESOLVED: That application **12/01903/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager and subject to the following amended and additional conditions:

Condition 4 to read:

"No development shall commence until the highways access works shown on plans (S715PM-E02B; E03) hereby submitted, approved and described by LPA Reference Number 17/00666/1 and relating to the formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to the north of Housman Avenue and Lindsay Close, ("the Works") that would allow the appropriate means of access to this Development [LPA Reference Number 12/01903/1] ("the Development"), have been completed in accordance with these approved drawings or any alternative access that as may be agreed by the Local Planning Authority.

No part of the Development shall be occupied until the Works to implement the approved access have been completed to the written satisfaction of the Local Planning Authority.

Either the approved access or another later approved access would be satisfactory to serve this development.

Reason: To ensure the proposed development has appropriate and adequate highways access and is acceptable in terms of highways safety.

Condition 30 to read:

"The approved details of landscaping (in relation to the internal residential area including the southern boundary of the site) shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality."

Condition 31 to read:

“Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Waste Planning Authority. The approved Site Waste Management Plan shall be implemented on site.

Reason: In order to reduce the amount of waste produced on site.”

Condition 32 to read:

“Prior to the commencement of development a detailed assessment of the impact of the Royston Water Recycling Centre in relation to odours, lighting, noise and traffic impacts shall be submitted to and approved by the Local Planning Authority in consultation with Anglian Water. Any mitigation measures shall be implemented prior to the occupation of any part of the development hereby approved.

Reason: To protect the amenities of future occupiers.”

Councillor Fiona Hill returned to the room.

127 PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals and drew attention to the following:

Land North of Luton Road, Offley

This appeal would be heard by public inquiry that would commence on 12 June 2018.

The Council had employed an independent planning consultant to be their expert witness and had also employed the QC who was dealing with the Local Plan to be the advocate at the inquiry.

A report would be presented to the Committee in April recommending that the reasons for refusal be slightly amended in order to put more emphasis on the setting of the listed buildings on the site and separate that issue from the landscaping.

A Member commented that, if this application were approved it would change the character of the village forever and queried whether there was a reason for refusal that could cover this issue.

The Development and Conservation Manager advised that the report regarding this had not yet been considered and that Members could discuss this at the meeting, at which the planning consultant would be present.

RESOLVED: That the report entitled Planning Appeals be noted.

The meeting closed at 9.54 pm

Chairman

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ITEM NO: Location:

Land North of Luton Road, Offley

6

Applicant:

Gladmans Developments

Proposal:

Outline planning permission for up to 70 dwellings (including 40% affordable housing), new village gateway, new retail outlet/village facility, planting, landscaping, informal open space, children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access

Ref. No:

17/01781/1

Officer:

Simon Ellis

Date of expiry of statutory period: N/A

Reason for Delay

N/A. This application is now the subject of an appeal to be heard by Public Inquiry starting 12 June 2018.

Background to Report and Reason for Referral to Committee

This planning application was originally reported to the meeting of the Planning Control Committee held on 9 November 2018 (report attached as appendix 1). At that Meeting Members resolved to refuse planning permission for the reasons set out in the decision notice attached as appendix 2.

The decision was made after the appellant had lodged an appeal against non-determination. Therefore, the reasons for refusal set out in the decision notice amounts to the current putative reasons for refusal that the Council would have agreed had the Committee been able to determine the planning application before the appeal was lodged.

Since this decision and on the basis that the case officer Kirstie Hough has left the authority, the Council have appointed an experienced planning consultant to act as the expert witness and provide a proof of evidence to defend the Committee's decision at the forthcoming public inquiry. Attached as appendix 3 is the statement of case that I have sent to the Planning Inspectorate.

The Council have also appointed Counsel to act as the Council's advocate at the Inquiry, which will start on 12 June 2018 and is scheduled to last 6 days. Appointed Counsel will present the Council's case, examine the Council's witness(es) and cross examine the appellant's witnesses.

Following advice, as this was an appeal against non-determination, and there are outstanding matters that may be addressed by the Appellant, the Council is able to review and refine its putative reasons for refusal.

The purpose of this report is to seek Members agreement to refine the putative reasons for refusal that will be presented at the forthcoming inquiry. An update is also provided on technical matters such as progress on archaeology, S106 Obligations and flood risk.

1.0 Relevant History

- 1.1 See committee report and decision notices attached as appendices 1 and 2

2.0 Policies

- 2.1 See committee report, decision notice and Statement of Case attached as appendices 1, 2 and 3.

3.0 Representations

- 3.1 All representations received as a result of consultation on the planning application have been sent to the Planning Inspectorate and all interested parties have been provided with an opportunity to make further comments to PINs and attend and participate in the forthcoming public inquiry.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 See committee report attached as appendix 1.

4.2 Proposal

- 4.2.1 See committee report attached as appendix 1.

4.3 Key Issues

- 4.3.1 As is explained above following advice from the Council's appointed planning consultant who will act as the lead expert witness at the forthcoming Public Inquiry and following his full assessment of the case, the purpose of this report is to seek Member's agreement to clarify matters and change the putative reasons for refusal of this application and therefore enable the Council's witness (es) to present a robust case at the Public Inquiry.

- 4.3.2 It is now considered that the outstanding key issues are:

- The Principle of Housing Development in this Location;
- The Effect upon Landscape Character and Visual Amenity;
- The Effect upon Designated Heritage Assets;
- The Effect upon Non-Designated Heritage Assets;

- The Effect upon Services, Facilities and Infrastructure; and
- Flood Risk and Drainage.

4.3.3 **Principle of Housing Development in this Location**

This matter was addressed in the Committee Report at Appendix 1. There are no changes or updates regarding this issue.

4.3.4 **Landscape Character and Visual Amenity**

The effect of the proposed development on the character and appearance of the countryside was addressed in the Committee Report at Appendix 1. In terms of landscape character, the site is relatively level in an elevated position within Local Character Area 211 Offley – St. Pauls Walden, which is identified as gently rolling upland plateau in the Landscape Character Study. To the north beyond the A505 lies the Chilterns Area of Outstanding Natural Beauty (AONB). The Landscape and Visual Impact Assessment submitted with the application, identified adverse impact upon the landscape because of the proposed development in relation to the sensitivity of the landscape and the magnitude of change, this is being re-assessed by Landscape Consultants, and the Committee will be updated that the meeting of the outcome of this work.

4.3.5 However, I consider that the proposed development would have a significant urbanising effect on the site and the surrounding landscape and the westward encroachment of the village into the countryside would have a significant impact upon the wider views of the settlement, to the significant detriment of the character of the landscape.

4.3.6 Regarding visual amenity, the proposed development would have a significant impact upon views from Public Rights of Way (PROW) within and adjacent to the site, including Luton Road. PROW 16 passes through the site.

4.3.7 **Designated Heritage Assets**

This issue was addressed in the Committee Report at Appendix 1. The site lies partially within and adjacent to the western boundary of Great Offley Conservation Area. There are also Grade II Listed Buildings to the east within Westbury Farm Close. I consider that the site is within the setting of the Conservation Area and nearby listed buildings.

4.3.8 There is a statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that in the exercise of planning powers in conservation areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. The Act requires special consideration, which is a stern test. However, this statutory duty does not extend to the setting of conservation areas, and whilst setting is not itself a heritage asset, its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance.

4.3.9 There is also a statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that where considering whether to grant planning permission for development that which affects a listed building or its setting special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Given this statutory duty, which includes the setting of listed buildings, I consider that the effect of the proposed development upon the setting of nearby listed buildings should be addressed more fully.

4.3.10 The appeal site makes a significant and positive contribution to the significance of the Conservation Area and Grade II listed buildings on Westbury Farm Close as designated heritage assets. The relevant listed buildings are Westbury House, a former farmhouse, former barns and a dovecote. Whilst the barns have been converted to dwellings and new dwellings have been erected in the style of rural barns, there is nevertheless a visual, spatial and historical relationship between the appeal site and the listed buildings. The site contributes to the ability to appreciate the significance of both the conservation area and the listed buildings as heritage assets.

4.3.11 The appellant submitted an Archaeology and Heritage Assessment (AHA) with the application. This document confirms that the proposed development would cause less than substantial harm to the significance of the conservation area and the listed buildings as heritage assets. As indicated in the report at Appendix 1, Paragraph 132 of the Framework states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

4.3.12 The AHA identifies the Conservation Area as a heritage asset of Highest Significance, and the Grade II listed buildings of High Significance, but less than Highest, as such significance would be attributed to Grade I and II* listed buildings. I would agree with this assessment.

4.3.13 Paragraph 134 of the Framework states

“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”

4.3.14 The AHA submitted with the application confirms that the proposed development would have less than substantial harm to the significance of the Conservation Area and the listed buildings as designated heritage assets. The AHA indicates overall the setting of the Conservation Area will remain as currently, a combination of agricultural land and post-war built form. As indicated in the report at Appendix 1, I disagree with this analysis, as I believe that the site makes a significant contribution to the open setting of the Conservation Area. I consider that the urbanisation of the land would have a detrimental impact upon its setting.

4.3.15 In addition, whilst the appellant's AHA accepts that the proposed development would have less than substantial harm to the setting of Westbury House and associated former barns, it considers at paragraph 6.13 in respect of Westbury House that the alteration of the character of historically associated agricultural land would have a negligible impact on the setting of this listed building, and that the proposed development would have a negligible impact on the outbuildings at Westbury Farm. However, I consider that the proposed development would have a significant impact upon the setting of these designated heritage assets, and whilst the effect upon their significance as designated heritage assets would be less than

substantial, I consider that effect would be greater than negligible as suggested by the Appellant. The current open appearance of the land and the agricultural use of part of the site allows the significance of the village character of the Conservation Area and the listed former farmhouse and former agricultural barns to be appreciated. That spatial, visual and historical appreciation would be diminished.

- 4.3.16 In conclusion on this issue it is considered that the proposed development would cause harm to the setting of Conservation Area and nearby listed buildings and that this would cause less than substantial harm to their significance as designated heritage assets. Whilst there would be public benefit from the delivery of houses, it is considered that this would not outweigh the harm.

4.3.17 **Non-designated Heritage Assets**

The effect upon archaeology was addressed in the Committee Report at Appendix 1. The Hertfordshire County Council Historic Environment Team commented that the proposed development is likely to have an impact on heritage assets of archaeological interest and recommended that that an archaeological evaluation of the site is undertaken prior to determination which should comprise a geophysical survey followed by trial trenching. Whilst a geophysical survey was submitted with the application, trial trenching had not been undertaken. I understand trial trenching has subsequently been undertaken and the results are awaited. I anticipate that these results will be available before the meeting and therefore members will be updated.

- 4.3.18 Until the results have been provided and assessed this matter remains a reason for refusal of planning permission.

4.3.19 **Services, Facilities and Infrastructure**

This matter was addressed in the Committee Report at Appendix 1.

- 4.3.20 The Appellants have indicated an intention to enter planning obligations. A draft S106 document has not yet been supplied. Members will be updated on this matter. However, this issue remains as a reason for refusal of planning permission.

4.3.21 **Flood Risk and Drainage**

As set out in the Committee Report at Appendix 1, the Local Lead Flood Authority (LLFA) recommended that planning permission be refused because the Flood Risk Assessment submitted with the application does not demonstrate a feasible discharge location in respect of the drainage of the site. It is understood that further discussions have taken place between the Appellant's drainage consultants and the LLFA. This matter had not been resolved at the time of writing this report and therefore this matter remains a reason for refusal of planning permission. However, Members will be updated on this matter at the meeting

4.4 Conclusion

- 4.4.1 I conclude that whilst there would be economic and social benefits of providing new housing the harm that would be caused by the development would significantly and demonstrably outweigh the benefits of allowing the development. It is considered that in respect of the identified harm to designated heritage assets policies of the Framework indicate that development should be restricted. It is considered that had the Council retained the power to determine the application that permission would be refused, and at the point of writing this report the reasons are set out below. It is possible that with the provision of additional information by the Appellant some of the reasons for refusal may be addressed.

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.

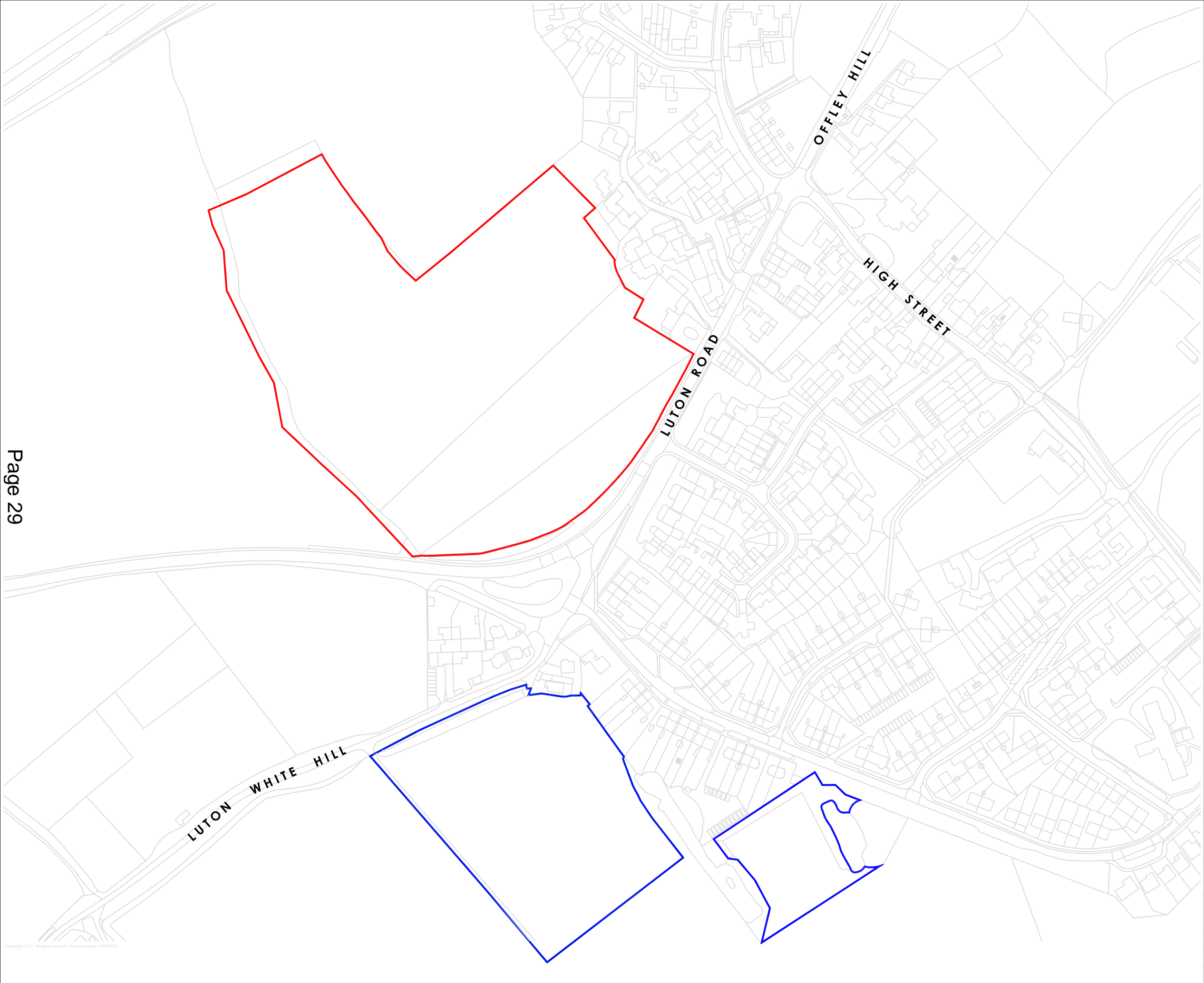
6.0 Recommendation

- 6.1 That the Council's putative reason for refusal of this application to be presented at the forthcoming Public Inquiry be revised to the following:
1. By reason of its siting beyond the built limits of Offley, on open allotments and farmland in an area of countryside adjacent to the village, the proposal would be detrimental to the rural character and appearance of the area. The urban form of the development would afford significant and demonstrable harm the intrinsic character and beauty of the countryside in this sensitive location adjacent to the village of Offley. The proposal would be harmful to the landscape qualities of the area and given that the site is prominent from several public vantage points it would be harmful to the visual amenity of the area and in particular the users of public footpaths within and in the vicinity of the site. The proposal is therefore contrary to saved Policy 6 of the North Hertfordshire District Local Plan No. 2 with alterations and specific policies of the Framework. The development would also be contrary to Policy SP5 of the North Hertfordshire Emerging Local Plan 2011-2031.
 2. The proposed development would afford harm to the setting of Great Offley Conservation Area and the setting of nearby listed buildings. The site presents an attractive open setting to the Conservation Area and these nearby listed buildings and the ability to appreciate these designated heritage assets. The proposed development would fail to preserve or enhance the Conservation Area and would detract from the setting of the listed buildings. The proposal would cause less than substantial harm to the significance of these designated heritage assets, which would not be outweighed by the public benefits of delivering new housing development. The proposal would therefore conflict with the aims of Section 12 of the National Planning Policy Framework which seeks to conserve and enhance the historic environment.
 3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) setting out how the shop would be delivered, along with the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations and provision of the allotments is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be

considered as sustainable form of development contrary to the requirements of the National Planning Policy Framework.

4. The Flood Risk Assessment carried out by MLM Consulting reference 618538-MLM-ZZ-XX-RP-C-000 Rev 3 dated 27 September 2017 does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development as it does not demonstrate a feasible discharge location.
 5. The proposed development lies immediately adjacent to an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of extremely significant archaeological potential. Given this and the large scale nature of the proposal, this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet NPPF para 139. This could represent a significant constraint on development. In the absence of a full archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site. The proposal will be contrary to Section 12 of the NPPF.
- 6.2 In the event of further progress on Archaeology, Flood Risk or S106 Obligation that Members allow the Council's case to be updated in advance of the Public Inquiry depending on progress in relation to these specific matters.

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Site Application Boundary:
5.79ha

Additional parcel of land within
the control of the landowner

Based upon the Ordnance Survey map
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Project

Luton Road, Offley

Title

Site Location Plan

Client

Gladman Developments Ltd

Scale

1:2500 @ A3

Drawn

SM

Date

June 2017

Checked

RR

Drawing No.

CSA/3282/108

Rev

A

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ITEM NO:	<u>Location:</u>	Land north of, Luton Road, Offley
	<u>Applicant:</u>	Gladman Developments Ltd
	<u>Proposal:</u>	Outline planning permission for up to 70 residential dwellings (including 40% affordable housing), new village gateway, new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access.
	<u>Ref.No:</u>	17/01781/ 1
	<u>Officer:</u>	Kirstie Hough

Date of expiry of statutory period : 13 October 2017

Reason for Delay

I had planned to report this application to Members at the 14 December meeting of the Planning Control Committee, by which time the Examination in Public (EiP) relating to the North Hertfordshire District Submission Local Plan (2011-2031) would have been underway. By which time the Council may have had some indication on the Inspector's views relating to the proposed Green Belt boundary changes set out in this Local Plan (The Inspector is due to consider Green Belt issues at the EiP on 20 November 2017).

However, the applicant has now submitted an appeal against non-determination (as the application has gone past the Statutory expiry date of 13th October). At the time of writing this report, a start date for the appeal has not been received from the Planning Inspectorate (PINs), therefore the appeal is not technically valid. However, following confirmation from PINs of a valid appeal including an official start date the Council will have 5 weeks in which to notify the Inspector as to how the Council would have determined the application had it had time to do so. Given that the Council are limited to the 14 December Planning Control Committee date, should the start date for the appeal against non-determination be prior to 9th November 2017, then it would not be possible to notify the Inspector of our determination decision without organising an extra special meeting of the Planning Control Committee. As such, this application has been placed on this agenda; albeit we are not able to have sight of any further submissions from the applicant with regard to the appeal.

Reason for Referral to Committee

The site area for this application for residential development exceeds 0.5ha and therefore under the Council's scheme of delegation, this outline application for residential development must be determined by the Council's Planning Control Committee.

1.0 Relevant History

- 1.1 17/01329/1PRE – Pre-application advice given
- 1.2 Land off Luton Road White Hill 17/02119/1PUD- Use of land as a private allotment GRANTED

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations**
 - Policy 6 - Rural Areas beyond the Green Belt
 - Policy 14 - Nature Conservation
 - Policy 26 - Housing Proposals
 - Policy 29 - Rural Housing Needs
 - Policy 51 - Development Effects and Planning Gain
 - Policy 55 - Car Parking Standards
 - Policy 57 - Residential Guidelines and Standards
- 2.2 **Supplementary Planning Documents**
 - Supplementary Planning Document - Vehicle Parking Provision at New Development (September 2011)
 - Supplementary Planning Document – Design
 - Supplementary Planning Document – Planning Obligations
- 2.3 **National Planning Policy Framework**
 - Paragraph 14 'Presumption in Favour of Sustainable Development'
 - Paragraph 17 'Core Planning Principles'
 - Section 1 - Building a strong, competitive economy
 - Section 3 - Supporting a prosperous rural economy
 - Section 4 - Promoting sustainable transport
 - Section 6 - Delivering a wide choice of high quality homes
 - Section 7 - Requiring good design
 - Section 8 - Promoting healthy communities
 - Section 9- Protecting Green Belt land
 - Section 10- Meeting the challenge of climate change, flooding and coastal change
 - Section 11 - Conserving and enhancing the natural environment
 - Section 12 - Conserving and enhancing the historic environment
- 2.4 **North Hertfordshire District Local Plan – Submission Local Plan 2011-2031**
 - Policy SP1: Sustainable development in North Hertfordshire
 - Policy SP2: Settlement hierarchy
 - Policy SP5: Countryside and Green Belt
 - Policy SP8: Housing
 - Policy SP9: Design and Sustainability
 - Policy SP10: Healthy Communities
 - Policy SP12: Green infrastructure, biodiversity and landscape
 - Policy D1: Sustainable Design
 - Policy D3: Protecting living conditions
 - Policy D4: Air Quality
 - Policy T1: Assessment of Transport Matters
 - Policy T2: Parking
 - Policy NE1: Landscape
 - Policy NE4: Protecting Publically accessible open space

Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy HS2: Affordable Housing
Policy HE1: Designated heritage assets

The Proposed Submission Draft Local Plan was considered and approved by the Councils Cabinet in April 2017 following public consultation. The Plan has now been submitted for examination.

The site is currently allocated as Rural Area Beyond the Green Belt, however following a Green Belt review and Background Paper in 2016 (Green Belt Review (NHDC, 2016), Housing and Green Belt Background Paper (NHDC, 2016)), the draft Local Plan includes the site within the Green Belt.

The draft Local Plan includes the following wording:

Para 4.55- In part to offset the Green Belt releases necessary to meet housing needs, particularly in the Stevenage, Hitchin and Luton area, an additional area of Green Belt is designated around Offley and Whitwell to cover an area which was not previously Green Belt. This has the effect of linking the formerly separate Metropolitan and Luton Green Belts. This new area of Green Belt is intended to strengthen protection in the area of the District between Stevenage and Luton.

2.5 National Planning Practice Guidance

3.0 Representations

3.1 **Offley Parish Council** – Object to the proposal on various grounds which Include:

- Residents have not been consulted.
- The site is outside the current village boundary and therefore Policy 6 - Rural Areas beyond the Green Belt, applies.
- Offley is classed as a Category 'A' village in the proposed submission Local Plan and further development will be allowed within the village boundary. The remainder of the parish is classed as Green Belt. There are no allocated sites in Offley, in the proposed submission Local Plan and the site is outside the proposed village boundary, in the Green Belt.
- There are no serious employers in the area and very few places to spend any new money coming into the area.

See full representation via link:

http://documentportal.north-herts.gov.uk/GetDocList/Default.aspx?doc_class_code=DC&case_number=17/01781/1

3.2 **Highway Authority (Hertfordshire County Council)** - Would not wish to restrict the grant of permission, subject to the imposition of conditions.

3.3 **Herts Ecology** – Comment as follows:

'- We have no existing ecological data for this site other than the presence of some birds in the immediate area. I note from historic map evidence, however, that the NE corner of the site had a substantial orchard in the 1880s and which lasted until at least the 1930s although nothing of this now remains.

- The ecological assessment of the area appears thorough. No significant ecological interest was identified which is not unexpected given the past

management of the site. The main features are the remaining historic hedgerows and occasional trees, one of which to the SW is clearly a significant and old oak tree. The allotments are recent so they are unlikely to have developed an established resource for reptiles. They were not present in 2010 and were in any event a replacement for historic allotments now developed to the south – they are now to be moved again

They do not consider there to be any ecological constraints associated with the proposals. Suggest that issues raised are formally presented as part of a landscape / ecology management plan should permission be granted.

- 3.4 **Lead Local Flood Authority (LLFA)** – In the absence of an acceptable flood risk assessment they object to the grant of planning permission and recommend refusal on this basis that the Flood Risk Assessment carried out by MLM Consulting reference 618538-REP-CIV-FRA Rev 2 dated 26 June 2017 does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
An update will be provided to Members at Committee, as at the time of writing this report, the LLFA are considering further information submitted by the applicant.

- 3.5 **Landscape and Urban Design Officer** –Raises some concern about the setting of the AONB and the relocation of the allotments.

- 3.6 **NHDC Housing Development Liaison Officer** - Following the Cabinet meeting in September, public consultation and the Council meeting on 11 April 2017, the affordable housing requirement is 40% on sites which will provide 25 dwellings and above, in accordance with the proposed submission Local Plan.

Within the overall 40% affordable housing requirement a 65%/35% rented/ intermediate affordable housing tenure split is required, in accordance with the proposed submission Local Plan and the councils Planning Obligations SPD, supported by the 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update.

Based on the provision of 70 dwellings overall, a 40% affordable housing requirement would equate to 28 affordable dwellings; 18 for rent and 10 intermediate affordable housing tenure.

- 3.7 **Environmental Health (noise)** – make the following comments:

Acoustic Report

I have reviewed the submitted Noise Assessment. I consider that the relevant noise sources have been identified (Section 2.2.2 A505 road traffic noise); appropriate design criteria standards have been applied (Section 2.3); and that adequate noise monitoring has been undertaken.

Noise mitigation measures were found to be required. These may include an acoustic fence or changes to building orientation such that outdoor amenity areas of dwellings are not positioned closest to the A505 at the northern site boundary. Internal building layouts, glazing and ventilation specifications to achieve the appropriate design criteria standards will still need to be confirmed on a plot by plot basis (higher specification for dwellings closest to road traffic noise). As this is an application for outline planning permission specific mitigation measures will need to be confirmed on a plot by plot basis, once a detailed design layout is available. Noise associated with retail outlet /village facilities could also be assessed at a later

stage.

Taking into account the measured noise levels at the site, I consider that appropriate noise mitigation measures can be implemented at the proposed development site to achieve satisfactory internal and external amenity area noise levels. The proposed noise mitigation measures in the submitted noise assessment are not currently enforceable (general comments rather than plot specific); I therefore recommend the submission of a supplementary noise assessment to incorporate detailed, plot specific noise mitigation measures should the application proceed to apply for full planning permission.

- 3.8 **Environmental Health (contaminated land and air quality)**- Raise no objection to the proposal in terms of local air quality, but recommend planning conditions be attached to any permission.

- 3.9 **Herts County Council (Archaeology)** – Comment as follows:

'The site lies immediately adjacent to Area of Archaeological Significance no.139 as identified in the Local Plan. This notes that Great Offley is a medieval settlement recorded in Domesday Book as Offelei. The parish church of St Mary Magdelene dates to the 12th century. Additionally, the Historic Environment Record notes that Offley has Anglo-Saxon origins, and is first recorded in c.990. There is also an early tradition, recorded in c.1230 by Matthew Paris, that King Offa of Mercia (A.D. 757-96) built a palace at Offley, and that the village was named for him as 'Offanlege'. If the tradition is genuine, an important settlement, possibly a royal palace may have existed in Offley. Archaeological evidence for the early medieval (e.g. Anglo-Saxon) period is rare in Hertfordshire and Offley may therefore have the potential to contain extremely significant archaeological remains.

The Historic Environment Record (HER) notes that flint tools have been found in or close to the site (HER44530). The site of Westbury Farm lies adjacent to the site and this is thought to have been a medieval manor mentioned in Domesday Book. Archaeological investigations have found evidence dating from the 10th-13th centuries (HER12743). The site itself is approx. 5.5 ha. This is relatively large for Hertfordshire and this office normally asks to be consulted on all proposals of 1ha or more because of the likelihood of archaeological remains existing in an area of that size or greater.

I believe therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. I recommend that the results of an archaeological evaluation of the site are included with any planning application. This evaluation is likely to comprise geophysical survey followed by trial trenching

Subsequently a geophysical survey report has been submitted and is considered acceptable but County are still awaiting the results of trial trenching before they would wish any application be granted for development at the site.

- 3.10 **NHDC Waste Management** – No comments received
- 3.11 **Hertfordshire Fire & Rescue Services** – No comments received
- 3.12 **NHDC Community Development Officer** - No comments received

3.13 **NHDC Parks and Countryside manager** – No comments received

3.14 **Thames Water**- A representation was received stating:

The applicant would need to approach them for a pre-development enquiry, details of which can be found here: www.developers.thameswater.co.uk/developing-a-large-site/planning-your-development/wastewater.

Our sewer records don't indicate any shared drainage within the site, but there may be newly transferred sewers that we haven't yet mapped and aren't aware of.

If the site owner finds shared drainage, the sewers may need to be diverted, as we don't allow new builds over public sewers. They will need to submit their pre-development application to us and then discuss any potential diversions with the engineer dealing with their application.

However, the applicant has submitted a Foul Drainage Analysis with the application which shows that they did have correspondence with Thames Water during March and May of this year with agreement from Thames Water that 70 dwellings is acceptable but is near the limit of the capacity.

3.15 **Environment Agency**- Have made the following comments:

We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in our Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.

We recommend however that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are still followed, as the site is within a Source Protection Zone 2. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be additional to the risk to human health that your Environmental Health Department will be looking at.

We expect reports and Risk Assessments to be prepared in line with our 'Groundwater protection: Principles and practice document (commonly referred to as GP3) and CLR11 (Model Procedures for the Management of Land Contamination).

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.

- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

3.16 **Hertfordshire Property (Development Services)** - seek the following planning obligation project contributions:

- Primary Education towards the expansion of Offley Endowed Primary School (£170,891)

- Secondary Education towards 0.5fe expansion of Hitchin Boys School (£168,755)
- Library Service towards Hitchin library to develop IT on the ground floor enabling customers to access public IT as well as their own mobile devices (£11,586)
- Youth Service towards equipment for outreach sessions in Offley (£3,205)

HCC's standard approach is to request Table 2 of the Toolkit (below) is referred to and included within any Section 106 deed. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly. This ensures the contributions remain appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010: "fairly and reasonably related in scale and kind to the development".

Table 2: Hertfordshire County Council Services planning obligations contributions table

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES					FLATS		
	Market & other					Market & other		
Primary education	£231	£1,036	£2,469	£3,721	£4,692	£93	£816	£1,392
Secondary education	£263	£802	£2,561	£4,423	£5,662	£47	£444	£1,677
Youth facilities	£6	£16	£50	£82	£105	£3	£13	£41
Library facilities	£98	£147	£198	£241	£265	£77	£129	£164
	HOUSES					FLATS		
	Social Rent					Social Rent		
Primary education	£247	£2,391	£3,860	£5,048	£5,673	£44	£1,167	£2,524
Secondary education	£62	£450	£1,676	£2,669	£2,405	£14	£261	£1,084
Youth facilities	£2	£8	£31	£51	£55	£1	£6	£21
Library facilities	£48	£91	£130	£156	£155	£38	£82	£107

*uses an assumed relationship between bedrooms and habitable rooms
All figures are subject to indexation and will be indexed using the PUBSEC index base figure 175.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

- 3.17 **Site Notice / Press Notice and Neighbour consultation** – Representations have been received which express concerns relating to, but not necessarily limited to, the following points.

Summary of responses against the development

- The site is outside of the village boundary
- The development does not form part of the Local Plan 2011-2031 housing allocations
- It is proposed to be allocated as Green Belt within the submission Local Plan

- Would have a negative effect on the village and the quality of life of the residents
- Would be detrimental to the character and appearance of the village and the surrounding area
- The village school is already oversubscribed
- The allotments have already been moved once for development
- The site is prone to flooding
- The infrastructure could not cope with the additional dwellings
- The service of two buses an hour would not be able to cope with the increase of people using them
- The shop is not required and would impact the local shop keeper
- The roads could not cope with the additional vehicles
- The development is not required in the village
- The development would affect wildlife in the area
- Offley has already recently absorbed a similar sized development in the Garden Fields estate on the south side of Luton Road
- It would constitute overdevelopment of the village

These representations can be read in full on the Council's website page via link:

http://documentportal.north-herts.gov.uk/GetDocList/Default.aspx?doc_class_code=DC&case_number=17/01781/1

3.18 **Other comments**

North Hertfordshire Archaeological Society :

Have made comments on the Archaeological report submitted. The full representation can be viewed via the Council's website page via link:

http://documentportal.north-herts.gov.uk/GetDocList/Default.aspx?doc_class_code=DC&case_number=17/01781/1

3.19 **CPRE Hertfordshire**

Objects to the proposal. The full representation can be viewed via the Council's website page via link:

http://documentportal.north-herts.gov.uk/GetDocList/Default.aspx?doc_class_code=DC&case_number=17/01781/1

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is located to the west of Luton Road and to the south-west of Westbury Farm Close. The area of the site totals approximately 5.79 hectares and consists of a private allotments and arable field/ grazing land. Two public footpaths (PROW) cross the site- Offley 17 along the sites western boundary and Offley 16 in the southern part of the site.

4.1.2 The site which is roughly an 'L' shape has a frontage onto Luton Road of approximately 260 metres and approximately 170 metres along the rear of properties in Westbury Farm Close. The depth of the site is between approximately 190 metres and 300 metres. The A505 is located to the north-west beyond agricultural land and to the south-east on the opposite side of Luton Road lies the

Garden Fields housing development which was granted planning permission in May 2014 and was previously the site of the private allotments which are now accommodated on the application site.

- 4.1.3 The Great Offley Conservation Area extends for a very small part into the front of the site, at the point of the start of the access and public right of way. The Great Offley Conservation Area also shares part of its western boundary with the site's north eastern boundary and there are two Grade II Listed Buildings on the west side of Westbury Farm Close.
- 4.1.4 Two areas of land to the south of Luton White Hill are shown as potential sites to accommodate the relocation of the private allotments. The use of agricultural land for allotments does not constitute development requiring planning permission.
- 4.1.5 The southern boundary of the site with Luton Road is defined by post and rail fencing along with established mature hedgerow/ trees, as are the western and northern boundaries. A mature oak tree sits in the south-west corner of the site.

4.2 Proposal

- 4.2.1 This application seeks outline planning permission for up to 70 new dwellings (including 40% affordable housing), a new village gateway, new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS). All matters are reserved for future consideration with the exception of access. Appearance, landscaping, layout and scale associated with the proposed development are therefore reserved matters.
- 4.2.2 The application is accompanied by a 'Development Framework Plan (drawing no. CSA/3282/105) which illustrates the potential site layout with landscape buffer planting to the north, west and south of the main built development and an area of open space to the top of the 'L' at the north-west.
- 4.2.3 The application is supported by the following documents:
 - Planning Statement
 - Design and Access Statement
 - Landscape and Visual Impact Assessment
 - Transport Statement
 - Ecological Survey and Report
 - Arboricultural Report
 - Ground Conditions Desk Study
 - Flood Risk Assessment
 - Foul Drainage Analysis
 - Air Quality Screening Report
 - Noise Assessment
 - Utilities Appraisal
 - Statement of Community Involvement
 - Socio-Economic Report
 - Archaeology and Heritage Statement
- 4.2.4 The applicants planning statement makes the following points in support of the proposed development:

The site is located in close proximity to a variety of services and facilities and is accessible by sustainable transport modes.

The local plan is out of date and does not meet objectively assessed needs, is inconsistent with the National Planning Policy Framework and does not support the delivery of development to meet needs and should be accorded limited weight.

The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development exists.

The proposals will deliver a range of benefits including affordable housing. The development presents no significant harm or impacts that outweigh the benefits of delivering housing on the site.

With sensitive and appropriate design, development of the site would not compromise national or local Green Belt objectives for the following reasons:

- Development is well related to the existing settlement;*
- The development extends no further north or west than the existing settlement envelope;*
- The proposed layout and landscape create a defensible settlement boundary;*
- The development will not lead to coalescence; and*
- The development will not impact on the setting of an historic town.*

4.2.5 The applicants have also pointed out the following social, economic and environmental benefits that the proposed development provides:

- Provision of up to 70 new homes adjacent to the bus service*
- 40% policy compliant affordable housing*
- Council tax payments of approximately £1,100,000 over 10 years*
- Up to 168 new residents with 89 economically active*
- Generation of total gross expenditure of £1,623,000 annually*
- Support 64 FTE construction jobs over 3 years and 69 FTE indirect jobs in associated industries*
- Delivery of £2.6m of direct GVA over the build period and*
- Potential surface improvements to existing PROW Offley 16 & 17 within and around the application site*
- New visual gateway to Offley*
- Potential relocation of private allotments with improved facilities such as formal parking and water supply*
- Upgrade of Offley 17 & 21 PROW to a bridleway extending from A505 underpass to Luton Road and School Lane including upgrades of gates/ accesses and;*
- New retail outlet with proposed qualifying incentives for operator*

4.3 Key Issues

4.3.1 The application is for outline planning permission and the key considerations relate to:

- The principle of the development;*
- Sustainability;*
- Character and appearance of the countryside;*
- Impact upon the designated heritage assets of the Great Offley conservation area and adjacent listed buildings;*
- Highway considerations;*

- Archaeology;
- Other matters relating to flood risk and ecological issues;
- Section 106;
- The Planning Balance.

4.3.2 **Principle of the development in the Rural Area beyond the Green Belt**

There are three policy documents which are relevant to the consideration of this application: the saved policies of the North Hertfordshire District Local Plan No. 2 with Alterations (adopted 1996) (the development plan), the emerging Local Plan 2011 - 2031 Submitted for Examination to the Secretary of State 9th June 2017, and the National Planning Policy Framework (NPPF). Set out below is my assessment as to weight that should be attributed to various policies within these documents.

4.3.3 Paragraph 49 of the NPPF states 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.'

4.3.4 Paragraph 14 of the NPPF defines the presumption in favour of sustainable development for decision makers as follows:

- ***approving development proposals that accord with the development plan without delay; and***
- ***where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:***

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

-specific policies in this Framework indicate development should be restricted.'

Under paragraphs 14 it is necessary to assess the weight that can be applied to relevant development plan policies to this application.

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

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 215 of the NPPF states that:

' due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.'

The applicant states that the Council cannot currently demonstrate a five year supply of deliverable housing sites, and so development plan policies which seek to restrict the supply of housing are out-of-date. Saved Policy 6 - Rural Areas beyond the Green Belt, in so far as it deals with the supply of housing, is in my view out of

date. However, insofar as it seeks to operate restraint in the Rural Area for the purpose of protecting the intrinsic character and beauty of the countryside the policy accords with one of the core planning principles of the NPPF as set out in paragraph 17 of the document.

4.3.6 This is an important point and is supported by a very recent Supreme Court decision in 2017 (in the case of Suffolk Coastal District Council v Hopkins Homes Ltd) which held that a local plan policy to protect the countryside from development (such as NHDC Policy 6) is not 'a policy for the supply of housing and therefore is not 'out of date' and therefore should continue to be accorded weight in planning decisions.

4.3.7 As well as stating that the Council cannot demonstrate a five year supply of deliverable housing sites (a point I do not dispute, see below), the applicant considers that the submission Local Plan does not meet the requirements of paragraph 47 of the NPPF to provide objectively assessed need and therefore Policy 6 (of the saved Local Plan) carries reduced weight and along with Policy 7 is also inconsistent with paragraph 157 of the NPPF. This does not take into account the decision of the Supreme Court above which considers that policies to protect the countryside from development are consistent with the NPPF. Moreover, the emerging Local Plan makes provision to meet the Districts own full objectively assessed needs for housing and additionally makes positive contributions towards the unmet housing needs of its neighbouring authorities such as Luton. The emerging Local Plan achieves all of this without the need to allocate this application site for housing.

4.3.8 In taking the view that material weight can still be attached to Policy 6 it is clear that the proposed development does not meet any of the exceptions for development in the Rural Area Beyond the Green Belt. The development would not maintain the existing countryside and the character of the village of Offley by reason of its location (which would expand the village westward), which would in my view have an adverse visual impact on the landscape and density of development contrary to the aims of Policy 6.

4.3.9 Submission Local Plan Policies (2011-2031)

With regard to the relocation of the allotments, there are no specific protections for the allotments under the saved policies of the District Local Plan. However, Policy NE4 of the Submission Local Plan states that:

**'Planning permission will be granted for any proposed loss of open space only where [among other things]:
the quality and accessibility of alternative open space [is appropriate];
it is mitigated against by:
i re-provision of an appropriate open space taking into account quality and accessibility; and/or
ii financial contributions toward new or existing open space where:
the required provision cannot reasonably be delivered on site; or the required provision cannot be provided on site in full; and the proposal has over-riding planning benefits.'**

4.3.8 The explanatory text to this policy (paragraph 11.16) in the Submission Local Plan includes allotments as a type of open space that is applicable to Policy NE4. The proposed development which would lead to the loss of allotments on this site must therefore be assessed against this policy, albeit given limited weight prior to examination and adoption of the new Local Plan.

- 4.3.9 I make this assessment as follows: As is explained in paragraph 1.2 above, a lawful use certificate has been granted for the use of an alternative site for allotment purposes at White Hill, Luton Road (ref. 17/02119/1PUD). This area of land is of similar size and accessibility.
- 4.3.10 This area is one of two possible options for the relocation of the allotments are identified on the framework plan. The current allotments on the site were previously relocated here to make way for the Garden Fields housing development.
- 4.3.11 Allotments were relocated from the site opposite Luton Road to this site before planning permission was granted for the 63 dwelling scheme (ref. 13/00267/1). In this case a mechanism would be needed to ensure the relocation within any planning permission and having given this matter very careful consideration I do not consider that the loss of and re-location of allotments can be a sustainable reason for refusal of planning permission for the following reason:
- 4.3.12 Were Members minded to grant planning permission for this development as the applicant has demonstrated two feasible alternative sites for the re-provision of allotments in my view a grampian condition could be imposed which would secure this re-provision, by stating that no development can commence until suitable allotment re-provision has been secured and is operational. Relevant case law and government guidance is clear that when a matter can be addressed by means of appropriately worded planning conditions it should not be included as a reason for refusal of planning permission.
- 4.3.13 Under the provisions of the new plan, Great Offley is identified as a Category A village within which general development will be supported. However, this site lies beyond the proposed village boundary and has not been allocated for future development.
- 4.3.14 The NPPF offers guidance on the weight that can be attributed to emerging Local Plan policies which is set out in paragraph 216 of the Framework as follows:
- 'From the day of publication [of the NPPF, March 2012], decision takers may also give weight to relevant policies in emerging plans according to:***
- * the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);***
- * the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and***
- * the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given).'***
- 4.3.15 Where local planning authorities cannot demonstrate a five year supply of deliverable housing sites, the NPPF places a further restriction on weight that can be attributed to development plan policies which seek to restrict the supply of housing (NPPF paragraph 49). The Council has recently published a Housing and Green Belt Background Paper together with the proposed submission Local Plan (2011-2031). This paper argues that from the date that Full Council decided to submit the Local Plan to the Secretary of State for examination at the meeting held

on 11 April 2017, the Council can demonstrate a deliverable five year land supply of housing sites, at 5.5 years land supply. The emerging Local Plan was Submitted to the Secretary of State 9th June 2017 and this claim will of course be tested at the forthcoming Examination in Public (EiP) due to start in November 2017. Therefore, until the plan is adopted, I consider a precautionary approach should be taken to the weight that should be given to the emerging Local Plan. This precautionary approach has recently been supported at appeal.

4.3.16 Therefore, the Council cannot yet demonstrate a 5 year supply of deliverable housing sites. As a result, this application for housing development must be assessed against the presumption in favour of sustainable development (paragraph 14 of the Framework). This states that for decision-taking granting permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of delivering new homes, when assessed against the policies within the Framework taken as a whole.

4.3.17 The emerging Local Plan does not allocate the site for development. Indeed, the site has not been identified for consideration as a possible housing site at any stage of the emerging Local Plan process, but moreover is included as part of the extended Green Belt. The applicant has objected to the omission of this site from the Local Plan, although it was not previously promoted during the preparation of the plan

4.3.18 Policy SP5 - Countryside and Green Belt states that under criteria c) that the Council will:

'Only permit development proposals in the Green Belt where they would not result in inappropriate development'.

This site will only become Green Belt if the Inspector agrees the terms of the proposed new Green Belt boundary (following the EiP) and only following adoption of the new Local Plan. Until this time the site is not located in the Green Belt and whilst this proposal would in my view clearly be inappropriate development in a future Green Belt designation, at this stage and before being tested at EiP I can only give limited weight to the proposed designation as Green Belt in the submission Local Plan.

4.3.19 The development is not for a proven local need for community facilities or services. A local shop is proposed as part of the scheme but as confirmed by the representations received, this is not required nor is it regarded as a community facility. Furthermore the development is not for a proven need for rural housing (in compliance with Policy 29 of NHDLP). The application refers to 40% affordable housing, but this relates to Policy HS2: Affordable Housing, of the emerging plan and not to Policy CGB2: Exemption Sites in Rural Areas.

4.3.20 National Planning Policy Framework

Although the Council considers the emerging Local Plan 2011 - 2011 to hold sufficient weight for the Council to be able to demonstrate a 5 year housing land supply, this is situation that can be predicted with any certainty, as the Plan has yet to taken through EiP and adopted. The National Planning Policy framework directs us in this instance under paragraphs 14 and 49, mentioned and quoted above. I, therefore, take a precautionary approach by assessing this application on the basis that the Council cannot with any degree of confidence demonstrate a five year supply of deliverable housing sites. I therefore consider the proposal under the following paragraphs whether the development is sustainable and whether the

adverse impacts of the development would significantly and demonstrably outweigh the benefits of delivering new homes.

4.3.21 Summary on the principle of the development

The development site is in the Rural Area beyond the Green Belt. Saved Local Plan Policy 6 can still be afforded weight in determining this application in that it seeks to protect the countryside from development which would be in conformity with the NPPF; which requires decision makers to recognise the intrinsic character and beauty of the countryside. The proposed development is in open countryside and fails to meet any of the criteria set out in Policy 6 and as such is contrary to the provisions of the saved District Plan No. 2 with Alterations.

4.3.22 Furthermore, the proposed development would be contrary to policies in the Emerging Local Plan in that the development site lies outside of the proposed defined village boundary and within part of the proposed extended Green Belt area, so would be covered under Green Belt Policy (Policy SP5) should the plan be taken successfully through EiP and adopted. However, given that the site is not Green Belt at the present time, it is of most relevance to this scheme to understand the Councils intention to continue applying a policy of restraint to this site in the new Plan by not including it within the 'white land' of the adjoining Category A village. As such, the development would be contrary to Policies SP5 of the North Hertfordshire District Council Submission Local Plan 2011 – 2031.

4.3.23 Character and Appearance of the Countryside

The site is fairly level and lies in an elevated position within LCA 211 Offley – St Pauls Walden which is characterised by gently rolling upland plateau landscape. To the north, the A505 dual carriageway runs through a cutting less than 500m away and beyond that, on the northern side of the A505, lies the Chilterns AONB.

4.3.24 The erection of dwellings on the site and the introduction of the associated infrastructure would permanently alter the agricultural and thus rural character of the site and its contribution within the landscape. The erection of dwellings on the site, introduction of the associated infrastructure and shop would permanently alter the appearance of the site and would represent a substantial change to the character of the area. The scheme has a heavily landscaped led approach in which a high proportion of the site would be dedicated to green infrastructure. Whilst this landscaping would break up views of the proposed dwellings, it would in itself bring about changes to the character of the area. I consider that the extent of the westward encroachment of the development into the countryside would have a detrimental impact upon the wider views of the settlement, to the significant detriment of the character of the landscape.

4.3.25 The upgrading of PROW 17 and 21 would also give the perception of the village expanding into the countryside and the effect for those approaching the village along these footpaths from the north would be the perception that the settlement would be experienced much earlier than at present. I consider these impacts would cause a detriment to the visual amenity of the countryside and character of the wider area.

4.3.26 Summary on character and appearance

It is considered that the proposed development would be harmful to the intrinsic character of the countryside, contrary to Policy NE1 of the emerging local plan and paragraphs 17, 109, 116, 156 of the NPPF.

4.3.27 **Designated Heritage Assets**

The site lies partially within and adjacent to the western boundary of the Great Offley conservation area. To the east of the site lie Grade II listed buildings within Westbury Farm Close, both of which comprise designated heritage assets.

Where development can impact designated heritage assets, specific policies in the Framework indicate development should be restricted. In this respect paragraph 132 states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

- 4.3.28 Due to this being an outline application with all matters reserved apart from access, the Framework plan submitted shows an indicative layout and it is therefore not possible to know exactly where housing would be sited. The applicant has submitted a Heritage Statement which I note in paragraph 6.34 states:

'Agricultural land within the site immediately adjacent to the west of the Conservation Area may be considered to make a small contribution to its illustrative value, due to views towards the Conservation Area from the public right of way within the site, as well as views from the Conservation Area to the site from adjacent to the post office and chapel...'

and in 6.36 it goes on to say ***'Overall, the setting of the Conservation Area will remain, as currently, a combination of agricultural land and post-war built form.'***

- 4.3.29 I disagree with this analysis, as I believe the agricultural land makes a significant contribution to the open setting of this part of the Conservation Area adjacent to the site and as such, development here would have a detrimental impact upon it's setting.

- 4.3.30 As such, it is considered that the applicant has failed to demonstrate that development of up to 70 dwellings on this site would not cause harm to the setting of the Conservation Area.

4.3.31 **Highway Considerations**

Access is currently provided via the north-eastern corner of the frontage. This un-gated access is tarmac for a short distance and also forms the start of a Public Right of Way (PRoW) which crosses the site. Luton Road is a two-way single carriageway which acts a local distributor road subject to a speed limit restricted to 30 mph and runs parallel to the A505, connecting to it east and west of Offley. The road provides direct frontage access to existing residential dwellings and local shops/amenities within Offley, in addition to providing access to additional residential streets via priority junctions on both sides of the carriageway.

- 4.3.32 Access to the site is proposed to be provided from Luton Road, via a simple priority T-junction located to the south-east of the site.

4.3.33 Hertfordshire County Highways have commented that:

- The vehicle to vehicle inter-visibility from the new junction within the new development is shown on the submitted drawings to accord with Manual for Streets.
- The width of the access road has been shown at 5.50 metres wide on the submitted drawings which would conform to the minimum width of an access road that would be able to accommodate a waste collection vehicle in current use.
- The new junction at Luton Road would have the capacity to carry the total volume of traffic from the new development. Bearing in mind that the traffic flows are fundamental to the assessment of traffic impact HCC is satisfied that the data comparison provides an overall picture of the existing traffic movements and the future traffic generated from the new development.

4.3.34 The overall conclusion of Hertfordshire County Council as Highway Authority is that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and does not wish to restrict the grant of permission subject to recommended planning conditions and highway informative's.

4.3.35 As there are no objections from the Highway Authority I am of the opinion that the proposed development would not cause harm that can be sustained by way of objective evidence in terms of highway impacts.

4.3.36 Summary on Highway issues

The Highway Authority raises no objections to the proposal and I can see no sustainable planning objections on highway grounds. However, a S106 Agreement would be required to secure a Construction Traffic Management Plan.

4.3.37 Archaeology

Hertfordshire County Council Historic Environment team have commented that the site lies immediately adjacent to an Area of Archaeological Significance no.139 as identified in the Local Plan. This notes that Great Offley is a medieval settlement recorded in Domesday Book as *Offelei*. The parish church of St Mary Magdelene dates to the 12th century. Additionally, the Historic Environment Record notes that Offley has Anglo-Saxon origins, and is first recorded in c.990. Archaeological evidence for the early medieval (e.g. Anglo-Saxon) period is rare in Hertfordshire and Offley may therefore have the potential to contain extremely significant archaeological remains.

4.3.38 HCC considers that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and recommends that the results of an archaeological evaluation of the site are undertaken prior to determination. This evaluation is likely to comprise a geophysical survey followed by trial trenching.

4.3.39 Subsequently a geophysical survey report has been submitted, and HCC advise that given the proximity of the site to the early medieval manorial settlement at Westbury Farm and the Anglo-Saxon features (including possible timber building) at the old allotments a short distance to the east, they continue to advise that the results of a trial trenching evaluation should be included with any application. At the time of writing this report, these details have not been submitted.

4.3.40 Summary on archaeology matters

At present not enough information is provided to demonstrate the archaeological significance of the site and that there would not be an impact upon heritage assets of archaeological interest. As such, the proposed development would be contrary to Section 12 of the NPPF and therefore generates a reason for refusal of the application.

4.3.41 Sustainability

There are three roles to sustainable development set out in the NPPF, an economic, social and environmental role. All roles must be satisfied to achieve the objective of a genuine sustainable development. I briefly address each role in turn.

4.3.42 **Economic role** – I recognise that the construction of the development would provide some employment for the duration of the work contributing to a strong responsive and competitive economy. It is also recognised that there would be increased expenditure in local shops and pubs and other services. Additionally there would be economic benefit from the new homes bonus which assists local authorities to maintain and provide services. The economic role is therefore positive.

4.3.43 **Social role and Environmental Role** – The development would provide housing to assist in meeting the needs of existing and future generations including badly needed affordable housing (the application form states 42 open market and 28 intermediate dwellings). It would also support community facilities such as the church, the Public House as well as potentially contributing towards recreational facilities and their improvement. The applicant has stated that it would provide potential surface improvements to existing PROW Offley 16 & 17 within and around the application site; potential relocation of private allotments with improved facilities such as formal parking and water supply; upgrade of Offley 17 & 21 PROW to a bridleway extending from A505 underpass to Luton Road and School Lane including upgrades of gates/ accesses and; provide a new retail outlet with proposed qualifying incentives for the operator. However, in my view the relocation of the allotments would have some negative social impact, given that they have already been relocated to this site to make way for the Garden Fields housing development so a further move would once again be detrimental to the allotment holders and their produce. In addition, there is no substantial explanation about why the proposed shop is necessary and how it would be delivered.

4.3.44 The Submission Local Plan seeks to designate Great Offley as a category A village, which implies that it has sufficient local services to accommodate sustainable growth in housing. The facilities of Offley consist of a primary school, one public house, a Country House Hotel, a village hall, a church, a salon, a restaurant, a playground and a village shop which includes a post office. Whilst there is not a full range of services in the village given the proposed category A designation and this site immediately adjoins the proposed village boundary I consider this development proposal would be reasonably sustainable in social and environmental terms.

4.3.50 Section 106

At the time of submission the application did not include draft Section 106 document. As such and given the substantial planning objections to this proposal no further negotiations have been undertaken in respect of S106 matters. The applicant was provided with an option to extend the statutory expiry date until the end of March 2018 in order to enable time to complete the necessary S106 Obligation and by this time review the underlying policy position post EiP. The

applicant refused this option and as is explained above have lodged an appeal against non-determination; this has forced me to make a recommendation on this planning application before negotiations could commence on the necessary S106 Obligation. As Members will know planning permission cannot be granted until a S106 Obligation is completed and the absence of a completed agreement is of itself a reason for refusal of permission.

4.3.51 **The Planning Balance**

As set above I have identified broad areas of how I consider this planning application is unacceptable in terms of the principle of development in addition to other planning considerations.

4.3.52 Whilst paragraph 187 of the NPPF requires local planning authorities to act pro-actively and seek to find solutions, in my view the substantial and compelling planning objections to this development are not capable of resolution in my judgement, certainly not without a dramatic change in the submission Local Plan following EiP. In the light of the progress with the emerging Local Plan and the programme of dates for the EiP I consider that the Council is now moving forward towards achieving its Housing Allocations (this site not being one of them) and thus demonstrating it has a 5 year land supply. The agent was given the opportunity to defer determination of the application until March 2018 after the EiP however, did not wish to do so.

4.3.53 However, in the absence of a five year land supply where relevant policies which restrict the supply of housing can be considered out-of-date (paragraph 14 of the NPPF) the weighted planning balance is tipped in favour of granting planning permission for sustainable development. Planning permission should only be refused in such circumstances where:

'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of [of delivering new homes], when assessed against the policies in this Framework taken as a whole.'

4.3.54 Whilst the Council now claims to be able to demonstrate an up to date five year land supply of deliverable housing sites (since the submission of the Local Plan to the Secretary of State in June 2017) I have applied a precautionary approach and have assessed this application against paragraph 14 of the NPPF whereby any adverse impacts must significantly and demonstrably outweigh the benefits of delivering new homes.

4.3.55 This planning application proposes up to 70 new homes which would make an important contribution towards improving the five year land supply but also helping to meet the objectively assessed housing need for at least 14,000 (+ 1,950 for Luton's un-met need) new homes across the District through the plan period (2011-2031). Meeting housing need is in itself a clear benefit of the proposed development.

4.3.56 The applicant also offers 40% affordable housing and there are clear social and economic benefits arising from the delivery of the new homes as I have acknowledged above and the case for which has been clearly made by the applicant.

4.3.57 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 before judging whether any identified harm as a result of this analysis

would 'significantly and demonstrably' outweigh the benefits of delivering new homes on this site.

4.3.58 I have identified however that there would be significant and demonstrable environmental harm caused by this development relating to the following:

- The development would cause harm to the intrinsic beauty of the countryside and as such would conflict with paragraph 17 of the NPPF
- The development would be harmful to the character and appearance of the landscape
- There would be a harmful urbanising impact of the development beyond the settlement boundary
- The application has failed to demonstrate that the development would not cause harm to the setting of the Great Offley Conservation Area
- Full details of an archaeological survey have not been submitted

4.3.59 The application is also unacceptable because it is not accompanied by a satisfactory Section 106 Planning Obligations agreement within which would also need to ensure that there is a strategy to ensure continuity and long term provision of the allotments.

4.4 Conclusion

4.4.1 I conclude that even with the associated economic and social benefits of providing new housing, as set out above, the harm that would be caused by the development, would significantly and demonstrably outweigh the benefits of allowing the development and, as such, it is recommended that planning permission should be refused. At the time of writing the appeal against non determination has not been registered by PINs as a valid appeal. Therefore as things stand the Council remains the determining authority for this application and the recommendation below reflects this. If before the Committee the Council is informed of a valid appeal by PINs and given a start date for the appeal proceedings the recommendation will be changed to a resolution to inform PINs that had the Council been able to determine this planning application it would have refused permission for the reasons set out below.

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 outline planning permission be **REFUSED** for the following reasons:

1. By reason of its siting beyond the built limits of Offley, the location within open allotments and farmland in an area of countryside adjacent to Great Offley and the Great Offley Conservation Area, the development proposal would fail to positively enhance the wider landscape setting of the village, nor would it improve the character and quality of the Rural Area and, as such, would afford significant and demonstrable harm to the intrinsic beauty of the countryside.

Moreover, the development would afford harm to the setting of the Great Offley Conservation Area as it would develop an area which currently provides an open aspect of views to and from the Conservation Area. Subsequently, this harm is considered to clearly outweigh the benefits of providing new dwellings on the site. The proposal is therefore contrary to the provisions of saved Policies 6 of the North Hertfordshire District Local Plan No. 2 with alterations and, Paragraphs 17, 109, 116, 132 and 156 of the National Planning Policy Framework. The development would also be contrary to Policy SP5 of the North Hertfordshire Emerging Local Plan 2011 - 2031.

2. The proposed development lies immediately adjacent to an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of extremely significant archaeological potential. Given this and the large scale nature of the proposal, this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet NPPF para 139. This could represent a significant constraint on development. In the absence of a full archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site. The proposal will be contrary to Section 12 of the NPPF.
3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) setting out how the shop would be delivered, along with the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations and provision of the allotments is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL**Town and Country Planning Acts****DECISION NOTICE**

Correspondence Address:
Gladman Developments Ltd

Applicant:
Gladman Developments Ltd

PARTICULARS OF DEVELOPMENT

Application: 17/01781/1

Proposal: Outline planning permission for up to 70 residential dwellings (including 40% affordable housing), new village gateway, new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access.

Location: Land north of, Luton Road, Offley

Refused Plan Nos: CSA/3282/105 K & 108 A

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 14/07/2017.

The reasons for the Council's decision to refuse permission are:

- 1 By reason of its siting beyond the built limits of Offley, the location within open allotments and farmland in an area of countryside adjacent to Great Offley and the Great Offley Conservation Area, the development proposal would fail to positively enhance the wider landscape setting of the village, nor would it improve the character and quality of the Rural Area and, as such, would afford significant and demonstrable harm to the intrinsic beauty of the countryside. Moreover, the development would afford harm to the setting of the Great Offley Conservation Area as it would develop an area which currently provides an open aspect of views to and from the Conservation Area. Subsequently, this harm is considered to clearly outweigh the benefits of providing new dwellings on the site. The proposal is therefore contrary to the provisions of saved Policies 6 of the North Hertfordshire District Local Plan No. 2 with alterations and, Paragraphs 17, 109, 116, 132 and 156 of the National Planning Policy Framework. The development would also be contrary to Policy SP5 of the North Hertfordshire Emerging Local Plan 2011 - 2031.

- 2 The proposed development lies immediately adjacent to an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of extremely significant archaeological potential. Given this and the large scale nature of the proposal, this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet NPPF para 139. This could represent a significant constraint on development. In the absence of a full archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site. The proposal will be contrary to Section 12 of the NPPF.
- 3 The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) setting out how the shop would be delivered, along with the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations and provision of the allotments is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).
- 4 The Flood Risk Assessment carried out by MLM Consulting reference 618538-MLM-ZZ-XX-RP-C-000 Rev 3 dated 27 September 2017 does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development as it does not demonstrate a feasible discharge location.
- 5 In the opinion of the Local Planning Authority the proposed development would harm the character and appearance of the nearby village of Great Offley and rural area beyond by reason of over development of the site and poor layout in relation to the character and layout of the village. The proposal therefore conflicts with Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations and paragraph 64 of the National Planning Policy Framework (NPPF).

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed:



Development & Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 10 November 2017

NOTES

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at www.planningportal.gov.uk/planning/appeals

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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**STATEMENT OF CASE OF NORTH HERTFORDSHIRE
DISTRICT COUNCIL**

Appeal by Gladman Developments Ltd against the failure to determine an application submitted to North Hertfordshire District Council, as Local Planning Authority, for Outline planning permission for up to 70 residential dwellings (including 40% affordable housing), new village gateway, new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS). All matters reserved except for access.

Land North of Luton Road, Offley

FEBRUARY 2018

PLANNING INSPECTORATE REFERENCE: APP/X1925/W/17/3187286

LPA REFERENCE: 17/01781/1

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- 2 Site and Surroundings**
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1.0 INTRODUCTION AND BACKGROUND

- 1.1 The proposal is for residential development on a site that lies outside the settlement limits of the village of Offley within the open countryside.
- 1.2 This appeal relates to an application that seeks outline planning permission for the erection of up to 70 residential dwellings (including 40% affordable housing), new village gateway, new retail outlet/village facility, planting, landscaping, informal open space, children's play area and sustainable drainage system (SuDS). All matters reserved except for access.
- 1.3 The application dated 11 July 2017 was validated by the Council 14 July 2017. The date of expiry of the statutory period was 13 October 2017. An appeal was lodged against the failure to determine the application on 19 October 2017. The application was reported to the Council's Planning Control Committee on 9th November 2017 when it was resolved to refuse planning permission. A decision notice was issued on 10 November 2017. However, the application was no longer within the jurisdiction of the Council.
- 1.4 These reasons for refusal have been reviewed and the application the subject of this appeal will be reported back to the Council's Planning Control Committee to clarify certain matters and to confirm what the Council's decision would have been. This would include updating the Committee on any additional information provided by the Appellant concerning archaeological investigations that are taking place on the site as well as the outcome of discussions between the appellant and the Lead Local Flood Authority.

2.0 THE SITE AND ITS SURROUNDINGS

- 2.1 The appeal site comprises allotments and an agricultural field to the west of the village of Offley and to the north-west of Luton Road and to the south-west of Westbury Farm Close of 5.79 hectares.
- 2.2 The boundary of the site with Luton Road is defined by post and rail fencing along with established mature hedgerow/trees, as are the western and northern boundaries. A mature oak tree sits in the south-west corner of the site.
- 2.3 Two public footpaths (PROW) cross the site. These are Offley 17 that runs along the western boundary of the site and Offley 16 that runs in an east-west direction within the southern part of the site through the allotments.
- 2.4 The Great Offley Conservation Area adjoins the north-east boundary of the appeal site and extends slightly into the site at the entrance to the allotments and start of PROW Offley 16. There are Grade II listed buildings on Westbury Farm Close to the north-east of the appeal site.
- 2.5 The Council will seek to agree a full description of the site and its surroundings in the Statement of Common Ground.

3.0 THE PROPOSAL

- 3.1 The application the subject of this appeal seeks outline planning permission for residential development on allotments and an agricultural field. The application indicates that permission is sought for up to 70 dwellings.
- 3.2 Included in the description of planning permission is a new village gateway, a new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system.
- 3.3 The application is accompanied by a Development Framework Plan (drawing No. CSA/3282/105) that illustrates the proposed site layout.

4.0 PLANNING POLICY CONTEXT

- 4.1 The development plan for North Hertfordshire comprises the saved policies of the North Hertfordshire District Local Plan No. 2 with alterations (DLP).
- 4.2 Other relevant planning policies that are material considerations in the determination of this appeal are the National Planning Policy Framework and the North Hertfordshire District Local Plan Submission Local Plan 2011 – 2031.
- 4.3 The Proposed Submission Draft Local Plan (PSLP) was approved by North Hertfordshire District Council's Cabinet in April 2017 following public consultation. The Plan has now been submitted for examination. A programme has been issued that sets out hearing dates that will take place from 13 November 2017 to 1 March 2018.

North Hertfordshire District Local Plan No. 2 with alterations 2007 (DLP)

- 4.4 Relevant policies are listed below.

Policy 6 - Rural Areas beyond the Green Belt

Policy 7 – Selected Villages

Policy 8 - Development in Towns

Policy 14 - Nature Conservation

Policy 26 - Housing Proposals

Policy 29 - Rural Housing Needs

Policy 51 - Development Effects and Planning Gain

Policy 55 - Car Parking Standards

Policy 57 - Residential Guidelines and Standards

- 4.5 The Council considers that the proposed development conflicts with the following policies.

4.6 **Policy 6** addresses rural areas beyond the Green Belt. This confirms that the Council will maintain the existing countryside and villages, and their character. Except in Selected Villages (Policy 7) a development proposal will normally be allowed only if:

- i. It is strictly necessary for the needs of agriculture, forestry or any proven need for local community services, provided that:
 - a. The need cannot practicably be met within a town, excluded village or selected village, and
 - b. The proposal positively improves the rural environment; or
- ii. It would meet an identified rural housing need, in compliance with Policy 29; or
- iii. It is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or
- iv. It involves a change to the rural economy in terms of Policy 24 or Policy 25.

4.7 **Policy 51** addresses development effects and planning gains and indicates that the Council will seek agreement (usually under Section 106 of the Town and Country Planning Act 1990) to ensure contributions towards the provision and maintenance of facilities or other aspects including contributions towards offsetting the costs to the community arising directly as a result of the development where these are relevant to planning. The Council will seek voluntary agreements where the effects of development relate to wider issues relevant to planning.

4.8 **Policy 57** sets out residential guidelines and standards for all proposals for residential development and the Council expects all development to meet the objectives of the guidelines. These relate to a site and its surroundings, design and layout, roads and footpaths, mix of dwelling sizes, floorspace,

orientation, privacy, play and amenity space, landscape, noise, car parking and garaging, and servicing.

National Planning Policy Framework

4.9 This document sets out the Government's policies for the delivery of sustainable development.

4.10 The following are relevant to the appeal proposal.

Paragraph 14 'Presumption in Favour of Sustainable Development'

Paragraph 17 'Core Planning Principles'

Section 1 - Building a strong, competitive economy

Section 3 - Supporting a prosperous rural economy

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 8 - Promoting healthy communities

Section 9- Protecting Green Belt land

Section 10- Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

North Hertfordshire District Local Plan – Submission Local Plan 2011 – 2031 (PSLP)

4.11 The Framework identifies the weight that may be attributed to emerging Local Plan policies by decision-takers at Paragraph 216. Weight is attributed to the stage of preparation of the emerging plan; the more advanced the preparation, the greater the weight that may be given. The extent to which there are unresolved objections to relevant policies is also a consideration; the less significant the unresolved objections, the greater weight that may be

given. Finally, the degree of consistency of the relevant policies in the emerging plan to policies in the Framework is another consideration; the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.

4.12 At the time that this statement was written the emerging LP was in the middle of the Examination in Public. Therefore, the weight to be attributed to the emerging local plan may be different now compared to when the Public Inquiry takes place.

4.13 Relevant policies are listed below.

Policy SP1: Sustainable development in North Hertfordshire

Policy SP2: Settlement hierarchy

Policy SP5: Countryside and Green Belt

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10: Healthy Communities

Policy SP12: Green infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

Policy D1: Sustainable Design

Policy D3: Protecting living conditions

Policy D4: Air Quality

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy NE1: Landscape

Policy NE3: The Chilterns Area of Outstanding Natural Beauty (AONB)

Policy NE4: Protecting Publicly accessible open space

Policy NE5: New and improved public open space and biodiversity

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy HS2: Affordable Housing

Policy HE1: Designated heritage assets

Policy HE4: Archaeology

5.0 HOUSING LAND SUPPLY POSITION

- 5.1 The Council consider that from the date that Full Council decided to submit the Proposed Submission Local Plan (PSLP) to the Secretary of State on 11 April 2017, the Council can demonstrate a deliverable five-year supply of housing sites – 5.5 years.
- 5.2 However, until the PSLP is adopted the Council consider that a precautionary approach should be taken to the weight that should be given to the PSLP and therefore at the time of writing this statement the Council accepts that it cannot demonstrate a five-year supply of housing.
- 5.3 As a result, the Council's case is that based upon the presumption in favour of sustainable development the tilted balance advocated by Paragraph 14 of The Framework would normally apply. Except where specific policies in the Framework indicate that development should be restricted, such as those relating to designated heritage assets. The Council consider that such restrictive policies apply in this instance.
- 5.4 The Council will show that the proposal would not constitute sustainable housing development and that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of delivering new homes, when assessed against the policies within the Framework taken as a whole.

6.0 THE COUNCIL'S CASE

Housing Development in this Location

6.1 The site lies outside the settlement of Great Offley and is located on land regarded as open countryside. The proposed development does not meet any of the exceptions for development set out in DLP Policy 6 that apply to the Rural Area Beyond the Green Belt. The proposal therefore conflicts with Saved DLP Policy 6 and the Council considers that material weight can still be given to this policy.

6.2 In terms of the emerging local plan, Great Offley is identified as a Category A village within which general development will be supported. However, the site lies beyond the proposed village boundary and has not been allocated for future development but would be within the extended Green Belt. Policy SP5 of the PSLP states under criterion (c) that the Council will *“only permit development proposals within the Green Belt where they would not result in inappropriate development.”* The site will be within the Green Belt if the Examining Inspector agrees to the terms of the proposed Green Belt boundary and following adoption of the local plan. This is a material consideration in the determination of this appeal, to which the Council considers limited weight should be attributed.

6.3 Therefore, whilst at the time of writing this statement the site does not lie within the Green Belt, there is an intention to restrict development in this location in the emerging local plan.

Effect upon landscape character and visual amenity

6.4 In terms of landscape character, the site is relatively level in an elevated position within Local Character Area 211 Offley – St. Pauls Walden, which is identified as gently rolling upland plateau in the Landscape Character Study.

To the north beyond the A505 lies the Chilterns Area of Outstanding Natural Beauty (AONB).

- 6.5 The proposed development would have a significant urbanising effect on the site and the surrounding landscape. Whilst a large proportion of the site would be dedicated to green infrastructure this would remove the land from agricultural production and would bring about changes to the character of the landscape. The Council considers that the westward encroachment of the village into the countryside would have a significant impact upon the wider views of the settlement, to the significant detriment of the character of the landscape.
- 6.6 Regarding visual amenity, the proposed development would have a significant impact upon views from Public Rights of Way (PROW) within and adjacent to the site, including Luton Road. PROW 16 passes through the site, and the submitted development framework indicates that there would be housing to both sides. The Council considers that views from this PROW and the enjoyment of the countryside by users would be significantly adversely affected. In addition, there would be a perception of the village expanding into the countryside from PROW 17 and 21, this would be detrimental to visual amenity of the users of the PROWs and their enjoyment of the countryside.
- 6.7 The Council will show that the proposed development would have a detrimental impact on the landscape and would harm the visual amenity of the area, contrary to the aims of DLP Policy 6, PSLP Policy NE1 and the Framework.

Effect upon designated Heritage Assets

- 6.8 The site lies partially within and adjacent to Great Offley Conservation Area. The site is also within the setting of Grade II listed buildings on Westbury Farm Close to the east of the site and within the conservation area.

- 6.9 Paragraph 132 of the Framework requires great weight to be given to the conservation of heritage assets and confirms that significance can be lost through development within their setting.
- 6.10 The Council considers that Great Offley Conservation Area is a designated heritage asset of high significance. The Council will show that the appeal site forms part of the setting of Great Offley Conservation Area and its open rural character and appearance makes a positive contribution to the significance of the Conservation Area as a designated heritage asset.
- 6.11 Evidence will be adduced to demonstrate that the proposal would result in a significant change to the character and appearance of the appeal site and consequently the setting of Great Offley Conservation Area. This change of the setting of the Conservation Area would cause less than substantial harm to its significance as a designated heritage asset. Paragraph 134 of the Framework stipulates that where there is less than significant harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.12 The Council will adduce evidence to demonstrate that the appeal site forms part of the setting of nearby Grade II listed buildings most notably Westbury House and associated former barns, which are designated heritage assets of high significance.
- 6.13 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that where considering whether to grant planning permission for development which affects a listed building, or its setting special regard shall be had to the desirability of preserving the building or its setting.
- 6.14 The Council will show that the proposed development would harm the setting of Westbury House and to some lesser extent other buildings associated with it and that the proposal would cause less than substantial harm to the significance of these buildings as designated heritage assets.

- 6.15 Therefore, the Council will show that there would be harm to the significance of designated heritage assets and there would be conflict with PSLP Policy HE1, which indicates that development proposals affecting Designated Heritage Assets and their setting should preserve their significance.
- 6.16 The balance required by Paragraphs 132 and 134 of the Framework needs to be undertaken and the Council will show that the public benefits of the development would not outweigh the harm to the significance of the identified heritage assets.

Effect upon Non-Designated Heritage Assets

- 6.17 Paragraph 135 of the Framework indicates that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. Regard should be had to the scale of any harm or loss and to the significance of the heritage asset.
- 6.18 The appeal site lies immediately adjacent to an Area of Archaeological Significance. The site is within an area of extremely significant archaeological potential and given the large scale of the proposed development it is likely to have a substantial impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet the test set out at Paragraph 139 of The Framework. Therefore, the Council will show that archaeology in this instance should be subject to the policies with the Framework relating to designated heritage assets.
- 6.19 PSLP Policy HE4 indicates that where justified developers should submit an archaeological field evaluation. It requires developers to demonstrate how archaeological remains will be preserved and incorporated into the layout.
- 6.20 It will be shown that in the absence of a full evaluation of the site, including trial trenching, the development should be regarded as likely to have a significant impact upon heritage assets of archaeological importance. Given

the location and the large scale and nature of the proposed development, it is likely to have an impact upon significant heritage assets with archaeological interest, to the extent that they should be considered subject to the policies for designated heritage assets. It will be shown that the proposal would be contrary to Section 12 of the Framework and the aims of PSLP Policy HE4.

Effect upon Services, Facilities and Infrastructure

6.21 The Council will show that S106 planning obligations are necessary to address the impacts of the proposed development and that failure to enter into appropriate undertakings would comprise reasons to withhold permission. The Council will show that obligations relating to the following are reasonable and necessary:

- Secure and retain 40% affordable housing;
- Education Provision;
- Libraries;
- Improvements to rights of way;
- Provision of replacement allotments;
- Sustainable Transport Measures;
- Playing Pitch Provision and Maintenance;
- Waste Services; and
- Travel Plan to be developed and implemented.

6.22 As such, the proposed would not accord with the adopted Planning Obligations Supplementary Planning Document, DLP Policy 51, and PSLP Policy HS2.

6.23 However, the Appellant has indicated in its Statement of Case an intention to provide a Unilateral Undertaking (UU) in advance of the Inquiry with an intention to reach agreement with the Council.

- 6.24 Therefore, the Council reserves its position pending the submission of a UU and subsequent discussions with the Appellant.

Flood Risk and Drainage

- 6.25 It will be shown that the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development because it does not demonstrate a feasible discharge location.
- 6.26 However, it is understood that the Appellant is in discussion with the Local Lead Flood Authority who objected to the proposal.
- 6.27 Therefore, the Council reserves its position pending the outcome of discussions with the LLFA and any subsequent submissions by the Appellant.

7.0 The Council's Documents

- 7.1 The Council has agreed with the Appellant to seek to work from one suite of Core Documents for reference purposes.
- 7.2 The Council may refer to the following documents at the Inquiry:
- Planning application file 17/01781/1
 - Relevant Planning Appeal Decision
 - National Planning Policy Framework
 - National Planning Practice Guidance
 - North Hertfordshire District Local Plan No. 2 with alterations 2007
 - North Hertfordshire District Local Plan – Submission Local Plan 2011 – 2031
 - North Hertfordshire Parking at New Development Supplementary Planning Document – September 2011
 - North Hertfordshire Design Supplementary Planning Document – July 2011.

- North Hertfordshire Supplementary Planning Document – Planning Obligations - November 2006
- North Herts Landscape Study 2011

8.2 The Council reserved the right to call on other documents during the preparation of its case.

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ITEM NO:	
7	<u>Location:</u> The Station Station Approach Knebworth SG3 6AT
	<u>Applicant:</u> Market Homes (Knebworth) Limited
	<u>Proposal:</u> Erection of 3 storey building to provide 9 x 2 bed flats; conversion and extension of store to 1 bed house and new vehicular access off of Station Approach (as amended by drawings received 12th and 25th October 2017).
	<u>Ref. No:</u> 17/01622/1
	<u>Officer:</u> Kate Poyser

Date of expiry of statutory period: 26.09.2017

Submitted Plan Nos

SE-760-01 SE-760-03 SE-760-02 SE-760-20C SE-760-21B SE-760-22A SE-760-23A
SE-760-24A 6098-1 SE-760-25C SE-760 revA

1.0 **Site History**

1.1 There is no relevant site history.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**

Policy 5 – Excluded Villages

Policy 26 – Housing Proposals

Policy 51 – Development Effects and Planning Gain

Policy 57 – Residential Guidelines and Standards

Supplementary Planning Documents

Vehicular Parking at New Development

2.2 **National Planning Policy Framework**

Core Planning Principles

Section 3 – Supporting a prosperous rural economy

Section 4 – Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

2.3 North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission

Policy SP2 – Settlement Hierarchy

Policy ETC7 – Scattered local shops and services in towns and villages

Policy T2 – Parking

Policy HS2 – Affordable Housing

Policy D3 – Protecting living conditions

Policy HC1 – Community facilities

Policy NE8 – Sustainable drainage systems

PolicyHE3 – Local heritage

3.0 Representations

3.1 Environmental Health (contaminated land and air quality) – raises no objections, but recommends two conditions should contamination be found during constructions and to provide an EV charging point in the three storey building. An EV charging point specification informative is also requested.

3.2 Environmental Health (noise and other nuisances) – requests further information and advises.

“Until noise has been assessed and appropriate noise mitigation measures agreed I would not like to see this application approved. In light of the above comments, I consider it appropriate to require noise assessment(s) for this application to determine the noise mitigation measures (such as improvements to sound insulation of ceiling / floor / glazing, modifications to kitchen extraction system, barriers, etc.) that will be necessary to achieve satisfactory internal and external amenity area noise levels for all the proposed dwellings, including the first floor residential units in the Station public house, the proposed new build flats and the outbuilding conversion.” (Extract)

Environmental Health have been re-consulted on a submitted noise assessment report and I shall up-date Members of any further comments at the committee

3.3 Waste Management – “The New Dwellings section states that the storage of bins is shown on drawing SE-760-20. This drawing does not appear on the list. It also states that the collection point for the first block of flats is 29.5m, and the second one is 17.5m from the carriageway. As stated below, this is too far, 15m is the maximum recommended length.” (Extract)

“No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.” (Extract)

3.4 County Highway Authority – Following an initial objection and the subsequent receipt of amended drawings, no objections are now raised and 5 conditions are recommended.

3.5 Planning Policy – “This scheme proposes to redevelop a brownfield site, with positive contributions of the scheme seen to outweigh any negatives of the scheme. There are no significant policy objections to this proposal.” (Extract)

3.6 Landscape and Urban Design – Raises no objections to the proposed scheme, but suggests the block of flats should be further from the footpath running down the side and that the opportunity to improve the street frontage to the PH, with some form of enclosure, should be taken.

3.7 Housing Development Liaison Officer – Prior to the receipt of amended drawings reducing the number of units to 10 - “Based on the provision of 14 new dwellings, the council’s affordable housing requirement is 25%, which equates to 4 affordable dwellings.

Within the overall 25% affordable housing the council requires a 65% rented/ 35% intermediate affordable housing tenure mix, in accordance with the proposed submission Local Plan, the 2016 Stevenage and North Hertfordshire Strategic Housing Assessment (SHMA) Update and the Planning Obligations SPD. This would equate to three rented units and one intermediate affordable tenure unit.” (Extract)

3.8 Hertfordshire Property Community Development – require the following to be secured by S106 Agreement.

- Youth Service towards art equipment at Bowes Lyon Centre (£129)
- Primary Education towards additional primary provision in Knebworth (£7,716)
- Library Service for Knebworth Library in order to develop the provision for IT users (£1,469)

3.9 Lead Local Flood Authority – “Infiltration tests have been carried out on site and results show that infiltration is not feasible. We acknowledge that there are no watercourses or surface water sewers within the vicinity of the site. Therefore the proposed drainage strategy is based upon attenuation and discharge into Thames foul water sewer utilising an existing connection restricted to the 2.5 l/s for the 1 in 100 year event.

However we require confirmation from Thames Water regarding the reuse of the existing connection to foul sewer and ensure that they are satisfied with proposed rates and volumes.” (Extract) The LLFA have been re-consulted following the advice of Thames Water.

3.10 Environment Agency – “We have no objection to the proposed development. However due to its location within our highest vulnerability groundwater area (Source Protection Zone 1), we have some advice for the applicant concerning their intention to dispose of surface water via soakaways.”

3.11 Thames Water – Were contacted following the advice of the LLFA.

“We’re writing to tell you that reference 17/01622/1 The Station, Station Approach Knebworth SG3 6AT potentially have minor public sewers within three metres of the proposed building work.

As we don’t have confirmation of the exact drainage arrangements for this property, we’ll contact the applicant or agent for further information.

We’ll ask them to enter into a build over agreement if the work is within three metres of a public sewer or one metre of a lateral drain.

This could be an approved build over agreement or, if the property owner meets all of the criteria required in our online questionnaire, a self-certified agreement.”

3.12 Knebworth Parish Council – objects to the application. Their objections in full are attached as an appendix to this report. In summary, the areas of concern are as follows:

- ☐ The amount of development in the form of flats;
- ☐ The density of development on the site;

- ☐ Highways and access;
- ☐ The loss of the public house in its existing form;
- ☐ Visual impact.

The parish council were notified of the amended scheme, but their objections are maintained and in addition to the above are the following:

- ☐ Flat above the pub is independent and not tied to the pub
- ☐ Inadequate parking – the amended scheme loses 3 spaces and two spaces in the pub garden
- ☐ The pub garden provision is still inadequate
- ☐ Visibility splay across the pub car park does not demonstrate visibility on to the highway.

3.13 Local Residents – 239 comments have been received, 235 of which are objections. This includes a 27 page objection from Save Our Station Pub Action Group and an objection from CAMRA. There is 1 in support. The full comments are available to view on the Council's website and include objections to the initial and amended scheme. The objections are summarised below.

- ☐ Object to the loss of the public house
- ☐ May lead to loss of only public house in Knebworth
- ☐ Loss of a community facility
- ☐ The retained public house is so inadequate that it would render its future use unviable
- ☐ Site registered as an Asset of Community Value
- ☐ The lack of proper servicing facilities
- ☐ Too close to neighbouring residential flats`.
- ☐ The lack of accommodation for a pub manager and lack of storage facilities would adversely affect the success/viability of the retained pub.
- ☐ Over development of the site
- ☐ Insufficient parking
- ☐ Insufficient amenity space for future residents
- ☐ Flats would be visually intrusive
- ☐ Flats would have overbearing impact on pub
- ☐ Flats are of a poor design
- ☐ Lack of information regarding hazardous materials and waste storage for pub
- ☐ Revisions do not address noise and odour concerns
- ☐ Flat above pub would be a House in Multiple Occupation

Local residents have been re-notified of amended drawings, those who have again written in maintain their objections.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site is The Station Hotel public house in Knebworth and all the land associated with it. It is located in Station Approach opposite Knebworth Railway Station. To the west lie flats 1 to 8 Wordsworth Court and to the south lies Bridge House and flats 50 to 72 in Deanscroft. Knebworth is an Excluded Village and The Station PH is a Building of Local Interest and a registered Asset of Community Value. The public house is currently vacant, save for a residential occupation for security purposes. It is the only public house in the village.

4.2 Proposal

4.2.1 The applicant's agent advises that the existing public house is in need of refurbishment and that the proposed development of part of the site would enable the cost of this to be realised.

4.2.2 The application has been amended through negotiation. A proposal to extend The Station PH and provide four flats at first floor level has been omitted. The scheme now shows the building to remain unaltered and an existing single flat is shown to remain at first floor level, with the intension that this would be the pub manager's living accommodation.

4.2.3 The pub has a large garden to the side and it is proposed to erect a three storey block of 9 x 2 bedroom flats here. Following negotiations, the height of the building has been reduced. The land given over to the flats has also been reduced, in order to retain more garden to serve the pub. The building is shown to be set back into the site with parking and some landscaping to the front. A new vehicular access onto Station Approach is proposed to serve this.

4.2.4 Also, as part of the scheme, is a proposal to extend and convert the old store that lies between the pub and Bridge House, into a single, one bedroom dwelling, with a small garden to the side. An existing vehicular access would be used to serve this.

4.2.5 At present, the existing car park that serves The Station PH, has a tarmac surface hard up to the site frontage with the footway. The scheme shows a strip of soft landscaping to this frontage in order to soften the appearance of the site. Supporting information submitted includes: an Odour Assessment, Noise Assessment, Sustainable Drainage Strategy, Initial Biodiversity Report, Design and Access Statement and Refuse Collection Strategy. Please see the drawings on the Council's website.

4.3 Key Issues

4.3.1 The key planning considerations relate to:

- ☐ The principle of the development
- ☐ Any potential loss of the Asset of Community Value
- ☐ The appearance of the scheme in its context
- ☐ Residential amenity, existing and future
- ☐ Parking and highway matters
- ☐ Other matters.

4.3.2 Principle of the development

Knebworth is designated as an Excluded Village in the North Hertfordshire District Local Plan No. 2 and a Category A village, where general development will be allowed within the settlement boundary, in the Proposed for Submission Local Plan 2011 – 2031. Knebworth is well served with services and facilities, including a choice of shops, cafes, school, doctors' surgery, railway station and bus service. The site is well within the boundary of the settlement and close to these facilities. The construction of the development would provide some employment. It would provide an increase in local residents to support local services, without the loss of the pub (more about this later). Future residents would not have to rely on the private car for transport. **I consider that there can be no objection in principle to such development within Knebworth and that it is an economic, social and environmentally sustainable location for a small scale residential scheme.**

4.3.3 Any potential loss of the Asset of Community Value

There is great concern among the people of Knebworth that this application either involves the loss of the public house or is likely to lead to its loss. I can clarify the first matter and confirm that the application does **not** involve the loss of The Station Hotel public house. The pub is to remain with the existing floorspace. The scheme first submitted showed an extension to the building to provide four flats above. Following negotiations, the extension with flats has been omitted. The building would remain as it is with a manager's 3 bedroom flat above. A small rearrangement of the internal space at ground floor level does provide a separate entrance to the flat.

4.3.4 The Station PH is a public house that is listed as an Asset of Community Value. This means that the pub is considered to further the community's social well-being or social interests and is likely to do so in the future. If and when sold, the local community will have a fairer chance to make a bid to buy it on the open market. The Government document *Community Right to Bid: Non-statutory advice note for local authorities* advises of the following:

"The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for planning decisions – it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case."

4.3.5 The proposal does not include the change of use of the public house, but the scheme does include the loss of much of the large pub garden to a residential use. It is also the only public house to serve this large village. I therefore consider the fact that the pub as an Asset of Community Value is a material consideration.

4.3.6 Government advice and local plan policies of particular relevance to this consideration are: the NPPF, Section 3 – Supporting a prosperous rural economy, none in the NHDLP No. 2 and in the emerging Local Plan 2011 – 2031 some limited weight should be given to Policy ETC7 - Scattered local shop and services in towns and villages and Policy HC1 – Community facilities. These seek to promote the retention and development of local services and community facilities, including public houses.

4.3.7 It is, therefore, relevant to consider what effect the development would have on the future of the public house this includes considering whether the reduction in the size of the garden or the residential conversion of the store building would be likely to lead to the loss of the public house.

4.3.8 The amount of garden proposed to remain to serve the pub would measure approximately 154 sq. metres. It was originally shown to be smaller, but negotiations have increased the remaining size of the garden. It would now be similar in size to the restaurant and two seating areas within the public house (on the proposed floor plans, the public space without the area labelled pool room). I have no evidence to suggest that this amount of garden would significantly prejudice a public house business from continuing here.

4.3.9 The public house is a Building of Local Interest and the detached store building is included on this list. The store serves the pub and is located between the pub and Bridge House. It is an attractive small building with gable end abutting the footway. The proposal is to extend and convert the building into a one bedroom residential unit. A first floor would be created within the existing roof space to provide the bedroom. The ground floor would be altered internally to provide a kitchen/diner, shower room, hall and stairs. The proposed extension would be single storey and measure 3.3 metres by 4 metres and would provide a

living room. The extension would be to the gable facing into the site. The existing sliding doors and attic door would be replaced with simple glazing units to provide windows and door. Two small rooflights would be installed in the roof slope facing the pub. A very small garden, bin storage area and car parking space are shown. The dwelling would just exceed the minimum standards for a 1 bedroom, two storey dwelling as set out in *Technical housing standards – nationally described space standard* (Dept. for Communities and Local Government).

4.3.10 Some local residents have expressed concern that the loss of this store would adversely affect the ability of the Station Hotel to continue as a pub. The pub has alternative existing storage areas; within the cellar and an enclosed yard, which are shown on the submitted drawings. The applicant's agent advises that this is sufficient for the business. I can see no sustainable planning objections to the proposal for this reason.

4.3.11 CAMRA are concerned that the close proximity of the proposed dwellings would prejudice the ability of the public house to continue here, due to noise. The Council's environmental services have been consulted and have requested noise and odour assessment reports to be submitted. These assessments have now been carried out by Accon UK Environmental Consultants and reports submitted. The odour report concludes as follows:

"With respect to odour, it has been identified that a suitable mitigated extract system will be required for the kitchen.

As the requirement for such systems is to maintain them on a regular basis in order to ensure that odour is reduced by its maximum potential, odour should not result in complaints from occupiers of the nearby proposed residential receptors in close proximity to the ventilation exhaust."

Environmental Health has been further consulted and advice on this report has yet to be received. There will be an oral update of their comments at the Meeting. However, at this stage it would seem this matter could be satisfied with a suitable condition relating to the installation and maintenance of an odour extraction system.

4.3.12 The noise assessment report carried out by Accon UK Environmental Consultants concludes that sound mitigation measures would be required and these could be provided in the form of appropriate insulation to floors/ceilings and building facades. Again, Environmental Health has been consulted and their further comments will be reported orally at the meeting. Subject to the advice of Environmental Health, it would seem satisfactory living conditions could be provided at this proximity to the pub. This being the case, the development would not prejudice the future of the business.

4.3.13 **Overall, I can see no sustainable planning objection to the proposed development on the grounds of leading to a loss of this Asset of Community Value.**

4.3.14 Appearance of the scheme

The application property is not a Listed Building and does not lie within a conservation area. It is, however, a Building of Local Interest. This includes the Station Hotel and the ancillary storage building. The scheme, as amended, proposes no external alteration to the Station Hotel. Alterations to the storage building are described in paragraph 4.3.9 above. The gable end fronting Station Approach would remain unaltered. The changes to the fenestration would largely use existing openings in the building, apart from two rooflights. The extension would largely be hidden from public view by the bulk of the existing building. With regard to the setting of the pub itself, a proposed planting strip to the front of the car park would improve the presentation of the site as seen from this part of the street.

4.3.15 To the west of The Station PH lies a three storey block of flats known as Wordsworth Court, which gained planning permission in 2007. The large pub garden lies

between The Station PH and these flats. It is mostly laid to lawn, with a petanque court towards the rear. Probably due to the pub having been vacant for a while, the garden does have a slightly neglected appearance, particularly the planting at the front. There is a large, mature tree within the site and very close to the pub. The tree makes a significant, positive contribution to the appearance of the site. The proposed scheme involves the removal of this tree. The retention of the tree would require a significant rethink of the scheme. It is located uncomfortably close to the existing building; the proposed landscaping scheme shows several new trees; and the benefit of providing more dwellings, in my opinion, outweighs the retention of the tree.

4.3.16 The proposed block of flats would be positioned towards the rear of the site, not coming further forward of The Station PH and set further back than the front elevation of Wordsworth Court. Following negotiations, the overall height of the building has been reduced to 9 metres high. This is 0.6 metres lower than Wordsworth Court. The front elevation has a symmetrical form, with four dormer windows to serve the second floor and a central inset gable feature, containing the front entrance. It would have a crown and half hipped roof. It would largely be finished in brick, with the feature gable and rear section in render. I can see no objections to the architectural style of the building, its height and position in the street scene.

4.3.17 Similar to Wordsworth Court, the parking would be to the front of the building. The new vehicular access would be located central to the site frontage, with low level planting in beds of approximately 2.5 metres deep, either side. Parking spaces would be laid out to the sides and directly in front of the building. Further planting beds with trees are shown in front of the building, on either side. A planting strip with trees is shown running along the proposed boundary between the pub car park and the residential car park. **Taking into account the layout of the residential site, which follows a similar pattern to the adjacent site and the amount of proposed soft landscaping, both to the residential site and pub car park, I can see no objections to the overall appearance of the development.**

4.3.18 Living conditions of existing and future residents

The proposed flats show side facing windows to serve a lounge and a bedroom on the east elevation that would face Wordsworth Court. In Wordsworth Court the only windows in this side-facing elevation are high level bathroom windows. I consider the relationship between these two properties would provide satisfactory living conditions for the occupiers of both.

4.3.19 A three storey block of flats in Deanscroft lies side-on to part of the application site. There are two small windows per floor in this side elevation. The proposed flats would have two windows per floor in its rear elevation. I consider the staggered arrangement of the two blocks would be such that no significant loss of privacy would be caused for either.

4.3.20 The existing first floor flat over the pub has two windows facing the proposed flats and these would serve a landing and a bathroom. The proposed flats would be at a slight angle to the pub. It would have a total of 11 facing windows, which would all serve lounges. Due to the nature of the facing windows in the pub manager's flat and the angled relationship, I consider satisfactory levels of privacy between the two buildings would be provided at first and second floor level. At ground floor level, the pub has windows serving the restaurant and pool room in the facing side elevation. At this level, I consider satisfactory privacy would be achieved for the flats with an appropriate height fence along the dividing boundary.

4.3.21 Consideration needs to be given to whether satisfactory living standards, including noise and odour could be provided for the flats at this close proximity to The Station PH. This also applies to the residential conversion of the store. The applicant has provided a

professional Noise Assessment Survey and Odour Assessment Survey. The conclusion of both reports is that satisfactory living conditions could be provided, subject to conditions. These would relate to the insulation of the flats and maintained extractor units for pub kitchen. However, the Council's Environmental Health Officers are being consulted on these reports and their advice, when received, will be reported orally at the Meeting.

4.3.22 Overall and subject to the further advice of Environmental Health, at this stage, I can see no sustainable planning objections relating to the living conditions of existing or future residents. Members will be further advised at the Meeting.

4.3.23 Parking and highway matters

The proposal includes a new vehicular access onto Station Approach, to serve the flats. This requires a visibility splay, which runs across the front of the pub car park. It is proposed to fill this space with low level planting to avoid obstruction by parked cars.

4.3.24 To comply with the current car parking standards the flats would need 22 parking spaces. 16 are proposed. Parking for the existing flat over the pub and the converted store would be located to the rear of the building and would meet the current standards. The existing car park that serves The Station PH does not have marked bays. The proposed low level planting strip to the front of the site would lead to a loss of 1 or 2 spaces. When parking standards are not met it is relevant to take into account other factors such as the location of the development and how sustainable it is.

4.3.25 The application site is located close to the centre of the village and is within walking distance of a choice of shops, doctors surgery, school, cafes and other services. It is also just across the road from the railway station on the Kings Cross to Edinburgh line. There is also a bus service. I consider this to be in a sustainable location and a relaxation of the parking standards are justifiable. The Station PH is on a bend in the road and double yellow lines are marked around this bend. It is noted that Station Approach turns into Park Lane after the bend and that this street is often heavily parked, due to its close proximity to the railway station. However, the county highway authority has been consulted and has raised no objections, subject to conditions. The NPPF advises that development should not be prevented unless highway impacts are severe. Recent appeal decisions have supported reduced or even no provision of parking spaces, if located within easy walking distance of a range of services and facilities. For these reasons, I consider an objection relating to insufficient parking would not be sustained at appeal. **I, therefore, raise no objections on highway grounds or due to insufficient parking provision.**

4.3.26 Other matters

Concern is expressed by several local residents at the loss of the petanque court in The Station PH garden. It would be a loss of a facility, but on a small scale that would not outweigh the benefit of providing much needed dwellings.

4.3.27 An informal footpath is currently used by the public that connects Park Lane with Deanscroft, at the rear of the site. It is proposed to retain and surface the path for the public at a width of 1.5 metres.

4.3.28 Knebworth Parish Council has raised a concern about the density of the development. Apart from the parking, previously described, the development of the block of flats provides space for bin storage and cycle storage, soft landscaping and a garden area of 87 sq metres. I can see no sustainable planning objection on the grounds of over-development.

4.3.29 As required for a site of 10 new dwellings, a S106 Agreement has been prepared to make the following contributions to services:

Primary education	£7,945
Secondary education	£4,447
Library services	£1,567
Youth services	£135
Waste collection & recycling	£364

The amounts have been worked out in accordance with Planning Obligations Guidance – Toolkit for Hertfordshire and North Hertfordshire. Members will be updated orally on the progress of this at the Meeting. A contribution towards affordable housing is not required following the reduction in residential units from 14 to 10.

4.3.30 A waste storage point is shown in the car park, next to a landscaped area near the flats. Its location has been the subject of negotiation. It would be 2.5 metres further from the road than recommended by Waste Services. However, I consider the visual benefit gained by this location outweighs the slightly longer distance to travel on waste collection day.

4.4 **Conclusion**

Any negative aspects of the proposal are minor and are outweighed by the benefits of providing the dwellings. There are, therefore, no sustainable planning objections to raise to the proposal.

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 planning permission be **GRANTED** subject to the following conditions and the completion of a S106 Agreement for planning obligations.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to the commencement of any work on site, the subject of this application, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and shall include the following:

- o Existing trees to be removed;
- o Location, species and planting size of any proposed trees or plants;
- o Proposed maintenance to establish the trees and plants;
- o Any fences, hedges, walls or other boundary treatment;
- o Location and materials of any hard surfaces.

The landscaping scheme shall be implemented as approved.

Reason: In the interests of the appearance of the completed scheme.

4. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

7. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

8. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

9. Prior to the commencement of any work on site, drawings showing the existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out as approved.

Reason: In the interests of the appearance of the completed work and the visual amenities of the locality.

10. The development hereby permitted shall not be brought into use until the proposed access has been constructed and the footway has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

11. Before the access is first brought into use 2.4 metres x 36 metres vehicle to vehicle inter-visibility splays shall be provided and permanently maintained each side of the access. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

12. The access shall be 4.1 metres wide.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

13. The access shall be constructed in a hard surfacing material for the first 5 metres from the back edge of the footway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

14. Prior to the first use of the proposal the parking and turning area as shown on drawing number SE-760 25 revision B shall be provided and appropriately marked out within the curtilage of the site. The turning area should be kept free from obstruction and available for use at all times.

Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A to E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out to the converted outbuilding referred to as Unit 10 on drawing No. SE-760-20C, without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

16. Any conditions recommended by the Council's Environmental Health Officer.
17. Any conditions recommended by the HCC Sustainable Drainage Systems Officer
18. The first floor residential accommodation shall only be occupied in connection with the running of the public house business at ground floor level, unless otherwise agreed in writing by the local Planning Authority.

Reason: In the interests of the living conditions of the occupiers and the viability of the public house business below

19. The proposed rooflights to Unit 10 (store building) shall be of a conservation style unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the Building of Local Interest and the visual amenities of the area.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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.

Informative/s:

Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/droppedkerbs/> or by telephoning 0300 1234047.



Schedule of Sizes						
Unit	Unit Type	Location	Bedrooms	People	Floor Area	Notes
Flat 1	New Build	Ground Floor	2 Bed	4 Person	60.0m2	
Flat 2	New Build	Ground Floor	2 Bed	4 Person	60.0m2	
Flat 3	New Build	Ground Floor	2 Bed	4 Person	60.0m2	
Flat 4	New Build	First Floor	2 Bed	4 Person	60.0m2	
Flat 5	New Build	First Floor	2 Bed	4 Person	60.0m2	
Flat 6	New Build	First Floor	2 Bed	4 Person	60.0m2	
Flat 7	New Build	Second Floor	2 Bed	4 Person	60.0m2	
Flat 8	New Build	Second Floor	2 Bed	4 Person	60.0m2	
Flat 9	New Build	Second Floor	2 Bed	4 Person	60.0m2	
Unit 10	Outbuilding	-	1 bed	2 Person	53.3m2	

General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
2. All dimensions are shown in 'mm' unless otherwise stated.
3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
5. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY

- Indicates new specimen trees
- Indicates proposed planting areas
- Indicates positions of neighbouring buildings from OS maps
- Indicates positions of proposed buildings
- Hatch indicates new tarmaced shared driveway
- Hatch indicates new block paved parking bays
- Indicates site access point
- Indicates new public right of way

Revisions			
A	Oct 2017	Planner Revisions	
B	Dec 2017	Planner Comments	

Status
FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
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Job Title		Date	Scale
Proposed Conversion and Flats The Station, Knebworth for: Market Homes Ltd		May 2017	As Shown Sheet Size A1
Drawing Title		Job No.	Drawn by
Planning Drawing Site Plan		SE-760	RS
		Dwg No.	Revision
		20	B

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ITEM NO:**8**

Location: Land Rear Of The Rookery
Kings Walden Road
Offley
Hertfordshire
SG5 3DX

Applicant: Mr M Margereson

Proposal: Erection of two 3-bed, three 4-bed and one 5-bed dwellings including new vehicular access off Harris Lane, widening of existing Harris Lane and parking and associated works.

Ref. No: 18/00572/FP

Officer: Tom Rea

Date of expiry of statutory period: 20.04.2018

Submitted Plan Nos

Location Plan P/1035/1 P/1035/2 P/1035/3 P/1035/4 P/1035/5

Reason for Referral to Committee

This application is being reported to Committee as Councillor Frost may have a contrary view to the likely officer recommendation

1.0 Relevant History

- 1.1 15/02656/1: Erection of three 5 bedroom dwellings with attached garages. New access off Harris Lane, widening of Harris Lane and parking and associated works (As amended by plan nos. P/1027/1B, 2, 3, 4B, and revised location plan). Granted conditional planning permission 19/8/16

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies, 2007)**
Policy 6 - Rural Areas beyond the Green Belt.
Policy 26 - Housing proposals.
Policy 55 - Car Parking Standards.
Policy 57 - Residential Guidelines and Standards.

Supplementary Planning Document.

Planning Obligations SPD

Vehicle Parking Provision at New Development (2011).

2.2 **National Planning Policy Framework**

Generally relevant throughout but the following sections are particularly relevant:

- Section 1 - Building a strong, competitive economy.
- Section 3 - Supporting a prosperous rural 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.

Revisions to the NPPF (Consultation March 2018)

2.3 **North Hertfordshire District Council Submission Local Plan 2011-2031**

The above document was submitted to the Secretary of State on 13th June 2017. The Plan is currently being examined at an Examination in Public (EiP) which concluded in March 2018.

2.4 **National Planning Practice Guidance**

Of general relevance on a number of planning matters.

3.0 Representations

3.1 **Offley Parish Council:**

No objections in principle. The width of Harris Lane in respect of other users is taken into consideration. Road signage indicating pedestrian usage should be considered. Request as part of this application a footpath extension from Church yard wall in Kings Walden Road to Harris Lane. Query the availability of Section 106 funding.

3.2 **NHDC Conservation Officer:** Raises an objection. As follows:

An objection is raised on the basis that the proposal would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would also be contrary to the aims of the NPPF in that the proposal would not make a positive contribution to local character (para 131), the significance of The Rookery and Offley Conservation Area would be harmed by development within their setting (para 132) and whilst the degree of harm would be less than substantial, this would not, in my opinion, be outweighed by public benefits (para 134). Furthermore, in my opinion, the proposed development would constitute poor design and paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposal, therefore, fails to satisfy the aims of the NPPF and would also fail the aims of Part a. of Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016) on the basis that the significance of heritage assets would not be preserved.

3.3 Hertfordshire Highways:

Recommends that permission be refused for the development for the following reasons:

1. The proposed access along Harris Lane serving the development is considered inadequate by reason of the width and excessive distance to the dwellings for two-way traffic to serve the proposed development. The development if permitted would therefore be to the detriment of public and highway safety. This would be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework and not in accordance with Roads in Hertfordshire: Highway Design Guide.

REFERENCES: Roads in Hertfordshire: Highway Design Guide 3 Edition Section 2: Highway Layout and Strategies, Chapter 14: Parking, Manual for Streets (DfT) minimum turning provision within developments section 6.7 Emergency vehicles.

2. There has been no swept path analysis submitted to demonstrate how the access strategy would operate on the road layout drawing and does not demonstrate that large vehicles for example, delivery and waste collection vehicles serving the development can safely access, turn around and egress along the site access road, Harris Lane and at the junction with Kings Walden Road. This would give rise to conditions detrimental to vehicular and pedestrian safety and as such would result in an unsatisfactory form of development. The development if permitted would be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework, Manual for Streets and not in accordance with Roads in Hertfordshire: Highway Design Guide.

REFERENCES: Roads in Hertfordshire: Highway Design Guide 3 Edition Section 2: Highway Layout and Strategies, Chapter 14: Parking, Manual for Streets (DfT) minimum turning provision within developments section 6.7 Emergency vehicles and section 8.3 Parking.

3. The vehicle to vehicle inter-visibility associated with the proposed vehicle access to the site has not been clearly demonstrated. The recommended visibility splay of 2.4 metres x 25 metres along Harris Lane to each direction from the access has not been demonstrated as being achievable. This is to provide adequate visibility for approaching vehicles and drivers leaving the site. This would lead to vehicles leaving the site coming into conflict with all highway users along Harris Lane. Thereby causing interference to the safe and free flow of all traffic on the adjacent Lane. This would be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework and not in accordance with Manual for Streets.

REFERENCES

National Planning Policy Framework promoting sustainable transport section 4 par 35.

Minimum sightline provision along the street edge contained in Manual for Streets. Visibility along the street edge (Ref: Manual for Streets (MfS DfT March 2007) Section 7.8.3.

4. It has been considered that the proposed waste collection arrangements are contrary to National Planning Policy Framework and Manual for Streets, the carry distance for waste collection bins is beyond the recognised distance for the development for kerbside collection which would lead to a large vehicle obstructing the public highway for a long period of time, as a consequence the road layout would not be fit for purpose. The proposed development would therefore be detrimental to highway safety and amenity.

REFERENCE: National Planning Policy Framework, promoting sustainable transport section 4 par 35. Manual for Streets section 6.8.11 Department for Transport (DfT) 2007 (BSI 2005 BS 5906: Waste Management in Buildings – Code of Practice. London:BSI

- 3.4 **Hertfordshire Ecology:** Any comments received will be reported
- 3.5 **HCC Fire and Rescue Service.**
Requests the provision of fire hydrants via a Section 106 Agreement
- 3.6 **NHDC Environmental Health (noise)**
Any comments will be reported at the meeting
- 3.7 **NHDC Environmental Health (contamination)**
Considers that the site is unlikely to present ground contamination issues. Requests an Electric Vehicle Charging Infrastructure condition
- 3.8 **NHDC Waste Management :**

Recommends a condition requiring details of the circulation route for refuse collection vehicles. Query the arrangements for waste collection generally – does not recommend that RCV's reverse along Harris Lane to the site entrance. Offers detailed advice on waste collection facilities.
- 3.9 **Site Notice/ Local Residents**
Comments have been received from the occupier of Vicarage cottages raising the following concerns:
- ☐ Concern over widening and whether there is sufficient land to widen the lane – there are 3 cottages bordering the land and a barn (to be converted into a house) that is right on the edge of the lane.
- Concerns received from the operators of the Red Lion Public House with regard to deliveries etc to the new houses as this may affect the business.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site (lies at the south eastern edge of Great Offley which is a selected village within the Rural Area beyond the Green Belt). The village boundary adjoins the site to the west. The application site is outside of the selected village boundary and in the Rural Area beyond the Green Belt. The site lies adjacent to the eastern boundary of the Offley Conservation Area.

- 4.1.2 The application site (approximately 0.4 ha) orchard land north of Harris Lane and east of The Rookery, a grade II listed dwellinghouse with access from the junction of Harris Lane and Kings Walden Road. The site is relatively flat and contains several small trees. Immediately to the east of the site is an agricultural field. The northern boundary abuts Footpath 14. Harris Lane, an unadopted, unclassified county road (UCR 2) forms the southern boundary of the site.

4.2 **Proposal**

- 4.2.1 The proposed development involves the following:

- ☐ construction of 1 x 5 bedroom dwelling, 3 x 4 bedroom dwellings and two 3 bedroom dwellings and associated garages and parking area
- ☐ Plots 1, 4, 5, & 6 would be two storey and plots 2 ~& 3 would be single storey
- ☐ formation of new vehicular access off Harris Lane
- ☐ widening of Harris Lane from 3.0 metres to 5.0 metres up to the site entrance (overall length of 75 metres)

- 4.2.2 The proposed development of six dwellings would be laid out in a u-shaped formation with the dwellings arranged facing onto a central courtyard. Plots 1, 2 and 3 would share a car port whilst plots 4, 5 & 6 would have their own garages with surface parking spaces set in front of the garages.

Plots 2 & 3 would be in the form of a semi-detached pair in a barn like building of 208 sqm. The building would have a hipped roof of 6.5 metres in overall height and include a front projection incorporating entrance doors.

Plots 1, 4, 5 & 6 are all detached two storey dwellings with an overall ridge height of 8 metres. Each of these dwellings would have its first floor accommodation partly within the roof space with typical eaves height of about 4.5m above ground level. External materials would consist of clay plain tiles for the main roofs with natural slate for lower roofs, facing bricks for plinths and stained timber boarding for elevations. All windows would be timber and rooflights of the conservation type. The eaves to each dwelling would exposed rafter feet as a detail.

- 4.2.3 The application is supported by a Planning statement, Transport Statement, Heritage statement and assessment, Ecological impact appraisal and tree report.

4.3 **Key Issues**

- 4.3.1 The key issues are the principle of the development, character and appearance and heritage impact, impact on neighbouring properties, environmental considerations, sustainable development, parking and access arrangements and planning obligations.

4.3.2 **The principle of the development**

The site lies within an area designated as Rural Area beyond the Green Belt in the current local plan. Saved Policy 6 of the local plan, although not completely in conformity with the National Planning Policy Framework, is a relevant policy with which to assess this development in that it essentially seeks to maintain the character of the countryside and villages - similar to the aims of the NPPF which seeks to recognise the intrinsic character and beauty of the countryside.

- 4.3.3 At the moment, this proposal would not meet any of the criteria (i, ii iii or iv) of Policy 6. That is, that the proposals would not meet the needs of agriculture, do meet an identified rural housing need, do not amount to a single dwelling in the built core of the village or involve a change to the rural economy. When assessed against this policy the development is unacceptable in principle.

Balanced against this is the fact that this proposal should also be considered against paragraph 49 of the NPPF which says that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year land supply of housing sites. Since consideration of the previous proposal for three dwellings on part of this site (ref: 15/02656/1) whereby it was considered that the Council could not demonstrate a five year land supply, the policy situation has changed. The Council has carried out further consultation on the plan and submitted its Submission Plan to the Secretary of State and the Examination in Public (EiP) has now been completed. The Council now considers that it has allocated sufficient sites to meet its objectively assessed housing need and that these sites are deliverable within the plan period (2011 – 2031). The Council therefore considers that it can demonstrate that it has a five year land supply.

At the recent EiP however the Council was asked to not to propose that the application site be included within the Green Belt as part of the emerging plan and amend the settlement boundary of the village to include the application site. The EiP Inspector is expected to confirm this in modifications to the emerging plan in summer 2018. The application site is not specifically designated a housing site in the emerging plan – it reflects the earlier permission for three dwellings and recognises the existing natural boundary features.

As a result of the above proposed policy change considerably less weight can now be given to the relevance of Policy 6 to this application. Offley is proposed to be classified as a Category 'A' village in the emerging plan with a defined boundary excluding it from the Green Belt (the countryside around Offley being changed from Rural Area beyond the Green Belt to Green Belt). As such development will be allowed within the defined boundary. In principle therefore residential development could be permitted within the application site subject to all other considerations including landscape impact, the setting of designated heritage assets, highway considerations and other environmental considerations such as flood risk, ecology and contamination.

4.3.4 **Character and appearance and heritage impact.**

The site is currently undeveloped orchard land attached to the main dwelling at 'The Rookery'. The land has a frontage with Harris Lane which serves both 'The Rookery', The Red Lion public house and Nos 1 -3 Old Vicarage Cottages. Harris Lane also serves the adjacent barn also sited fronting Harris Lane which benefits from a recent planning permission for its conversion into a 3 bed dwelling and extension. The application site immediately adjoins the Offley Village boundary, the dwelling at 'The Rookery' being within the village boundary. To the east of the site is an arable field with the boundary between the field and the orchard being defined by a hedgerow with several semi-mature trees. The site boundary adjoins a public footpath to the north.

The development site fills the gap between Harris Lane and the public footpath No. 14 with the houses on Plots 2, 3 and 4 being within 16 metres of the public footpath and plots 4, 5 & 6 within 10 - 13 metres of the eastern boundary with the arable field east of the site. By reason of the number of dwellings proposed, their height and scale and proximity to the eastern boundary the development would result in a significantly urbanising form of development in this edge of village location. The perception of an urban encroachment into the countryside would be particularly noticeable on approaches to the village along footpath 14 and from Harris Lane.

The internal courtyard serving the dwellings is proposed to be of a hardsurfaced material and of a width and length to accommodate a refuse collection vehicle. Harris Lane is required to be widened to 5 metres for approximately 75 metres stretching from Vicarage Cottages to the site entrance. Such widening would result in the loss of hedgerow and would detract from the current rural feel and ambience of the lane.

No objection is raised to the appearance of the dwellings themselves as the use of rural materials such as timber cladding, brick plinths and plain tiles and natural slate roofs would be appropriate for this rural environment. However it is the scale of the development and its consequent urbanising effect that would be at odds with this edge of village and rural location and consequently be harmful to the character and appearance of the area.

4.3.5 In addition to the development being at odds with local character a key consideration is the impact of the development on heritage assets i.e. the significance of The Rookery and the Offley Conservation Area. The Council's conservation officer has assessed this proposal carefully having had regard to the extant permission for three dwellings (ref: 15/02656/1) and the submitted 'Heritage Assessment of Development Proposals' by Fiona Webb.

4.3.6 The Conservation officer has identified a number of inaccurate statements and flaws in the submitted heritage statement. Included in these are the 'Introduction' to Fiona Webb's Heritage Assessment states that "...*The design of the development proposal has now been amended to reflect the Conservation Officer's concerns...*". This is not actually the case as under Section 5.0 Ms Webb acknowledges that the officer had raised particular concerns with respect to i) the number and size of dwelling units; ii) depth of development (site coverage); iii) the repetition of house types and iv) the widening and upgrading to Harris Lane. The current scheme still promotes a scheme for 6 dwellings, the site coverage remains approximately the same and Harris Lane is proposed to be widened and upgraded.

4.3.7 The heritage statement considers that the conservation officer has failed to consider the implications of cumulative change in particular the previous density of development now thinned by demolition. However the character and appearance of the area has remained relatively unaltered since Offley Conservation Area was designed in 1984 and since The Rookery was added to the statutory listed in 1988. Furthermore no evidence has been put forward to suggest that the application site was previously developed. In addition the officer maintains the view that the more open and loose-knit 'end' of this part of Offley is part of the area's character and appearance.

4.3.8 The submitted heritage statement states that the "... *impact of this development proposal would be **less than substantial harm to the designated heritage assets**....*". Having concluded that there is less than substantial harm, the document does not then refer to paragraph 134 of the NPPF and what public benefits of the scheme would weigh against the harm identified.

4.3.9 The Conservation officer recognises his support for the previously approved scheme for three dwellings however the current proposal would result in a doubling of the number of dwellings and the development extending into the full depth of the paddock behind The Rookery. The officer is of the opinion that '*This perception of buildings in depth behind The Rookery would significantly erode the 'dispersed', 'piecemeal', 'thinned' and 'open' characterisation advanced by Dr Prosser and Ms Webb. In other words, the development would run counter to this assessment.*'

The officer further comments that '*Four of the dwellings are detached with Plots 1 and 5 being a similar house type and Plots 4 and 6 also being a similar house type. Plots 2 and 3 are a pair of semis in the form of a particular long 'barn-like' building. Unlike the scheme approved under ref:15/02656/1, the latest scheme would encroach upon the paddock 'hinterland' behind The Rookery. In addition, Harris Lane is proposed to be widened yet further. When compared with the earlier approval. Thus, not only would the sense of a 'dispersed' 'openness' be harmed but the character of Harris Lane would also be adversely affected*'.

In conclusion the conservation officer is concerned at the following aspects:

- ☐ the number of dwelling units,
- ☐ the extent of development coverage across the site,
- ☐ the repetition of house types and the widening and upgrading to Harris Lane,
- ☐ the proposed development transforming this edge of settlement/semi rural 'open' yet verdant setting, to one of a significantly built up and overtly residential character.

As such the proposed urban form of development would conflict with the general character of the southern extent of Offley Conservation Area where the grain is more loose-knit and thereby harming the setting of, hence the significance of, Designated Heritage Assets, namely The Rookery (grade II listed) and the Offley Conservation Area.

I would agree with the conservation officers views on this proposal and they substantiate and confirm the harm to the character and appearance of the area that I have identified above.

4.3.10 Impact on neighbouring properties

Apart from the impact on the setting of The Rookery, subject to conditions concerning construction traffic and construction management (including working hours and deliveries) I am satisfied that the proposal would not harm the amenities of nearby residential occupiers. The impact from construction activities would be short term.

4.3.11 Environmental matters

Hertfordshire Ecology (HE) had previously commented on the approved three dwelling scheme. They advised that the existing orchard is unlikely to sustain at present any significant features of ecological interest. HE advised however there is potential for the development to secure ecological gain through a number of measures and it is appropriate in this case to attach the condition and informatives recommended by them previously. With these in place the development will meet the expectations of the NPPF in terms of protecting and enhancing the natural environment.

The site is not within a flood risk area and the scheme includes reasonably large gardens to accommodate surface water run-off. The hardsurfaced courtyard area has the potential to result in surface water discharging onto Harris Lane however this area could be designed to accommodate drainage and if permission is granted a surface water drainage strategy is recommended.

The Council's Environmental Health officer advises that a land contamination condition is not required however as with all new residential development an electric vehicle re-charging infrastructure condition will be required to mitigate against air quality impacts.

4.3.12 Sustainable Development

The Framework defines three dimensions to sustainable development in terms of developments required to perform an environmental, economic and social role.

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 the wider area.

In terms of the social role the development would provide a modest amount of housing which would make a small contribution to the district's housing supply. The development is for family accommodation and it is likely that there will be children that will attend Offley Primary school thus contributing towards the vitality and viability of the school and village life in general.

In terms of the environmental I have identified that the scheme will have a harmful impact on the character and appearance of the area including a harmful impact on the significance of The Rookery and the Offley Conservation Area. Therefore the scheme would not fully meet the three strands of sustainable development required of the Framework.

4.3.13 **Parking and access**

Vehicle and pedestrian access to the development is proposed via Harris Lane which links to Kings Walden Road which runs through the centre of the village.

The proposal is to widen the lane to 5 metres presumably under a Section 278 Agreement with the highway authority. There are fundamental differences however between the approved scheme for three dwellings and this proposal for six dwellings. The approved scheme required less widening of Harris Lane and the provision of a refuse collection point further towards the junction with Kings Walden Road to allow refuse vehicles to reverse partly along Harris Lane but with no requirement to enter the site itself. As there are six units now proposed the development will generate more traffic movement and will need to accommodate a refuse vehicle.

Hertfordshire County Council as Highway Authority has concerns with the accessibility and manoeuvrability of vehicles along Harris Lane in conjunction with pedestrians, the connection to the development access road and associated manoeuvring at that junction would result in difficulty of manoeuvring of vehicles to enable a driver of large vehicles to travel and pass pedestrians and other vehicle along Harris Lane and access and egress the development.

The narrow width of Harris Lane would not support two-way traffic along the entire length which would lead to vehicles reversing when meeting another vehicle an excessive distance when accessing the development.

From the details submitted there would not be sufficient space available for two vehicles and pedestrians to pass along and egress the narrow Harris Lane, the length that a driver would have to reverse is considered unreasonable and therefore the access strategy is considered to be inadequate to service the proposal.

The access road to the site from the public highway junction with Harris Lane and Kings Walden Road is more than 75 metres long there has been no consideration for other highway users such as equestrian and pedestrians along Harris Lane or internal highway which would be vulnerable when the access road is in use by vehicles, there is only one location along the entire length for the opportunity for another vehicle to pass when a large vehicle occupies the road the road layout design has not considered that two-way traffic is required for access at all times.

The above amounts to a significant objection to the development in highway terms.

- 4.3.14 In terms of parking provision the development site will accommodate at least two cars per dwelling in accordance with the Councils Vehicle Parking Standards SPD. In addition there is cope to accommodate visitors parking within the site.

4.3.15 **Planning Obligations**

In considering whether any infrastructure obligations should be required from this development and whether the developer should provide a footpath link along Kings Walden Road as suggested by the Parish Council regard should be had to two matters:

1)High Court judgement on affordable housing thresholds and tariff based infrastructure contributions

In May 2016 the High Court reinstated the Governments' policy on the following

(1) developments of no more than 10 homes (with a gross floorspace not exceeding 1,000 sq m) would be exempted from levies for affordable housing and tariff-based contributions,

(2) but in designated rural areas, National Parks and AONBs, the exemptions would apply only to developments not exceeding 5 new homes; developments of 6 to 10 homes could pay a commuted sum, either at or after completion of the development;

(3) redevelopment of a vacant building, or its demolition for redevelopment, would give rise to a credit (calculated in terms of floorspace) that could be off-set against any affordable housing contribution.

The effect of this is that the Local Planning Authority cannot request any tariff based infrastructure contributions for this development or any affordable housing.

Community Infrastructure Regulations 2010

Under the CIL Regulations 2010, Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In terms of the Offley Parish Council's request for contributions towards the extension of the footway in Kings Walden Road this request should be assessed as follows:

- necessary to make the development acceptable in planning terms;

The footpath is not required to make the development acceptable in planning terms. The extended footway would not assist the occupants of the new dwellings to access any services or other footways or footpaths as it would not link to the site. It is not required by the Highway Authority or County Council Rights of Way officer

- directly related to the development; and

The request is not directly related to the development, the extended footway would be over 120m from the application site and over 155m away if a pedestrian route was taken from the site. As set out above the extended footway would not assist the occupants of the new dwellings to access services.

- fairly and reasonably related in scale and kind to the development.

The request may be considered reasonable in scale and kind to the development, however it could only really be considered reasonable if other recent residential development in the area had also been asked to make a proportionate contribution, such as the recent barn conversion on the site adjacent to the application site. Such similar requests have not been made.

Overall for reasons set out above I do not consider that the Parish Council's request meets the tests of the CIL Regulations and therefore on this occasion there is no legitimate planning or legal grounds on which they should be sought.

4.4 Planning balance and Conclusion

- 4.4.1 It is accepted that the current local plan is out of date however the emerging local plan is at an advanced stage and the policies within it can be given significant weight. However the plan is yet to be adopted and therefore one has to consider the presumption in paragraph 14 of the NPPF in favour of sustainable development and whether it can be applied. It states that permission should be granted unless:

'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate that development should be restricted'

In this case the highway authority has raised significant objections on highway safety grounds and the development would result in harm to the character and appearance of the area through the density and scale of development proposed and the widening of Harris Lane.

Paragraph 14 is however not engaged as there other policies in the NPPF listed in footnote 9 that apply to this development i.e. policies relating to designated heritage assets. In this case the public benefits of the scheme do not outweigh the harm to the designated heritage assets which are the significance of the listed Rookery and the character and appearance of the Offley Conservation Area.

- 4.4.2 Because of the above harmful impacts of the proposals the development is not considered to be sustainable and therefore fails to meet the requirements of sustainable development set out in the Framework.

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 planning permission be **REFUSED** for the following reasons:

1. By reasons of the number of dwelling units, the extent of development coverage across the site, the repetition of house types and the widening and upgrading to Harris Lane, the proposed development would transform this edge of settlement/semi rural 'open' yet verdant setting, to one of a significantly built up and overtly residential character. This more urban form of development would conflict with the general character of the southern extent of Offley Conservation Area where the grain is more loose-knit. The proposal would harm the setting of, hence the significance of, Designated Heritage Assets, namely The Rookery (grade II listed) and the Offley Conservation Area. Furthermore, by reason of the extent of highways related works envisaged, the proposal would harm the character and appearance of Harris Lane, thereby also harming the setting of the Offley Conservation Area. The proposal would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would also be contrary to the aims of Section 12 of the NPPF in that the proposal would not make a positive contribution to local character (paragraph 131),

the significance of The Rookery and Offley Conservation Area would be harmed by development within their setting (paragraph 132) and whilst the degree of harm would be less than substantial, this would not be outweighed by public benefits (paragraph 134).

2. The proposed development would constitute poor design contrary to the advice set out in paragraph 64 of the NPPF which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
3. By reason of the inadequate vehicular access proposed, particularly in terms of highway width and visibility, together with inadequate arrangements for refuse collection, the development would result in conditions detrimental to highway and pedestrian safety. As such the development would be contrary to the provisions of Section 4 of the NPPF (Promoting Sustainable Transport) and the technical requirements of the highway authority as set out in 'Roads in Hertfordshire: Highway Design Guide' and 'Manual for Streets' (Department of Transport).

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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ITEM NO: 9	<u>Location:</u>	Baileys Close Farm Pasture Lane Breachwood Green Hertfordshire SG4 8NY
	<u>Applicant:</u>	DLP Planning Ltd
	<u>Proposal:</u>	Residential development comprising of 4 x 1 bedroom flats, 6 x 2 bedroom houses and 8 x 3 bedroom houses with associated landscaping, parking and vehicular access following demolition of existing commercial buildings
	<u>Ref. No:</u>	17/04392/FP
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 18.04.2018

Submitted Plan Nos

PL006	PL005
PL002	PL001
PL010	PL008
PL012	PL003
PL011	PL004
PL009	PL007

Reason for Referral to Committee

Councillor Barnard has requested that this application be considered by the Planning Control Committee due to the public support from the Parish Council and the possible conflict of opinion with the officer recommendation.

1.0 Relevant History

- 1.1 91/00280/1 – Continued use of premises for the repair and maintenance of motor vehicles, granted.
- 1.2 17/01957/1PRE – Erection of 13 residential dwellings with associated landscaping and car parking.

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies)

Policy 2 - Green Belt.
Policy 26 - Housing proposals.
Policy 51 - Development Effects and Planning Gain.
Policy 55 - Car Parking Standards.
Policy 57 - Residential Guidelines and Standards.

Supplementary Planning Documents.

Design SPD
Planning Obligations SPD
Vehicle Parking Provision at New Development SPD.

2.2 National Planning Policy Framework

Section 1 - Building a strong, competitive economy.
Section 3 - Supporting a prosperous rural economy.
Section 4 - Promoting sustainable transport.
Section 6 - Delivering a wide choice of high quality homes.
Section 7 - Requiring good design.
Section 9 - Protecting Green Belt land
Section 11 - Conserving and enhancing the natural environment.

2.3 North Hertfordshire District Local Plan 2011-2031 Proposed Submission

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy
Policy SP5 Countryside and Green Belt
Policy SP7 Infrastructure Requirements and Developer Contributions
Policy SP8 Housing
Policy SP9 Design and Sustainability
Policy SP10 Healthy Communities
Policy SP11 Natural Resources and Sustainability
Policy SP12 Green Infrastructure, Biodiversity and Landscape
Policy CGB4 Existing Rural Buildings
Policy T1 Assessment of Transport Matters
Policy T2 Parking
Policy HS2 Affordable Housing
Policy HS3 Housing Mix
Policy HS5 Accessible and Adaptable Housing
Policy D1 Sustainable Design
Policy D4 Air Quality
Policy HC1 Community Facilities
Policy NE1 Landscape
Policy NE5 New and improved public open space and biodiversity
Policy NE6 Designated biodiversity and geological sites
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable Drainage Systems
Policy NE9 Water Quality and Environment
Policy NE10 Water Framework Directive and Wastewater Infrastructure

The application site lies outside of the village of Breachwood Green which is identified as a Category A settlement in the NHDC Submission Local Plan.

2.4 National Planning Practice Guidance

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

2.5 Consultation Draft National Planning Policy Framework (March 2018)

Relevant throughout but particularly Section 13 regarding Green Belt

2.6 Circular 01/2010: Control of Development in Airport Public Safety Zones

3.0 Representations

3.1 Kings Walden Parish Council:

Support this application with the following suggested conditions:

- ☐ A suitably safe pedestrian footway be provided between the development and the recreation ground and school.
- ☐ A contribution towards the recreation ground play equipment is negotiated.

The Parish Council acknowledge that the proposal meets NHDC standards but is concerned at the limited parking and at the use of tandem parking spaces which rarely provide the calculated amount of parking and cause additional vehicle movements when one vehicle is trapped by another.

3.2 Hertfordshire Highways:

Does not wish to restrict the grant of permission subject to conditions, highway informatives and the applicant entering into a Section 278 Agreement to cover the safety requirements as part of the application such as the construction of the new access and the widening works opposite the site access.

3.3 NHDC Waste Services Manager:

Recommends the imposition of a condition seeking further details of the circulation route for refuse collection vehicles. Provides advice on various aspects of waste and recycling collection standards and procedures for collection.

3.4 Lead Local Flood Authority :

Raised an initial objection (31st January 2018) based on the lack of information relating to surface water management. Further comments received 26th March 2018 advising that the submitted Drainage Strategy submitted by Matrix Transport and Infrastructure Consultants does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

3.5 Hertfordshire County Council (Development Services):

Request financial contributions towards the following services:

- 1) Primary education - Expansion of Breachwood Green JMI School - £26,340
- 2) Secondary education – towards either the provision of the new secondary school at the East of Luton development or a further 1 FE expansion at The Priory School, Hitchin, depending on the timing and phasing of development - £25,488
- 3) Youth services – towards the expansion and provision of storage equipment to facilitate and deliver a programme of outreach sessions in NH villages, including Breachwood Green at Bancroft / Nightingale House - £508.00

- 3.6 **Hertfordshire Ecology:**
Recommends a condition requiring the submission of a Biodiversity Management Plan to be submitted and approved by the Local Planning Authority. Recommends an Informative concerning protection of roosting bats.
- 3.7 **NHDC Environmental Health (Contamination)**
Advises that the site is likely to be adversely affected by ground contamination arising from the previous commercial use and therefore recommends a Phase 1 Environmental Risk assessment condition and an Electric Vehicle Recharging Infrastructure condition.
- 3.8 **NHDC Environmental Health (Noise)**
Advises that the main concern is the impact on prospective occupiers of the dwellings from aircraft noise in terms of internal and external noise and the overall cumulative impact. Advises that the adverse impacts on residents is such that planning permission should not be granted.
- The EHO (noise) has reviewed the applicants consultants response to the officers first comments on the proposals and the submitted noise survey and maintains an objection on noise grounds and recommends that permission should be refused for the development.
- 3.9 **NHDC Housing Officer:**
Advises that based on the provision of 18 dwellings a 35% affordable housing provision would equate to 6 affordable dwellings. To meet housing need identified in the 2014 Rural Housing Needs Survey (for Kings Walden) and the 2016 Strategic Housing Market Assessment, the affordable homes should comprise 4 x 2 bedroom houses (3 for rent and one for shared ownership) and 2 x 3 bedroom houses (one each for rent/shared ownership).
- 3.10 **Hertfordshire County Council (Rights of Way unit)**
Any comments received will be reported at the meeting
- 3.11 **Landscape and Urban Design officer:**
Raises concern at the suburban form, appearance and density of the development. Concerned at the loss of existing hedgerow, the urbanising effect of the access road and parking areas. Considers that the proposal is an overdevelopment of the site and will fail to create a high quality development appropriate for this location.
- 3.12 **London Luton Airport Limited (Chief Operations Officer):**
Concern that the site or part of it may fall within the London Luton Airport Public Safety Zone (PSZ). Concern at exposure of new residents to noise levels that are not appropriate for the location of new dwellings. Questions the suitability of this site for new residential development having regard to the PSZ, noise levels, green belt policy and loss of an existing commercial use.
- 3.13 **London Luton Airport Operations Limited:**

The comments of LLAOL are as follows:

‘LLAOL supports the Council’s objectives for housing delivery within the district to help promote a vibrant and prosperous economy. However careful consideration is sought

with respect to new development proposals within the vicinity of the airport, specifically where proposed under a flight path. LLAOL seeks to safeguard the operational requirements of the airport and the residential amenity of any future residents.

LLAOL has witnessed significant growth in recent years. In terms of passenger growth this has increased from 9.7 million to 12.3 million in 2015. LLAOL is expected to welcome 18 million passengers per year by 2020.

Given that major residential development is being proposed directly under a flight path, LLAOL urge North Hertfordshire District Council to consider fully the impact that aircraft noise may have upon any new residential dwellings within the noise contour areas.

LLAOL acknowledges potential impacts, both positive and negative on settlements associated with its expansion plans. As you are aware, LLAOL is committed to being a good neighbour and endeavours at all times to minimise the impact of its operations on local communities. As demonstrated by the LLAOL Noise Action Plan 2013 – 2018, developed in conjunction with stakeholders including your Council, the Breachwood Green area lies within relatively close proximity to the airport and is predominantly affected by easterly departures and westerly arrivals from the airport.

In addition to aircraft noise originating from London Luton Airport, the area is also variably affected by road traffic noise, as well as overflights travelling to and from other UK airports. I attach the Noise Action Plan 2013 – 2018 which, at Appendix E, contains the Noise Contour Maps which show the 54 dB LAeq 16 hour contour and the 57 dB L night contour.

Action 17 of the LLA Noise Action Plan 2013 – 2018 states that LLAOL will discourage residential development close to the airport boundary or areas affected by aircraft noise, in liaison with Local Authorities. LLAOL are concerned with the proposal to significantly increase the number of residential dwellings within the approach or departure paths that aircraft use.

As you are aware, Local Authorities are required to have regard to policies and advice issued by the Secretary of State.

The Governments Aviation Policy Framework 2013 states *“The Governments overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise”* The Framework goes on to state: *“We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. However this does not mean that all people within this contour will experience significant adverse effects from aircraft noise. Nor does it mean that no-one outside of this contour will consider themselves annoyed by aircraft noise”*.

LLAOL is increasing in size to accommodate an operational capacity of 18 million passengers per year. LLAOL are committed to develop and deliver policies, procedures and measures which will help to minimise the effects of aircraft noise and encourage improvements from airlines and other operators. The airport expansion proposals include a comprehensive suite of environmental mitigation measures to manage potential adverse effects. However, an increase in residential dwellings in the areas under the flight paths would potentially increase the number of people who may be impacted upon by aircraft noise.

We have carefully considered the location of the proposed dwellings. If your Council are minded to approve the application, we request that a condition is attached to any permission, as follows:

'Prior to the commencement of development, a noise survey for the proposed residential properties shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey, which shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

*Dwellings indoors in daytime: 35 dB LAeq 16 hours
Outdoor living area in day time: 55 dB LAeq 16 hours
Inside bedrooms at night time: 30 dB LAeq 8 hours (45 Db LA max)
Outside bedrooms at night time: 45 dB LAeq 8 hours (60 dB LA max)*

Such detail and appropriate consequential noise mitigation measures shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of any building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise.

3.14 London Luton Airport (Aerodrome Compliance Manager):

Comments will be reported at the meeting.

3.15 Site Notice/ Neighbour consultation: Letters received on behalf of the Trustees of the Baileys Farm Settlement and the Rt Hon R. Pleydell-Bouverie and family raising the following objections:

- Proposal is detrimental to the openness of the rural area
- Loss of employment opportunities
- There is no safe means of walking to and from the site resulting in all journeys being made by car and therefore the development is unsustainable
- Proposals contrary to Green Belt policy
- Will not be integrated with the village
- Design inappropriate for the rural area
- Scale and density of development inappropriate for the site. Will have a far greater visual impact than the current site

Letters of support received from the occupiers of The Bungalow, Baileys Close Farm and Baileys Farm commenting as follows:

- Previous car workshop / repair use resulted in high number of car movements and noise and disturbance to residents
- Current dilapidated buildings are an eyesore and attract anti-social behaviour
- Design and layout will be a huge improvement

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is located on Pasture Lane approximately 0.3 km south of Breachwood Green village. The application site is irregular in shape, relatively flat and covers approximately 0.44 hectares. The site consists of seven industrial buildings previously used in connection with a car repair and workshop business. There are also several storage sheds and mobile structures including a disused caravan located towards the northern boundary of the site. The site includes a large area of hardsurfacing. The site is now unoccupied and several of the buildings are in poor condition. There is a large amount of car parts and associated garage workshop materials littered around the site. Towards the northern section of the site is a brick built tower structure with a flat roof. Vehicular access is via a gated entrance located on a bend in Pasture Lane. Public footpath No. 4 to Wandon End runs along the western boundary. Adjoining the eastern boundary is a single storey residential property including detached garage and garden known as 'The Bungalow' Baileys Close Farm, Pasture Lane. The whole of the site is located within the Green Belt. The site is located approximately 1.65 km to the west of the London Luton Airport boundary.

4.2 Proposal

- 4.2.1 The proposal seeks full planning permission for the redevelopment of the site to remove all existing buildings and hardsurfacing and for the construction of 18 dwellings and associated new access road, landscaping and ancillary works. The housing scheme will comprise of 4 x 1 bedroom flats, 6 x 2 bedroom houses and 8 x 3 bedroom houses. All of the buildings would be two storey with hipped pitched roofs. The development proposes 1 parking space each for the one bedroom flats and two parking spaces and / or garages each for the two and three bedroom houses. In all 35 parking spaces are provide to include two disabled spaces and one visitor parking space.

In terms of layout a new vehicular and pedestrian access is proposed off Pasture Lane extending into the central area of the site with a turning head and section of private drive to the south. The new houses will face onto the central access road in the form of four pairs of semi-detached houses and one terrace of three houses whilst a block of four flats will front the northern boundary with Pasture Lane. Residential gardens will generally adjoin the site boundaries. Dedicated parking spaces are located throughout the site. The proposal includes additional planting around and within the site and the part removal of the conifer tree line along the western boundary.

The proposed dwellings (included flat block) are all two storey in height with hipped pitched roofs. The buildings will have an eaves height of 5 metres and overall ridge heights of between 8.0 and 8.6 metres. The external materials will be predominantly red facing brick and dark brown roof tiles with soldier course and stone cill detailing.

The following documents are submitted with this application:

- Planning Statement
- Design and Access statement

- Transport Assessment
- Arboricultural report
- Drainage strategy (updated to March 2018)
- Landscape and Visual Appraisal
- Land Contamination Phase 1 desk top study
- Noise Impact Assessment (plus further response to NHDC EHO officer comments)

4.3 Key Issues

4.3.1 The key issues are considered to be as follows:

- The principle of the development including the effect on the openness and purposes of the Green Belt
- Design and appearance
- Living conditions of existing and prospective occupiers
- Access and parking considerations
- Other matters (Ecology, Flood risk, Contamination)
- Section 106 matters
- Planning balance and conclusion

4.3.2 The principle of the development

4.3.3 Policy 2 of the NHDC Local Plan (Saved Policies) states that:

In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.

4.3.4 The proposal is not sited within a settlement. It will result in significant visual impact by reason of the scale and amount of development proposed. Therefore the development is contrary to Saved Policy 2 of the local plan.

4.3.5 Policy CGB4 of the Submission Local Plan ('Existing Rural Buildings') states

Planning permission for the re-use, replacement or extension of buildings in the Green Belt or Rural Area beyond the Green Belt will be granted where:

- Any existing building to be converted does not require major extension or reconstruction;*
- The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Green Belt or Rural Area beyond the Green Belt than the original building(s); and*
- Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.*

Policy SP5 of the Submission Local Plan (Countryside and Green Belt) states that the Council : *Will only permit development proposals in the Green Belt where they would not result in inappropriate development;*

Due to the height, scale and density of the development it will have a materially greater impact on the openness of the Green Belt and is therefore considered to be

inappropriate contrary to the aims of both the above emerging local plan policies.

- 4.3.6 The National Planning Policy Framework states in paragraph 89 that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to a number of specific exceptions. The sixth bullet point is relevant in this case as it refers to:

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'

- 4.3.7 The definition of 'Previously Developed Land' in Annexe 2 of the Framework states PDL as being:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

- 4.3.8 There is little doubt that the majority of the existing buildings on the application site meet the definition of previously developed land. Certainly the block and rendered single storey buildings and brick tower meet the definition in my opinion and there is a large amount of hardsurfacing on the site. The conclusion of whether the proposal represents inappropriate development depends on an assessment of whether or not the proposal would have a greater impact on the openness of the green belt and the purposes of including land within the Green Belt.

- 4.3.9 The applicant has provided existing sections drawing and a schedule of existing and proposed building volumes as follows:

Schedule		
	Existing	Proposed
Total Area	955 sqm	930 sqm
Total Volume	3550 cubic metres	5580 cubic metres

- 4.3.10 The above schedule illustrates that there would be a slight reduction in footprint as a result of the development but a large increase in volume (36.3%). This is due to the provision of two storey housing across the site. In addition to the volumetric increase the section drawing shows that there are only two buildings of any significant height (the brick tower at 6.7m and building 5 close to the southern boundary at 6.04 metres to its ridge). The remainder of the buildings are all low level with ridge heights of no more than 3.7 metres) This contrasts with the proposed ridge height of between 8.0 metres and 8.6 metres across the 7 housing blocks.

- 4.3.11 The current site layout is that the site is relatively open in the central area (the main buildings being located in the northern and southernmost parts of the site. Compared with this the proposed layout shows an almost continuous built up form of development across the site from north to south and a wide and tall building (19.7 metres wide x 8.0 metres high) containing four flats across the site frontage onto Pasture Lane.
- 4.3.12 The resultant impact of the increase in height and spread of buildings across the site together with the segregation of the site into individual gardens with resultant boundary fencing would reduce openness of the site and the scale of the development would be particularly obvious from both Pasture Lane and public footpath No. 4 which runs immediately along the western boundary.
- 4.3.13 The application site is clearly separated from Breachwood Green village and in open countryside being surrounded by open fields in agricultural use. The proposed development would introduce a modern two storey housing development significantly at odds with this open and agricultural character, increasing urban sprawl and encroachment into the countryside. This would be contrary to the fundamental aims of the Green Belt as set out in paragraph 79 of the NPPF and the third purpose in paragraph 80.
- 4.3.14 It is concluded therefore that the proposal would reduce openness and be contrary to one of the purposes of the Green Belt. The proposal is harmful to the Green Belt (paragraph 87) and does not meet the criteria set out in the sixth bullet point of paragraph 89 in that it would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The development would also be contrary to Policy 2 of the Saved local Plan and Policies SP5 and CBG4 of the emerging local plan.
- 4.3.15 **Design and Appearance**
- 4.3.16 Any re-development on the application site, if appropriate in planning policy and environmental terms, should respond to the agricultural landscape and the rural character of the countryside.
- 4.3.17 Paragraph 58 of the Framework requires decision makers to ensure that new developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*
- *create safe and accessible environments where crime and disorder, and*

the fear of crime, do not undermine quality of life or community cohesion

- *are visually attractive as a result of good architecture and appropriate landscaping*

In addition paragraph 64 of the Framework is also relevant to the consideration of this application in that it advises:

- *Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

- 4.3.18 Unfortunately the proposed development is completely out of place in this open countryside and agricultural environment. Whilst acknowledging the presence of a bungalow to the south of the site which is reflective of the low density, occasional isolated dwellings / farmsteads in the locality the proposed development introduces a modern housing estate of 40 dwellings per hectare, a density that far exceeds what would be considered appropriate for this location even taking into account the existing footprint. The layout proposes the removal of existing hedgerow along the Pasture Lane frontage and provision of low level shrub planting together with a wide, heavily engineered bellmouth access road - features that would be alien to the character of this rural lane. All of the houses would be two storey with pitched roofs of between 8.0 metres and 8.6 metres in overall height. It is considered that this scale of development would be prominent and intrusive particularly for users of the public footpath and Pasture Lane and also prominent in the wider landscape. It is accepted that there is a brick built tower on the site however this has a very small footprint and lower height than the proposed development. The present open views across the site and the general rural tranquillity enjoyed by walkers, cyclists and existing residents would be substantially harmed by this proposed housing estate. Two storey flatted development with its associated car parking area at the rear would be particularly inappropriate in terms of scale and context with the character of the area.
- 4.3.19 The development proposes a uniform development of red brick two storey dwellings. The overtly domestic design and scale of these buildings would not be appropriate in this rural, agricultural landscape and would fail to respond to local character.
- 4.3.20 It is absolutely accepted that the industrial nature of the existing site and its untidy and semi-derelict appearance detracts from the character of the area. This does not provide any excuse for the redevelopment of the site with an equally inappropriate form of development especially one that is *'of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'* (paragraph 64 – NPPF).
- 4.3.21 In terms of landscape effects it is considered that the height, scale and quantum of development would be harmful to the open and rural character of the landscape. Whilst it is appreciated that the surrounding landscape is of no special quality or value the application site is passed by walkers, cyclists, horses riders and motorists and the urbanising effect and encroachment into the countryside would be clearly apparent with the proposed development.
- 4.3.22 By reason of the number of dwellings proposed, their excessive height, overtly domestic appearance and the generally urban form, the development would have a

harmful effect on the character and appearance of the area. Furthermore the proposed development would have significant adverse landscape and visual effects due to its separation from the village to the north and its prominent location adjacent to a public footpath and rural lane. As such the proposals would not comply with Policy 57 of the adopted local plan or Submission Local Plan Policies SP1, SP9 and D1. The proposals would not enhance the quality of the area and would constitute poor design not complying with paragraphs 58 and 64 of the National Planning Policy Framework.

4.3.23 Living conditions

4.3.24 There are two main issues that may affect the living conditions of proposed residents on this site – airport safety and noise.

Airport safety

The site is located under the flight path of London Luton Airport and within the airport Public Safety Zone (see **Appendix A**). Circular 01/2010: Control of Development in Airport Public Safety Zones (PSZ's) provides guidance to Local Planning Authorities on the siting of developments within PSZ's. The guidance states at paragraph 10:

'There should be a general presumption against new or replacement development, or changes of use of existing buildings, within Public Safety Zones. In particular, no new or replacement dwellinghouses, mobile homes, caravans or other residential homes should be permitted. Nor should new or replacement non-residential development be permitted'

The proposed development does not comply with any of the permissible forms of development within PSZ's set out in the Circular.

Noise

The site is located within the current Noise Contours for London Luton Airport as set out in the airports' Noise Action Plan 2013 – 2018. In fact, the application site is within one of the higher noise categories (dB – sound pressure level) centred around the runway take-off and landing zones (see **Appendix B**). The NAP states at Action 17 in the document:

'Discourage residential development close to the airport boundary or areas affected by aircraft noise, in liaison with Local Authorities.'

The advice received from London Luton Airport Operations Ltd (LLAOL) as set out above makes it clear that they have a concern with the location of the development :

'LLAOL are concerned with the proposal to significantly increase the number of residential dwellings within the approach or departure paths that aircraft use'.

In addition to the above, the Councils Environmental Health officer has considered the additional arguments supplied by the applicants noise consultants and has responded as follows:

Internal noise levels

Accepts that there are certain measures that could be adopted to provide mechanical ventilation and control internal noise levels. However the noise contours for the site will change over the next 10 years as LLA expands. The proposed glazing and ventilation specifications may not match up with increased noise levels in the future. For this

reason I still consider that planning permission should be refused due to the elevated noise levels inside.

External amenity area noise

The consultant has quoted BS 8233 to support the development but it is my understanding that the development site is not on the list of prioritised development sites in the emerging Local Plan and in fact lies within green belt land. As a result, I don't feel there is a strong enough argument that the site is desirable for development such that a compromise of this magnitude over elevated noise levels should be allowed. To this end, my objection still stands.

4.3.25 Luton Luton Airport Ltd announced in December 2017 a 'Vision for Sustainable Growth 2020 – 2050'. The Vision envisages increasing the capacity of the airport to between 36 – 38 million passengers per annum. Currently the airport is the fifth largest in the UK and the fourth largest in the London region behind Heathrow, Gatwick and Stansted. This projected growth will undoubtedly result in greater environmental impact including aircraft movements and noise and associated impacts such as road traffic and pollution. The application site lies within the airport public safety zone and noise contour area within which both London Luton Airport and the Government state that development should be restricted. Concern has been expressed by the Airports Operations officer and the Council's Environmental Health officer has recommended refusal on the grounds that the proposed residential development would be subject to unacceptable aircraft noise.

4.3.26 Given the above it is considered that the proposed development would fail to achieve an adequately high standard of amenity for future occupiers of the proposed development failing to meet the social and environmental roles of sustainable development required by the NPPF.

4.3.27 In terms of living condition of existing residents the occupiers of 'The Bungalow' are unlikely to be significantly impacted by the proposed residential development given the separation distances landscaping shown on the site layout plan.

4.3.28 Access and parking considerations

4.3.29 The proposed development will be served by a new access off Pasture Lane. The access road would be 5 metres in width with footpaths either side of the vehicular entrance. The Highway Authority has confirmed that the access meets visibility requirements and that traffic generation from the new development will not have a significant impact on the local highway network. The Highway Authority is satisfied that that in technical terms the development is acceptable.

4.3.30 The development provides 35 parking spaces including one visitor space and two disabled spaces. However, this does not meet the minimum standards required by the Council's residential parking standards as set out in Appendix 4 of the Submission Plan or the currently adopted Supplementary Planning Guidance 'Vehicle Parking Standards at New Development (2011)'. The scheme proposes 25 surface spaces (excluding the disabled and visitor space) and the standards require 0.25 visitor element for each space. There are 7 garages in the scheme and this requires 0.75 visitor element for each garage. Discounting the proposed visitor and disabled spaces shown there is a deficit of 8 spaces. Furthermore the proposed garages do not meet the minimum dimensions required (7.0 metres x 3.0 metres measured internally) and therefore cannot be counted as parking spaces meaning an overall deficit of 15 spaces.

4.3.31 There is a limited bus service from the village to Hitchin and Luton (Bus 88) and only a limited range of services in the village. There is no direct footpath from the site to the village. As such the proposed development is likely to be car dependent and there are no exceptional circumstances here to allow a reduction on minimum parking standards. The implications of a non-compliant parking standards scheme is the likelihood of the site becoming dominated by street parking and encroachment of parked vehicles onto the adjacent highway to the detriment of the visual amenities of the locality.

4.3.32 **Other matters**

4.3.33 Ecology

Given the previous commercially active condition of the site and the amount of hardsurfacing and buildings it is likely to be of low ecological value. The development provides an opportunity for net gains in biodiversity and could incorporate enhancement measures. As such there are no specific objections on ecological grounds.

4.3.34 Flood Risk

The Lead Local Flood Authority has assessed the revised Matrix Transport and Infrastructure Consultants Limited Drainage Strategy dated March 2018 and still considers it unsuitable to properly address flood risks associated with the development. Accordingly, at the time of writing this report, the objection of the LLFA on flood risk grounds still stands.

4.3.35 Contamination

A phase I Environmental Risk Assessment is required by the NHDC Environmental Health officer. This can be secured by planning condition should permission be granted for the development.

4.3.36 **Section 106 matters**

4.3.37 The NPPF advises that planning obligations should only be used where it is not possible to address impacts through a planning condition and that they should be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

4.3.38 In this case the development is for 18 dwellings which is above the threshold at which the Government considers planning obligations can be sought. A Section 106 Agreement is considered necessary to address a number of infrastructure related matters involving financial contributions and the provision of affordable housing. The submitted Planning Statement refers (p22) to the importance of planning obligations however considers that a contribution should only be sought in respect of local community / leisure facilities through agreement with the Parish Council. No specific leisure or community facilities have been identified and no specific contributions proposed.

4.3.39 Kings Walden Parish Council have asked for a contribution towards equipment in the nearby recreation ground. I consider that this facility is likely to be used by residents of the new development and is a reasonable request. A footpath link from the site to the primary school (to be provided in Pasture Lane) is desirable in terms of highway and pedestrian safety and to encourage walking from the site into the village. However

such a link would depend on feasibility, the land being available and the agreement of the highway authority. In both cases no financial costs either on the playground equipment or footpath link have been submitted. In addition to the above the following matters would also need to be secured by a Section 106 Agreement:

Herts County Council

- Education contributions – Primary £26,340, Secondary £25,488
- Youth services £508.00
- Fire Hydrants

North Hertfordshire District Council

- Affordable Housing (6 dwellings provided on site for rent/ shared ownership)
- Waste and recycling collection (£1,020)

4.3.40 The above financial contributions are based on the County and District Council's standard charges and specific projects and services. They address, in proportion to the scale of the development, the limited local capacity for primary and secondary education, to mitigate the impact on local recreational facilities and to assist in meeting affordable housing need in the parish. The contributions also provide for improvements to the existing pedestrian routes and would encourage the use of sustainable transport modes.

The planning obligations provisions are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably relate to it in scale and kind. The tests in paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 are therefore met.

4.3.41 Unfortunately the planning application does not include a draft Section 106 agreement or 'Heads of Terms' document to form the basis of such an agreement. No affordable housing is proposed (the application form at Question 17 states all housing will be market housing). In view of the lack of a draft Section 106 Agreement or significant progress towards such an agreement, the development fails to address the impact of the development on local infrastructure and is therefore unsustainable.

4.3.42 Planning balance and conclusion

The proposal is contrary to policies in the current saved local plan and the emerging local plan which is at an advanced stage. The current local plan is however out of date and it does not address the housing needs of the district. The emerging plan is yet to be adopted and therefore, although at an advanced stage, significant weight cannot yet be attributed to it. As such and in line with paragraph 14 of the NPPF the 'tilted balance' in favour of granting planning permission should apply unless specific policies in the NPPF and the local plan indicate development should be restricted. Footnote 9 of paragraph 14 includes policies relating Green Belt within which this site is located.

4.3.43 For the reasons set out above the proposals represent inappropriate development in the Green Belt, because even though the development is sited on previously developed land it would adversely affect openness and be contrary to the purposes of the Green Belt and therefore by definition be harmful to the Green Belt.

- 4.3.44 No very special circumstances have been advanced by the applicants to justify inappropriate development in the Green Belt – primarily due to the fact that the applicants consider that the development is on previously developed land that would not have a greater impact on the openness of the Green Belt. The submitted volumetric analysis and comparison of the development to the height of existing buildings on the site clearly demonstrates that the development does not meet the sixth bullet point of paragraph 89 of the NPPF and is therefore inappropriate. I attribute significant weight to the harm to the Green Belt in this regard.
- 4.3.45 The applicants state that the development will contribute to local housing supply and that it is sustainable in all respects. Whether North Herts District Council has a five year supply of housing land or not National Planning Policy Guidance states at Paragraph 34 that ‘unmet housing need is unlikely to outweigh the harm to the green belt and other harm to constitute ‘very special circumstances’ justifying inappropriate development on a site within the green belt’.
- 4.3.46 The applicants say that the development is in a sustainable residential location. However the site is outside of the village boundary and sited a 0.3 km walk from the village. There is no public footpath to the village from the site and no street lights. The village has only a limited amount of services – it has no shop, no doctors surgery, very limited employment opportunities and a limited bus service. The majority of journeys to and from the site would be by private car and would therefore be unsustainable in locational terms.
- 4.3.47 The applicants noise consultants state that ‘*the site is suitable for the development in terms of noise levels*’ However the submitted noise impact assessment confirms that measured noise levels at the site are between 66dB and 85 dB, significantly above World Health Authority guidelines for residential development. The Council’s Environmental Health officer considers that even with high specification glazing and closed ventilation systems (i.e. all windows permanently closed) the living conditions would be unacceptable particularly as the airport expands in the future and noise levels increase.
- 4.3.48 The site is within the airport Public Safety Zone within which Circular 01/2010 advises that no residential homes should be permitted. I consider significant weight should be attached to the objection raised to this aspect of the scheme.
- 4.3.49 The Lead Local Flood Authority maintain an objection on flood risk grounds although it is accepted that this matter is capable of resolution subject to additional information being provided.
- 4.3.50 The proposed development is of an urban density and form detracting from the rural character of the lane and would overall be harmful to the character and appearance of the locality. I consider this adverse impact attracts medium weight.
- 4.3.51 The NPPF advises that inappropriate development should not be approved except in very special circumstances. In this case the benefits of delivering new homes are outweighed by the harm to the Green Belt and the other identified unacceptable aspects of the development in terms of the harm to the character and appearance of

the area noise impact, public safety, flood risk and the generally unsustainable location. In particular the development would fail to meet the social and environmental dimensions that represent sustainable development. I conclude that the harmful effects of the development are far outweighed by the limited benefit of delivering new homes and therefore that planning permission should be refused.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That planning permission be **REFUSED** for the following reasons:

1. The application site is within the Green Belt as identified in the North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies, 2007) wherein permission will only be given for the erection of new buildings for agricultural purposes, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is an inappropriate form of development in the Green Belt and therefore is unacceptable in terms of Policy 2 of the North Hertfordshire Local Plan No. 2 with Alterations (Saved Policies, 2007) and the guidance in Section 9 of the National Planning Policy Framework. The proposed development cannot be justified in terms of the purposes specified and no very special circumstances have been demonstrated which may justify an exception to be made for such development in the Green Belt.
2. By reason of the number of dwellings proposed, their excessive height, overtly domestic appearance and the generally urban form, the development would have a harmful effect on the character and appearance of the area. Furthermore the proposed development would have significant adverse landscape and visual effects due to its separation from the village to the north and its prominent location adjacent to a public footpath and rural lane. As such the proposals would not comply with Policy 57 of the adopted local plan or Submission Local Plan Policies SP1, SP9 and D1. The proposals would not enhance the quality of the area and would constitute poor design not complying with paragraphs 58 and 64 of the National Planning Policy Framework.
3. The proposed development would be located within the London Luton Airport Public Safety Zone within which development should be restricted on safety grounds. The development would be contrary to the guidance contained within Circular 01/2010: Control of Development in Airport Public Safety Zones.
4. The proposed development would be located within the London Luton Airport Noise Contour area which is subject to high noise levels from aircraft movement. As such, the development would be likely to result in a poor standard of residential amenity to the occupiers of the proposed dwellings contrary to the provisions of Policy 57 of the North Hertfordshire District Local Plan and Sections 6 and 7 of the National Planning Policy Framework.

5. Inadequate information has been submitted to demonstrate that the development will not result in flood risk contrary to Section 10 of the National Planning Policy Framework.
6. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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REV	REVISION DESCRIPTION LINE	dd mm yy
Issue	Description	Date

Status PRELIMINARY NOT TO BE USED FOR CONSTRUCTION	
Scales 1:1000 @ A3	
Original Size A3	Author RM
North	Checker JP/NM
	Date 16-01-18
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Client Raybridge Corporation LTD
50mm on Original

Project Land at Baileys Close Farm, Pastures Lane, Breachwood Green
Title Location Plan

be1 Architects Ltd 5 Abbey Court, Fraser Road, Priory Business Park, Bedford, MK44 3WH TEL: 01234 261 266 FAX: 01234 831 437 Email: Enquiries@be-1.co.uk Web: www.be1architects.co.uk Offices also at: Bristol, Cardiff, London, East Midlands and Sheffield			
Project No. H5098/1	Drawing No. PL001	-	-

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Planning Application ref: 17/04392/FP

Land at Baileys Close Farm, Pasture Lane, Breachwood Green

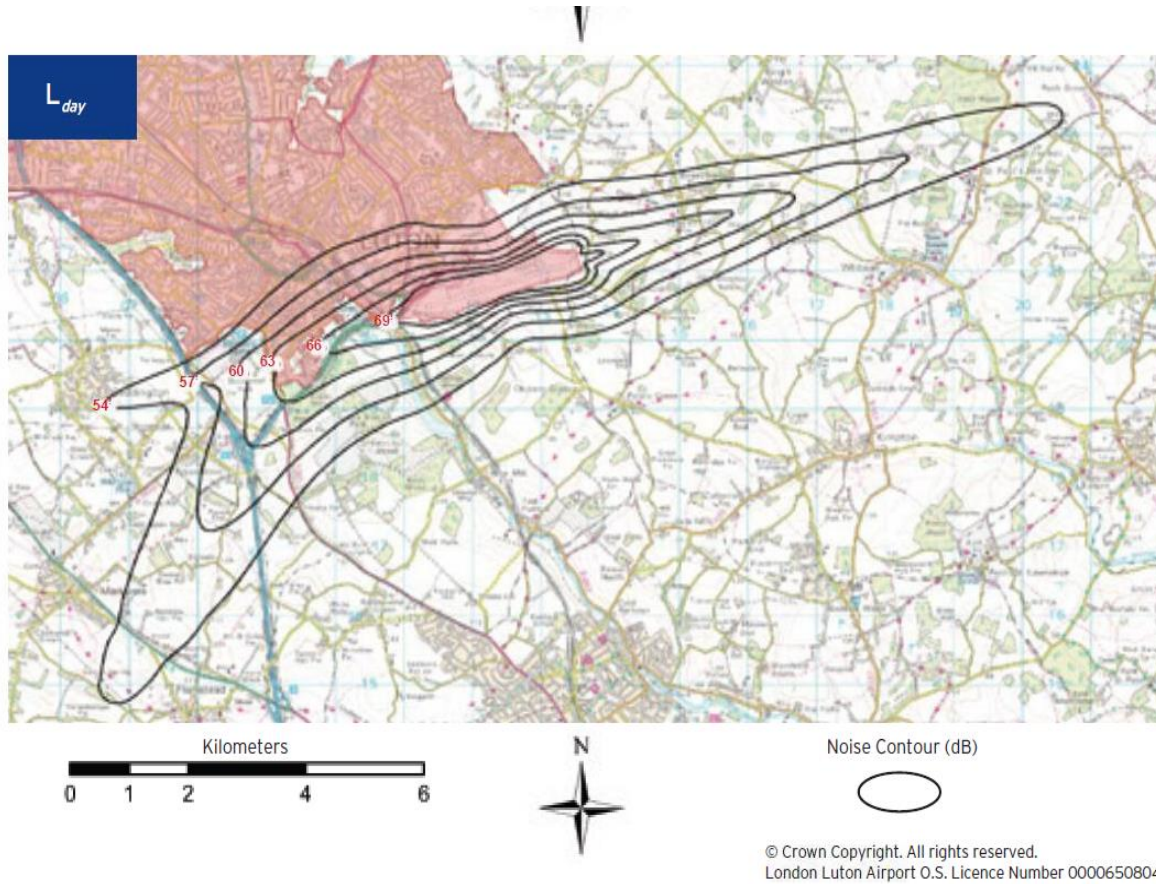


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Appendix B

Planning Application ref: 17/04392/FP

Land at Baileys Close Farm, Pasture Lane, Breachwood Green



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ITEM NO:**10**Location:**1 Half Acre
Hitchin
Hertfordshire
SG5 2XL**Applicant:**Mrs Clara Odularu**Proposal:**Erection of private road security gates and garden wall**Ref. No:**18/00273/FP**Officer:**Ben Glover**

Date of expiry of statutory period: 23.03.2018

Submitted Plan Nos

A25 A20 A01 A10 A15

Date of expiry of statutory period: 26 April 2018

Reason for Referral to Committee

Councillor Richard Thake called in the application if minded to refuse. The reason for call in is in the wider public interest.

1.0 Relevant History

1.1 17/02735/1 – Erection of private road security gates and garden wall – Refused on 18/12/2017 for the following reason:

- “By reason of its siting and design, the proposed development would result in the creation of a separated community that would result in an adverse effect upon community cohesion within the area. Furthermore, the proposed development would not enhance the character and appearance of the locality. As such, the development is considered to be contrary to the provisions of the National Planning Policy Framework and Policies D1 and Sp10 of the emerging Local Plan.”

2.0 Policies

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

Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 7 – Requiring good Design

Chapter 8 – Promoting healthy communities

2.3 North Hertfordshire Draft Local Plan 2011-2031

The Local Plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The policies of the Draft Local Plan therefore carry limited weight at this stage, however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

SP10 – Healthy Communities
D1 – Sustainable Design
D2 – House Extensions and Replacement Dwellings
D3 – Protecting Living Conditions
T2 – Parking

3.0 Representations

3.1 Site Notice:

Start Date: 15/02/2018

Expiry Date: 08/03/2018

3.2 Neighbouring Notifications:

The owners/occupiers of No. 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59 High Point, Pirton Road; 21, 23 Pirton Road; 5b Mount Pleasant; 6 Mount Pleasant; High Bank, Moormead Hill House, Offley Road were notified on 08/02/2018. One representation has been received in support of the application from Moormead Hill House, Offley Road.

3.3 Statutory Consultations:

HCC Highways - Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Any gates and road markings at the entrance to the development shall be provided as identified on drawing number 17-101-00 A-20 P2.

REASON for the recommendation above:

1. To allow vehicles to be parked within the curtilage of the site without obstructing the highway.

COMMENTS

The application comprises of the erection of private road security gates and garden Wall.

VEHICLE ACCESS

The property is located along Half Acre that is private road offset from Moormead Hill that is the A505 main distributor road subject to a speed limit restricted to 30 mph.

CONCLUSION

Hertfordshire County Council as Highway Authority considers that the details submitted showing the development entrance layout is acceptable in principle and accords with highway safety.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site consists of 11 two storey detached properties within a cul-de-sac located on the north side of Moormead Hill, which is the main distributor road of the A505 dual carriageway sited approximately 270m from the entrance to Half Acre.
- 4.1.2 The shared access road is privately owned and features a forked form with the site and No. 1 Half Acre situated at a higher elevation than the main road that connects to the cul-de-sac site. The application site is not situated within a Conservation Area or Green Belt.

4.2 Proposal

- 4.2.1 Planning permission is sought for the erection of a private road security gate (2.6m in height) and garden wall (up to 3.3m in height) along the boundary of No. 1 Half Acre. The security gate would provide access to all 11 properties situated within Half Acre.
- 4.2.2 Included with this application is a statement which sets out the following points in support of the proposed development:
 - ☐ Half Acre is a destination site only – few people pass by the site.
 - ☐ There are other gated communities in Hitchin e.g. Kitchen Garden Court
 - ☐ Community cohesion exists within Kitchen Garden Court which is in the town centre surrounded by development and with much greater passing footfall than Half Acre
 - ☐ Gate would provide safety for children and the safety of the community as a whole
 - ☐ Existing access attracts abandoned vehicles, vehicles u-turning, damage to property and breakdowns resulting in significant visibility issues
 - ☐ Gate will help to manage speeds of those turning into Half Acre

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:
 - The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
 - The impact that the proposed development would have on the living conditions of neighbouring properties.
 - The impact that the proposed development would have on car parking provision and highways safety in the area.
 - The impact the development would have on maintaining healthy, inclusive communities.

Design and Appearance:

- 4.3.2 The proposed entrance gate would be sited across the existing access to Half Acre, set back approximately 14m from the edge of the junction with Moormead Hill. The gate would feature a height of approximately 2.6m at its highest point and would swing out, when opened, by 3.3m. The security gate would be opened and closed electronically and feature pedestrian access gates to each side of the main vehicle entrance.
- 4.3.3 The proposed boundary treatment would extend along the boundary of No. 1 Half Acre and connect with the proposed security gate. The proposed perimeter wall would feature brick to match the existing appearance of the adjoining perimeter wall and metal railings between brick piers. The proposed perimeter wall would be acceptable in terms of design and appearance.
- 4.3.4 Within the locality of the application site, there are no visible examples of existing security gates serving groups of properties and limited examples of gated access to single properties. The creation of gated communities is not a common occurrence within the district unless originally proposed as part of a housing development scheme.
- 4.3.5 Whilst the development would be well set back from Moormead Hill / A505 junction, the proposed gates would be of significant height and visible from Moormead Hill / A505 and the surrounding area. There are often queuing vehicles on this main road into Hitchin and therefore motorists and passengers, when vehicles are stationary or slow moving up the hill, would have clear views of the proposed gates. A footpath exists on the opposite side of Moormead from which the development will also be clearly visible. The gates would amount to an incongruous and alien feature in the predominantly residential surroundings and as such would be harmful to the character and appearance of the locality.
- 4.3.6 Given the nature of the proposed development, it is considered that the proposed development would result in no unacceptable impact upon the amenities of neighbouring occupiers.

Sustainable Design & National Planning Policy Framework:

- 4.3.7 Paragraph 69 of the NPPF advises that the planning system plays an important role in facilitating social interaction and creating inclusive communities, a principle echoed in Policy SP10 and Policy D1 of the Emerging Local Plan. The NPPF directs Local Planning Authorities to aim to achieve opportunities for meetings between members of the community who might not otherwise come into contact with each other through the use of active street frontages that bring together those who work, live and play in the vicinity.
- 4.3.8 In light of the guidance offered by Paragraph 69 of the NPPF, it is considered that the proposed development would result in the separation of Half Acre from the local community resulting in an adverse effect upon community cohesion within the area counter to NPPF policies.
- 4.3.9 The NPPF also advises that Local Planning Authorities should promote safe and accessible environments. In discussions with the applicant, concerns have been raised over the safety of children who play within the cul-de-sac in close proximity to the A505 dual carriageway. Moormead Hill is designated as a 30mph road. The dual carriageway travelling west to east from Luton is 50mph and 70mph when travelling from Hitchin to

Luton. Whilst the safety of local residents is noted, no additional substantive evidence has been provided to justify the need for the erection of the security gates that would outweigh the detrimental impact of the proposed development.

- 4.3.10 Given the above, it is considered that the proposed development would result in the creation of an isolated gated community that fails to promote community cohesion and therefore contrary to the aims of the National Planning Policy Framework and Policies SP10 and D1 of the Emerging Local Plan.

Highways Safety:

- 4.3.11 Hertfordshire County Council Highways have raised no objections to the proposed development. The gate would be well set back from the junction with Moormead Road by approximately 14m. It is considered that the proposed development would be acceptable in terms of impact upon highways safety.

4.4 Conclusion

- 4.4.1 The proposed development would result in the creation of a separated community within Hitchin that fails to enhance the public realm or improve connectivity, contrary to the provisions set out within the National Planning Policy Framework and Policies D1 and SP10 of the emerging Local Plan.

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.

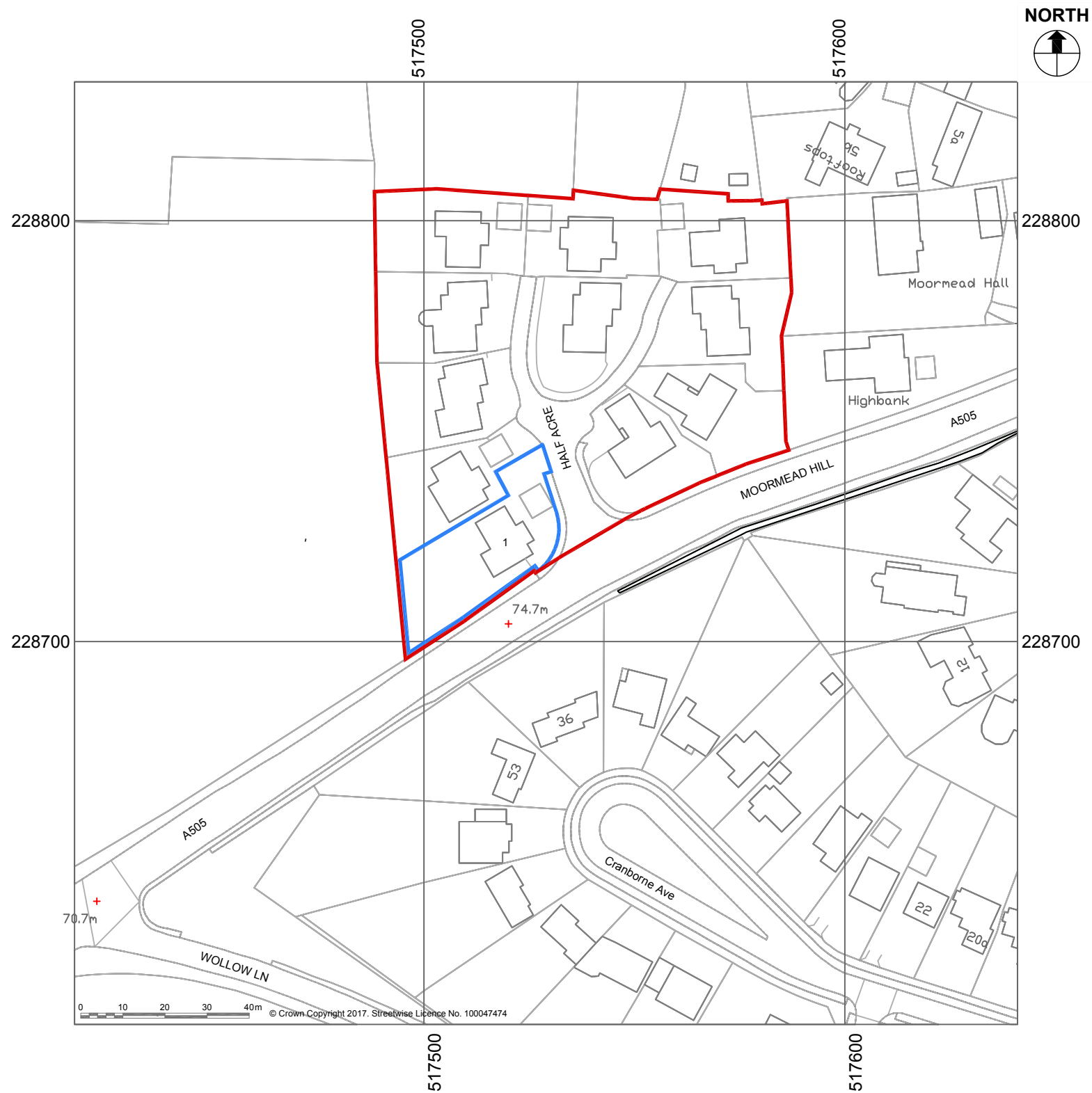
6.0 Recommendation

- 6.1 That planning permission be **REFUSED** for the following reason:
1. By reason of its siting and design, the proposed development would result in the creation of a separated community that would result in an adverse effect upon community cohesion within the area. Furthermore, the proposed development fails to enhance the character and appearance of the locality. As such, the development is considered to be contrary to the provisions of the National Planning Policy Framework and Policies D1 and Sp10 of the emerging Local Plan.

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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01 LOCATION PLAN
1:1250

LEGEND

Application Site for Proposed Private Road Security Gates, 1 - 11 Half Acre, Hitchin SG5 2XL

Application Site for Proposed Front Garden Wall, 1 Half Acre, Hitchin SG5 2XL

ARENAFOUR
ARCHITECTS

Highgate
London
N6, UK

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Project
**Proposed Garden Wall &
Private Road Security Gates**

1 Half Acre,
Hitchin SG5 2XL

Client
Clara Uchay

NOTES: THIS DRAWING IS FOR PLANNING PURPOSES ONLY, NOT FOR CONSTRUCTION. CONTRACTOR TO SITE VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF ANY WORK, & REPORT ALL DISCREPANCIES OR VARIATIONS TO ARCHITECT. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELATED ARCHITECTS AND ENGINEERS DRAWINGS AND SPECIFICATIONS AND ANY OTHER RELEVANT INFORMATION. ALL WORK AND MATERIALS TO BE IN ACCORDANCE WITH BUILDING REGULATIONS, AND COMPLY WITH ALL RELEVANT CODES OF PRACTICE AND STANDARDS. NO UNAUTHORISED COPYING OR USE WITHOUT PRIOR PERMISSION. Copyright ArenaFour Architects © 2017.

Rev	Description	Date	Chkd
P1	Issued for Planning	22-10-17	RA

Drawing Status

FOR PLANNING

Drawing title

LOCATION PLAN

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Scale

1:1250

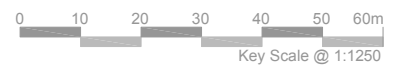
@ A3 sheet size

Date Drawn	Checked	Approved
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22-10-2017	RA	RA
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Project number	Drawing number	Revision
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17-101-00	A-01	P1
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ITEM NO: 11	<u>Location:</u>	44 New Close Knebworth Hertfordshire SG3 6NU
	<u>Applicant:</u>	Fiona Pruden
	<u>Proposal:</u>	Erection of art studio in rear garden. Erection of wall around side garden with decorative screen and landscaping to create courtyard (as amended by drawings received 12/03/2018).
	<u>Ref No:</u>	18/00322/FPH
	<u>Officer:</u>	Tom Donovan

Date of expiry of statutory period : 26.03.2018

Submitted Plan Nos

17101/OS 17101/01-1 17101/01-2 17101/01-3 17101/02-1D 17101/02-2D
17101/02-3E 17101/02-4D 17101/02-5D

Date of expiry of statutory period:

27 April 2018.

Reason for Referral to Committee:

Councillor Hemingway called the application in to support the view of Knebworth Parish Council.

1.0 Relevant Planning Policy

1.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 5 – Excluded Villages
Policy 55 - Car Parking Standards

1.2 National Planning Policy Framework.

Section 7 - Requiring good design

1.3 Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017).

D1 - Sustainable Design;
D2 – House extensions, replacement dwellings and outbuildings;
D3 – Protecting living conditions;
T2 – Parking

1.4 **Supplementary Planning Document**

Vehicle Parking at New Development September 2011

2.0 **Site History**

2.1 None relevant.

3.0 **Representations**

3.1 **Local residents**

No representations received.

3.2 **Knebworth Parish Council**

Knebworth Parish Council have objected to the proposal on the following basis:

“The proposed building is overdevelopment of the site due to its bulk and height. A separate access is proposed via Stevenage Road. The stretch of Stevenage Road, which backs on to New Close, has a bank of trees and shrubs between the footpath and garden. Creation of this access will change the character.”

Cllr Hemingway has called-in the application in support of the view of the Parish Council.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 44 New Close is a semi-detached two storey residential property. New Close is a residential cul-de-sac located to the west of Stevenage Road. Properties which face east have rear gardens which back onto Stevenage Road.

4.2 **Proposal**

4.2.1 This development proposal comprises the following elements:

- A) Erection of art studio in rear garden. The building is proposed to measure 3.39m in width, 11m in length, 2.5m to eaves height and 4.15m to ridge height. It is proposed to have a pitched roof with gable ends. Facing materials are proposed to match the main house.
- B) Erection of wall to form courtyard on part of existing driveway. The wall would have a decorative screen above and would measure 1.8m in height. It would be located to the front of the existing garage and form the courtyard between the boundary and the flank wall of the house.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

--The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.

--The impact the proposed development would have on the living conditions of neighbouring properties.

--The impact that the proposed development would have on car parking in the area.

4.3.2 **Proposed art studio**

Design and appearance

Paragraph 64 of the National Planning Policy Framework states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

Emerging Policy D3 requires proposals for replacement dwellings or outbuildings to: 1) enhance the character and setting of the site; and 2) not have an adverse impact on the character of the street-scene or area.

4.3.3 The proposed building would be single storey and it would be located in the rear garden of the application property. I note that the building would be quite large in terms of its footprint but it would not occupy more than 50% of the rear garden. The proposed building would not be visible from within New Close at all whilst it is unlikely to be visible from Stevenage Road other than some potential glimpse views of the roof. Whilst the relevant policies require proposals to ‘improve’, where a proposal has little public visibility and therefore impact, I would question to what extent this requirement is able to be met or is even desirable. Moreover, I do not believe that there are opportunities available for the proposed building to improve the character or quality of the area in this case. In my view, there are no justifiable reasons to recommend refusal on design grounds.

4.3.4 Impact on the living conditions of neighbouring properties

Due to the proposed location of the outbuilding, the key issue is the impact that the proposed building would have on the living conditions of the adjacent property to the north, no.42 New Close.

4.3.5 The proposed building would be located close to the flank boundary with no.42 however the main property itself is set several metres away from the boundary fence whilst a detached garage of a fairly substantial height is located close to the boundary with no.44. Although the proposed building would occupy a fairly substantial stretch of the boundary between no.42 and 44, the angle of no.42 and the position of the house away from the boundary would ensure that the living conditions of this property are not significantly affected.

4.3.6 Conclusion

Whilst I accept that the building is fairly large for a residential outbuilding in this location, I do not find that there is any harm due to the height or size of the building either in terms of the wider character or appearance of the area or impact on neighbours. As such, it is my view that the proposed outbuilding would be compliant with the relevant local and national planning policy regarding design.

4.3.7 **Proposed courtyard and proposed bin store**

Design and appearance

The formation of the proposed courtyard to the side of the property would involve the erection of a continuous section of 1.8m high wall and decorative screen. Whilst perhaps an unusual position for an external courtyard area, I do not consider that the proposed fencing/screen would be harmful from a design perspective. The

proposed bin store would be fairly small and inoffensive in my opinion.

4.3.8 Impact on living conditions of neighbouring properties

In my opinion, the formation of a small external courtyard area would not cause any undue harm to the living conditions of any of the neighbouring properties. In any case, the courtyard use would be incidental to the primary residential use and therefore planning permission is not required. The proposed 1.8m high wall/screen and is not excessive and would have little impact on the living conditions of the neighbouring properties to that side. The proposed bin store is also modest and would have little impact.

4.3.9 Car parking

It is noted that the formation of the courtyard would result in the loss of part of the existing car parking area at the front of the property. However, the proposal involves additional hard-standing which is shown on drawing 17101/02-3E and this is adequate for the parking of two cars which is the minimum requirement for a property of this size. It is also important to note that a permeable surfacing material is proposed.

4.3.10 **Formation of pedestrian access at rear**

It is clear from drawing 17101/02-3E that a pedestrian access is proposed to be formed from the rear garden onto the public footpath which runs along the west side of Stevenage Road. However, the formation of a pedestrian access including the alterations required to the existing fencing does not require planning permission.

4.4 **Conclusion**

- 4.4.1 The proposed development would be compliant with the provisions of the Saved Local Plan, the North Herts Emerging Local Plan 2011-2031 and the provisions of the National Planning Policy Framework. As such, it is my recommendation that planning permission be **GRANTED**.

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 planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

















Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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.

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Application Validation Sheet

18/00322/FPH 44 New Close, Knebworth, SG3 6NU

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistbld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prcaarea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
Prjmzone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prmnis.shp
-  **Indicative Flood Plain**
Prfipm.shp



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Date: 05/04/2018



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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 12
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TITLE OF REPORT: PLANNING APPEALS

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Four planning appeals have been lodged and two planning appeal decisions have been received.

Details are attached.

PLANNING CONTROL COMMITTEE

DATE: 19 April 2018

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Cala Homes	06 March 2018	Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell only route by CALA dated 4/8/17 Construction Route Plan - Arrival and Departure via Holwell by Waterman Infrastructure & Environment Ltd dated 4 August 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016)	Land Adjacent To Elm Tree Farm Hambridge Way Pirton	17/02023/1D OC	Written Representation
Cala Homes	06 March 2018	Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell route by CALA dated 2/11/17 Road Safety Appraisal by Mayer Brown dated 27th October 2017 (as Discharge of Condition of planning permission 15/01618/1 granted 25/05/2016)	Land Adjacent To Elm Tree Farm Hambridge Way Pirton	17/02807/1D OC	Written Representations
Mr R Newman	27 March 2018	Change of use from A4 (Public house) to C3 (single dwelling)	The Cabinet High Street Reed Royston	16/02113/1	Written Representations
MRH (GB) Limited	27 March 2018	Removal of Condition 4: Hours of operation previously from 7am to 11pm to change in order to allow 24 hour trading on the site in order to reflect the current trading environment and meet customer demand of planning permission reference 02/01291/1 granted 19/12/2002 for the redevelopment of petrol filling station site to provide new forecourt, canopy, underground tanks, and sales building, new "in" and "out" access	Jackmans Service Station Baldock Road Letchworth Garden City SG6 2EJ	17/00474/1	Written Representations

		arrangements and car parking, following closure of existing access, in accordance with amended layout and elevation drawings 10627/024 Rev B and 10627/025 Rev A.			
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PLANNING APPEAL DECISIONS

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr White	Two storey front extension and detached double garage.	Rosemary Lodge High Street Hinxworth Baldock	17/02495/1HH	Appeal Allowed on 14 March 2018	Delegated	The Inspector concluded that there would be no For the reasons given, it is concluded that there would be no unacceptable harm caused to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with Local Plan Policy 30 (Replacement or extension of dwellings in the countryside) and the National Planning Policy Framework's core principle of securing high quality design.
Mr & Mrs Lobbezoo	Two storey rear extension and ancillary works.	17 Masfield Way Royston SG8 5UU	17/02392/1HH	Appeal Dismissed on 14 March 2018	Delegated	The Inspector concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 19 Masfield Way and, as such, it would conflict with Policy 28 (House extensions) of the North Hertfordshire District Local Plan No. 2 with Alterations.

Appeal Decision

Site visit made on 28 February 2018

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 14th March 2018.

Appeal Ref: APP/X1925/D/17/3192071

Rosemary Lodge, High Street, Hinxworth SG7 5HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G White against the decision of North Hertfordshire District Council.
 - The application Ref 17/02495/1HH, dated 3 October 2017, was refused by notice dated 24 November 2017.
 - The development proposed is the erection of a garage and two-storey extension of an existing dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a garage and two-storey extension of an existing dwelling at Rosemary Lodge, High Street, Hinxworth SG7 5HF in accordance with the terms of the application, Ref 17/02495/1HH, dated 3 October 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A114293-17-01; Site Layout Plan; Existing Plan and Elevations; Layout Plan; Proposed Plans; Proposed Elevations and Garage Details.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The reason for refusal refers to Policies CGB4 and D2 of the proposed submission version of the Emerging Local Plan 2011-2031. Other than a commentary that the Emerging Local Plan has progressed to examination there is no indication whether these policies are the subject of any objections which remain to be resolved. Further, the Planning Officer's report indicates that they should be given little weight in the determination of this appeal. In any event, these policies reflect the current development plan concerning restricting the scale of extensions in rural areas and promoting design which is in keeping with the host dwelling.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property was previously a detached annex building, built as a double garage, but was consented by a Certificate of Lawful Development to be occupied as a self-contained dwelling (Ref No. 11/0397/1EUD). It appears from the planning history that the property is now being occupied as pursuant to the planning permission granted by the Council (Ref No. 14/02754/1) and this consent included a condition withdrawing permitted development rights associated with dwelling houses. If the property is occupied pursuant to the planning permission then the erection of an outbuilding would require consent.
5. The property is not of any particular architectural merit being of utilitarian appearance and is described by the appellant as being of a chalet-style design with a steeply pitched roof. It is accessed via a private drive which also provides access to 2 large bungalows sited within extensive plots. These dwellings and the property are physically part of the built-up area of Hinxworth rather than being isolated buildings within the open countryside which surrounds the settlement. The access drive and these properties define the settlement's verdant and spacious eastern edge when viewed across the adjacent field from either the road or public rights of way. From these viewpoints the scale and bulk of the property means it already has a physical and visual presence.
6. The proposed development also includes the erection of a 2-storey side extension which, in part, would redevelop an existing wooden stable building and concrete surfaced areas. Policy 30 of the North Hertfordshire District Local Plan No. 2 with Alterations (LP) states that, in respect of dwellings anywhere in the countryside outside excluded or selected villages, the Council will, amongst other things, normally refuse proposals for their replacement or extension if a materially greater impact would result. Also, extensions will normally be refused if they result in a size, scale and design out of keeping with the original building and give the effect of a new building. Hinxworth is not a defined village for the purposes of this policy.
7. By reason of the proposed 2-storey extension's scale, the enlarged property dwelling would have a greater physical and visual presence because of the increased bulk. However, the design of the proposed extension would reflect the chalet-style of the property, including the steeply pitched roof and the comparable ridge and eaves heights. The proposed dormers would respect the general form of the enlarged property. The scale of the resulting property, particularly its footprint, would not be at variance with the 2 adjacent large dwellings. This footprint would include the stable building and concrete surfaced areas. However, if this appeal succeeds, it would be necessary for the external materials of the proposed extension, and garage, to match those of the property and this could be secured by a condition.
8. Although the presence of the enlarged property could be more noticeable from the north east because some of the boundary vegetation may need to be removed, overall it would not have a materially greater impact on the character

and appearance of the surrounding area when viewed from the road. From the public right of way, the enlarged property would be viewed in the context of the other built forms of development in this part of Hinxworth, including the dwellings fronting Homefield.

9. For these reasons and in this specific case, the design and scale of the proposed extension would not be so out of keeping with the original property to either give the effect of a new building or cause harm to the character and appearance of either the surrounding area or the host property.
10. There would be additional built development within the proposed curtilage of the property associated with the erection of the double garage. However, there would be sufficient separation between the proposed garage and enlarged property to maintain the spacious and verdant appearance of the eastern edge of the built-up area. When assessed as a whole, the appeal scheme would be appropriate to its context and would relate sympathetically to the property's location adjacent to the open countryside.
11. The property is located within the Hinxworth Conservation Area. No details of why the Conservation Area was designated have been provided but, from what was observed during the site visit, the heritage significance is particularly associated with the residential and other predominantly 2-storey buildings of traditional construction and materials, together with associated open spaces, fronting High Street and Chapel Lane. There is more recent residential development fronting Homefield which does not share the same characteristics. This difference of character equally applies to the property and adjacent dwellings. In any event, the Council has not identified that the proposed development would either harm the significance of this designated heritage asset or fail to at least preserve the character and appearance of the Conservation Area. There are no reasons for me to depart from the Council's assessment.
12. For the reasons given, it is concluded that there would be no unacceptable harm caused to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with LP Policy 30 and the National Planning Policy Framework's (the Framework) core principle of securing high quality design.

Conditions

13. The Council has suggested a number of conditions in the event this appeal succeeds which have been assessed against the test in the Framework and the Planning Practice Guidance. For reasons of proper planning and the avoidance of doubt, a condition is necessary for the appeal scheme to be erected in accordance with the approved plans. A condition to control external materials is necessary for the reasons already given. Accordingly, and taking into account all other matters, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR

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Appeal Decision

Site visit made on 28 February 2018

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 14th March 2018.

Appeal Ref: APP/X1925/D/18/3195140

17 Masefield Way, Royston, Hertfordshire SG8 5UU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bastiaan Lobbezoo against the decision of North Hertfordshire District Council.
 - The application Ref 17/02392/1HH, dated 19 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the erection of a two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 19 Masefield Way.

Reasons

3. The appeal property is a 2-storey dwelling situated within a predominantly residential area comprising similar types of dwellings. By reason of siting, a 2-storey flank wall of the property is located adjacent to the rear garden boundaries of 18 and 19 Masefield Way. Based upon the site visit, from the rear windows and garden of No. 19, this flank wall is already a prominent built form of development. However, and taking into account the nature of the layout of the surrounding residential development, there remains a reasonable open outlook from No. 19 across the appeal property's rear garden.
4. The proposed development includes the erection of a 2-storey rear extension and its flank wall would be sited a similar distance from the rear boundary of No. 19 as the current property's wall. The effect of the proposed development would be for a longer 2-storey flank wall being sited adjacent to this shared boundary.
5. Although the appeal scheme would not extend along the full length of the shared boundary, the enlarged flank wall would, by reason of massing and siting, be an overbearing form of development which would visually dominate the occupiers' outlook from No. 19. The reasonable open outlook which currently exists would be significantly eroded. The modest difference in ground level between the property and No. 19 does not alter this assessment and neither does the absence of objection from the current occupiers. Others may well occupy this neighbouring property in the future.

6. Reference has been made by the appellant to existing relationships between other dwellings within the surrounding area and these were observed during the site visit. In the absence of any detailed planning circumstance, it appears that these other relationships were part of the original layout of the residential development rather than, as with the appeal scheme, being created through alterations and extensions to dwellings. Limited weight is, therefore, given to this matter in the determination of this appeal.
7. The appellant has also referred to the potential for a 3 metre extension to be erected to the rear of the property but there are no details about what could be erected to enable a comparison to be made with the appeal scheme, including the height of any flank wall adjacent to the boundary with No. 19. Limited weight is, therefore, given to this matter in the determination of this appeal.
8. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 19 Masfield Way and, as such, it would conflict with Policy 28 of the North Hertfordshire District Local Plan No. 2 with Alterations (LP). Amongst other matters this policy requires house extensions not to dominate adjoining property. This policy is consistent with the National Planning Policy Framework's core principle of securing a good standard of amenity for all existing and future occupants of land and buildings. No specific conflict with LP Policy 57 relating to the main issue has been identified but this does not alter the assessment of the appeal scheme. Accordingly, and taking into account all other matters, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR