

# Public Document Pack

3 December 2018

Our Ref Planning Control Committee  
Your Ref.  
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To: Members of the Committee: Councillors Mike Rice, Michael Muir, Daniel Allen, Ruth Brown, Paul Clark, Bill Davidson, Sarah Dingley, Jean Green, Cathryn Henry, Mike Hughson, Tony Hunter, Ian Mantle, Sue Ngwala, Harry Spencer-Smith and Michael Weeks

Substitutes: Councillors David Barnard, Val Bryant, Faye Frost, Gary Grindal, Ben Lewis, Val Shanley and Terry Tyler

You are invited to attend a

## **MEETING OF THE PLANNING CONTROL COMMITTEE**

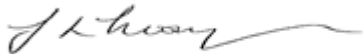
to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES. GERNON ROAD,  
LETCWORTH GARDEN CITY**

On

**THURSDAY, 13TH DECEMBER, 2018 AT 7.30 PM**

Yours sincerely,



Jeanette Thompson  
Service Director – Legal and Community

## **Agenda** **Part I**

| <b>Item</b>  | <b>Page</b>        |
|--|--------------------|
| <b>1. APOLOGIES FOR ABSENCE</b>  |                    |
| <b>2. MINUTES - 15 NOVEMBER 2018</b><br>To take as read and approve as a true record the minutes of the meeting of this Committee held on the 15 November 2018.<br><br>These minutes will be dispatched on Friday 7 December 2018.   |                    |
| <b>3. NOTIFICATION OF OTHER BUSINESS</b><br>Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.<br><br>The Chairman will decide whether any item(s) raised will be considered.   |                    |
| <b>4. PUBLIC PARTICIPATION</b><br>To receive petitions and presentations from members of the public.   |                    |
| <b>5. CHAIRMAN'S ANNOUNCEMENTS</b><br>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, wished to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote. |                    |
| <b>6. 18/01726/FP LAND WITHIN, RUSH GREEN MOTORS, LONDON ROAD, LANGLEY, HERTFORDSHIRE</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER<br><br>Erection and use of a concrete batching plant together with associated infrastructure and access.   | (Pages 1<br>- 26)  |
| <b>7. 18/02515/S73 FORMER HAMILTON BILLIARDS AND GAMES CO, PARK LANE, KNEBWORTH, HERTS, SG3 6PJ</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER<br><br>Residential development of 10 units comprising 9 x two bed flats, conversion  | (Pages<br>27 - 38) |

and part two storey/part single storey side extension to existing building at the rear of the site to provide 4 parking spaces and cycle store at ground floor with 1 x 2 bed flat over and 18 car parking spaces within site following demolition of existing buildings. Repairing and raising of existing wall on northern boundary to 2.5 metres in height and repairing and raising of existing wall to western boundary to 2.1 metres in height. , Section 73 Application: Variation of condition 11: Changes to the external and internal appearance of the scheme pursuant to planning permission 17/00883/1 granted 09/08/2017 and as amended by 18/01468/NMA granted 28/06/2018).

- 8. 18/02194/OP HEATH FARM, POTTERSHEATH ROAD, POTTERSHEATH, HERTFORDSHIRE, AL6 9ST** (Pages 39 - 50)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Outline Planning permission (all matters reserved except access, layout and scale) for one 4-bed detached dwelling following demolition of existing buildings (Class B2, B8), stable blocks and portakabins (as amplified by drawings 17030-SP received 20/11/2018 and PL01D and 01C received 23/11/2018).

- 9. 18/02299/FP THE GABLES, HIGH STREET, BARLEY, ROYSTON, HERTFORDSHIRE, SG8 8HY** (Pages 51 - 68)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of 10no. residential dwellings and provision of car parking area with all associated landscaping and ancillary works (as a revision to application 17/02316/1 approved on 30/05/18) (as amended by drawings received 8th November 2018).

- 10. 18/02083/FPH 14 CLAYMORE DRIVE, ICKLEFORD, HITCHIN, HERTFORDSHIRE, SG5 3UB** (Pages 69 - 76)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Alterations to roof and construction of first floor rear extension, single storey side and rear extensions following demolition of existing garage and insertion of front dormer window and gabled roof extension (as amended by plan Nos. DD2235-2 sheets 1, 2 & 3 G).

- 11. PLANNING APPEALS** (Pages 77 - 96)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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| <b>ITEM NO:</b>   |  |
| <u>Location:</u>  | <b>Land Within<br/>Rush Green Motors<br/>London Road<br/>Langley<br/>Hertfordshire</b>                       |
| <u>Applicant:</u> | <b>Breedon Southern Ltd</b>  |
| <u>Proposal:</u>  | <b>Erection and use of a concrete batching plant together<br/>with associated infrastructure and access.</b> |
| <u>Ref. No:</u>   | 18/01726/FP  |
| <u>Officer:</u>   | <b>Tom Donovan</b>   |

**Date of expiry of statutory period**

20<sup>th</sup> December 2018

**Submitted Plan Nos.**

17088-11 Rev.P5; 17088-12 Rev.P4; 17088-13 Rev.P3; 17088-14 Rev.P1

**Reason for Delay**

Extension of time to allow consideration of supplementary documentation.

**Reason for Referral to Committee**

Councillor Paul Clark has 'called-in' the application in the wider public interest.

1.0 **Site History**

- 1.1 05/00510/EUD – A certificate of lawful development was granted in 2005 to establish the lawful use of the site for 'storage, sale crushing and recycling of vehicles, trailers, plant and machinery. Metal fabrication and manufacture of trailers, shot blasting and spraying. Haulage of vehicles, plant and machinery. Repair, servicing and cleaning of vehicles, plant and trailers. Hire of trailers'.
- 1.2 16/03171/1 - planning permission was granted in February 2017 for a 10MW battery storage facility just to the north-west of the application site but within the Rush Green complex.

2.0 **Relevant Planning Policy**

2.1 **North Hertfordshire District Local Plan No.2 with alterations**

Policy 2 - Green Belt  
Policy 36 – Employment Provision  
Policy 55 – Car Parking Standards

2.2 **National Planning Policy Framework**

Section 2 – Achieving sustainable development  
Section 4 – Decision-making  
Section 6 – Building a strong competitive economy  
Section 8 – Promoting healthy and safe communities  
Section 9 – Promoting sustainable transport  
Section 12 – Achieving well designed places  
Section 13 - Protecting Green Belt land  
Section 14 – Meeting the challenge of climate change, flooding and coastal change  
Section 15 - Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment

2.3 **North Hertfordshire Draft Local Plan 2011-2031**

The policies of relevance in this instance are as follows:

Strategic Policies

SP1: Sustainable development in North Hertfordshire  
SP5: Countryside and Green Belt  
SP6: Sustainable transport  
SP9: Design and sustainability  
SP10: Healthy communities  
SP11: Natural resources and sustainability  
SP13: Historic environment

Development Management Policies

ETC2: Employment development outside Employment Areas  
T1: Assessment of transport matters  
T2: Parking  
D1: Sustainable design  
D3: Protecting living conditions  
D4: Air quality  
NE1: Landscape  
NE7: Reducing flood risk  
NE8: Sustainable drainage systems  
NE9: Water quality and environment  
NE10: Water Framework Directive and wastewater infrastructure  
NE11: Contaminated land  
HE1: Designated heritage assets  
HE4: Archaeology

### 3.0 **Representations**

#### 3.1 **Public Notice/ Local Residents**

Objections have been received from local residents, local interest groups and other parish councils and these can be found in full on the website. The following is a summary of issues raised:

- Inappropriate development in Green Belt;
- Site is not previously developed;
- Harm to the appearance of the Green Belt and reduction in openness;
- Visual impact;
- Environmental impact;
- Impact on air quality and the Stevenage Road Air Quality Management Area;
- Impact on human health due to vehicle emissions, dust etc;
- Impact on highway safety and the capacity of the highway network;
- Suitability of road for the type of traffic proposed;
- Impact on pedestrians and cyclists;
- HGV noise and vibration;
- Dust, noise and vibration from the plant;
- Potential land contamination issues;
- Potential damage to the highway;
- Harm to neighbour amenity;
- Impact on the water supply;
- Inappropriate location for such a plant;
- Impact on wildlife/ecology.

#### 3.2 **Langley Parish Council**

Objection received and can be found on the website. The following is a summary of the issues raised:

- Highways safety and capacity concerns;
- Damage to the road;
- HGV emissions and dust;
- Impact on water supply;
- Harm to the rural area and the Green Belt.

#### 3.3 **Hertfordshire County Council Highways**

No objection subject to recommended conditions 8-17. Members to note that the Highways Authority have considered the cumulative effect of the existing and proposed development and have concluded that the proposal would not lead to a severe impact (see 4.2.1-4.3.1).

#### 3.4 **Environmental Protection (contaminated land and air quality)**

No objection subject to recommended conditions regarding contamination and fleet emissions.

#### 3.5 **Environment Agency**

No objection subject to recommended condition regarding surface water disposal.

3.6 **Environmental Health (noise and other nuisance)**  
No objection subject to recommended condition regarding the operating hours of the proposed plant.

3.7 **Herts Ecology**  
No objection subject to recommended conditions regarding ecological mitigation measures.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

4.1.1 The application site is located on the northern part of the Rush Green Motors site which is located to the east side of the B656 (London Road). The site is located within the parish of Langley and the village of Langley is located a few hundred metres to the south of the application site. The site is located approximately 6km to the south of Hitchin and 2.5km to the west of Stevenage.

4.1.2 Rush Green Motors is noted on its website as being a 'commercial vehicle specialists' although a lawful development certificate granted by this Council in 2005 (05/00510/EUD) described the authorised use as follows:

*"Storage, sale crushing and recycling of vehicles, trailers, plant and machinery. Metal fabrication and manufacture of trailers, shot blasting and spraying. Haulage of vehicles, plant and machinery. Repair, servicing and cleaning of vehicles, plant and trailers. Hire of trailers"*

A number of former agricultural and portable office buildings are located on the site and appear to be used in association with the authorised use of the site.

4.1.3 The Rush Green Motors site extends a significant distance along the boundary of the B656 whilst the site also extends several hundred metres to the east. The site is bounded to the north-west by the Rush Green Airfield and to the north, north-east, and east by agricultural fields. Dyes Farm borders/is incorporated into the south-east of the site. Several residential properties are located within the frontage of the site.

4.1.4 The B656 London Road is primarily a 60mph speed-limit road that links the south-western edge of Hitchin with the northern edge of Codicote whilst providing access with the villages to the south/south-west. To the north the B655 joins up with the Three Moorhens Roundabout in Hitchin which then provides road links towards Stevenage, Letchworth, Luton and Bedford. To the south the B656 runs through the Codicote High Street before eventually discharging onto the Welwyn By-Pass Roundabout and provides road links to south and north junctions of the A1M, the B197 towards Knebworth and the A1000 towards Welwyn.



- 4.1.5 The Phase I Ecological Survey Report that has been submitted in support of the application confirms that the application site does not contain, adjoin or include any statutorily designated sites of ecological interest, such as Sites of Special Scientific Interest (SSSI), National Nature Reserves, Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or other sites designated under UK or European Directives. The closest SSSI is the Knebworth Woods SSSI which is 1.5km from the site.
- 4.1.6 The Rush Green Airfield Local Wildlife Site (ref. 29/019) is located approximately 60m to the north-west of the application site. The LWS contains a wide diversity of habitats within a relatively small area including moderately species-rich neutral grassland, with a narrow strip of damp grassland with good species diversity along the eastern side associated with a winterbourne (which is derived from the piped small stream underlying the Site). In the SE corner of the LWS are 2 small areas with species-rich damp grassland, a pond and drainage ditch and in the SW corner is a small fenced off area of grassland, semi-improved in character with several grassland indicators. The LWS also includes hedgerow habitat and some areas of broad-leaved plantation woodland.
- 4.1.7 The application site extends across Flood Risk Zone (FRZ) 1 through to 3.

## 4.2 **Proposal**

### 4.2.1 Overview

Erection of concrete batching plant together with associated infrastructure and access.

### 4.2.2 What is a concrete batching plant?

Concrete batching is an industrial process which involves combining various ingredients like aggregates, sand, water, and cement to make ready-made concrete. The process would require raw materials to be imported onto the site before the final product is exported by road via truck-mixers. The operation of mixing the materials is largely a computerised operation. It is anticipated that the plant would produce approximately 30,000m<sup>3</sup> of concrete annually.

### 4.2.3 Vehicular access

An existing, but not currently used, vehicular access point is proposed to be upgraded and used as the sole point of access for the concrete batching plant. Other existing vehicular access points will be retained and presumably used in association with the existing operations at Rush Green Motors.

#### 4.2.4 Construction of the plant

- The site will need to be cleared before any preparatory works begin;
- A large sub-base/concrete surface to be laid along with drainage and surface water infrastructure;
- The concrete batching plant will arrive on site part-assembled and will be constructed on site;
- Site office is pre-fabricated and will be delivered to the site and installed in position;
- Aggregate storage bays to be delivered and installed;
- Remainder of infrastructure is delivered and installed.

#### 4.2.5 The plant

The structures/buildings proposed as part of the concrete batching plant are as follows:

- Mixing plant with conveyor;
- Aggregate feed hoppers;
- Site office;
- Recycled water butt;
- Recycle bay/wedge pit/waste bay;
- Water tank;
- Batch cabin;
- GGBS (ground granulated blast furnace slag) station;
- OPC (Ordinary Portland Cement) station;
- Aggregate bays;
- Substation and storage.

#### 4.2.6 Operations of the plant

- The importation and storage of aggregates, sand, cement, limestone fines and other raw materials via heavy good vehicles (HGV's) via the access road.
- The movement of those materials by loading shovel within the site.
- The production process for concrete, mortars and screeds.
- Ancillary welfare and sales offices, vehicle parking and the onward transfer of finished products from the Site via the access road and the wider highway network.

NB. More detail regarding the operations can be found in Chapter 3 of the Planning Application and Supporting Statement.

#### 4.2.7 Vehicle movements

Paragraphs 3.16-3.21 of the Planning Application and Supporting Statement suggests that there will be a total of 8976 vehicle movements associated with the use of the plant based on the plant operating 264 days per annum (taking into account holiday periods and weekends).

Across a 12 month period a daily average of 52 HGV movements (26 in/26 out) Monday to Friday and 26 HGV movements (13 in/ 13 out) Saturday are proposed to occur.

#### 4.2.8 Hours of operation

Operating hours are proposed to be 0700-1900 Monday to Friday and 0700-1300 Saturday.

NB. See section 4.3.35 of my Committee Report which outlines that operating hours are to be restricted by condition to 0730-1900 Monday to Friday and 0730-1300 Saturday

#### 4.2.9 Lighting

External lighting will be required. Details have not been submitted as part of this planning application and as such this matter is to be subject of a condition requiring full details to be submitted and agreed prior to the installation and use of any lighting.

### 4.3 **Key Issues**

#### 4.3.1 The key issues for consideration are as follows:

- Whether the proposal would be inappropriate development in the Green Belt and whether any harm by reason of inappropriateness (if it is found to be so), and any other harm, would be clearly outweighed by other considerations.;
- The effect on the character and appearance of the area;
- The effect on the safe operation and capacity of the highway network.
- The effect on the living conditions of neighbouring properties.
- The effect on the environment with particular regard to air quality, contamination and flood risk.
- The effect on the ecological value of the area.
- The effect on the historic environment.

#### 4.3.2 Green Belt: Inappropriate development

##### *Policy background*

Paragraph 145 of the NPPF (the Framework) states that new buildings in the Green Belt are inappropriate development, with certain exceptions contained within paragraphs 145 and 146 of the Framework. Paragraph 143 states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, paragraph 144 states that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt is clearly outweighed. Policy 2 of the saved Local Plan states that development will be granted for proposals that are appropriate in Green Belt and which do not result in 'significant visual impact'. Emerging Policy SP5 largely defers to the provisions of the Framework.

#### 4.3.3 *Previously developed land*

The first key issue to consider is whether the site is rightly regarded by the applicant as being 'previously developed'. The Framework defines 'previously developed land' as "*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 was last occupied by*

*agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as 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.”*

- 4.3.4 A number of permanent structures are present within the Rush Green Motors site whilst a Lawful Development Certificate (LDC) was granted by this Council in 2005 that established the lawful use of the site for the *‘storage, sale crushing and recycling of vehicles, trailers, plant and machinery. Metal fabrication and manufacture of trailers, shot blasting and spraying. Haulage of vehicles, plant and machinery. Repair, servicing and cleaning of vehicles, plant and trailers. Hire of trailers’*.
- 4.3.5 The circumstances of the site do not appear to have changed since the LDC was granted in 2005 and I am therefore satisfied that the site still operates under the terms of the LDC. Moreover, a number of permanent structures are present within the Rush Green Motors site together with a significant amount of hard-surfacing. I therefore conclude that the site is previously developed in line with the definition in the Framework.
- 4.3.6 As the site is previously developed, paragraph 145 bullet-point ‘g’ of the Framework is activated and therefore the partial or complete redevelopment of the site would not be inappropriate development provided that the new development would not have a greater impact on the openness of the Green Belt than the existing development.
- 4.3.7 *The existing development*  
The key issue for consideration is therefore whether the proposed development would have a greater impact on the openness on the Green Belt than the existing development. First of all it is important to establish the current situation on the site and therefore I can confirm that I observed the following when I visited:  
--The site contained large numbers of scrap vehicles and vehicle parts spread out across almost the full extent of the site. Vehicles varied in size from small cars to large HGV’s.  
--Scrap vehicles and cars are typically piled on top of each other and I would estimate the height in places to be up to around 6-7m.  
--A number of porta-cabins and buildings of a similar scale are situated within the site.  
--A large pile of soil was observed and this has a height of approximately 6-7m.  
--Numerous cranes are littered across the site and these have a height in excess of 8m.  
--Metal palisade fencing has been erected around the boundary of the site.

#### 4.3.8 *The proposed development*

The proposed development would include the full clearance of the site as defined by the red line on drawing number 17088-12 P4, the formation of a new vehicular access road and the erection of the several structures required to form the concrete batching plant. The first thing to note is that the footprint of the proposed development is less than the footprint of the existing development and would moreover present a much tidier arrangement. However, some of the proposed structures are arguably of a more permanent nature than the existing development and indeed several of the proposed structures would have a height of between approximately 6 and 8 metres. Moreover, it should be recognised that some aspects of the proposed development are much smaller than the existing development measuring no more than approximately 3m in height. I would therefore argue that, whilst some parts of the plant proposed may exceed the height of existing structures currently in position on the site, the overall development would not have a materially greater impact on the openness of the Green Belt than the existing development. Indeed, one could even go so far as to suggest that the proposed development would have a reduced impact on the openness of the Green Belt than the existing development.

4.3.9 Based on the above considerations it is my view that the proposed development would not have a materially greater impact on the openness of the Green Belt than the existing development. Thus it is my view that the proposed development would not be inappropriate development.

#### 4.3.10 *Saved Policy 2*

Policy 2 of the Saved Local Plan states that permission will be granted for proposals that are 'appropriate' in the Green Belt and if 'significant visual impact' would not result. In line with the conclusions reached in paragraph 4.3.9 of this report, I consider that the proposal would not be inappropriate development and is thereby 'appropriate' for the purposes of applying Saved Policy 2. I will return to the matter of visual impact in more detail in a later section of this report.

#### 4.3.11 *Emerging Plan*

The Emerging Plan has yet to be adopted but the Examination in Public (EiP) has been undertaken and the site is proposed to remain in the Green Belt. Whilst the Council is yet to receive the Inspector's Report and is not expected to therefore adopt the Plan until mid-2019, Policy SP5 is largely consistent with the aims of the Framework and therefore I consider that the proposal is not inappropriate development in accordance with the provisions of SP5 and the Framework.

#### 4.3.12 *Green Belt conclusions*

It is my view that the proposed development would involve the partial redevelopment of previously developed land and that said development would not have a materially greater impact on the openness of the Green Belt than the existing development. Consequently the proposed development would not be inappropriate development and would accordingly comply with the provisions of Section 13 of the Framework, Saved Policy 2 and Emerging Policy SP5.

#### 4.3.13 Visual impact

##### *Policy background*

The Framework (para.170) places value on protecting and enhancing valued landscapes and advises LPA's to recognise the intrinsic character and beauty of the countryside. Saved Policy 2 is a Green Belt policy which has already been discussed in this report. However, the Policy states that permission will only be granted where it is appropriate (which I have already addressed) and where significant visual impact would not result. Emerging Policy SP12 relates to 'Green infrastructure, biodiversity and landscape' with criterion 'c' stating that the Council will 'consider and respect landscape character and locally sensitive features'. Emerging Policy NE1 relates to 'Landscape' and expands on the strategic aims of Policy SP12 ultimately aiming to ensure that new development would respect the landscape character area in question and not harm the appearance of the immediate area.

#### 4.3.14 *The Landscape and Visual Impact Assessment*

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of their application. Paragraph 2.6 of the LVIA states that the LVIA should consider:

- i) Landscape effects i.e. the effects on the landscape as a resource; and*
- ii) Visual effects i.e. the effects on views and visual amenity.*

Paragraph 2.7 of the LVIA states that *"both landscape and visual effects are dependent upon the sensitivity of the landscape resource or visual receptors and the magnitude of impact."*

4.3.15 The North Hertfordshire Landscape Assessment (NHLA) has analysed and allocated the district into Landscape Character Areas. The site is within Landscape Character Area (LCA) 214 'Langley Valley'. LCA 210 'Langley Scarp' is to the west on the other side of the B656 with LCA 209 'Almshoe Plateau' is located to the east and borders the edge of Stevenage.

4.3.16 I am not quite in agreement with paragraph 5.4.2 of the LVIA which I feel slightly misrepresents the conclusions of the NHLA. Overall LCA 214 is considered by the NHLA to be of 'moderate sensitivity' but considered to be of 'moderate to high sensitivity in visual terms'. Openness is considered to be a particular aspect of value but the overall value of the LCA is diminished due to the lack of remoteness and general human influence. Overall the landscape is considered to be of 'moderate low landscape value' and I am not in disagreement with this conclusion.

4.3.17 The existing lawful use of the site undoubtedly has a negative impact on the landscape and this presumably feeds into the conclusion of the NHLA that the Langley Valley LCA has only a moderate low landscape value. However, as discussed in earlier sections of this report, the scrapyards are a lawfully established use and thus there is little prospect that the appearance of the site will change for the better. The proposed development would be contained within the existing development area and not extend further into the countryside. Moreover, a large part of the site will need to be cleared to enable the development thereby possibly

having a positive impact on the landscape.

4.3.18 The Rush Green Motors site as a whole is large and has a significant impact on the landscape. However, the development site is itself only a relatively small section of the overall site and, in any case, due consideration must be given to the visual impact of the proposal in reference to the existing scale of development. I have identified several locations near to the site which the proposal may affect.

- Public Right of Way 4 is located south-east of the application site essentially cutting through the site indicating the boundary between Rush Green and Dyes Farm. View towards the application site from PROW4 would be long-range largely across the existing scrapyards. Accordingly, the proposal would have limited impact on PROW4.
- Public Right of Way 25 is located a significant distance beyond the northern boundary of the application site linking White Lane to the west with PROW4 discussed above. The application site is visible from several viewpoints along PROW25 but due to the distances involved the impact of the proposed development on PROW25 would be limited
- The B656 is located closely adjacent to the front of the site and at this point has a 60mph speed limit. The plant itself would be located to the rear of the site and would therefore have limited impact from the road. At worst it would have a marginally greater impact than the existing development due to slight increase in height but this part of the site fairly well screened whilst the landscape value from the B656 is low at this point.

#### 4.3.19 *Landscape - conclusions*

Overall, when considered against the existing situation, I would conclude that the proposed development would have a neutral impact on the landscape value of the area and would therefore be compliant with the Framework and Emerging Policies SP12 and NE1. The proposal would not have significant visual impact and thus I consider that the proposal would be compliant with Saved Policy 2.

#### 4.3.20 Impact on the safe operation of the highway

##### *Key issues*

Due to the nature of the proposed development, the key issue in the consideration of the application is the impact that the movement of heavy goods vehicles (HGV's) would have on the safe operation of the highway network in terms of both the safety of the access and the impact on the safety and capacity of the wider highway network.

#### 4.3.21 *Policy background*

Paragraph 108 of the Framework advises that, in assessing development proposals, a) opportunities to promote sustainable transport modes are taken up; b) safe and suitable access to the site can be created for all users; and c) any significant impacts on the transport network (capacity and congestion) or on highway safety can be mitigated to an acceptable degree.

- 4.3.22 Paragraph 109 of the Framework states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”
- 4.3.23 Emerging Policies SP6, T1 & T2 are largely consistent with the aims of the Framework ultimately all therefore requiring new development to, inter-alia, promote sustainability, have an acceptable impact on the capacity and safety of the network, and provide a satisfactory amount of car parking.
- 4.3.24 *Sustainable transport*  
The application site is located in a fairly remote location with the closest settlement of Langley being classed by the Local Planning Authority in its Emerging Local Plan as a Category C village and thus the proposal is unlikely to attract significant sustainable transport benefits. That said, the Framework advises that ‘opportunities to promote sustainable transport modes’ should be taken up and I am not convinced that this development proposal twinned with its location would present any particular opportunities in this regard.
- 4.3.25 *Safe and suitable access*  
The proposal would include improvements to an existing vehicular access that is currently not used. To clarify, the access is not currently used by the site owner but not due to any highways safety reasons as far as I am aware. The Highways Authority has commented on the proposal and considers that the improvements to the access would be acceptable in principle. The finer details of the proposed vehicular access are to be secured through several appropriately worded conditions and through a Section 278 Agreement that the applicant/developer would need to enter into with the Highways Authority. Accordingly, subject to the full agreement of the Highways Authority I am satisfied that the proposed improvements to the access would be acceptable in highway safety terms.
- 4.3.26 *Impact on the network (capacity and congestion)*  
The proposal would involve an average of 54 HGV movements Monday-Friday 0730-1900 and an average of 26 HGV movements 0730-1300 on Saturdays thus equating to approximately 4/5 HGV movements per hour, per day.. The applicant anticipates that, due to market distribution and the location of the site, traffic associated with the development would likely be split equally between the northern and southern routes although clearly this will be dictated by demand.
- 4.3.27 The Highways Authority has considered the information submitted with the application including the Transport Assessment (TA) and considers that, subject to a number of recommended conditions, the number of additional HGV movements proposed by the development would be able to be safely accommodated by the local highway network with regard given to the cumulative impacts.



4.3.28 The majority of the local concern with relation to the impact that the proposed development would have on the capacity and congestion of the highway network centres on three particular areas: 1) the Hitchin Hill roundabout/Park Way/Stevenage Road in Hitchin; 2) Codicote High Street/B656 through Welwyn towards the A1(M); and 3) through Langley village. The Highways Authority accept that the demands on the network are greater at the rush-hour periods which have been identified as being 0730-0900 and 1630-1800 Monday-Friday. Accordingly, it is recommended that the number of the HGV movements allowed between these two times is limited to 14 daily. This condition is deemed to be sufficient to ensure that the impact on the network at the busiest times of the day would be kept to an acceptable level. Overall the Highways Authority has considered that the additional vehicle movements proposed to be generated in association with the proposed development would not lead to severe impacts on the network.

4.3.29 *Car parking*

The proposed development would have ample parking provision for all vehicles proposed to use the site.

4.3.30 *Highway impacts - conclusions*

As I reach my conclusion on this issue I am minded to keep in mind paragraph 109 of the Framework which advises the decision maker that permission should be only be refused for development that has a severe impact on the transport network. Each issue has been considered in turn by the Highways Authority and ultimately it is considered that, subject to the conditions set out below, the proposed development would be acceptable in highway safety terms and would not have a significant impact on the capacity or congestion of the local highway network. Accordingly, the proposal would not have a severe impact on the highway network and therefore I do not advise that planning permission is refused on this basis.

4.3.31 Impact on neighbouring properties

Residential properties nearby to the application site are few in number. However, a property called 'Trees' has been noted as likely being affected most by the proposal development; albeit it is located approximately 250m from the application site. 'Trees' fronts the B656 with the Rush Green Motors site wrapping around the rear and flank boundaries of the curtilage of the property.

4.3.32 Due to the nature of the proposed development, I have asked the Senior Environmental Health Officer to consider the proposal together with the Noise Assessment Report by WBM Acoustic Consultants dated 9<sup>th</sup> July 2018 (ref 4759). It should be noted that the EHO considers that the criteria and methodology is appropriate and therefore the basis of the assessment is considered to be sound.

4.3.33 The Noise Assessment Report predicts that the noise level experienced at 'Trees' will be 1dB (A) above the existing background noise levels due to the operations of the proposed development. This is not excessive but it is some way short of the Council's requirement of achieving at least 5dB (A) below the existing background noise levels. However, factoring the authorised use of the main site and the limited exceedance, it is not considered that the proposed development would give rise to such significant noise impacts as to materially affect the living conditions of current

or future occupants of 'Trees'.

- 4.3.34 Consideration has been given to ways of potentially mitigating the limited noise exceedance that has been identified. However, an acoustic fence is the only realistic way in which this issue could be tackled and it is not considered that the erection of an acoustic fence along the boundary of the application site would provide any more than a modest reduction in the noise levels experienced at 'Trees'. Accordingly, this possibility has been discounted. However, it has been recommended that the operating hours of the plant are restricted slightly to 0730hrs-1900hrs Monday to Friday and 0730hrs-1300hrs Saturday.
- 4.3.35 Based on the specialist advice received from the Senior Environmental Health Officer and my own professional consideration the proposed development would not cause material harm to the living conditions of 'Trees'. Other neighbouring properties would not be significantly affected by the proposed development.
- 4.3.36 Environmental protection: noise  
As part of his considerations, the Senior Environmental Health Officer requested that the noise consultant's model noise levels from HGV's entering and leaving the site. This work has been undertaken and is contained within the Noise Technical Note submitted 15/10/2018. It is considered that this demonstrates that HGV noise will not cause a significant noise nuisance.
- 4.3.37 Environmental protection: dust  
Dust is another matter for which I have asked for specialist input from the Senior Environmental Health Officer. The advice I have received is that the nearest neighbouring property is a sufficient distance away from the source to ensure that no harm would occur as a result of any dust in association with the operation of the site. Moreover, an Environmental Permit will be required for this type of operation under the Environmental Permitting Regulations 2010 and therefore matters relating to dust are best dealt with under this Legislation.
- 4.3.38 Environmental protection: contaminated land  
Land contamination issues have been identified within the GCC Phase I and II environmental risk assessment reports submitted by the applicant. However, it is considered that the issues and recommendations that have been identified are able to be overcome through the submission of a Site Investigation Report (Phase II environmental risk assessment), Remediation Method Statement and Verification Report if/as required.
- 4.3.39 In accordance with the above, I am satisfied that land contamination issues are able to be appropriately addressed prior to the commencement of the proposed development and thus the proposal is compliant with Section 15 of the Framework and Emerging Policies SP11 and NE11.
- 4.3.40 Environmental protection: air quality  
The application site is not in or closely adjacent to an Air Quality Management Area (AQMA). However, it is recognised that the proposed development could have an impact on the Hitchin Hill Roundabout at the west end of the Stevenage Road

AQMA in Hitchin. Moreover, it is recognised that, whilst unlikely, one should not discount the possibility that there are occasions whereby all HGV movements travel north along the B656 and thus potentially affect the AQMA. Accordingly, the applicant has submitted an Air Quality Assessment (AQA) authored by WYG which models a number of different scenarios in order to predict the likely impact on the AQMA.

4.3.41 The Air Quality Assessment concludes that any impact from the development's road traffic is predicted to be negligible and to result in concentrations of air pollutants at the receptors that are lower than the concentrations that were measured in 2016. The Environmental Protection Officer (EPO) has considered the information submitted in the AQA and is in agreement with its findings. However, the air quality assessment does predict an air pollution contribution from the traffic generated by the proposed development and therefore, even though the scale of impact of the emissions on the air pollutant concentrations at receptors within the existing AQMA are negligible, the development is nonetheless failing to contribute towards compliance with the Air Quality Objective for which the AQMA was designated. Therefore, the opportunity to mitigate the impacts of the development should be taken, with guidance on the type of mitigation to be used taken from the air quality management plan for that AQMA.

4.3.42 In light of the above, a condition is recommended that requires the submission of a Fleet Emission Improvement Strategy which should address the following points:

- . Establishment of current baseline of the operator's HGV fleet and an understanding of the HGV fleets of the operator's suppliers and customers
- . Means of increasing the proportion of the operator's heavy goods vehicle fleet that comply with Euro 5 and Euro 6 over an agreed timescale,
- . Approach to influencing the make-up of the HGV fleet of the operators suppliers and customers
- . Annual reporting on the progress with the implementation of this Strategy.

The condition is considered to off-set the negligible impact that is predicted to occur and ensure that the proposed development would not cause additional harm to the Stevenage Road AQMA. I consider that the condition would result in mitigation measures which are both reasonable and proportionate given the limited scale of the predicted impact.

4.3.43 Environmental protection: flood risk

The application site has been identified as being at risk of flooding and the Environment Agency agree with the methodology used by the consultants appointed by the applicant to determine the validity of the flood zone and are satisfied that the proposed development would not reduce the capacity of the floodplain in this area. Accordingly the proposal would be compliant with Section 14 of the Framework and Emerging Policies SP11 and NE7.

#### 4.3.44 Environmental protection: surface water

The Environment Agency believes that the site investigation and risk assessment are sufficient to preclude any further assessment of the site. However, as the applicant is yet to conclude on the discharge option for surface water drainage, the EA recommend that a scheme for surface water disposal is submitted to and approved by the Local Planning Authority prior to the commencement of the development. I am satisfied that the proposed condition would ensure that surface water is able to be disposed of in an acceptable manner and thus the proposal is compliant with Section 15 of the Framework and Emerging Policies SP11 and NE8.

#### 4.3.45 Ecology

The application site is a brownfield site occupied by industrial / commercial uses and there is limited ecological value associated with it. However, the Rush Green Airfield is located approximately 78m north-west of the site and Herts Ecology has raised some concerns regarding the impact that dust dispersion in association with the operations of the plant could have. However, mitigation measures that have been suggested such as appropriate buffering/ fencing of the small stream in the northern corner and tree root protection area; timing of site clearance to avoid impact to nesting birds; production of a CEMP to reduce air and ground pollution impacts, and the erection of a 2m high hedge and fence with dense membrane to add protection to the north-western boundary. These mitigation measures are all considered to be appropriate and necessary to ensure that the proposal would not cause harm to the LWS and I have recommended conditions accordingly.

#### 4.3.46 Historic environment

The application site is located several kilometres from designated or non-designated heritage assets and there would not be any inter-visibility between the site and said assets. Accordingly, the proposed development would not have an impact on the setting or significance of any designated historic assets.

#### 4.3.47 Land use

##### *Policy background*

The Framework is supportive of planning helping to create the conditions in which businesses can invest, expand and adapt (para.80) and encourages the growth and expansion of all types of businesses in rural areas (para. 83). In essence I would regard the Framework of being supportive of proposals which support economic growth. Saved Policy 36 (Employment Provision) states that, outside of Employment Areas, planning permission will be granted for proposals for development to meet the needs of the available labour supply and changes in the local economy where it is appropriate in land use, highway, and settlement character and amenity terms. Emerging Policy SP3 (Employment) states the Council will support B-class uses in appropriate locations outside of designated employment areas with Emerging Policy ETC2 expanding on this point stating that employment uses outside of allocated Employment Areas will be granted where they are located in sustainable locations, are appropriate to the area in terms of their size, scale, function, catchment area and historic/architectural character, and have no significant adverse impact on living conditions.

#### 4.3.48 *Saved Policy 36*

The proposed development would appear to meet the needs of the available labour supply and the local economy due to the fact that the applicant presumably deems the proposal to be commercially viable. Moreover, due consideration has been given to the proposal and it is considered that the proposal would be appropriate in land use, highway, and settlement character and amenity terms. Accordingly, the proposed development is considered to be compliant with Saved Policy 36.

#### 4.3.49 *Emerging Policies*

Policy SP3 is broadly supportive of B use classes outside of designated employment areas in appropriate locations. As discussed in the above paragraph, it is considered that the proposal would be appropriate in land use, highway, and settlement character and amenity terms and would therefore be compliant with Emerging Policy ETC2.

#### 4.3.50 *Land use – conclusions*

It is considered that the proposed development would be acceptable in land use terms and would therefore be compliant with Section 6 of the Framework, Saved Policy 36 and Emerging Policies SP3 and ETC2.

#### 4.3.51 Environmental Impact Assessment

The proposed development is neither Schedule 1 development nor does it exceed the threshold set out in Part 5(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Accordingly, there is no requirement for the development to be screened by the Local Planning Authority and an Environmental Impact Assessment is not automatically required.

4.3.52 However, Paragraph 18 (ref ID: 4-018-20170728) of the Planning Practice Guidance states that *“it should not be assumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.”*

4.3.53 Firstly, the application site is not located in an environmentally sensitive location in accordance with the 2017 Regulations. Secondly, based on the consultation responses I have received from Environmental Health and the Environment Agency I do not consider that the proposed development would give rise to significant effects and thus I am satisfied that an Environmental Impact Assessment is not required.

## 4.4 **Conclusion**

4.4.1 The proposed development would not be inappropriate development in the Green Belt and the proposal would be compliant with Section 13 of the Framework, Saved Policy 2 and Emerging Policy SP5. The proposal would be acceptable in broad land use terms.

4.4.2 No objections have been raised by the Highways Authority and thus it is considered that the proposal would have an acceptable impact on the safe operation and capacity of the local road network subject to a number of appropriately-worded conditions. Moreover, technical matters related to noise, air quality, dust, contamination, flood risk et.al. have all been considered and there are no objections, again subject to a number of suitably-worded conditions.

4.4.3 Ultimately there are no sustainable reasons to maintain any objection to the proposed development and accordingly my recommendation is that planning permission is **GRANTED**.

#### 4.5 **Alternative options**

4.5.1 Not applicable.

#### 4.6 **Pre commencement conditions**

4.6.1 All agreed.

#### 5.0 **Recommendation**

5.1 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. (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

- (b) No development approved by this permission (other than that necessary for the

discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

(c) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(d) Any contamination, other than that reported by virtue of condition (a) encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

4. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the National Planning Policy Framework (NPPF), paragraphs 170, 178, 180 and The Environment Agency's Approach to Groundwater Protection.

5. Prior to the first use of the concrete batching plant hereby permitted, details of a Fleet Emission Improvement Strategy shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures within the Fleet Emission Improvement Strategy shall be implemented within an agreed timetable set out in the Strategy, unless otherwise agreed in writing by the Local Planning Authority. As a minimum, the following matters should be addressed in the Strategy:
- o Establishment of current baseline of the operator's HGV fleet and an understanding of the HGV fleets of the operator's suppliers and customers
  - o Means of increasing the proportion of the operator's heavy goods vehicle fleet that comply with Euro 5 and Euro 6 over an agreed timescale,
  - o Approach to influencing the make-up of the HGV fleet of the operators suppliers and customers
  - o Annual reporting on the progress with the implementation of this Strategy

Reason: In the interests of promoting sustainable transport and minimising the impact

on local air quality

6. The site shall not be artificially illuminated except during the permitted hours of working and no lighting fitment shall be installed or at any time operated on the site from which the source of light is directed towards a public highway or nearby dwellings. Full details (including specification, drawings and location) of any external lighting proposed to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment.

Reason: In the interests of the safe operation of the highway and to protect the amenities of the area.

7. No operations authorised or required under this permission shall take place except between the hours of 0730hrs to 1900hrs Mondays to Fridays inclusive and 0730hrs to 1300hrs on Saturdays. No working, including the maintenance of vehicles, plant and machinery shall take place on a Sunday or Public Holiday.

Reason: To protect residential amenity.

8. The development hereby permitted shall not commence until the proposed access has been constructed to base course construction for the first 12 metres and the join to the existing carriageway has been constructed to the current specification of Hertfordshire County Council and to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

9. The development hereby permitted shall not commence until the proposed access has been widened to 7.3 metres wide and the kerb radii shall be 10 metres to the current specification of Hertfordshire County Council and to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

10. The gradient of the access shall not be steeper than 1 in 20 for the first 12 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

11. Prior to commencement of the development as defined on Proposed Site Plan SK01, detailed drawings of all highway works shall be submitted and approved in writing by the Highway Authority.

Reason: To ensure that all work undertaken on the public highway is constructed to acceptable standard.

12. Before the access is first brought into use, as defined on Proposed Site Plan SK01 revision P1, vehicle to vehicle visibility splays of 2.4 metres by 215 metres to both directions shall be provided and permanently maintained. 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.

13. The development hereby permitted shall not commence until details are submitted showing an appropriate turning area for use by vehicles likely to enter turn around and egress the site in forward gear the turning facility shall thereafter be kept free from obstruction and available at all times and shall therefore be retained as provided until completion of the works.

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.

14. There shall be no more than 52 Heavy Goods Vehicle (HGV) movements entering or leaving the site for any purpose per day Monday to Friday when taken as a daily average over a calendar year and no more than 14 of these shall occur between the hours of 07:30am and 09:00am and no more than 14 between the hours of 16:30pm and 18:00pm Monday to Friday. There shall be no more than 26 HGV movements entering or leaving the site for any purpose per day on Saturdays when taken as an average over one calendar year. A record shall be kept of all HGV movements referred to in this condition by listing the vehicle registration of all HGV's entering and leaving the site and the record shall be kept at the site available for inspection on request during permitted working hours. For the purpose of this permission a HGV is defined as any vehicle over 7.5 tonnes.

Reason: In the interests of highway safety and amenity.

15. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through any of the country lanes in the area and shall be carried out as approved.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

16. Prior to the commencement of development a Construction Method Statement shall be submitted and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Phasing plan for the work involving the new access

- b. Operation times for construction vehicles.
- c. Construction and storage compounds (including areas designated for car parking).
- d. Siting and details of wheel washing facilities.
- e. Cable trenches.
- f. Foundation works.
- g. Substation/control building.
- h. Cleaning of site entrance and the adjacent public highways.
- i. Disposal of surplus materials.

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

17. Prior to the commencement of the development hereby approved details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved by the Local Planning Authority and shall be installed all before the development is first commenced, and once installed such facilities shall be used to prevent mud and other debris being deposited on the highway during the construction of and operation of the development hereby permitted.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any amendment or re-enactment thereof, no buildings, moveable structures, works, plant or machinery, required temporarily in connection with or for the duration of the development hereby permitted shall be provided on the land without the prior written consent of the Local Planning Authority.

Reason: In the interests of the character and amenity of the area.

19. Prior to the first operation/use of the development hereby permitted, the ecological mitigation measures proposed in Section 4.2 of the Phase 1 Ecological Survey Report May 2018 authored by Susan Deakin shall be implemented on site. The stipulated mitigation measures will be maintained in perpetuity.

Reason: To ensure that the development would not cause harm to the value of the Rush Green Airfield Local Wildlife Site.

20. Prior to the first operation/use of the development hereby permitted full details of the 2m dense-mesh fence proposed for the north-western boundary of Rush Green Motors, and the native-species hedgerow proposed for the inner south-eastern boundary of Rush Green Airfield Local Wildlife Site, shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first operation/use of the development hereby permitted and maintained in perpetuity.

Reason: To ensure that the development would not cause harm to the value of the Rush Green Airfield Local Wildlife Site.

21. A copy of this decision with approved plans and any approved documents shall be kept at the site office at all times and the terms and conditions of them shall be made known to supervising staff on site.

Reason: To ensure that staff are aware of the terms of this consent.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and 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:

1) Construction standards for works within the highway:

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. 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/services/transtreets/highways/> or by telephoning 0300 1234047.

2) Internal Road:

It is advisable that the internal road should be designed and built to adoptable standards.

3) Condition Survey:

Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

4) S278 Requirements:

The requirement as part of the offsite s278 works includes the widening of the existing access and reconfiguration of the radii kerbs.

5) Construction Code of Practice:

During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

6) Construction Hours:

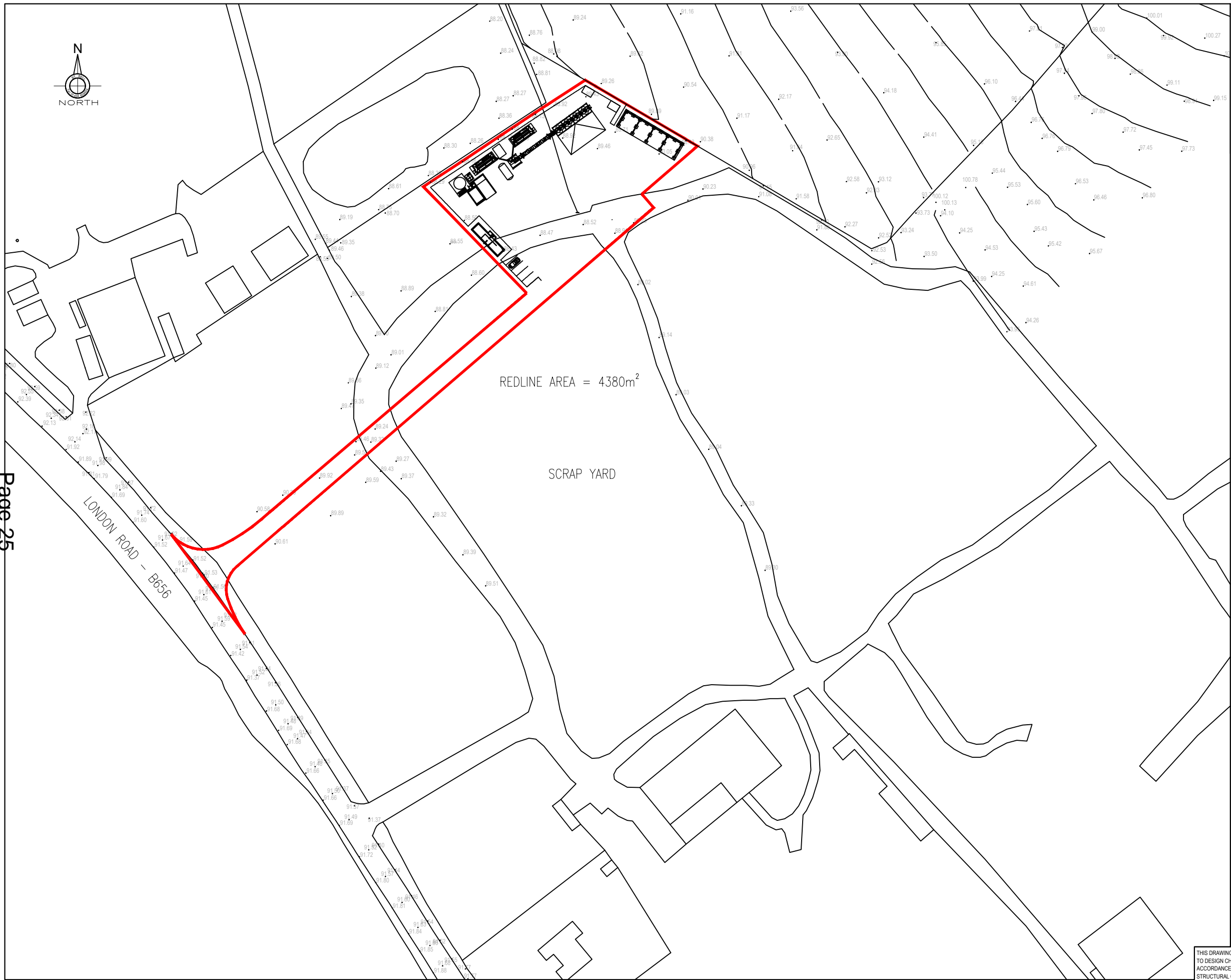
During the construction phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-14:00hrs and Sundays and Bank Holidays: no work at any time.

7) Local Authority Pollution Prevention Control - Environmental Permitting Regulations (EPR) 2010:

The proposed development will be a Part B process pursuant to the Environmental Permitting Regulations 2010, meeting the description in Section 3.1B(b) of Part 2 to Schedule 1 of the EPR 2010 namely the blending, packing, loading, unloading and use of bulk cement.

As such the operator must apply for a Part B Permit from either the NHDC Environmental Protection and Housing Team or the Environment Agency (EA) and have that application permitted before being able to operate regardless of any planning permission that may be granted.

As a result of the application site already holding a Waste Management Licence, which is permitted and enforced by the Environment Agency (EA) it is possible for the intended operator of the activity to request that the site as a whole, including the cement batching activity, is regulated by the EA. However, it should be recognised that the likelihood of EA regulation is considered low primarily because the cement batching activity does not appear to be linked to the waste management aspects of the existing operations on the wider site.



**CDM REGULATIONS**  
 SIGNIFICANT OR UNUSUAL HAZARDS ARE HIGHLIGHTED BELOW:  
 THERE ARE NO RISKS UNFAMILIAR TO A COMPETENT CONTRACTOR.

NOTE: SAFE METHODS OF WORK ARE THE RESPONSIBILITY OF THE CONTRACTOR AND ARE TO BE IDENTIFIED IN THE HEALTH AND SAFETY PLAN

- NOTES:**
1. ALL DIMENSIONS IN MILLIMETERS UNLESS NOTED OTHERWISE.
  2. DO NOT SCALE FROM THIS DRAWING. IF IN DOUBT ASK.

**LEGEND**  
 — SITE BOUNDARY

| REV. | DATE     | BY  | DESCRIPTION         | CHK/APP |
|------|----------|-----|---------------------|---------|
| P4   | 11/06/18 | MTP | BELLMOUTH UPDATED   | MPB BTB |
| P3   | 25/05/18 | MTP | UPDATED TO COMMENTS | MPB BTB |
| P2   | 10/05/18 | MTP | ROAD ADDED.         | MPB BTB |
| P1   | 02/05/18 | MTP | FOR PLANNING        | MPB BTB |

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CLIENT:  
 BREEDON AGGREGATES

PROJECT:  
 STEVENAGE CONCRETE PLANT

TITLE:  
 SITE LOCATION PLAN

THIS DRAWING HAS BEEN CHECKED TO DESIGN CHECK LEVEL (DCL) 2 IN ACCORDANCE WITH BT BELL STRUCTURAL CHECKING PROCEDURE

| DATE     | DESIGNED BY | DRAWN BY | CHECKED BY | APPROVED BY | SHEET |
|----------|-------------|----------|------------|-------------|-------|
| 02/05/18 | MTP         | MTP      | MPB        | BTB         | A3    |

STAGE:  
**FOR PLANNING**  
 DRAWING NUMBER: 17088-12  
 REVISOR: P4

SITE LOCATION PLAN  
 1:1250



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|-------------------|--|
| <b>ITEM NO:</b>   |  |
| <u>Location:</u>  | <b>Former Hamilton Billiards And Games Co<br/>Park Lane<br/>Knebworth<br/>Hertfordshire<br/>SG3 6PJ</b>  |
| <u>Applicant:</u> | <b>Mr J Stafford</b>   |
| <u>Proposal:</u>  | <b>Residential development of 10 units comprising 9 x two bed flats, conversion and part two storey/part single storey side extension to existing building at the rear of the site to provide 4 parking spaces and cycle store at ground floor with 1 x 2 bed flat over and 18 car parking spaces within site following demolition of existing buildings. Repairing and raising of existing wall on northern boundary to 2.5 metres in height and repairing and raising of existing wall to western boundary to 2.1 metres in height.<br/>Section 73 Application: Variation of condition 11: Changes to the external and internal appearance of the scheme pursuant to planning permission 17/00883/1 granted 09/08/2017 and as amended by 18/01468/NMA granted 28/06/2018).</b> |
| <u>Ref No:</u>    | <b>18/02515/S73</b>  |
| <u>Officer:</u>   | <b>Tom Donovan</b>   |

### **Date of expiry of statutory period**

20 December 2018

### **Submitted Plan Nos.**

1815-01A, 1815-02A (1), 1815-03A, 1815-04, PL20, PL21, PL22, PL23, PL24, PL25, PL26, PL27, and PL EX01B.

### **Reason for Referral to Committee**

Councillor Deakin-Davies has 'called-in' the application in support of the objection from Knebworth Parish Council.

## 1.0 **Site History**

- 1.1 16/01557/1: Outline application (landscaping reserved) for residential development of 12 dwellings comprising of 9 x two bed flats; conversion of existing building at rear of site to provide 4 car parking spaces at ground floor with 1 x bed flat over and 9 parking spaces within site, detached two storey building to provide 2 x three bed semi-detached cottages following demolition of existing buildings. Repairing and raising of existing wall on northern boundary to 2.5 metres in height and repairing and raising of existing wall to eastern boundary to 2.1 metres in height (amended description and amended plans received 6.10.16). **REFUSED 21/12/2018**
- 1.2 17/00883/1: Outline planning application (landscaping reserved) for residential development of 10 units comprising 9 x two bed flats, conversion and part two storey/part single storey side extension to existing building at the rear of the site to provide 4 parking spaces and cycle store at ground floor with 1 x 2 bed flat over and 18 car parking spaces within site following demolition of existing buildings. Repairing and raising of existing wall on northern boundary to 2.5 metres in height and repairing and raising of existing wall to western boundary to 2.1 metres in height. **APPROVED 09/09/2017**
- 1.3 18/00992/RM: Reserved matters application for approval of landscaping details for outline planning application 17/00883/1. **APPROVED 26/07/2018**
- 1.4 18/01468/NMA: Proposed additional condition to provide condition that clearly lists the approved plan numbers. **AGREED 03/07/2018**
- 1.5 18/02992/NMA: Alterations to the external appearance of the detached building adjacent to the northern boundary of the site (as Non-Material Amendment to Planning Application 17/0883/1 granted on 09/08/2017). **AGREED 22/11/2018**
- 1.6 18/02993/NMA: Amendments to the landscaping scheme, as attached to Planning Application 18/00992/RM granted on 25/07/2018. **AGREED 22/11/2018**

2.0 **Relevant Planning Policy**

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

Policy 8 – Development in Towns  
 Policy 55 – Car Parking Standards

2.2 **National Planning Policy Framework**

Section 12 – Achieving well designed places  
 Section 15 – Conserving and enhancing the natural environment

2.3 **Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017)**

This report considers and takes account of the Emerging Local Plan policies as modified by the Local Plan Examination Inspector. The Inspectors Schedule of Modifications for the Emerging Local Plan were published on 19<sup>th</sup> November 2018.



The modifications are due to be considered by the Councils Cabinet on 10<sup>th</sup> December, which is after this report is finalised but which is prior to this Planning Control Committee. The policies of relevance in this instance are as follows:

Strategic Policies

SP1: Sustainable Development in North Herts

SP2: Settlement Hierarchy

SP9: Design and sustainability

Development Management Policies

D1: Sustainable Design;

D3: Protecting living conditions;

T2: Parking

**2.4 Supplementary Planning Document**

Vehicle Parking at New Development September 2011

**3.0 Representations**

**3.1 Local residents/public notice**

Lisa Nash, 1 Dancote. Objection.

*“This development is out of character with the surrounding area where there are bungalows. The size of the development is too big (height and bulk) and would significantly change the street scene. I therefore object to this application.”*

**3.2 Knebworth Parish Council**

*“Knebworth Parish Council strongly objects to the variation of the approved planning application.*

*1. The proposed variation increases the mass, height and bulk of the development, which will be imposing and out of character with the surrounding area; properties being 2.5 storeys.*

*2. The application appears to be reverting to a previous application, which was refused.*

*3. The roof line appears to have been raised by 1.5 metres.”*

**3.3 Hertfordshire County Council Highways**

No objection.

**3.4 Waste**

No objection subject to condition.

**3.5 Lead Local Flood Authority**

No objection.

**4.0 Planning Considerations**

## 4.1 Site and Surroundings

- 4.1.1 The application site is located in close proximity to Knebworth Railway Station which is located on the intersection of Station Approach and Park Lane. Dancote is located to the western boundary of the site and wraps around the north boundary. To the east is the car park for the Railway Station with the railway itself beyond.

## 4.2 Proposal

- 4.2.1 The overall scheme that is being applied for here is as follows:

Residential development of 10 units comprising 9 x two bed flats, conversion and part two storey/part single storey side extension to existing building at the rear of the site to provide 4 parking spaces and cycle store at ground floor with 1 x 2 bed flat over and 18 car parking spaces within site following demolition of existing buildings. Repairing and raising of existing wall on northern boundary to 2.5 metres in height and repairing and raising of existing wall to western boundary to 2.1 metres in height.

- 4.2.2 An application for a non-material amendment was submitted and agreed by the Council stipulating the approved plan numbers within a condition. The purpose of this was to enable the applicant to apply under Section 73 to vary the visual appearance of the approved scheme.
- 4.2.3 Applications are able to be made under Section 73 of the Town and Country Planning Act 1990 to make minor material amendments to existing planning approvals. The effect of granting planning permission under Section 73 is the issue of a new planning permission that sits alongside the original permission.
- 4.2.4 This application seeks variations to the visual appearance of the scheme as a variation of Condition 11 of application 17/00883/1 and as amended by 18/01468/NMA. The changes are summarised by the agent as follows:

1. *Balconies shown on elevation and plan, including the screen to the top left corner.*
2. *Adjusted ground levels around the building and adjoining existing levels at the boundaries.*
3. *Adjusted steps/ramps to the front door – adjacent the disability parking – to make the pedestrian and vehicle access as accessible as possible.*
4. *Steps behind the bin store.*
5. *Brickwork details introduced.*
6. *Roof hips to gables.*
7. *Projecting 'bays' all lowered and now at the same level.*
8. *Window style adjusted – stone cills introduced.*
9. *Lift shaft over-run shown as chimney externally.*
10. *Material changed to lower render element with detail lines, and brickwork above.*

*11. Single bin store only provided to reduce risk during road cross-over and improve gradient of access.*

#### 4.3 Key Issues

4.3.1 The overall acceptability of the proposed development has been accepted by the Council through the earlier decisions 17/00883/1, 18/00992/RM and 18/01468/NMA. As such, the key issues for consideration are the effect of the proposed physical changes to the scheme on the following:

- The character and appearance of the area;
- Living conditions of neighbouring properties;
- Highway safety.

#### 4.3.2 Design and appearance

The most significant change to the appearance of the main apartment block is the proposal to increase the height of the roof (in line with the alterations to the ground levels) and introduce gables instead of the slightly lower hipped roof design that was previously permitted. However, whilst I accept that the apartment building would be larger than that previously permitted; given the relatively limited increase in the overall height and the context within which it is set I do not raise any objection to the revised roof form. Indeed, in association with some of the other proposed changes relating to windows, stone cills, and external material, I believe that the revised design would represent an improvement on the previously consented scheme.

4.3.3 A number of alterations are proposed to the internal layout of the site. The most significant alteration is the omission of one of the bin stores and the proposal for a larger bin store next to the main building. The proposed bin store is not overly large and its design is acceptable. I find no reason to object to this on design grounds.

4.3.4 Other alterations to the internal layout are for more practical reasons such as the addition of steps leading into the bin store and alterations to make access to the main building easier for disabled residents/guests. These alterations are acceptable from a design perspective.

#### 4.3.5 Impact on neighbouring properties

The proposed changes would clearly increase the scale of the building and introduce some larger window openings including some 'Juliet' style balconies. However, I do not consider that the increased height of the building or any of the aesthetic changes proposed to the main building would cause a negative impact on the living conditions of any of the neighbouring properties. Alterations to the internal layout of the site would too not cause any material harm to the living conditions of said neighbouring properties.

#### 4.3.6 Highways impact

The alterations to the scheme would not fundamentally alter the proposal in terms of its highways implications. The internal layout is proposed to be tweaked but this is unlikely to give rise to vehicle manoeuvrability issues within the site or any issue

with the safety of the main vehicle access onto Park Lane. Moreover, the developer will be required to undertake the works that link the development to the classified road in accordance with the terms of the Section 278 Agreement that has presumably been entered into with the County Council. I conclude that the changes proposed would not cause harm to the safe operation of the adjacent highway.

#### 4.3.7 Car parking

The alterations to the scheme do not alter the amount of car parking proposed to serve the development.

#### 4.3.8 Other matters

Knebworth Parish Council are suggesting in their comments that the scheme is reverting back to that previously refused by the Council (16/01557/1). Firstly, the scheme applied for here has a fundamentally different design to that refused by the Council in 2016; indeed the refused scheme is actually more similar to the approved scheme which is being altered (17/00883/1). Secondly, the refused scheme was for 12 units which included a different layout as other buildings were proposed. These additional units do not (and could not) form part of this application. In any case, whilst the previous refusal of planning permission is clearly a material planning consideration here, the earlier refused scheme is fundamentally different to the proposal that has been submitted to the Council here. As discussed above, I do not consider that there are any sustainable planning reasons to object to the proposal on design grounds.

#### 4.3.9 Conditions

As suggested in the Government's online Planning Practice Guidance, conditions from the earlier consent (in this case 17/00883/1) should be repeated on the decision notice for the Section 73 application. A number of conditions have been discharged or part-discharged and therefore the wordings of conditions attached to the earlier permission have been tweaked to reflect this.

#### 4.3.10 Developer contributions

Due to the scale of the development developer contributions were not sought on the original planning consent (17/00883/1). The planning policy situation has not changed sufficiently in the meantime and I maintain the view that contributions are not required in respect of this application.

### 4.4 **Conclusion**

- 4.4.1 The principle of the development has been accepted by the Council under application reference 17/00883/1 with the landscaping details being agreed under the Reserved Matters application 18/00992/RM. In my view the proposed changes to the external appearance of the scheme are acceptable in design, amenity and highway safety terms. Accordingly, it is my recommendation that planning permission is **GRANTED**.

### 4.5 **Alternative options**

4.5.1 None applicable.

#### 4.6 **Pre-commencement conditions**

4.6.1 Agreed.

#### 5.0 **Recommendation**

5.1 I recommend that planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the 8th August 2020.

Reason: To comply with the provisions of Section 73(5a) of the Town and Country Planning Act 1990.

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 and as follows: 1815-01A, 1815-02A(1), 1815-03A, 1815-04, PL20, PL21, PL22, PL23, PL24, PL25, PL26, PL27, and PL EX01B.

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

3. The development hereby permitted shall not be brought into use until the existing vehicle cross over has been reduced to 4.5 metres wide 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.

4. The boundary walls will be constructed in accordance with those details agreed under discharge of condition application reference number 18/01158/DOC unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory design which safeguards the visual amenity of the locality and the residential amenity of adjoining dwellings, given the sloping nature of the site.

5. The development will proceed in accordance with the details agreed under discharge of condition application reference 18/01318/DOC with regards to parts a, b and c of Condition 5 of planning permission application reference 17/00883/1.

The site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition 5 of planning application reference 17/00883/1 above have been fully completed and if required a formal agreement is submitted that commits to

ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition 5 of planning permission reference 17/00883/1, encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

6. Before the occupation of any of the flats 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 the flat occupiers motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

7. The details of the Construction Management Plan agreed under discharge of condition application reference 18/01319/DOC shall be observed for the entire construction programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining highway efficiency and safety.

8. The development, hereby approved, shall be carried out in accordance with the noise mitigation measures relating to glazing and ventilation detailed in Section 5.1.1 of "Planning Noise and Vibration Assessment, 2 Park Lane, Knebworth" by Spectrum Acoustic Consultants, Report Reference RK2199/16335/Rev 1, dated 24 May 2017 and, once implemented, the scheme of measures shall be maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenities of future residents.

9. The development, hereby approved, shall be carried out in accordance with the details set out in the Bat Roosting Assessment (May 2016) submitted as part of planning application 17/00883/1, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard any matters of ecological interest within the site.

10. Drainage works shall be implemented in accordance with those details agreed under discharge of condition application reference number 18/01320/DOC unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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:

1) Construction Code of Practice:

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

2) Construction hours:

During the demolition and construction no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

3) Asbestos:

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

4) Surface Water Drainage:

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

5) The Water Industry Regulations 2011:

Legal changes under The Water Industry (Scheme for the Adoption of private sewers)

Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

6) Petrol/oil interceptors:

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

7) Water supply:

















With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

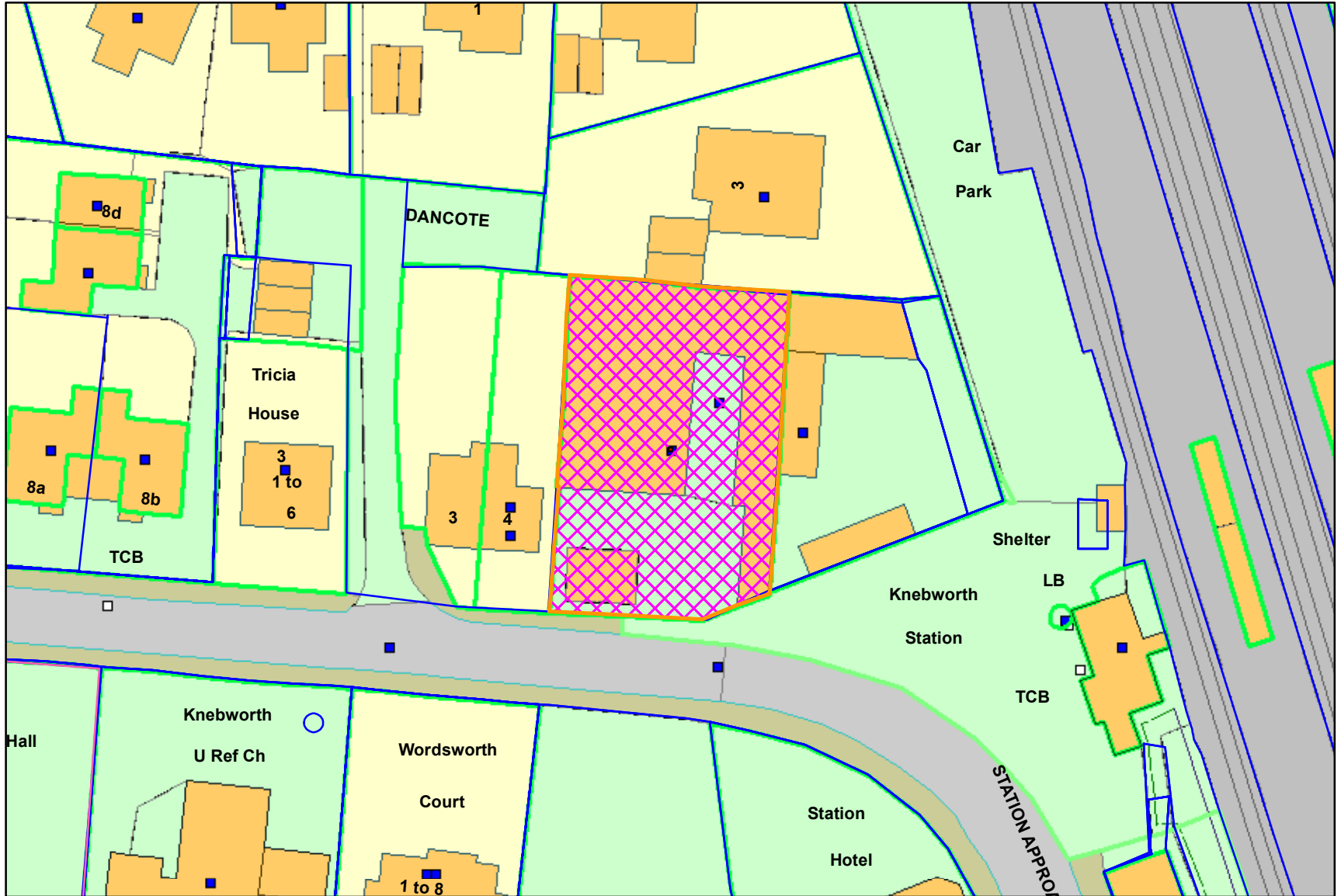




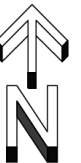
## Application Validation Sheet

18/02515/S73 Former Hamilton Billiards & Games Co, Park Lane, Knebworth, Herts, SG3 6PJ

-  Acolaid Land Parcel  
Property.shp
-  Acolaid Address Point  
ap.shp
-  Planning Application (1999)  
Prapps99.shp
-  Area of Outstanding Natural Beauty  
Pranob.shp
-  Listed Buildings  
Prlistbd.shp
-  Tree Preservation Order (Single)  
ORACLE
-  Tree Preservation Order (Group)  
ORACLE
-  Parish Boundary  
Prparish.shp
-  Conservation Area  
Prcrea.shp
-  District Local Plan Boundary  
Prdlp2.shp
-  Green Belt  
Prgrnbt.shp
-  Health & Safety Consultation Zone  
Prhjmzone.shp
-  Landscape Conservation  
Prlandca.shp
-  Ward Boundary  
Prwardcd.shp
-  Noise Nuisance Indicators  
Prnnis.shp
-  Indicative Flood Plain  
Prifpm.shp



Scale 1:625  
Date: 20/11/2018



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|-------------------|--|
| <b>ITEM NO:</b>   |  |
| <u>Location:</u>  | Heath Farm<br>Pottersheath Road<br>Pottersheath<br>Hertfordshire<br>AL6 9ST  |
| <u>Applicant:</u> | Mr Brendan Frost   |
| <u>Proposal:</u>  | Outline Planning permission (all matters reserved except access, layout and scale) for one 4-bed detached dwelling following demolition of existing buildings (Class B2, B8), stable blocks and portakabins (as amplified by drawings 17030-SP received 20/11/2018 and PL01D and 01C received 23/11/2018). |
| <u>Ref. No:</u>   | 18/02194/OP  |
| <u>Officer:</u>   | Tom Donovan  |

**Date of expiry of statutory period**

20<sup>th</sup> December 2018

**Submitted Plan Nos.**

01C; PL01D; 17030-SP

**Reason for Delay**

Negotiations with applicant.

**Reason for Referral to Committee**

Councillor Lisa Nash has 'called-in' the application in support of the objection from Codicote Parish Council.

1.0 **Site History**

1.1 18/00021/LDCE: Lawful Development Certificate: Units 1 and 2 - B2 and B8; Units 3 and 4 - B8 Storage; Siting and use of Portakabins - B8 Storage. **GRANTED 21/02/2018.**

2.0 **Planning Policy**

## 2.1 **North Hertfordshire District Local Plan No.2 with alterations**

Policy 2 - Green Belt  
Policy 55 – Car Parking Standards  
Policy 57 – Residential Guidelines and Standards

## 2.2 **National Planning Policy Framework**

Section 2 – Achieving sustainable development  
Section 4 – Decision-making  
Section 5 – Delivering a sufficient supply of homes  
Section 6 – Building a strong competitive economy  
Section 8 – Promoting healthy and safe communities  
Section 9 – Promoting sustainable transport  
Section 12 – Achieving well designed places  
Section 13 - Protecting Green Belt land  
Section 15 - Conserving and enhancing the natural environment

## 2.3 **North Hertfordshire Draft Local Plan 2011-2031**

This report considers and takes account of the Emerging Local Plan policies as modified by the Local Plan Examination Inspector. The Inspectors Schedule of Modifications for the Emerging Local Plan were published on 19<sup>th</sup> November 2018. The modifications are due to be considered by the Councils Cabinet on 10<sup>th</sup> December, which is after this report is finalised but which is prior to this Planning Control Committee. The policies of relevance in this instance are as follows:

### Strategic Policies

SP1: Sustainable development in North Hertfordshire  
SP2: Settlement Hierarchy  
SP5: Countryside and Green Belt  
SP6: Sustainable transport  
SP8: Housing  
SP9: Design and sustainability  
SP10: Healthy communities  
SP11: Natural resources and sustainability  
SP12: Green infrastructure, biodiversity and landscape

### Development Management Policies

CGB2: Exception sites in rural areas  
T1: Assessment of transport matters  
T2: Parking  
D1: Sustainable design  
D3: Protecting living conditions  
D4: Air quality  
NE1: Landscape  
NE7: Reducing flood risk  
NE8: Sustainable drainage systems  
NE9: Water quality and environment

NE10: Water Framework Directive and wastewater infrastructure  
NE11: Contaminated land

### 3.0 **Representations**

#### 3.1 **Public Notice/ Local Residents**

Mr Sharp, Fair Acres  
Objection to the erection of a new house in this location.

#### 3.2 **Codicote Parish Council**

*“OBJECTION: Inappropriate development in the Green Belt. Concerns regarding the existing footpaths being maintained.”*

#### 3.3 **Hertfordshire County Council Highways**

No objection (informative recommended regarding public of right).

#### 3.4 **Herts Ecology**

No objection subject to recommended informative relating to bats.

#### 3.5 **Environmental Protection**

No objection subject to two recommended conditions.

#### 3.6 **Hertfordshire County Council Archaeology**

No comment.

#### 3.7 **Hertfordshire County Council Rights of Way**

No objection subject to recommended condition.

### 4.0 **Planning Considerations**

#### 4.1 **Site and Surroundings**

4.1.1 The application site is located in Pottersheath which is a rural area in the parish of Codicote near to the southern boundary of the District. The area is primarily residential with other rural-based business/activities elsewhere in the vicinity of the site. The site is in the Green Belt.

4.1.2 The application site is primarily used for a combination of B2/B8 purposes with an equestrian use also taking place on part of the site. Several single storey buildings and other similarly low-level structures are located on part of the site. The majority of the wider site is open paddock land.

4.1.3 The site is located at the end of an un-adopted road which I understand is under the ownership of the applicant. However, a public right of way exists across the site whilst presumably other residents have a right of way to reach their properties. Public Right of Way Footpath 30 runs down the access road and turns west to join with Footpath 34 that is located along but not within the northern boundary of the site, between the application site and 'Fair Acres'.

## 4.2 Proposal

- 4.2.1 Outline planning application for the erection of a single dwelling following demolition of existing buildings with all matters reserved except access, layout and scale. In this case the reserved matters are the appearance and landscaping.
- 4.2.2 The proposal is for a two storey, three bedroom dwelling on the site as a replacement for the existing single storey industrial buildings that are located towards the centre of the site and the stable buildings that are located near to the eastern boundary. The layout is indicated on the proposed plans whilst the scale is indicated by the proposed rear elevation in conjunction with the layout plans.
- 4.2.3 The proposal would utilise an existing private access road that connects Pottersheath Road to the application site. Public Right of Way Footpath 30 runs down the access road and turns west to join with Footpath 34 that is located along but not within the northern boundary, between the application site and 'Fair Acres'.

## 4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:
- Whether the proposal would be inappropriate development in the Green Belt and whether any harm by reason of inappropriateness (if it is found to be so), and any other harm, would be clearly outweighed by other considerations.;
  - The effect on the character and appearance of the area;
  - The effect on the living conditions of neighbouring properties.
  - The effect on the safe operation of the highway.
  - The effect on the Public Right of Way.
  - The effect on the environmental and ecological value of the area.
  - The effect on the archaeological record.

### 4.3.2 Green Belt: Inappropriate development

#### *Policy background*

Paragraph 145 of the NPPF (the Framework) states that new buildings in the Green Belt are inappropriate development, with certain exceptions including the partial or complete redevelopment of Previously Developed Land (PDL) where the proposed development would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to openness where the proposal would help meet an identified affordable housing need. Policy 2 of the saved Local Plan states that development will be granted for proposals that are appropriate in Green Belt and which do not result in 'significant visual impact' whilst Emerging Policy SP5 largely defers to the provisions of the Framework.

### 4.3.3 *The Framework: PDL*

The definition of PDL in the Framework is: "*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.*"

- 4.3.4 Permanent structures are present on the site moreover a Lawful Development Certificate has been established on the site confirming that the operations carried out from these buildings is lawful in planning terms. Thus it is my contention that the site is PDL.
- 4.3.5 *The Framework: Impact on openness*  
In accordance with para.145 of the Framework, the partial or complete redevelopment of PDL is not inappropriate subject to the proposal not having a greater impact on the openness of the Green Belt than the existing development. The existing buildings have a combined footprint of 1001.9m<sup>2</sup> whilst the proposed dwelling would have a footprint of 355m<sup>2</sup> albeit split over two floors (so double in terms of the new floor-space). The proposal would therefore represent a significant reduction in footprint and therefore have a reduced impact on the openness of the Green Belt in this regard.
- 4.3.6 The building would be clearly higher than any of the existing buildings on the site (the highest of which is approximately 3.3m in height) and thus it is inevitable that the proposed dwelling would reduce openness in this regard. However, it should be noted that the building would be of 1.5 storey height (the plans show the height to be approximately 7.2m in height) and I do not consider that it would cause a significant reduction in openness.
- 4.3.7 The proposal would involve new landscaping (as a reserved matter) and likely result in an overall benefit to the visual amenity of the Green Belt when compared with the current use and appearance of the site. Moreover, the scheme would involve the removal of the existing commercial/stables buildings from the site which, together with the proposed landscaping, would represent a noted benefit of the scheme.
- 4.3.8 In my view, the proposal would result in a significant reduction in the amount of built form on the site and have a reduced impact on openness in this regard, although it would have a greater impact on openness in terms of its height and scale. Considered in the round however, I am satisfied that the proposal would not have a materially greater impact on the openness of the Green Belt and would thus not be inappropriate development.
- 4.3.9 *Saved Local Plan*  
Policy 2 of the Saved Local Plan states that permission will be granted for proposals that are 'appropriate' in the Green Belt and if 'significant visual impact' would not result. In line with the conclusions made in paragraph 4.3.3 of this report, it is deemed that the proposal would not be inappropriate development and would thereby be appropriate. In line with my considerations regarding openness I do not consider that significant visual impact would result.

#### 4.3.10 *Emerging Plan*

The Emerging Plan has yet to be adopted but the Examination in Public has been undertaken and the site is proposed to remain in the Green Belt. Policy SP5 is largely consistent with the aims of the Framework and therefore I consider that the proposal is not inappropriate development in accordance with the provisions of SP5 and the Framework.

#### 4.3.11 *Green Belt: conclusions*

The proposed development would be compliant with Section 13 of the Framework, Saved Policy 2 and Emerging Policy SP5.

#### 4.3.12 Design and appearance

The only matters subject to the Council's approval as part of this application are the layout and scale and as such precise details relating to the design and appearance of the building and hard and soft landscaping shall be part of the reserved matters. However, I am satisfied that the indicative elevation and the layout plans that have been submitted establish the acceptability of the scale and layout of the proposed development.

#### 4.3.13 Impact on neighbouring properties

The proposed dwelling would be located some distance from the boundary with neighbouring residential properties. Accordingly, the dwelling would not cause any material harm to the living conditions of any of the neighbouring properties.

#### 4.3.14 Access and effect on the safe operation of the highway

The proposal would utilise an existing vehicular access and no alterations are required in order to facilitate its use to serve the development. The Highways Authority is satisfied that the access would be safe and that the development would not cause any harm to the safe operation of the adjacent highway.

#### 4.3.15 Car parking

A minimum of two car parking spaces would be required to serve a property of the size proposed. This requirement is easily met by the proposed development.

#### 4.3.16 Right of way

Codicote Footpath 30 runs down the access road whilst Codicote Footpath 34 runs around the northern part of the site. However, the proposed development would not require either footpath to be diverted be it on temporary or permanent basis and therefore I am satisfied that the proposal would not cause conflict with either of the Public Right of Ways. A condition is recommended to ensure that the Public Right of Ways would not be negatively affected either during or post construction.

#### 4.3.17 Environmental protection: Contaminated land

A Phase I Environmental Risk Assessment is deemed to be required as we are not able to rule out contamination associated with former uses of the site. Additionally,



#### 4.3.18 Environmental protection: Air quality

The Environmental Protection Officer has recommended a condition requiring the installation of an electric vehicle charging point. In my view this condition is consistent with the requirements of the Framework and in particular paragraphs 105, 170 and 181.

#### 4.3.19 Ecology

The buildings that are proposed to be demolished are not considered to have a high potential for their use as a bat roost. As such, it is thought unlikely that bats are present. An informative is considered satisfactory in this case in the event that bats are found.

#### 4.3.20 Archaeology

The site does not lie in or is near an Area of Archaeological Significance. Accordingly, the proposed development is not considered to cause harm to the archaeological record.

### 4.4 **Conclusion**

4.4.1 The proposed development would not be inappropriate development in the Green Belt, moreover, the access, layout and scale of the development would be acceptable in general planning terms. Accordingly the proposal is compliant with the relevant national and local planning policies and as such my recommendation is that planning permission should be **GRANTED**.

### 4.5 **Alternative options**

4.5.1 Not applicable.

### 4.6 **Pre-commencement conditions**

4.5.1 All agreed.

### 5.0 **Recommendation**

5.1 Planning permission is **GRANTED** subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 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 development hereby permitted is commenced, approval of the details of the design and external appearance of the development, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Part 3 of the Town and Country Planning (General Development Procedure) Order 2015.

4. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed & if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

5. Prior to occupation, the development shall incorporate one Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and 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 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.

7. --The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works.

--The safety of the public using the route and any other routes to be used by construction traffic should be of paramount concern during works, safe passage past the site should be maintained at all times.

--The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) to be made good by the applicant to the satisfaction of this Authority.

--All materials to be removed at the end of the construction and not left on the Highway or Highway verges (the footpath being a highway, this includes all of the access drive).

Reason: To ensure that the Public Right of Way remains unaffected as a result of the proposed development.

8. Prior to the first occupation of the new dwelling hereby permitted the existing buildings proposed to be demolished shall be permanently removed from the site.

Reason: To ensure that the existing buildings are removed from the site in a timely manner in the interests of the 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:

1) Public Right of Way:

The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

[https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_8](https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_8)

2) Construction hours:

Construction operations related to the development should occur only between the following hours: 0800-1800 Monday to Friday, 0800-1300 on Saturdays, no working on Sundays and Bank Holidays.

















3) Bats

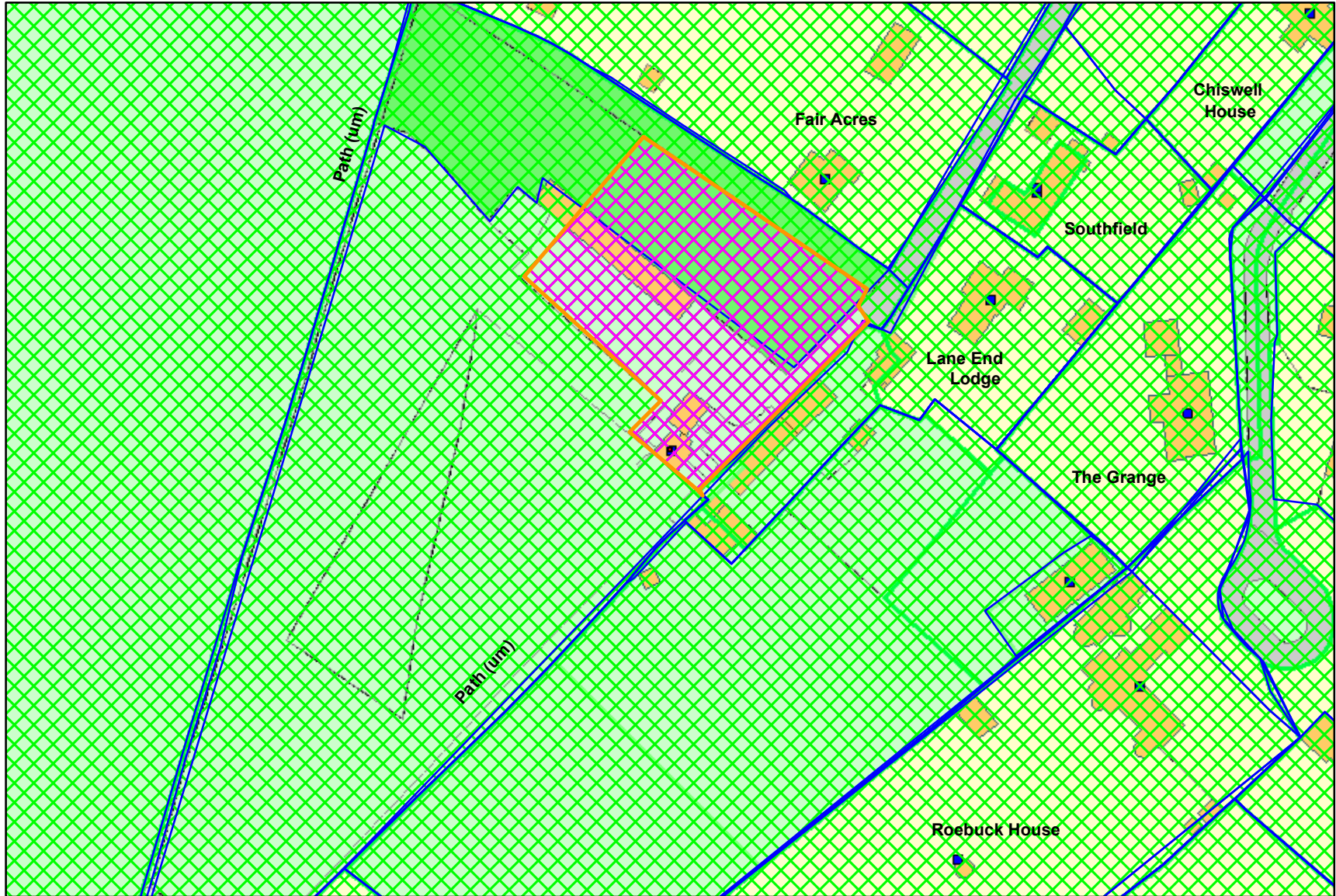
Bats and their roosts are protected at all times under National and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.



## Application Validation Sheet

18/02194/OP Heath Farm, Pottersheath Road, Pottersheath, Herts, AL6 9ST

-  **Acolaid Land Parcel**  
Property.shp
-  **Acolaid Address Point**  
sp.shp
-  **Planning Application (1999)**  
Prapps99.shp
-  **Area of Outstanding Natural Beauty**  
Pranob.shp
-  **Listed Buildings**  
Prlistbid.shp
-  **Tree Preservation Order (Single)**  
ORACLE
-  **Tree Preservation Order (Group)**  
ORACLE
-  **Parish Boundary**  
Prparish.shp
-  **Conservation Area**  
Prconca.shp
-  **District Local Plan Boundary**  
Prdlp2.shp
-  **Green Belt**  
Prgrnbtl.shp
-  **Health & Safety Consultation Zone**  
Prjhzzone.shp
-  **Landscape Conservation**  
Prlandca.shp
-  **Ward Boundary**  
Prwardcd.shp
-  **Noise Nuisance Indicators**  
Prnnis.shp
-  **Indicative Flood Plain**  
Prifpm.shp



Scale 1:1,250  
Date: 26/10/2018



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|-------------------|--|
| <b>ITEM NO:</b>   |  |
| <u>Location:</u>  | <b>The Gables<br/>High Street<br/>Barley<br/>Royston<br/>Hertfordshire<br/>SG8 8HY</b>   |
| <u>Applicant:</u> | <b>Mr &amp; Mrs Winstanley</b>   |
| <u>Proposal:</u>  | <b>Erection of 10no. residential dwellings and provision of car parking area with all associated landscaping and ancillary works (as a revision to application 17/02316/1 approved on 30/05/18) (as amended by drawings received 8th November 2018).</b> |
| <u>Ref. No:</u>   | 18/02299/FP  |
| <u>Officer:</u>   | <b>Tom Allington</b>   |

**Date of Statutory period:** 17<sup>th</sup> December 2018

**Reason for delay:** N/A

**Reason for referral to Planning Control Committee:**

The site area exceeds 05. hectares

## 1.0 **Site History**

- 1.1 16/02760/1 - Residential development of nine dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick'. Withdrawn prior to determination.
- 1.2 17/00638/1PRE – Pre-application for 9 residential units. No formal/ written advice provided.
- 1.3 17/02316/1 - Residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick' (as amended by drawings received 7<sup>th</sup> November 2017, 1<sup>st</sup> January 2018, 9<sup>th</sup> February 2018 and 19<sup>th</sup> March 2018). Approved by Planning Control Committee 24<sup>th</sup> May 2018.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan No.2 with alterations**

Policy 6 – Rural Areas beyond the Green Belt

Policy 7 – Selected Villages beyond the Green Belt

Policy 16 – Areas of Archaeological Significance and other Archaeological Areas

Policy 55 - Car Parking Standards

Policy 57 - Residential Guidelines and Standards

### 2.2 **National Planning Policy Framework (2018)**

In general and with regard to:

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong, competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

Specifically paragraphs 11, 77 and 78 ('Rural Housing'), 127 and 130 ('Achieving well designed places'), 163 ('Planning and Flood Risk'), 192 and 193 and 194 and 196 ('Conserving and enhancing the historic environment')

### 2.3 **North Hertfordshire Draft Local Plan 2011-2031**

This report considers and takes account of the Emerging Local Plan policies as modified by the Local Plan Examination Inspector. The Inspectors Schedule of Modifications for the Emerging Local Plan were published on 19<sup>th</sup> November 2018. The modifications are due to be considered by the Councils Cabinet on 10<sup>th</sup> December, which is after this report is finalised but which is prior to this Planning Control Committee. The policies of relevance in this instance are as follows:

#### Strategic Policies

SP1: Sustainable development in North Hertfordshire

SP2: Settlement Hierarchy

SP5: Countryside and Green Belt

SP8: Housing

SP9: Design and sustainability

SP10: Healthy Communities

SP12: Green infrastructure, biodiversity and landscape

SP13: Historic environment



### DM Policies

T2: Parking

D1: Sustainable design

D3: Protecting living conditions

CGB1: Rural Areas beyond the Green Belt

CGB2: Exception sites in rural areas

HS2: Affordable Housing

HS3: Housing Mix

NE1: Landscape

NE8: Sustainable drainage systems

NE11: Contaminated land

HE1: Designated heritage assets

HE4: Archaeology

## 3.0 **Representations**

### 3.1 **Barley Parish Council – Objection.**

- We acknowledge that the principle of development on this site has been established by virtue of the grant of consent ref 17/02316/01. However, the grant of that consent does not give the applicant carte blanche to increase the capacity and impact of the development further
- The application now under consideration is for 10 units – a 25% increase on the number of units for which consent has been granted. This will result in a minimum of 25% increase in traffic movements, a 25% increase in the impact on the Barley Conservation Area
- Increasing the built form by the extent envisaged under this revised application can only compound the detrimental impact on the Conservation Area and the Setting of the Listed Building at White Posts, and increase the demonstrable harm to the Conservation Area and to the village
- Further amendments have been made to the access arrangements, resulting in the need to fell further trees and to remove a substantial part of the mature hedge and significantly reduce the height of the remainder, to the front of the doctors' surgery
- We would also comment on a matter of important detail in relation to the number of car parking spaces shown for staff and patients of the surgery. In our view between 4 – 6 of these spaces will be unusable

### 3.2 **Neighbours/ Local Residents –** The application has been advertised via neighbour notification letters, the display of site notices and a press notice. No representations received.

### 3.3 **NHDC Conservation Officer –** Objection, on the basis that the proposal will harm the special character of the Barley Conservation Area and to a lesser extent, the setting of 'White Posts' a grade II listed building (full comments attached at Annex A).

By reason of the number of dwellings (10no.) together with a combination of their size, siting and appearance, the proposal would not result in a *'more cohesive'* and *'loose-knit group'* that would *'replicate a traditional farmstead'* as suggested in the supporting documentation. Rather, the number of dwellings, the eclectic assemblage of house types, the streetscene created by Plots 1, 2, 3, 9 and 10 and the linear

arrangement of Plots 4, 5, 6, 7 and 8 would create anything but a traditional farmstead grouping. Even though a farmstead group is not essential, the proposal would give rise to an incoherent and 'engineered' arrangement that would not be a naturally amorphous development at this end of the High Street and would not make a positive contribution to local character and would actually harm the character and appearance of the Barley Conservation Area.

No convincing justification has been provided for the 25% uplift in development, thereby, falling short of meeting the aims of paragraph 194 of the NPPF, therefore, the scheme fails to satisfy the aims of paragraph 196 also.

Plot 9 would encroach upon an area that was defined as 'open space' under application ref: 17/02316/1 and which is located at towards the centre of the development. This space is considered to be an attribute in place shaping and ensures that to an extent, the verdant transitional character of this site, is retained. Plot 9 would not only serve to diminish the role of the open space but would also reinforce a streetscene when seen in the context of Plots 1, 2, 3 and 10 when entering the site.

The Framework clearly sets out the need to address 'less than substantial harm' in a balanced manner against benefits associated with such schemes and I reiterate that it would be for the case officer to assess this harm against any perceived public benefits derived from this development.

- 3.4 **NHDC Landscape and Urban Design Officer** – I cannot support the increase in dwelling numbers on the site for the following reasons:
- The Tree Survey Arboricultural Impact Assessment is based on a survey undertaken in January 2016 – this is nearly 3 years old and potentially out of date
  - The revision to the layout (compared to the approved scheme under 17/02316/1) would result in increased hard surfacing, relocation of the balancing pond and greater impact on the retained Copper Beech tree
- 3.5 **NHDC Housing Officer** – No objection. In 2006 nine affordable homes were delivered by Howard Cottage Housing Association in Barley. No further affordable homes have been built in Barley since that time. The provision of two affordable homes would be of great benefit to the village, particularly smaller family homes, which will contribute to continued sustainability of the village
- 3.6 **NHDC Environmental Health** – No objections, subject to conditions requiring investigation of potential land contamination and a requirement for electric vehicle charging points.
- 3.7 **NHDC Waste Services** – No objections, subject to conditions.
- 3.8 **HCC Highways** – No objection, subject to conditions and following the submission of additional information and amended plans. The proposed development would be served by suitable access onto High Street and there would be suitable road layout and access within the site. The proposal would not significantly affect the adjacent highway.

- 3.9 **HCC Historic Environment (Archaeology)** – No objection, subject to conditions. The proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest and so conditions are recommended requiring suitable investigations be carried out prior to development.
- 3.10 **HCC Lead Local Flood Authority** – No objection, subject to conditions.
- 3.11 **Hertfordshire Ecology** – No objection, subject to an informative.
- 3.12 **HCC Fire and Rescue Services** – No objection, subject to a condition that the development be fitted with fire hydrants.
- 3.13 **Affinity Water** – No objections, subject to conditions relating to ‘used water sewerage network’ and surface water disposal.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The application site is located towards the north-western edge of the village of Barley. The main portion of the site is made up of the large rear garden of the residential property ‘The Gables’ and the adjoining paddock land immediately to the north of this. This land sits behind properties along the west side of the High Street (B1368), including the Barley GP Surgery and the ‘White Posts’ Grade II Listed Building. The application site area shown within the red edge also includes the access road which leads from the High Street to the Surgery car park, around the northern side of the GP Surgery and leads to the paddock land and provides access to two further properties on the High Street, Chadwick and Barley Croft. The application site also includes the car park to the front of the surgery and the land immediately to the rear of the surgery building (however, the application site does not include the surgery building itself).
- 4.1.2 Under the saved policies of the North Hertfordshire Local Plan 1996 the main portion of the site (The Gables garden and the paddock) is located outside of the Barley village boundary (the access road and land at the surgery is within the village boundary). However, the village boundary is proposed to be altered under the Emerging NH Local Plan 2011-2031, which is currently under consideration by the Planning Inspectorate as part of the Examination in Public (this has not been altered/ amended under recently published Main Modifications). The Emerging Local Plan shows that the land within the curtilage of The Gables would be included within the village boundary, which accounts for approximately one half of the main part of the site, with only the paddock land remaining outside of the village boundary. The site is also located within the Barley Conservation Area, which also extends over the fields/ paddocks to the west of the site.

## 4.2 Proposal

- 4.2.1 The application seeks planning permissions for the erection of 10 no. dwellings on the main portion of the site (The Gables rear garden and the paddock land). The properties would comprise 1no. one bedroom dwellings, 4no. two bedroom dwellings, 2 or 3 no. three bedroom dwellings (whilst plot 5 is shown to be three bedrooms, it would be a substantial property which could likely accommodate 4 bedrooms) 1 or 2 no. four bedroom dwellings (see previous for plot 5) and 1no. five bedroom dwelling (although again, owing to the scale of the two-and-half storey plot 4, this could be a 6 bedroom dwelling). The amended plans would also include a small open area of green space towards the centre of the site around an existing Copper Beech Tree which is to be retained and a balancing pond would be located behind this, between the remaining plot of The Gables property and the rear of proposed plots 9 and 10.
- 4.2.2 The proposal also includes the widening of the existing access track (to allow for vehicles to pass each other) from the High Street and for various improvements at the Doctors Surgery. The car park to the front of the doctors surgery would be reconfigured, the electrical sub-station to the rear of the surgery would be relocated freeing up this land for staff parking and a new additional car park would also be provided further to the rear of the surgery (on what is currently part of the paddock land). Proposal also include for a new double garage which would serve the neighbouring property at Chadwick.

## 4.3 Key Issues

- 4.3.1 The key planning consideration of the development relates firstly to the principle of the development, taking account of the location of the proposed development on the edge of/ partially within the Barley village boundary, the impact on the character, appearance and setting of both the Barley Conservation Area and the White Posts Listed Building and any public benefits arising from the proposed development. Taking account of the development plan policies, central government policy guidance and the representations received from interested parties reported above, I consider that the other main issues to be addressed in the determination of this planning application are as follows:
- Living conditions and amenity of current neighbouring properties and of future residents;
  - Access and highway safety matters;
  - Water drainage;
  - Archaeology and;
  - Ecology.

### 4.3.2 **Principle of the proposed development, impacts on the Barley Conservation Area and wider public benefits**

It is noted that this application is a re-submission of application reference 17/02316/1, which was for 8 dwellings and which was approved by planning committee, following a recommendation of approval by the officer. The previous recommendation was on the basis that in the officers view, whilst it was finely balanced, the various public benefits outweighed the identified harm to the setting of the conservation area and to the Grade II Listed White Posts. Therefore, a tilted balance should be applied in favour of the

development, in accordance with former paragraph 14 of the older NPPF (now paragraph 11 of the revised NPPF 2018). The tilted balance was applied as the Council at that time could not demonstrate a 5 year supply of housing land and that therefore, the provision of 8 dwellings carried significant weight, in addressing the Council's shortfall of housing.

4.3.3 This application will be considered on the basis of its own merits and circumstances, and taking into consideration the current, up-to-date policy situation but also with reference to the previously approved scheme.

4.3.4 At the time of reporting this matter, the Council's submission plan (ELP) is post modification and therefore well advanced. Accordingly, significant weight can be attributed thereto, specifically in respect of housing delivery. This stance has been supported as part of three recent appeal decisions, whereby windfall housing sites at the Category A villages of Offley, Ashwell and Barkway have all been dismissed (Barley is also a category A village). In dismissing a proposal for 25 dwellings in Barkway, the inspector stated '*The appeal site would provide additional choice and availability in the local housing market, but would only contribute a moderate amount of market and affordable housing even with the current shortfall. Based on the steps being taken to address the shortfall and the likely timescales involved, along with the amount of housing proposed, I afford moderate weight to the benefits of housing provision*'.

As such, whereas 'significant weight' was attributed to the provision of 8 dwellings as part of the previous decision at this site, the significant step of the publication of modifications has since taken place with regard to the ELP, to the extent that significant weight can be attributed to the ELP and the policies therein, specifically in this instance with respect to housing supply. As such, and in accordance with the view of recent inspector decisions, significant weight is afforded to the fact that the Councils housing shortfall is being addressed through the ELP and therefore windfall housing, such as that now proposed, can only be afforded 'moderate weight'.

4.3.5 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development for decision makers on planning applications as follows: *d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: 1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

4.3.6 The key test in this instance is where paragraph 11 refers to 'the application of policies in this framework that protect areas of particular importance', namely in this instance paragraph 196 of the NPPF which refers to development affecting a heritage asset.

4.3.7 Paragraph 196 of the NPPF states that "*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*".

4.3.8 The Council's Senior Conservation Officer has raised an objection to this application, on grounds that the proposed development would result in harm to the Barley Conservation Area and to a lesser extent, harm to the setting of the Grade II Listed White Posts property which is located on the eastern edge of the application site. The main part of the site which would accommodate the 10 proposed dwellings is located towards the rear of properties on the west side of the High Street and it is considered that this serves the primary/ central part of the conservation area in providing an open, rural setting. The open, rural nature of the site would be lost as a result of the proposed development and in turn this would have an adverse impact on the setting of the conservation area and the setting of White Posts. Furthermore, the proposal would be of a poor standard of design, which would not be sympathetic to its setting or to the setting of the conservation area (this is explored in more detail in the next section of this report and within the full comments of the senior Conservation Officer attached to this report).

4.3.9 It is worth noting at this stage that the previously approved scheme for 8 dwellings was redesigned and amended under the instruction of the Council's Conservation Officer, to achieve what was considered to be the best scenario and to therefore reduce the harm as much as possible (despite his continued objection to the principle of the proposals given the loss of the rural setting of the conservation area and listed building). The scheme for 10 dwellings as now proposed is somewhat similar to the original proposal submitted in 2016 for 9 dwellings (under reference 16/02760/1) and which was withdrawn prior to determination, as officers informed the applicants that it was set to be recommended for refusal. It is therefore considered that the current proposal for 10 dwellings is of a significantly poorer design compared to that previously approved, resulting in increased harm in both design terms and in terms of the harmful impact on the conservation area and the setting of White Posts. A more detailed assessment of the proposed layout and design is provided in the following section of this report.

The comments/ objections of the Conservation Officer are attached at Annex A of this report. The Senior Conservation Officer noted that this would amount to 'less than substantial harm' and so in accordance with paragraph 196 of the NPPF, this harm should be weighed against any public benefits arising from the proposed development.

4.3.10 The public benefits of the proposed scheme would be largely the same as per the previously approved scheme; these include the provision of 2 no. affordable dwellings and benefits to the adjacent GP surgery, including the relocation of an electricity substation from the rear of the surgery, which would allow the surgery to extend and expand in the future and the provision of a new surgery car park and the re-alignment of the existing car parks. A letter of support, from the GP Surgery, for the proposed development has been submitted as part of the application and which outlines that they are facing ever increasing patient lists and with increasing housing numbers within their catchment area, the need to expand will become paramount. As it currently stands, the Barley Surgery is not capable of being expanded, largely due to the need for parking to the both the front and the rear of the building and the location of the large electricity sub-station to the rear of the building. It is acknowledged that the relocation of the sub-station would be a significant public benefit, as would be the provision of two affordable dwellings, in a location where the previous provision was some 12 years ago.

- 4.3.11 However, it is noted that compared to the previously approved scheme the weight afforded to the benefits of the proposals are reduced. As outlined above, only 'moderate weight' can now be attributed to the provision of ten houses in this location, given the change in the policy situation and stance taken in three recent appeal decisions (three decisions which relate to windfall housing sites on the edge of Category A villages).
- 4.3.12 In weighing the harm to the heritage assets, as identified by the Council's Senior Conservation Officer, I note that paragraph 193 of the NPPF 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*'. Modified Policy SP13: Historic Environment states that '*The Council will balance the need for growth with the proper protection and enhancement of the historic environment.... We will pursue a positive strategy for the conservation and enjoyment of the historic environment through: a. Maintaining a strong presumption in favour of the retention, preservation and enhancement of heritage assets and their setting according to their significance.* Lastly, I note that modified Policy HE1 of the ELP states that '*Where substantial harm to, or loss of significance, of a designated heritage asset is proposed the Council shall refuse consent unless it can be demonstrated that the scheme is necessary to deliver considerable public benefits that outweigh the harm or loss*'.

#### Summary on planning balance

- 4.3.13 As outlined above, the previously approved scheme was in the officer opinion finely balanced in favour of the scheme, when weighing the harm against the public benefits. However, in comparison, the current proposal for ten dwellings would result in increased harm, owing to the poorer quality of the design the subsequent increased impact on the conservation area. In addition, the benefits are also decreased, owing to the change in the policy situation, as only moderate weight can now be afforded to the provision of ten new dwellings. In light of this, it is my view and my recommendation that on balance the harm to the Barley Conservation Area and the setting of the neighbouring listed building, as detailed in the attached comments by the Senior Conservation Officer, outweigh the public benefits. Therefore, the proposal is not acceptable in principle, and is contrary to paragraphs 11 and 196 of the NPPF and contrary to Saved Policy 6 of the existing Local Plan and contrary to Policies SP5, SP13, CGB1 and HE1 of the Emerging Local Plan as Modified.
- 4.3.14 **Scale and layout, design, character and appearance of the surrounding area**  
The previously approved scheme included 7 relatively modest dwellings and one larger dwelling, which was to be of a design and form to reflect a dark timber-clad barn. Being of only 8 properties, most of a modest scale, this allowed for a significant amount spacing and green space between properties, including for a central 'green' which accommodated the retained Copper Beech Tree and a new retention Pond. The low density development was considered a high quality of design which reflected the sites context, on the edge of a rural village and where it would have provided the transition between the central core of the village and the open fields beyond to the north and west of the site.

- 4.3.15 By comparison, it is the officer view (both the case officer and the Senior Conservation Officer) that the current proposal for ten dwellings is of a significantly poorer design in its own right and which results in increased harm to the Barley Conservation Area and increased harm to the setting of the Listed Building at the neighbouring property White Posts.
- 4.3.16 Paragraph 127 of NPPF states that *'decisions should ensure that developments: b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.'* Paragraph 130 of the NPPF also states *'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, taking into account any local design standards or style guides in plans or supplementary planning documents.'* Paragraph 130 also goes on to state that *"Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)'*.
- 4.3.17 It is acknowledged that the general layout of the proposed cul-de-sac is similar to that of the previously approved scheme. However, by increasing the proposal by two dwellings (25% increase) compared to the previously approved scheme, the amount of built mass and hardstanding has of course increased. A particularly large area of hardstanding is now proposed at the southern end of the proposed cul-de-sac, where a terrace of three dwellings are proposed which would be served by a large area of parking, turning space and a shared car-port.
- 4.3.18 Whereas the approved scheme included a relatively large open space at the north western corner (garden to serve plot 4), which is a particularly sensitive part of the site where it has open countryside to the north and to the west and where the site abuts a public footpath, the current proposal now includes for a substantial, two-and-half storey, five bedroom property (potentially 6 bedroom owing to its size). The dwelling would also be served by a large double garage which would have a tall pitched roof and which would sit directly alongside the northern boundary of the site and public footpath which runs to the north.
- 4.3.19 Likely to be the most significant change, however, is the introduction of plot 9, which would be located towards the centre of the site, largely in place of the central green/ amenity space which was included as part of the previously approved scheme. This would result in the loss of a significant green space which was fundamental to the success of the previous scheme, in achieving what was previously a low density, semi-rural layout. The remaining green space would be a small amount of space around the Copper Beech Tree and a retention pond would



also be included, however this would now be to the rear of the tree, between the rear of Plots 9 and 10 and the side of The Gables. This space would not be usable and would not be particularly visible, particularly compared to its prominent, central location as part of the previously approved scheme.

- 4.3.20 Lastly, officers considered that by reason of the number of dwellings now proposed, together with a combination of the proposed size, siting and appearance the proposal would not be cohesive and would provide an 'eclectic' group of properties which relate poorly to their setting and would not 'replicate a traditional farmstead' as suggested as part of the application. The more standard street-scene' layout now provided would not provide the semi-rural, transitional development as that previously approved and would provide an overly 'engineered' arrangement which would be harmful to the Barley Conservation Area. I refer Members again to the attached comments of the Senior Conservation Officer, which outlines in more detail the concerns of the design, massing and form of the current proposals.
- 4.3.21 In summary, it is the officers view that the current proposals would result in a poor standard of design, which whilst still of a relatively low density, would be represent an excessive, overly 'sub-urban' style of development for this semi-rural context, which I turn would result in further harm to the Barley Conservation Area and to a less extent to the setting of White Posts. The proposal is therefore found to be contrary to paragraphs 127 and 130 of the NPPF, to Policy 6 and Policy 57 of the existing Local Plan and to Policies SP9, SP13, D1 and HE1 of the Emerging Local Plan.
- 4.3.22 The poor standard of design and the subsequent harm is considered in the overall planning balance noted in paragraph 4.3.13 above.
- 4.3.23 **The living conditions of adjoining and future occupiers**  
In terms of amenity, the ten proposed dwellings would be sufficiently spaced and would be set within relatively generous plots and so each of the new dwellings would benefit from sufficient privacy and a sufficient amount of amenity space.
- 4.3.24 The proposed ten houses would be set away from existing properties on High Street to both the east and to the south of the site. Plot 10 is the only proposed dwelling which would be within any form of close proximity to neighbouring dwellings and would be set along side the double garages at Chadwick (proposed garage) and Barley Croft (existing garage). The house at The Gables would retain a sufficient rear garden and which would remain private, owing to the distance and orientation of neighbouring properties. Likewise, the Garden at White Posts, to the east of the site, would also remain private, as the gardens of plots 9 and 10 would sit alongside this. In addition, further planting and screening is proposed between the site and plot at White Posts.
- 4.3.25 In summary, officers consider that the proposed development would not result in any significantly adverse impacts on the amenity of neighbouring properties and the future occupiers of the development would also be provided with a sufficient level of amenity.

#### 4.3.26 **Access and Highway safety matters**

The Highway officer states that 'the Highway Authority does not wish to restrict the grant of permission subject to conditions'. The development proposals include for the widening and improvement of the existing access track and improvements to the junction on High Street, to allow for suitable sightlines during entrance and egress. The submitted plans and information has demonstrated to the HCC Highway Officer that the proposed development would benefit from suitable access, with sufficient sight lines onto what is a 30mph road and where the road is relatively straight (i.e. no sharp bends) and there are long views in both directions. In addition, a swept path analysis has also been provided showing that the widened access road would be suitable for both refuse/ waste trucks and for larger emergency vehicles to be able to access the site and to be able to turn around.

4.3.27 In light of the comments from the HCC highway Officer, officers consider that the proposed development would be acceptable in terms of access and highway safety and would likely result in improvements in this regard, compared to the current situation.

4.3.28 In terms of parking, it is noted that each of the eight dwellings would be provided with at least two off-street parking spaces. As such, parking provision would be sufficient and in accordance with the Council's current minimum standards and so no concerns are raised in this regard.

#### 4.3.29 **Further considerations**

##### 4.3.30 Historic Environment and Archaeology

The proposed development is located within an Area of Archaeological Significance, as identified in the Local Plan. This covers the historic village of Barley, which has medieval or Saxon origins, and fields containing significant prehistoric and Roman remains to its north and west. The proposed development site is also within the bounds of the historic core of Barley, and thus there is some potential for Anglo-Saxon or medieval remains at this location. As such, the HCC Historic Environment Officer has advised that whilst they do not raise any objections to the proposals 'it should be regarded as likely to have an impact on heritage assets with archaeological interest. Therefore, three conditions have been recommended which require that further site investigations take place prior to the commencement of development.

##### 4.3.31 Surface water drainage

The LLFA has advised that they are satisfied that a suitable drainage scheme is possible on this site, which would ensure that the development would not have an adverse impact on the site or the surrounding area in terms of flooding. Although the final detailed drainage scheme has not been agreed as yet, the LLFA have advised that this can be required via a condition and that 'no development take place until the final design of a drainage scheme is completed and sent to the LPA for approval'.

##### 4.3.32 Contaminated land

The possibility of ground contamination exists at the application site, although for the majority of the application site it is assumed to be relatively low given the current land use. However, the Environmental Protection Team holds no information on the land

use history of the application site. Additionally the relocation of an electricity sub-station gives rise to the potential discovery of ground contamination in the form of oils and poly-chlorinated biphenyl (PCB) compounds. Therefore, when considered alongside the proposed introduction of an end use that would be vulnerable to the presence of ground contamination, the Council's Environmental Health Officer has recommended the inclusion of the planning conditions which would require suitable investigations take place and that any required remedial works take place prior to the commencement and occupation of the development.

#### 4.3.33 Ecology

The Herts Ecology Officer's have advised that the Ecology report submitted with the application is satisfactory and provides sufficient information to demonstrate that there are not likely to be any significant ecological impacts associated with the proposed development. However, due diligence is required in this instance with regard to nesting birds and so an informative has been recommend regarding the removal and pruning of trees and shrubs.

#### 4.4 **Conclusion**

- 4.4.1 The proposed development would be sited wholly within the Barley Conservation Area and by way of the inappropriate number, siting, design and massing of the proposed development, the proposals would result in harm to the conservation area and to a less extent to the setting of the Grade II Listed White Posts which is immediately to the east of the site. Whilst the proposals would result in various public benefits, namely two affordable dwellings and improvements to the adjacent Doctors Surgery, it is the officer's view that this would not outweigh the harm as identified to the heritage assets. In addition, when comparing the current scheme with a recently approved scheme of eight dwellings on the same site, not only is the harm increased by way of the poor design, the public benefits are also decreased, as the Emerging Local Plan has now advanced to modifications stage and increased weight can be afforded to the housing supply policies contained therein and less weight in favour of unallocated housing. Subsequently, through the Emerging Local Plan the Council is seeking to address the housing shortfall and therefore the benefits of providing ten new houses as part of this windfall site can now only be afford moderate weight.

In applying the key planning balance in this instance, it is the officer's view that the identified harm outweighs the public benefits and so the proposal represents an inappropriate form of development.

#### 4.5 **Alternative Options**

- 4.5.1 The scheme presented is affectively a re-submission of an alternative scheme which was found to be acceptable. As such, the only applicable alternative is considered to be that which already has permission under reference 17/02316/1.

#### 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:

The principle of residential development on this site would harm the character and appearance of the Barley Conservation Area as it would result in the loss of the existing open land which represents a transitional area from the village fringe to the rural countryside and which commands an important role in providing the rural setting of the Barley Conservation Area. The proposal would therefore harm the special character of the Barley Conservation Area and to a lesser extent, the setting of 'White Posts' a grade II listed building. The in-principle harm would be further exacerbated by the poor standard of design included as part of this proposal, which would be at odds with the semi-rural, edge-of- village context and which would fail to provide a cohesive appearance and form of development. Although the degree of harm is considered to be less than substantial, the public benefits of the proposal do not outweigh the harm that has been identified and which has been afforded significant weight. As a consequence the proposed development is contrary to Policies 6 and 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policies SP5, SP9, SP13, D1, CGB1 and HE1 of the Emerging North Hertfordshire Local Plan 2011-2031 as Modified and Sections 12 and 16 of the National Planning Policy Framework 2018.

## 7.0 **Appendices**

### 7.1 Annex A – Comments of the Senior Conservation Officer

1. The principle of residential development on this site would harm the character and appearance of the Barley Conservation Area as it would result in the loss of the existing open land which represents a transitional area from the village fringe to the rural countryside and which commands an important role in providing the rural setting of the Barley Conservation Area. The proposal would therefore harm the special character of the Barley Conservation Area and to a lesser extent, the setting of 'White Posts' a grade II listed building. The in-principle harm would be further exacerbated by the poor standard of design included as part of this proposal, which would be at odds with the semi-rural, edge-of- village context and which would fail to provide a cohesive appearance and form of development. Although the degree of harm is considered to be less than substantial, the public benefits of the proposal do not outweigh the harm that has been identified and which has been afforded significant weight. As a consequence the proposed development is contrary to Policies 6 and 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policies SP5, SP9, SP13, D1, CGB1 and HE1 of the Emerging North Hertfordshire Local Plan 2011-2031 as Modified and Sections 12 and 16 of the National Planning Policy Framework 2018.

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.

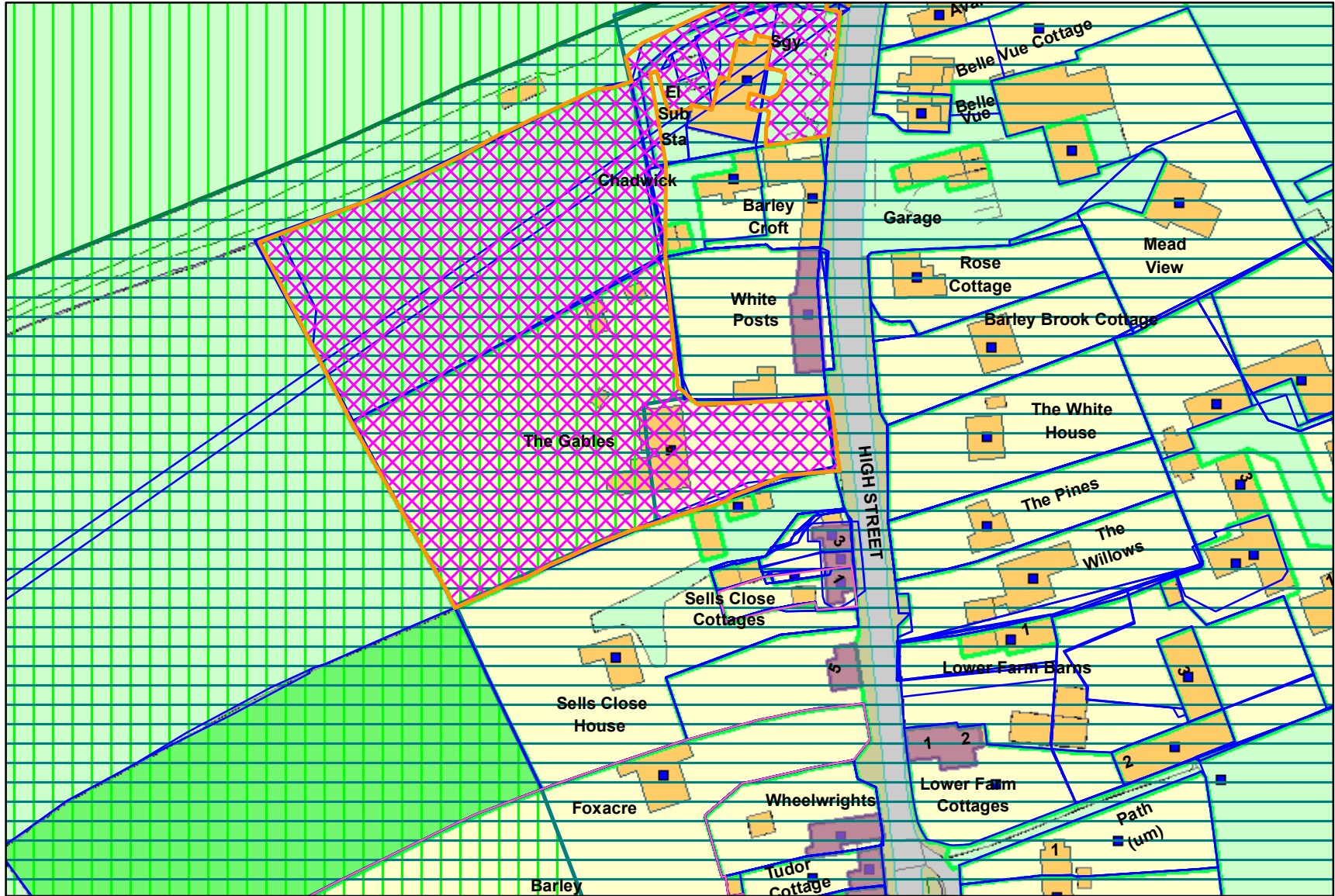
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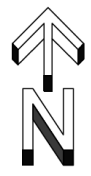
## Application Validation Sheet

18/02299/FP The Gables, High Street, Barley, Royston, Herts, SG8 8HY

- Acolaid Land Parcel**  
Property.shp
- Acolaid Address Point**  
sp.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**  
Prconrea.shp
- District Local Plan Boundary**  
Prdlp2.shp
- Green Belt**  
Prgrnblt.shp
- Health & Safety Consultation Zone**  
Prjnzzone.shp
- Landscape Conservation**  
Prlandca.shp
- Ward Boundary**  
Prwardcd.shp
- Noise Nuisance Indicators**  
Prnoise.shp
- Indicative Flood Plain**  
Prifpm.shp



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Date: 20/11/2018



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|                   |   |
|-------------------|---|
| <b>ITEM NO:</b>   |   |
| <u>Location:</u>  | <b>14 Claymore Drive<br/>Ickleford<br/>Hitchin<br/>Hertfordshire<br/>SG5 3UB</b>  |
| <u>Applicant:</u> | <b>Mr Bob Wiseman</b>   |
| <u>Proposal:</u>  | <b>Alterations to roof and construction of first floor rear extension, single storey side and rear extensions following demolition of existing garage and insertion of front dormer window and gabled roof extension (as amended by plan Nos. DD2235-2 sheets 1, 2 &amp; 3 G)</b> |
| <u>Ref. No:</u>   | 18/02083/FPH  |
| <u>Officer:</u>   | <b>Tom Rea</b>  |

**Date of expiry of statutory period:** 17<sup>th</sup> December 2018

**Submitted Plan Nos:** DD2235-2 SHT 1, 2, & 3G

**Reason for Delay**

Extension of time to allow for negotiations and amended and additional plans

**Reason for referral to Committee**

Councillor H. Spencer –Smith has called this application in to Committee on the grounds of public interest

**Site History**

1.0 16/01222/1HH: Single storey rear extension following demolition of existing rear extension. Insertion of dormer window to front roof elevation; Alterations to roof and construction of first floor rear extension to create additional accommodation (as amended by plans DD2235-2 Rev C received 17/8/16). Granted 9<sup>th</sup> September 2016.

2.0 **Policies**

2.1 **North Hertfordshire Draft Local Plan 2011-2031**

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

- Policy 5 - Excluded villages
- Policy 28 - House Extensions
- Policy 55 – Car Parking Standards
- Policy 57 - Residential Guidelines and Standards

### 2.3 **National Planning Policy Framework (2018):**

Section 11: Making effective use of land

Section 12: Achieving well-designed places

### 2.4 **North Hertfordshire Local Plan 2011 - 2031**

This report considers and takes account of the Emerging Local Plan policies as modified by the Local Plan Inspector. The Inspectors Schedule of Modifications for the Emerging Local Plan were published on 19<sup>th</sup> November 2018. The modifications are due to be considered by the Council's Cabinet on 10<sup>th</sup> December, which is after this report is finalised but which is prior to this Planning Control Committee. The policies of relevance in this instance are as follows:

Policy SP2: Settlement hierarchy and Spatial Distribution

Policy D2: House extensions, replacement dwellings and outbuildings

Policy SP9: Design and Sustainability

### 3.0 **Representations**

#### 3.1 **Ickleford Parish Council:** Object on to the following grounds:

- Not in keeping with the street scene
- An overbuild – bungalow being turned into a house
- Retrospective – permission has not been granted yet
- Overlooking and loss of privacy to No. 13
- Complaint received from No. 13

#### 3.2 **Site Notice / Adjoining occupiers:**

Letter received from occupiers of No. 13 Claymore Drive objecting as follows:

- Not in keeping with the original property or street
- Roof pitch exceeds the original and would be unsightly
- Intrusive to Nos 13 and 15
- Work being carried out before approval

### 4.0 **Planning Considerations**

#### 4.1 **Site and Surroundings**

The application property is No 14 Claymore Drive, a chalet bungalow situated at the end of a residential cul-de-sac. The property has previously been extended to provide first floor bedrooms and rear extension. The dwelling is located within the village of Ickleford - a village excluded from the Green Belt. The property is not within the village conservation area.

4.1.1 Claymore Drive is a cul-de-sac and separated from Arlesey Road by a wide landscaped verge containing trees and shrubs.

4.1.2 Claymore Drive consists of 16 properties comprising bungalows and chalet bungalows several of which have been extended in recent years with front and rear dormer windows and in some cases with two storey rear extensions e.g. No. 12 and 13.

## 4.2 Proposal

4.2.1 The proposal seeks planning permission for alterations to the roof of the property, a first floor rear extension, single storey side extension and rear extensions (following demolition of existing garage) and insertion of front dormer and gabled roof extension.

The application is a variation on a previous planning permission (16/01222/1HH – as referred to in the site history above). The additional development now being requested is as follows:

- Front gable over ground floor bay window raised by 1 metre and window and rooflight inserted
- Demolition of attached garage and erection of 2.25 m wide x 5.6m deep side extension with pitched roof
- Insertion of 3 additional windows in first floor side elevation facing No. 15
- Minor alterations to approved roof design

4.2.2 Works have commenced on site to implement planning permission ref: 16/01222/1HH and part of the additional development being sought via this application.

4.2.3 The applicant has responded to the concerns raised by the Parish Council and these comments can be summarised as follows:

1. Of the 16 properties in Claymore Drive ,12 have first floor accommodation
2. 8 of the Claymore Drive properties have one or more front dormers incorporating a range of sizes, styles and materials
3. The front triangular dormer window seeks to make efficient use of the space. Most properties in the Drive have front triangular gable roofs varying in height.
4. The triangular dormer will be subservient to the flat roofed dormer and that of No. 13's dormer.
5. No. 13's privacy will be protected by permanent obscure glazing
6. Buildings works commenced in accordance with the previous planning permission
7. The side extension will be of good quality and subservient to the main dwelling. At least four off-street parking spaces will still be available

## 4.3 Key Issues

4.3.1 The key issues are whether the proposals are acceptable in terms of design, impact on neighbouring properties and parking

### 4.3.2 Design

In considering the original application (ref: 16/01222/1HH) it was acknowledged that the proposed extensions would change considerably the appearance and scale of the dwelling. However it was considered that the proposals were acceptable because several adjacent properties in Claymore Drive have been extensively altered from their original bungalow form and scale. Indeed, Nos 12 and 13 are 4 bedroom properties with extensive first floor accommodation.

The fact that Claymore Drive is set back from the main Arlesey Road, screened by a deep landscaped buffer and largely self contained and separated from the main linear form of this part of the village gave further justification for permitting extensive works to the property subject to an acceptable impact on neighbours.

- 4.3.3 The above circumstances would still apply to consideration of this application in my view. The additional elements now proposed are relatively minor alterations to the approved scheme. Perhaps the greatest impact would be the change to the front gable raising it by 1 metre and inserting a front facing window. Whilst this gable would result in a more prominent feature it could not be considered out of scale or overly intrusive in my opinion given the limited eaves and ridge height and that there is no increase in ground floor footprint or forward projection. Many of the properties in Claymore Drive have been altered over time and there is a variety of design and materials used as is the case in the wider area including Arlesey Road. It is this variety of design and scale that contributes to the character and appearance of the village. The location of No. 14 at the end of the Claymore Drive cul-de-sac together with its well screened position does allow for a greater degree of innovation and change without harming the overall quality of the area.
- 4.3.4 The proposed side extension would replace a relatively unattractive garage with a pitched roof extension that is subservient to the main dwelling and as such would amount to a positive improvement to this part of the dwelling.
- 4.3.5 I consider that the overall design of the extensions would not be inappropriate in this location. A pitched roof appearance is maintained and I consider that generally the proposals are sympathetic to the character of the area in terms of scale, footprint, and external materials consistent with the requirements of Policies 28 and 57 of the local plan.
- 4.3.6 **Impact on neighbouring properties**  
Concerns have been raised that the development would be intrusive to Nos 13 and 15. No. 15 angles away from No. 14 and the current 1.8m gap between the flank wall of No. 14 and No. 15 will be maintained. The side extension would be carried out in accordance with a Party Wall Act agreement. The first floor flank windows are all proposed to be obscure glazed so that there would be no loss of privacy to No. 15.
- 4.3.7 The property at No. 13 has been considerably extended with a double pitched roof rear extension. This property is to the south of No. 14 and therefore this orientation assists in limiting any loss of light. The proposed first floor bedroom window facing No. 13 could be conditioned to be obscure glazed. The existing gap between the properties will also be maintained.
- 4.3.8 The submitted street scene drawing shows the scale of the proposed development in relation to the adjoining properties. I consider the relationship is acceptable subject to all side facing windows being obscure glazed.
- 4.3.9 Given the above analysis it is my view that the extensions would not have any significantly adverse impact on the residential amenity of the adjoining occupiers.

#### 4.3.10 **Car Parking**

4.3.11 The existing garage is to be lost however the driveway and hardstanding at the front of the property can accommodate at least three parking spaces. Furthermore Claymore Drive is unrestricted and provides on-street parking for visitors if required. Visitors would be unlikely to park in Arlesey Road because of the available parking on Claymore Drive. The Council's Supplementary Planning Document on Parking requires a minimum of two spaces. I therefore consider that adequate parking for the needs of the occupiers of the extended dwelling is available.

#### 4.3.12 **Parish Council comments**

The concerns of the Parish Council are noted however the PC did not raise an objection to the original planning application which accounts for the majority of the approved work to the property. The PC also fail to acknowledge that many of the original bungalows in Claymore Drive have been significantly altered with several containing substantial first floor accommodation. In terms of their concern with regard to the privacy of No. 13 it should be noted that all first floor side facing windows are to be obscure glazed as annotated on the submitted plans.

#### 4.4 **Conclusion**

4.4.1 The extensions have been designed to be in keeping with the design of the original building with a hipped and pitched roof and matching/similar materials. The property is set back from the road reducing its impact on the street scene with the main two storey element restricted to the rear. In general I consider that the extension proposals, particularly when taken in context of the cul-de-sac location and similar extensions to other properties in the Drive, would not detract from the visual amenities or character and appearance of the area. In addition I consider that the proposals would be compatible with the maintenance and enhancement of village character.

#### 4.5 **Alternative Options**

4.5.1 None applicable

#### 4.6 **Pre-Commencement Conditions**

4.6.1 None proposed.

#### 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:

- 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 The windows at first floor level on both side elevations of the development hereby permitted shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwellings.

















### **Proactive Statement**

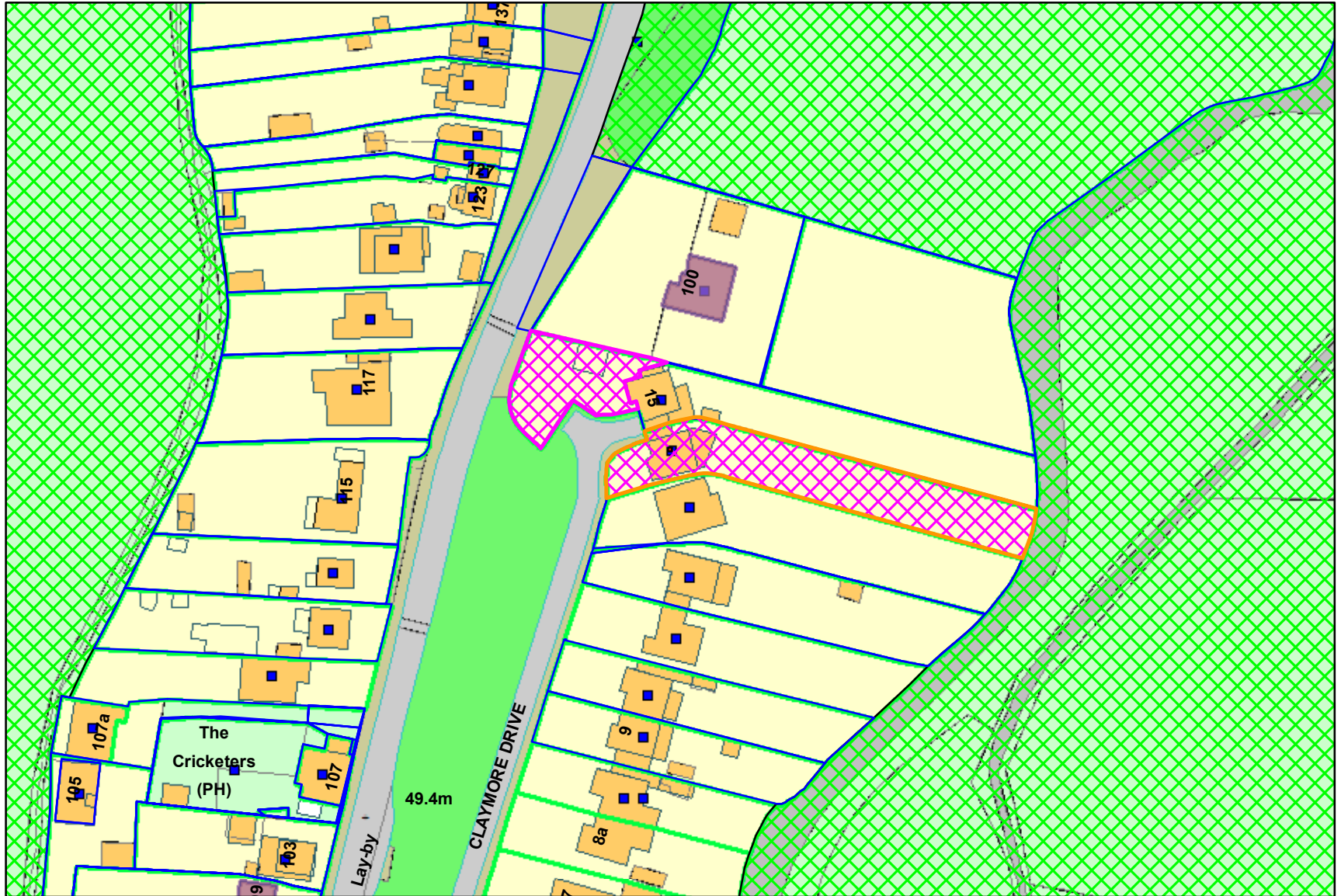
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



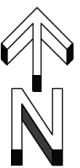
## Application Validation Sheet

18/02083/FPH 14 Claymore Drive, Ickleford, Hitchin, Herts, SG5 3UB

-  **Acolaid Land Parcel**  
Property.shp
-  **Acolaid Address Point**  
ap.shp
-  **Planning Application (1999)**  
Prapps99.shp
-  **Area of Outstanding Natural Beauty**  
Pranob.shp
-  **Listed Buildings**  
Prlistbid.shp
-  **Tree Preservation Order (Single)**  
ORACLE
-  **Tree Preservation Order (Group)**  
ORACLE
-  **Parish Boundary**  
Prparish.shp
-  **Conservation Area**  
Prcrea.shp
-  **District Local Plan Boundary**  
Prdlp2.shp
-  **Green Belt**  
Prgrnbt.shp
-  **Health & Safety Consultation Zone**  
Prjhzone.shp
-  **Landscape Conservation**  
Prlandca.shp
-  **Ward Boundary**  
Prwardcd.shp
-  **Noise Nuisance Indicators**  
Prnnis.shp
-  **Indicative Flood Plain**  
Prifpm.shp



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Date: 20/11/2018



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**PLANNING CONTROL COMMITTEE  
13 DECEMBER 2018**

**PUBLIC DOCUMENT**

**TITLE OF REPORT: PLANNING APPEALS**

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

One planning appeal has been lodged and two planning appeals decisions have been received.

Details are attached.

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**PLANNING CONTROL COMMITTEE**

**DATE: 13 December 2018**

**PLANNING APPEALS LODGED**

| <b>APPELLANT</b> | <b>Appeal Start Date</b> | <b>DESCRIPTION</b>                                  | <b>ADDRESS</b>  | <b>Reference</b> | <b>PROCEDURE</b>           |
|------------------|--------------------------|---|---|------------------|----------------------------|
| Mr & Mrs Webber  | 08 November 2018         | Part two storey, part single storey rear extension. | 23 Melbourn Road<br>Royston<br>Hertfordshire<br>SG8 7DE | 18/02012/FPH     | Householder Appeal Service |

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**PLANNING CONTROL COMMITTEE**

**DATE: 13 December 2018**

**PLANNING APPEALS DECISION**

| <b>APPELLANT</b> | <b>DESCRIPTION</b>   | <b>SITE ADDRESS</b>  | <b>REFERENCE</b> | <b>APPEAL DECISION</b>               | <b>COMMITTEE/ DELEGATED</b> | <b>COMMENTS</b>  |
|------------------|--|--|------------------|--------------------------------------|-----------------------------|--|
| Mr S Packenas    | Erection of two storey two bedroom detached dwelling with provision of two parking spaces and ancillary works. | 68 Danescroft Letchworth Garden City Hertfordshire SG6 4RQ | 17/04216/FP      | Appeal Dismissed on 12 November 2018 | Delegated                   | The Inspector concluded that taken overall, the development would harm the area's character and appearance to which the Inspector attached significant weight. In addition, the Inspector found that the provision of the dwelling in this location would conflict with Policy 57 of the emerging North Hertfordshire Proposed Submission Local Plan 2016 relating to design and character.  |
| Mr Day           | Outline application (including Access) for the erection of up to 25 dwellings                                  | Land North Of Mill Croft Royston Road Barkway              | 17/00700/1       | Appeal Dismissed on 14 November 2018 | Committee                   | The Inspector concluded that the development would have a negative effect on the character and appearance of the surrounding area. Therefore, it would not accord with Policy 6 (Rural area beyond the green belt) of the adopted North Hertfordshire District Local Plan No 2 as it would not maintain the character of the existing countryside. It would also conflict with Policies SP5 (Countryside and Green Belt) and NE 1 (Landscape) of the emerging North Hertfordshire Local Plan 2011-2031, which recognise the intrinsic value of the countryside, require proposals to respect the sensitivities of the relevant landscape character area, and seek to avoid |

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|--|--|--|--|--|--|--|
|  |  |  |  |  |  | detrimental impacts on the appearance of the immediate surroundings and landscape character unless there are suitable mitigation measures. |
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# Appeal Decision

Site visit made on 30 October 2018

**by David Troy BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 November 2018**

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**Appeal Ref: APP/X1925/W/18/3203304**

**68 Danescroft, Letchworth Garden City SG6 4RQ**

- 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 Steve Packenas against the decision of North Hertfordshire District Council.
  - The application Ref 17/04216/FP, dated 30 November 2017, was refused by notice dated 4 May 2018.
  - The development proposed is detached dwelling.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Council's Decision Notice refers to Policy D1 from the emerging North Hertfordshire Proposed Submission Local Plan 2016 (NHSLP). In accordance with paragraph 48 of the National Planning Policy Framework (the Framework) weight may be given to emerging policies subject to the extent of unresolved objections. There is no substantive evidence before me which allows me to make this judgement and as the examination of the NHSLP has not yet concluded, I give this policy in the emerging Development Plan limited weight as a material consideration.

## Main Issues

3. The main issues are the effect of the proposed development on
  - (i) the character and appearance of the area; and
  - (ii) the living conditions of the future occupiers of the proposed dwelling with particular regard to the standard of accommodation and living space.

## Reasons

### *Character and appearance of the area*

4. The appeal site forms part of the garden area at the side of No. 68 Danescroft (No. 68) a two storey end-terraced property that occupies a prominent corner plot at the junction of Danecroft and Northfields. The proposal would involve the construction of a two bedroomed, two storey detached dwelling with provision of two parking spaces and ancillary works.

5. The appeal site is located in a mature well-established residential area, typically characterised by a mixture of two storey semi-detached and terraced dwellings set back from the road behind front gardens/driveways. The properties are relatively evenly spaced, of comparable scale and form, with uniform separation distances between them. Where garages and other structures exist between dwellings, these are very low, clearly subsidiary, and have little impact upon the sense of separation. No. 68 being situated on a corner plot has more expansive grounds, which add to the open character and appearance of the street scene.
6. Whilst visually the design of the proposed dwelling would be acceptable, the two storey form of the dwelling would nevertheless be substantial in this location. Such positioning, on what would be an atypically narrow plot, would compromise the sense of space and openness between the dwelling and the highway, interrupting the established pattern of development in the area and appear as a visually cramped and incongruous addition to the street scene.
7. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Danecroft and Northfields. I therefore consider that the proposed development, by virtue of its scale, siting and layout, would fail to promote or reinforce the distinctive characteristic of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
8. I have considered the appellant's statement that the scale and design of the proposed development would be in keeping with the other properties in the area and has been carefully designed in order to minimise any impacts on adjacent dwellings and the area. Whilst the use of matching materials and fenestrations would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
9. I have noted the other development proposals in the area drawn to my attention by the main parties. However, the one bedroomed dwelling at No. 64 Whitehicks and three bedroomed dwelling at No. 36 The Close, Royston both dismissed at appeal<sup>1</sup> have different development and locational characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced the circumstances are compellingly similar to the appeal proposal and therefore accord them limited weight as precedents in this case.
10. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The development conflicts with Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations 1996 (NHDLP). This policy, amongst other things, seeks to ensure that all proposals for residential development meet the policy guidelines to achieve the highest standards of design that relate to and enhance their site and the character of the surrounding area, in terms of its layout, design, siting and scale. In addition, it would not accord with the aims of the Framework that seek to ensure developments secure a high quality of design (paragraph 124); and are sympathetic to local character, including the surrounding built environment (paragraph 127).

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<sup>1</sup> APP/X1925/A/12/2186601 and APP/X1925/A/11/2164802



*Living conditions of the future occupants*

11. The Council considers that the proposed dwelling would provide inadequate standard of accommodation to meet the minimum gross internal floor area (GIA) of 70sqm required for a three person, two bedroomed, two storey dwelling nor 79sqm required for a four person, two bedroomed, two storey dwelling set out in the Government's National Technical Housing Standards<sup>2</sup>. The appellant's statement sets out that the proposed dwelling would have a GIA of about 63sqm and the dwelling could be amended to a one bedroomed, two person dwelling to meet the minimum standards.
12. The Council set out that the proposal would not meet the requirements of Policy D1 of the NHSLP that states residential schemes meet or exceed the nationally described spaces standards. However, in view of my comments above regarding the weight to be afforded to this policy in the emerging Development Plan, I can only give this policy consideration limited weight. The Council has not referred me to any other specific requirements or standards for the amount of internal floor space required with this type of development. In the absence of any substantive evidence to the contrary from the Council, I consider based on the evidence provided, a satisfactory standard of accommodation would be provided with adequate floorspace for movement and circulation to deliver reasonable living conditions for the future occupants of the proposed dwelling in this particular case.
13. Consequently, I conclude that the proposal would not cause significant harm to the living conditions of the future occupants of the proposed dwelling with particular regard to standard of accommodation and living space. It would, therefore, accord with Policy 57 of the NHDLP that seeks to ensure that the total space and size of rooms meet the reasonable requirements of the expected occupants and serve their intended purposes. In addition, it would accord with the aims of the Framework that seek to ensure developments are with a high standard of amenity for existing and future users (paragraph 127).

**Overall Planning Balance and Conclusion**

14. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. In these circumstances, the Framework states that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a supply. Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision making this means that where the relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
15. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design and the additional housing opportunity in an accessible location. While I have given them some weight in favour of the appeal, these modest benefits would not be sufficient to outweigh the harm I have identified. Notwithstanding my findings on the lack of significant harm to living conditions of the future occupants of the proposed dwelling, I have found above that taken overall the development would harm the area's character and appearance to which I attach significant

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<sup>2</sup> Department of Communities and Local Government (DCLG) Technical Housing Standards – Nationally described space standards (March 2015)

weight. In addition, I found that the provision of the dwelling in this location would conflict with Policy 57 of the NHDLP relating to design and character.

16. The harm set out above would conflict with the environmental objective of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the Framework read as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework. The Framework is a material consideration. However, in the circumstances of this appeal, the other material considerations do not justify making a decision other than in accordance with the development plan.
17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR



## Appeal Decision

Hearing held on 9 October 2018

Site visit made on 9 October 2018

**by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 November 2018**

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**Appeal Ref: APP/X1925/W/18/3194048**

**Land north of Mill Croft, Royston Road, Barkway**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Jordan Day of Arbora Homes against the decision of North Hertfordshire District Council.
  - The application Ref 17/00700/1, registered on 4 May 2017, was refused by notice dated 21 July 2017.
  - The development proposed is outline application (including Access) for the erection of up to 25 dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The original application was made in outline with all matters reserved apart from access. A development framework drawing has been provided to show a potential form of layout and landscaping. While I have had regard to this drawing, I have treated all elements shown as indicative only with the exception of the proposed access location.
3. The application was refused for four reasons. The third reason related to the absence of a completed and satisfactory legal agreement to address the infrastructure requirements arising from the development. A completed and executed unilateral undertaking (UU) was submitted at the start of the hearing. It contains a number of planning obligations relating to the provision of affordable housing and fire hydrants along with contributions to education, libraries and youth work.
4. At the hearing, although the Council identified some issues with specific wording, there was confirmation that it was satisfied with the contents of the UU in terms of addressing the third reason for refusal. My decision below refers to individual elements of the UU where appropriate. However, given that I am dismissing the appeal, it has not been necessary for me to consider the wording of the planning obligations in detail in terms of compliance with national policy and legal tests.
5. The fourth reason for refusal related to insufficient information on the archaeological potential of the site given that it lies within an Area of Archaeological Significance. An archaeological evaluation report has been submitted by the appellant as part of the appeal. The Council has confirmed that, based on this report, it no longer wishes to contest the fourth reason for

refusal. In light of this, and the submitted UU, I have focused on the two remaining reasons for refusal.

6. At the start of the hearing, the main parties agreed that the site address was as shown in the heading above rather than 'land to the west of Royston Road, Barkway' as stated on the original application form. The parties also agreed that in the absence of an application date that the application registration date should be referred to in the heading above.
7. The emerging North Hertfordshire Local Plan 2011-2031 ('the ELP') is currently at examination and has been subject to hearing sessions. The Inspector's report is awaited. The ELP is not yet adopted and may be subject to further change. Nevertheless, it is at an advanced stage of production with little evidence of unresolved objections to relevant policies or evidence that these policies lack consistency with the NPPF. As such, I can afford reasonable weight to the ELP and relevant policies insofar as they relate to this appeal.

### **Main Issues**

8. The main issues are:
  - (a) the effect of the development on the character and appearance of the surrounding area;
  - (b) whether the location would provide acceptable access to services and facilities; and
  - (c) the effect of the development on the provision of agricultural land.

### **Reasons**

#### *Character and appearance*

9. Barkway is a linear village along the B1368, much of which is designated as a conservation area. Royston Road, which leads west and north from the B1368, climbs up from the historic core and contains modern housing fronting the road as well as modern cul-de-sacs at Windmill Close and Periwinkle Close. The road provides the most direct route into Royston and is relatively well used.
10. The appeal site is located on the northern edge of Barkway and comprises a large field roughly triangular in shape. It is beyond the settlement boundary and is considered to lie within the "Rural Area beyond the Green Belt" as defined by Policy 6 of the adopted North Hertfordshire District Local Plan No 2 ("the ALP"). In such locations, Policy 6 seeks to maintain the existing countryside and villages and their character.
11. The site is surrounded by a mix of built development and open land. In terms of the former, there is residential development to the south and north-east on Royston Road and Windmill Close, while a telecommunications mast and commercial buildings at a former military base border the north-western side of the site. In terms of the latter, there is common land and open space adjacent to Windmill Close to the south, along with larger fields and the wider countryside to the west and south-west. Immediately due east of the site on the opposite side of the road is another large field.
12. Boundary treatments around the site vary. The southern boundary is well-vegetated to screen the housing on Royston Road and Windmill Close. This

vegetation continues for a short distance along Royston Road but then peters out for the rest of the road frontage. Vegetation on the opposite side of Royston Road is thicker and more consistent, screening the field to the east as well as the properties to the north-east of the site. There is some vegetation along the boundary with the mast site, but it is not extensive and then stops altogether where the appeal site meets the larger fields to the west with a gap of around 60 metres.

13. The site is located on high ground above Barkway on a plateau with panoramic views. In national landscape terms, the site forms part of National Character Area 87 (East Anglian Chalk) which is characterised by an undulating chalky boulder clay plateau. At a local level, the site and the village to the south is included within the Barkway Plateau in the North Hertfordshire and Stevenage Landscape Character Assessment. Key characteristics include gentle rolling landform, arable land use, regular pattern of field boundaries and ribbon development. The plateau continues westwards towards Reed.
14. The appeal site is largely open to Royston Road. Due to the gap in planting on the western boundary, there are long distance views from the road westwards over the wider countryside including Rokey Wood. These views emphasise the openness of the plateau and contribute positively to the rural setting of Barkway as one enters or leaves the village past the site.
15. Due to the topography and existing buildings and vegetation, the appeal site is not highly visible from roads and public footpaths further away than the site frontage. I visited a number of the locations in the appellant's landscape and visual assessment (LVA) following the close of the hearing. Approaching from Royston towards the junction with Royston Road and The Joint, there is a sharp incline and the built form of housing and the mast site. Approaching from Reed along The Joint, the site is seen between the housing on Windmill Close and the mast site. From the public footpath/byway to the south-west, the land rises up gently and the site is again seen between Windmill Close and the mast site.
16. It was acknowledged by the Council at the hearing that the appeal site is not a valued landscape and has low-medium value. Nevertheless, the open views across the site travelling along the Royston Road frontage are attractive. While the LVA downplays the importance of roads in terms of visual impact, Royston Road is used by multiple people on a daily basis and is not restricted just to motor vehicle traffic. Therefore, I consider that the appeal site forms an important part of the character and appearance of the surrounding landscape and the setting of Barkway.
17. The proposed development would occupy the south-eastern half of the appeal site to avoid the clearance zone for the mast in case it ever fell. However, even restricted to this half of the site, residential development of up to 25 units would impede on existing views across the site from the road frontage and likely obscure long distance views to Rokey Wood. The openness of the plateau would also be eroded. The proposed screening along the Royston Road frontage and within the gap on the western boundary would meet national and local landscape guidelines to promote hedgerow restoration. However, such screening would further erode the views and open qualities of the site.
18. The LVA identifies the overall effect on the site and immediate context, including the views from the road frontage to be moderate adverse at completion of the development falling to minor adverse 15 years on. However,

there would still be an obvious change to views and landscape characteristics on the immediate approach to and from the village and so I regard the negative effects to be significant.

19. Viewed in the approaches along The Joint to the west and Royston Road to the north of The Joint, as well as from the public footpath/byway to the south-west, there would likely be views of new housing. However, this would be against the context of existing development and would be partly screened by topography, and so would not detract greatly from the setting of the village. However, the lack of negative landscape and visual impact from these locations does not lessen the negative impact on views from the site's road frontage.
20. The proposed public open space in the south-west corner of the appeal site could reinforce the urbanisation of this edge of the village. However, it would be some distance from the road frontage and would likely be screened by new buildings. Furthermore, the proposed closing of the gap on the western boundary would limit any views of the open space from the footpath and byway to the south-west. As such, the public open space would not add significantly to the harm I have identified.
21. I am conscious that the ELP looks to allocate three sites on the northern side of Barkway including BK2 and BK3 which adjoin the appeal site to the south and east respectively. However, the three sites are more enclosed by vegetation and do not have the same long distance views across them. Site BK2 is also bounded by housing on Windmill Close and Royston Road, and is described as a rounding-off of the village in that location. Due to the dense boundary vegetation, views of Site BK3 from Royston Road are very limited, with similar restrictions on views from the eastern end of BK3 from the B1368. From a character and appearance perspective, these allocations do not justify the proposed development.
22. The Council has also recently granted planning permission for 6 dwellings on land at Mill Croft immediately to the south of the appeal site. However, this location is similarly contained by vegetation, and development here would have a limited impact on the surrounding area.
23. The Council has expressed concerns that the form of development would not reflect a ribbon or loose-knit pattern of development that characterises Barkway, based on the potential number of dwellings and the size and shape of the appeal site. However, Windmill Close and Periwinkle Close already establish cul-de-sac form along Royston Road, while the Mill Croft development and the allocations at BK2 (20 houses) and BK3 (140 houses) would likely result in similar non-linear development. Nevertheless, even if linear development could be accommodated, there would still be negative effects on views and openness.
24. I note that the Council's Landscape and Urban Design Officer expressed fewer reservations about the landscape impact than the Planning Officer who wrote both the committee report and appeal statement. However, the advice of specialist colleagues is not binding on a planning decision providing that the decision-maker can adequately justify a different position. In this instance, I consider that the Council has adequately demonstrated harm to landscape character and the setting of the village, and I concur with the concerns.

25. Concluding on this main issue, the development would have a negative effect on the character and appearance of the surrounding area. Therefore, it would not accord with ALP Policy 6 as it would not maintain the character of the existing countryside. It would conflict with ELP Policies SP5 and NE1, which recognise the intrinsic value of the countryside, require proposals to respect the sensitivities of the relevant landscape character area, and seek to avoid detrimental impacts on the appearance of the immediate surroundings and landscape character unless there are suitable mitigation measures.
26. The development would also conflict with NPPF paragraph 170(b) which recognises the intrinsic character and beauty of the countryside, NPPF paragraph 124 which seeks high quality places, and NPPF paragraph 127(c) which requires proposals to be sympathetic to local character, including the surrounding built environment and landscape setting. The Council also considers there to be conflict with NPPF paragraph 20(d), but this relates primarily to plan-making.

#### *Services and facilities*

27. Barkway is identified as a Selected Village beyond the Green Belt in ALP Policy 7. Policy SP2 of the proposed submission version of the ELP identifies Barkway as a Category A village where general development will be allowed within the defined settlement boundary. Proposed main modifications to Policy SP2 removes Barkway from the list of Category A villages and highlights it as one of five villages identified for growth with 204 homes. As noted above, the ELP is still at examination and subject to further change, but I can afford reasonable weight to the status of Barkway in Policy SP2.
28. The appeal site is beyond the settlement boundary for Barkway as noted above. It has not been demonstrated that the proposed development meets any of the exceptions set out in ALP Policy 6, including addressing an identified rural housing need. Nevertheless, NPPF paragraph 78 recognises that housing should be located where it will enhance or maintain the vitality of rural communities and support local services. ELP Policy SP1 seeks to ensure the long-term vitality of the district's villages by supporting growth which provides opportunities for residents and sustains key facilities.
29. From the appeal site, it is possible to walk into the village along Royston Road although a continuous footpath link is currently lacking along the highway verge. It would appear that the approved Mill Croft scheme does not include footpath provision. However, the appellant has indicated that such a link could be provided on land owned by the highway authority along the west side of Royston Road. This could be secured by a negatively worded planning condition and delivered as part of the development.
30. The services and facilities within Barkway include a first school, a public house, petrol filling station, car repair garage, and bus services which could be accessed from the site without needing a car. However, the current provision is limited with no shop and no education provision for children above 9 years of age. The proposed allocation site BK3 includes provision for a local convenience shop, although planning permission has yet to be granted for this site. The appellant has highlighted the range of community activities which take place in the village. While this is positive, there would still be a requirement to travel beyond the village on a regular basis for various services including employment and retail, even with home working and online deliveries.

31. The nature of the road network and topography surrounding Barkway combined with the distances to other settlements means that walking and cycling are not realistic options for most people. For a development of up to 25 dwellings, a reliance on the private car would have negative environmental and social effects in terms of the ability to access services without having to drive, even with short journeys to places like Royston. ELP Policy SP6 seeks to promote sustainable transport modes insofar as reasonable and practicable, which echoes the latest Local Transport Plan for Hertfordshire (May 2018).
32. However, the nearest bus stop is a short distance to the south of the appeal site on Royston Road. It was stated at the hearing that there are six services every weekday to and from Royston from around 7am until early evening, as well as a number of services on Saturdays. While not particularly frequent, the bus service provides a reasonable alternative to the private car including for commuters looking to access train services in Royston. NPPF paragraph 103 recognises that transport solutions will vary between urban and rural areas.
33. I am also conscious of Barkway's status in the development plan including the ELP where around 170 homes are proposed on three site allocations near to the appeal site. These sites would have similar access issues to services and facilities as the appeal site which would only be partially mitigated by the provision of a local convenience shop.
34. The development would conflict with ALP Policy 6 in terms of its location and ELP Policy SP6 in terms of the availability of sustainable transport modes. However, the development would help to support services and facilities within the village in line with ELP Policy SP1 and NPPF paragraph 78, while occupants would have access to a reasonable bus service. Similar accessibility issues would apply to the emerging site allocations while national policy recognises the differences between urban and rural areas. Thus, I give limited weight to the policy conflicts and consider that the development would provide acceptable access to services and facilities.

#### *Agricultural land*

35. The appeal site is categorised as Grade 2 agricultural land. The NPPF considers such land to form part of the best and most versatile agricultural land whose economic and other benefits should be recognised in planning decisions in paragraph 170(b). In relation to development plans, NPPF footnote 53 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. These aspects are also reflected in the Planning Practice Guidance<sup>1</sup> (PPG). The Council has confirmed that it has no relevant policies in either the adopted or emerging Local Plans relating to agricultural land and so national policy and guidance form the principal consideration.
36. It would appear that much of the parish and surrounding area is Grade 2 land, and so areas of poorer quality agricultural land are not easily available for new development around Barkway. While the appeal site is not extensive, it forms a reasonable amount of agricultural land accessible from the larger field to the west via the gap on the western boundary. It does not appear to be currently cultivated, but there is little evidence to indicate that the quality of the land is insufficient or that it cannot be farmed. The development would not represent

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<sup>1</sup> Reference ID: 8-026-20140306



a significant loss of agricultural land given the size of the site and the availability of remaining Grade 2 land. However, it would still have a negative effect on the provision of such land in terms of economic and other benefits. Therefore, there would be conflict with NPPF paragraph 170(b) and the PPG.

### *Planning balance*

37. It is common ground that the Council cannot demonstrate a 5 year housing land supply. The supply currently stands at between 2.7 and 3.7 years. As a consequence of the shortfall, policies which are most important for determining the proposal should be considered out-of-date based on NPPF paragraph 11(d). In such circumstances, paragraph 11(d) advises that permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (as defined in footnote 6) provides a clear reason for refusing the proposal or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
38. Being out of date does not mean that a policy carries no weight for the purpose of decision-making. ALP Policy 6 is not entirely consistent with the NPPF in terms of where it seeks to locate housing in rural areas. However, it also seeks to maintain the countryside and its character, which is generally consistent with NPPG paragraph 170(b) which recognises the intrinsic character and beauty of the countryside. Therefore, I consider that the policy can be afforded reasonable weight. I have already noted that reasonable weight can be afforded to relevant policies in the ELP.
39. The development would provide benefits in terms of up to 25 dwellings of which at least 40% would be affordable housing secured through the planning obligation in the UU. The extent of the current shortfall is significant, but the Council point towards the progress of the ELP which would remove the shortfall once adopted. There is little evidence before me to indicate that the Inspector examining the ELP has concerns regarding its soundness and so there is a reasonable chance of the ELP being adopted in the not too distant future.
40. The ELP looks to allocate around 170 homes for Barkway across three sites which would contribute significantly to housing supply in the village and the district overall. The appeal site would provide additional choice and availability in the local housing market, but would only contribute a moderate amount of market and affordable housing even with the current shortfall. Based on the steps being taken to address the shortfall and the likely timescales involved, along with the amount of housing proposed, I afford moderate weight to the benefits of housing provision. In this respect, I concur with a recent appeal decision<sup>2</sup> following a public inquiry for development on a site at Offley.
41. In terms of other social aspects, the open space is intended for public use and would provide some benefit, although details are limited. Additional population would support the local community and facilities including the village school, but the scale of development means that the benefits would be of no more than moderate weight. The financial contributions in the UU towards education, libraries and youth work are intended to make the development acceptable in planning terms and mitigate the effects of development on existing infrastructure, and so carry neutral weight in the balance.

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<sup>2</sup> APP/X1925/W/17/3187286, dated 31 August 2018.

42. The development would provide economic benefits through the construction process, payment of New Homes Bonus and additional Council Tax receipts, and support for local services and facilities. The argument that future occupants would be of a working age and have families and so contribute more to the economy is possible, but hard to verify. Nevertheless, given the scale of development, I can only give moderate weight to these economic benefits.
43. The enhancement of landscape features, including the introduction of new trees, flora and fauna, and a new open space would largely address the effect of development itself rather than represent particular benefits. These enhancements are also offset by the harm to character I have identified. High quality design would be commendable, but should be provided in all development proposals. Thus, the environmental benefits carry limited weight.
44. I have already identified that the location would provide acceptable access to services and facilities, taking into account the site specific circumstances and the local and national policy context. I have given limited weight to the conflict with ALP Policy 6 insofar as it seeks to restrict housing in the countryside as well as limited weight to the conflict with ELP Policy SP6.
45. There would be adverse impacts in terms of the character and appearance of the surrounding area as well as the provision of agricultural land. In terms of the latter, the amount of land lost to development would not be significant and so I only afford moderate weight to this adverse impact. However, the development would have a significant effect on views across the site and the contribution it makes to the surrounding area in terms of openness and the setting of Barkway. There would be policy conflict with ALP Policy 6 and ELP Policies SP5 and NE1, as well as conflict with NPPF paragraphs 124, 127(c) and 170, which collectively seek to maintain landscape character and recognise the intrinsic character and beauty of the countryside. Therefore, I attribute significant weight to the adverse impacts of development in terms of its effect on character and appearance.
46. As a consequence, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. This weighs against the grant of planning permission. In conclusion, the development would conflict with ALP Policy 6 and ELP Policies SP5 and NE1 as well as national policy. There are no considerations that lead me to conclude against the development plan and the harm I have identified.

### **Other Matters**

47. Interested parties have raised concerns with a number of other matters including highway safety. However, given my findings on the main issues, it has not been necessary to consider them in any detail.

### **Conclusion**

48. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Tom Gilbert-Wooldridge*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Lisa Allison                      Rural Solutions  
Daniel Houghton                FPCR Environment and Design Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Kate Poyser                      North Hertfordshire District Council  
Sam Dicocco                      North Hertfordshire District Council  
Nurainatta Katevu              North Hertfordshire District Council  
Nigel Smith                      North Hertfordshire District Council

### INTERESTED PARTIES WHO SPOKE AT HEARING:

Councillor Bill Dennis        Barkway Parish Council  
Councillor Gerald Morris    North Hertfordshire District Council

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Written statement, submitted by Councillor Gerald Morris.
2. Written statement, submitted by Councillor Bill Dennis
3. Signed and dated unilateral undertaking, submitted by the appellant.
4. Latest household projections for North Hertfordshire up to 2041, submitted by the local planning authority.
5. Extracts from Hertfordshire's Local Transport Plan May 2018, submitted by the local planning authority.
6. Table of actions for the Local Plan Examination, submitted by the local planning authority.
7. Draft proposed revisions to Policy SP2 of the emerging Local Plan, submitted by the local planning authority.
8. Tracked changes to the draft unilateral undertaking, submitted by the local planning authority.

## **DOCUMENTS RECEIVED AFTER THE HEARING**

1. Plan showing the extent of highway owned land along Royston Road, submitted by the appellant.
2. Site and location plans and decision notice for planning permission ref 18/00329/FP for development of 6 dwellings at Mill Croft, Royston Road, Barkway, submitted by the local planning authority.

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