

# Public Document Pack

1 February 2019

Our Ref Planning Control Committee  
Your Ref.  
Contact. Amelia McInally  
Direct Dial. (01462) 474514  
Email. amelia.mcinally@north-herts.gov.uk

To: Members of the Committee: Councillors Mike Rice (Chairman), Michael Muir (Vice Chairman), 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**

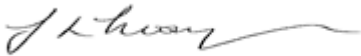
to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES,  
GERNON ROAD, LETCHWORTH GARDEN CITY**

On

**THURSDAY 14 FEBRUARY, 2019  
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. NOTIFICATION OF OTHER BUSINESS</b> 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.  The Chairman will decide whether any item(s) raised will be considered.	
<b>3. CHAIRMAN'S ANNOUNCEMENTS</b> 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>4. PUBLIC PARTICIPATION</b> To receive petitions and presentations from members of the public.	
<b>5. 18/01622/FP LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD, HERTFORDSHIRE</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  Erection of 144no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas (as amended 25th October 2018).	(Pages 1 - 44)
<b>6. 17/04419/FP LAND SOUTH OF 1A, LOWER GOWER ROAD, ROYSTON, HERTFORDSHIRE SG8 5EA</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  Demolition of existing buildings to facilitate the erection of 16 residential dwellings with associated access, parking, landscaping and amenity (design amended 16/11/2018).	(Pages 45 - 68)

7. **18/02586/OP 68 LONDON ROAD, BALDOCK, HERTFORDSHIRE SG7 6JL** (Pages 69 - 82)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Outline application for the proposed residential development of 10 houses following demolition of existing property and workshop, accessed via existing driveway from London Road and extension to Knights Court of Weston Way, with all matters reserved except layout and access.
8. **18/02320/FP LAND TO REAR OF PUTTERIDGE HIGH SCHOOL AND COMMUNITY COLLEGE, PUTTERIDGE ROAD, OFFLEY, HERTFORDSHIRE** (Pages 83 - 90)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Retention of cricket wicket; fencing around pond and bunding along boundary as a variation to the approved use and landscaping (LPA refs: 08/02926/1, 12/00359/1DOC and 12/00532/1DOC).
9. **PLANNING APPEAL DECISIONS** (Pages 91 - 126)
10. **PLANNING APPEALS** (Pages 127 - 128)

This page is intentionally left blank

<b>ITEM NO:</b>	
<u>Location:</u>	<b>Land To The East Of Bedford Road And West Of Old Ramerick Manor Bedford Road Ickleford Hertfordshire</b>
<u>Applicant:</u>	<b>Barratt David Wilson North Thames</b>
<u>Proposal:</u>	<b>Erection of 144no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas (as amended 25th October 2018).</b>
<u>Ref. No:</u>	18/01622/FP
<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 30<sup>th</sup> November 2018

### **Reason for Delay**

Negotiations and consultation response

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

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

#### **1.0 Site History**

- 1.1 17/02175/1: Residential development of 180 dwellings comprising 21 x 1 bedroom apartments; 18 x 2 bedroom apartments; 18 x 2 bedroom houses; 63 x 3 bedroom houses; 56 x 4 bedroom houses; and 4 x 5 bedroom houses; new vehicular access onto Bedford Road, associated garages and car parking space, public open space, landscaping and ancillary works. (As amended 2/2/18).

Refused planning permission 16th March 2018 for the following reasons:

1. It is considered that by reason of the dwelling numbers, site coverage, proposed dwelling types and the location of some car parking, the development will occasion harm to the setting of the grade II\* listed Old Ramerick Manor and its associated barns, hence would harm their significance. As such para 132 of the NPPF requires clear and convincing justification and this has not been demonstrated. The proposal will fail to satisfy Section 66 of the Planning & Listed Building and Conservation Areas) Act 1990 and the aims of Sections 7 and 12 of the National Planning Policy Framework

2. By reason of the number of dwellings proposed, their excessive height, nondescript appearance and the generally urban form, the development would have a harmful effect on the character and appearance of the area. Furthermore the proposed development would have significant adverse landscape and visual effects due to its separation from the settlement to the north and its prominent location on rising land, restricting key views in the landscape and harming the tranquil nature of the surrounding countryside. As such the proposals would not comply with Policy 57 of the adopted local plan or Submission Local Plan Policies SP1, SP9 and D1. The proposals would not enhance the quality of the area and would constitute poor design not complying with paragraphs 58 and 64 of the National Planning Policy Framework.

3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of These obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Polices 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)

1.2 18/02798/SO: Screening Opinion: Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas. Decision: Environmental Impact Assessment not required.

## 2.0 **Policies**

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

Policy 6: Rural area beyond the Green Belt

Policy 14: Nature Conservation

Policy 16: Areas of archaeological significance and other archaeological areas

Policy 26: Housing proposals

Policy 29: Rural Housing needs

Policy 51: Development effects and planning gain

Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD (2011)

North Hertfordshire and Stevenage Landscape Character Assessment (Pirton Lowlands Area 218)

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

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 11: Making effective use of land  
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

## 2.3 **North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission (Incorporating the Proposed Main Modifications November 2018)**

Policy SP1: Sustainable Development in North Hertfordshire  
Policy SP2: Settlement Hierarchy  
Policy SP5: Countryside and Green Belt  
Policy SP7: Infrastructure requirements and developer contributions  
Policy SP8: Housing  
Policy SP9: Design and sustainability  
Policy SP10: Healthy communities  
Policy SP11: Natural resources and sustainability  
Policy SP12: Green infrastructure, biodiversity and landscape  
Policy SP13: Historic Environment  
Policy CGB1: Rural Areas beyond the Green Belt  
Policy T1: Assessment of transport matters  
Policy T2: Parking  
Policy HS1: Local Housing Allocations  
Policy HS2: Affordable Housing  
Policy HS3: Housing Mix  
Policy HS4: Supported, sheltered and older persons housing  
Policy HS5: Accessible and Adaptable Housing  
Policy D1: Sustainable design  
Policy D3: Protecting living conditions  
Policy D4: Air quality  
Policy NEx: Strategic Green Infrastructure  
Policy NE1: Landscape  
Policy NEx: Biodiversity and geological sites  
Policy NEx: New and improved open space  
Policy NE7: Reducing flood risk  
Policy NE8: Sustainable drainage systems  
Policy NE9: Water quality and environment  
Policy NE10: Water conservation and wastewater infrastructure  
Policy HE1: Designated heritage assets  
Policy HE4: Archaeology

The application site is identified in the NHDC Submission Local Plan 2011 – 2031 as an allocated housing site – **LS1** Land at Bedford Road

## 2.4 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

## 2.5 National Planning Practice Guidance

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

## 2.6 Ickleford Neighbourhood Plan

The Ickleford Neighbourhood Plan Area was designated by North Hertfordshire District Council in September 2014. The NP Area includes the application site.

## 3.0 Representations

### 3.1 **Ickleford Parish Council:** Objection – the benefits of new homes are outweighed by the issues set out below:

- ☐ Development is premature and any decision should be withheld until the outcome of the Local Plan Inspector's report
- ☐ The land is grade II agricultural land which should be protected for future generations
- ☐ The development remains overdeveloped and the poor design is not in keeping with the surrounding area or its Grade II\* listed neighbour
- ☐ Development is within flood plain 2 and 3 and highly likely to flood. Possible flooding of the Heritage site
- ☐ Developers have not considered or seem to understand the relevance of the Grade II\* listed Ramerick Manor, its barns and ancient farmstead setting
- ☐ The ecology of the development is under threat and will be lost
- ☐ The transport assessment and travel plan does not consider future development plans, air pollution, the hazards attached to the A600 or the fact that residents will be reliant on cars for work/school and more importantly, because of the lack of public transport after 18:00, beyond the working day, for after school curriculum and recreation
- ☐ The development is not within a settlement boundary
- ☐ S106 funding should be applied to Hertfordshire and not rely on Bedfordshire for Education and Healthcare.

### 3.2 **Stondon Parish Council:** Objection on the following grounds:

- ☐ Not sustainable / not accessible to local services and facilities
- ☐ Lack of appropriate amenities to serve the development
- ☐ Loss of agricultural land
- ☐ Potential impact on employment in Henlow Camp
- ☐ No long term economic benefits
- ☐ Removal of a defendable settlement boundary
- ☐ Encroachment into open countryside
- ☐ No assessment of local school capacity
- ☐ No assessment of increased traffic in Stondon
- ☐ Detrimental to highway safety
- ☐ Contrary to NPPF and Central Beds Local Plan policies
- ☐ Will prejudice / limit the viability of housing allocations in Central Bedfordshire
- ☐ Inadequate affordable housing offer
- ☐ Lack of adequate parking / refuse collection



- ☒ Development will have impact on Central Bedfordshire infrastructure / resources and not North Hertfordshire
- ☒ An isolated development with no sense of community
- ☒ Concern over flood risk and the need to accommodate access to the ordinary water course.
- ☒ Concern over sewage and fresh water capacity
- ☒ Harm to the grade II\* Old Ramerick Manor
- ☒ Premature and opportunistic
- ☒ No identifiable community gain / harm to local communities

**3.3 Henlow Parish Council:** Objects on the following grounds:

- ☒ Dwellings proposed exceeds the 120 allocation in the emerging local plan
- ☒ Premature and speculative
- ☒ Development is adjacent to Henlow rather than Ickleford
- ☒ Not sustainable / lack of infrastructure / limited employment opportunity
- ☒ Increase in traffic
- ☒ Will increase burden on local facilities / resources in Henlow and Stondon
- ☒ No on site amenity provision
- ☒ No impact analysis on local doctors surgery and schools
- ☒ No defensible southern boundary
- ☒ Encourages sprawl into open countryside
- ☒ Isolated – only connected to Henlow / Stondon by A600 road access
- ☒ Loss of agricultural land
- ☒ Harm to setting of Old Ramerick Manor
- ☒ Increase risk of flooding
- ☒ Disassociated from the settlements of Henlow, Lower Stondon and Ickleford
- ☒ Premature and opportunistic that overprovides NHDC housing numbers

Henlow Parish Council have requested S106 contributions to replace and extend the LEAP at The Railway and for funds towards its on-going maintenance. In addition the Council request that they approve the design of the gateway bridge across the brook onto Henlow Parish Council land prior to commencement of development.

**3.4 Central Bedfordshire Council:**

Raises an objection to the proposed development on the following grounds:

- ☒ CBC object to the allocation of the site in the NHDC Emerging Local Plan
- ☒ CBC consider that the development would unduly impact on local infrastructure including schools and health facilities and undermine CBC's ability to progress its own allocations within its emerging plan

CBC have requested further clarification on the applicants agreement to fund certain infrastructure capacity improvements in Central Bedfordshire and requests further consultation regarding S106 contributions and any associated trigger points within a legal agreement. CBC have provided their education officers pro forma table in respect of early years, lower, middle and upper school places which indicate a total contribution of £1,762,116.00 if the occupiers of the development were to use Central Bedfordshire education services.

3.5 **Environment Agency:** Advises that it has no objections to the proposed development. Advises that the sequential test to be applied by the LPA. Provides advice on access and egress in regard to flood emergency response and flood resilience measures.

3.6 **Lead Local Flood Authority (Hertfordshire County Council):**

Advises that the LLFA have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. Recommends the attachment of conditions.

3.7 **Hertfordshire County Council Highway Authority:**

Advises that it does not wish to restrict the grant of planning permission subject to planning conditions and informatives, Section 106 and Section 278 Agreements. Advises that the impact of this development on the local highway network has been assessed and is shown to be acceptable subject to mitigation. This is to be secured via s278 agreements for works to the highway, S106 contributions and a Travel Plan.

Highway Authority conclusions

The Authority state that the trip generation associated with this development does not result in a severe impact on the highway network. The authority considers that the submitted Transport Assessment has demonstrated that highway junction capacity in various locations would operate acceptably with mitigation measures in place.

3.8 **Historic Environment Advisor (Hertfordshire County Council):**

Recommends a Written Scheme of Investigation condition.

3.9 **Central Bedfordshire Council (Rights of Way officer)**

Does not raise objections to the proposals but require the following Rights of Way network enhancements:

1. The bridging of the watercourse to the north side of the application site and the west side of RAF Henlow to allow pedestrian access between both sides.
2. Dedication of an approx. 30 metres length of public footpath to link the north-east corner of the application site to the bridge over the watercourse and Henlow Public Footpath No.16 on the north side of the watercourse.

Advises that the main reason for these enhancements is to allow an off road means of access to the well developed Rights of Way network to the east of RAF Henlow and allows easy walking to a wide area and connection to the villages of Arlesey to the east and Henlow to the north as well as connection to the lower school, located to the north of RAF Henlow, by a safe off road pedestrian link for parents and children to use.

3.10 **Hertfordshire County Council (Countryside Access officer)**

Any comments received will be reported at the Committee meeting

### 3.11 **Natural England**

Advises that it has no comments to make on this application. Considers that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

### 3.12 **Hertfordshire Ecology**

Refer to previous advice (on application ref: 17/02175/1). Consider that circumstances remain largely the same: i.e. adverse effects on protected sites nearby are not anticipated and from the survey and research undertaken, the site appears to support little of intrinsic ecological interest. As a precautionary approach further surveys of farmland bird population could be undertaken or off-site mitigation in the form of the management of a similar arable farmland or a financial contribution towards other ecological improvements via a legal agreement to achieve ecological gains from the development.

### 3.13 **Historic England**

Refer to previous advice on application ref: 17/02175/1. Comment:

*'The revised submission now consulted on is for a reduced density of development across the whole site, providing a total of 144 dwellings. The design modifications would remove housing from the immediate setting of Old Ramerick, and give a landscape buffer to the approach road to the Manor and the manorial group of buildings.*

*The proposed revisions to the design would substantially reduce the impact of development on the setting of Ramerick Manor, although inevitably the rural setting of the building would be further eroded as a result of development. Such an erosion should be seen as a harm to the historic environment as defined by the NPPF. In determining this application, your authority should weigh that harm against the public benefit that might accrue as a result of the development.*

#### *Recommendation*

*Historic England has some concerns regarding the application on heritage grounds. In determining this application, your authority should weigh the harm against the public benefit that might accrue as a result of the development.'*

### 3.14 **CPRE Hertfordshire**

Continue to object to residential development on the site. Summary of concerns:

- ☒ Contrary to NPPF that developments be plan led;
- ☒ Contrary to prioritising the use of brownfield land;
- ☒ Impact on natural environment;
- ☒ Flood Risk
- ☒ Premature in advance of Local Plan Inspectors report
- ☒ Continues to have significant adverse landscape and visual effects
- ☒ Loss of high grade agricultural land
- ☒ Outside of Lower Stondon settlement
- ☒ Impact on existing social and physical infrastructure and traffic capacity of local roads
- ☒ Unsustainable – local services are not readily accessible on foot or bicycle
- ☒ Most movements to site will be by car
- ☒ Harm to setting of Old Ramerick Manor

3.15 **Anglian Water**

Requests a foul water strategy condition and an Informative concerning the potential impact on Anglian Water assets.

3.16 **Bedfordshire and River Ivel Internal Drainage Board**

Comments received 14<sup>th</sup> November 2018.

Advise that the balancing facility to accommodate storm water is required to be completed prior to any impervious areas. Prior consent of the Board is required for discharge into the watercourse. Recommends the stormwater discharge issue is resolved prior to consent or via a condition. Advises that no development should take place within 9 metres of the watercourse bank top without prior agreement of the Board. The 9m bylaw strip is required for maintenance purposes and any proposals within the strip are unlikely to receive consent from the Board.

3.17 **NHDC Environmental Health officer (Environmental Protection/Contamination)**

Advises that in view of the submitted intrusive site investigation reports there is no requirement for a land contamination condition. Requires Electric Vehicle (EV) Recharging Infrastructure conditions for houses and flats and a residential travel plan condition. In addition, a Construction Traffic Management Plan condition is required.

3.18 **NHDC Environmental Health officer (Noise)**

Considers the noise mitigation measures set out in the submitted acoustic assessment to be acceptable. Recommends a condition requiring the development to be carried out in accordance with the acoustic report and measures maintained in perpetuity. Recommends an Informative re construction phase.

3.19 **NHDC Housing Supply Officer**

Advises that the revised affordable housing offer meets with the Council's requirements and local housing need.

3.20 **NHDC Waste Services Manager**

Provides technical guidance on various aspects of waste storage / collection requirements.

3.21 **Hertfordshire County Council (Development Services)**

HCC Infrastructure and Growth team have commented on several occasions with regard to this application. In date order the responses can be summarised as follows:

Comments dated 3/9/18

Advises that the following contributions would be required:

- ☐ Primary Education towards the provision of a new Primary School £351,839
- ☐ Secondary Education towards the expansion of The Priory School from 8 form of entry to 9 forms of entry (£385,791)
- ☐ Library Service towards the development of CreatorSpace including reconfiguring existing space to create additional public floorspace and provide additional equipment (£27,683)
- ☐ Youth Service towards the development of outreach work based out of the Bancroft centre in Hitchin or its re-provision (£7,391)

Comments dated 25/10/18

Advises that Primary Education contributions are revised to £1,613,054 to be required towards the provision of a new two form entry school at Ickleford

Comments received 18/12/18

Advise that the Primary Education contributions are revised to £1,918.226 to reflect the revised affordable housing offer (rented properties).

Comments received 21/1/19

Advises on revised levels of contributions:

Primary – £1,918,226

Secondary - £371,931

Library - £25,999

Youth services - £7,024

Comments received 28/1/19

Confirms the contribution of £1,918,226 towards new primary education provision. Advises that HCC will work with Central Bedfordshire Council in order to determine the most appropriate new primary education provision for child yield from the development. These requirements will be set out in an agreement.

**3.22 Hertfordshire County Council (Fire & Rescue Service)**

Advises that public adoptable fire hydrant provision will be required in accordance with Planning Obligations Guidance.

**3.23 Bedfordshire Clinical Commissioning Group**

Advises that the development will affect the Lower Stondon GP Surgery which is already operating under constrained conditions. Advises that Bedfordshire CCG are seeking to create additional premises capacity in the area and therefore request the following financial contributions (based on 144 unit scheme at LS1):

GP Core services - £815.00 per dwelling

Community, Mental Health and Acute services - £1,630 per dwelling

BCCG advise that the above are based on the impact of the development only, on the number of dwellings proposed and do not take account of existing deficiencies.

**3.24 Site Notice / Neighbour consultation:**

Over 190 responses have been received mainly from residents both in North Hertfordshire and Central Bedfordshire District and all correspondence received can be viewed on the Council's web site. The comments and objections include the following matters:

- ☐ Proposals remain an overdevelopment of a rural area
- ☐ Unfair to tax payers of Central Bedfordshire
- ☐ Revised proposals fail to overcome previous reasons for refusal
- ☐ Fails to take account of cumulative impact of other approved and planned developments in Central Bedfordshire
- ☐ Harm to setting of Grade II\* listed Old Ramerick Manor
- ☐ More properties are proposed on the flood plain

- ☐ Increased flood risk
- ☐ Loss of productive agricultural land
- ☐ Lower Stondon Doctors surgery cannot expand
- ☐ Detrimental to wildlife / ecology
- ☐ Insufficient schools, medical and healthcare facilities in the area
- ☐ Existing community and service infrastructure does not have capacity to accommodate more development
- ☐ Concern over water supply, drainage and sewage
- ☐ Flood Risk
- ☐ Site is isolated from existing settlements
- ☐ Adverse impact on character and appearance of the area
- ☐ Infrastructure funding will go to North Hertfordshire rather than Central Bedfordshire
- ☐ Unsustainable location and development generally that will not encourage non-car modes of travel
- ☐ Concern at noise, pollution, excessive traffic generation
- ☐ Detrimental to highway and pedestrian safety
- ☐ Unsafe visibility for motorists
- ☐ Lower Stondon / Henlow has already taken its share of housing
- ☐ No assessment of employment impact
- ☐ Loss of defensible boundary to Henlow
- ☐ Insufficient affordable housing
- ☐ Overuse of play area / roads in The Railway
- ☐ Risk of increased noise and crime
- ☐ No on site shop is proposed
- ☐ Remote from the rest of North Hertfordshire
- ☐ Does not take account of already inadequate drainage
- ☐ Poor quality of environment for proposed residents
- ☐ Property style, structure, layout, amount of housing, location and landscaping is negative
- ☐ No highway mitigating safety features are proposed
- ☐ Loss of privacy/overshadowing/loss of light
- ☐ Contrary to NPPF 38
- ☐ Overcrowding
- ☐ Loss of visual amenity and landscape

In addition to the written comments of neighbours and residents an 'Assessment of Local Transport Implications' document has been submitted by a local resident. The document has been produced by a Traffic and Transport consultant and raises the following concerns:

- ☐ Concern at location of development , sustainability and access to local facilities
- ☐ Traffic growth has been under-estimated
- ☐ Committed developments not taken into account
- ☐ Traffic impact assessment on completion inadequate
- ☐ Underestimation of trip rates
- ☐ Failure to assess network and junction capacity
- ☐ Access / design unrealistic

- ☐ Cumulative impact of traffic not considered
- ☐ Development has not been properly evaluated in highway terms

#### 4.0 **Planning Considerations**

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

4.1.1 The application site is located on the east side of the A600 Bedford Road and immediately south of the existing settlement of Henlow Camp. The application site comprises 7.08 hectares of greenfield land, which is primarily an arable field and a poor semi-improved grassland field, several areas of scattered scrub and trees, a stream along the northern site boundary, a wet ditch and a pond. Immediately to the east of the site is Old Ramerick Manor, a grade II\* listed manor house and a recent small residential development that has been created from a farmyard and historic and modern agricultural buildings associated with the Manor. The site adjoins public footpath 001 which runs east to west along an informal track along the southern boundary. Public footpath 002 connects with footpath 001 and runs north east towards Henlow Camp just east of the application site and through the Old Ramerick Manor site. The application site abuts the curtilages of residential properties sited along the southern boundary – Nos 1 & 2 and 3 Ramerick Cottages. The whole of the application site is within the administrative boundary of North Hertfordshire and designated as Rural Area Beyond the Green Belt in the current North Hertfordshire District Local Plan with Alterations 1996 (Saved Policies, 2007).

4.1.2 The application site is approximately level where it meets the southern boundary with public footpath 001. The land then falls approximately 5 metres overall to the north where it meets the ordinary watercourse and its embankment. A significant feature of the site is an existing former railway embankment located close to the northern boundary.

#### 4.2 **The Proposal**

4.2.1 The proposals (as amended) seeks full planning permission for the erection of 144 dwellings with associated vehicular access from the A600 Bedford Road, internal site access road, parking areas, village green and other detailed landscaped areas, footpath connections, sustainable urban drainage system including 2 no. detention basins, pumping station and sub-station and ancillary works.

4.2.2 The development proposes the provision of 87 market homes comprising 2 bed maisonettes, 3, 4 & 5 bedroom houses and 57 affordable homes (of a mixture of shared ownership and affordable rented tenure) comprising 1 & 2 bed flats, 2, 3 & 4 bedroom houses. The affordable housing amounts to 39.58% of the total number of units proposed for the site.

4.2.3 The proposed development is limited to a maximum of two storeys throughout the site. A total of 358 parking spaces is proposed (including 298 allocated spaces and 60 visitor spaces) provided through a mixture of surface spaces, garages and car ports.

- 4.2.4 The development is characterised by two separate areas of housing development divided on a north south axis by a landscaped corridor following the line of the old railway line (and remaining embankment). Three character areas are proposed with a density of approximately 39 dph (gross density 21 dph) with a variation in materials, colour, frontage treatment and traditional architectural styles.
- 4.2.5 Of the overall site area of 7.0 hectares, 2.86 hectares is proposed as public open space which will accommodate two flood mitigation attenuation basins, a locally equipped area for play (LEAP) within a village green, the retained former railway embankment and footpaths. A pedestrian / cycle link is proposed via a bridge across the water course to the Railway amenity space and LEAP to the north of the site within Central Bedfordshire.
- 4.2.6 Since the submission of this revised application amendments have been received in respect of the following:
- ☐ Additional tree planting within 'The Avenue' (main access road)
  - ☐ Additional tree and shrub planting particularly around the site perimeter and attenuation ponds
  - ☐ Change in the affordable housing mix to meet the Council's requirements and to reflect local housing need
- 4.2.7 The application is supported by the following documents:
- ☐ Planning Statement and Design and Access statement
  - ☐ Transport Statement and Travel Plan
  - ☐ Arboricultural Impact Assessment and Tree Report
  - ☐ Archaeological Assessment and Evaluation Report
  - ☐ Landscape Visual Impact Assessment & Landscape Management Plan
  - ☐ Ecological Impact Assessment
  - ☐ Geotechnical & Geo-Environmental Report
  - ☐ Acoustic Assessment
  - ☐ Flood Risk Assessment
  - ☐ Heritage Statement

### 4.3 **Key Issues**

- 4.3.1 The key issues for consideration of this full planning application are as follows:
- ☐ Policy background and the principle of development
  - ☐ Character and Appearance
  - ☐ Highway, access and parking matters
  - ☐ Impact on heritage assets
  - ☐ Environmental considerations
  - ☐ Sustainability
  - ☐ Planning Obligations
  - ☐ Planning balance and conclusion



#### 4.3.2 Policy background and the principle of development

4.3.3 The application site has been identified in the NHDC emerging Submission Local Plan as a housing site (LS1 – Land at Bedford Road). It should be clarified that all of the application site lies within the administrative district of North Hertfordshire and does not form part of Lower Stondon which lies within Central Bedfordshire. The LS1 allocation has a dwelling estimate of 120 homes and the following considerations for development are set out in the Plan:

- ☐ Appropriate junction access arrangements to Bedford Road having regard to the likely impacts of development on the A600;
- ☐ Transport Assessment to consider the cumulative impacts of sites IC2, IC3 and LS1 on the junction of the A600 and Turnpike Lane for all users and secure necessary mitigation or improvement measures;
- ☐ Sensitive integration into existing settlement, particularly in terms of design, building orientation and opportunities for cycle and pedestrian access;
- ☐ Sensitive incorporation of Footpaths Ickleford 001 & 002 as green routes through and around the edge of the site;
- ☐ No residential development within Flood Zones 2 or 3;
- ☐ Incorporate ordinary watercourses (and any appropriate measures) and address existing surface water flood risk issues within comprehensive green infrastructure and / or SuDS approach;
- ☐ Development proposals to be informed by site-specific landscape and heritage assessment which determines the likely impacts on Old Ramerick Manor and its surroundings;
- ☐ Development-free buffer along eastern edge of site to minimise harm to adjacent listed building;
- ☐ Archaeological survey to be completed prior to development.

4.3.4 Although in the Rural area beyond the Green Belt this site is identified in the Submission Local Plan as a housing site at a time when the Local Planning Authority cannot demonstrate a five year deliverable supply of housing land (currently between 2.7 and 3.7 years). Paragraph 59 of the NPPF emphasises the importance of ensuring that a sufficient amount of housing land can come forward where it is needed and paragraph 73 of the NPPF advises that local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

4.3.5 Paragraph 48 of the NPPF advises that emerging plans can be afforded weight according to:

- ☐ *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- ☐ *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*  
*and*

- *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 4.3.6 The emerging local plan is at an advanced stage. Consultation is underway (between January 3<sup>rd</sup> – March 4<sup>th</sup> 2019) on Main Modifications to the Plan. There are still unresolved objections to the policies in the plan including the LS1 allocation. It is considered that the policies in the emerging plan are closely aligned and consistent with the policies in the Framework.
- 4.3.7 Paragraph 49 of the Framework states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*
- 4.3.8 In this case, the emerging local plan (over the plan period 2011 – 2031) identifies the need to deliver at least 14,000 new homes for North Hertfordshire’s own needs, of which 4,860 homes are to be provided through local housing allocations including (LS1) (source: Policy SP8 (‘Housing’), Submission Local Plan). This application at LS1 represents 1% and 3% of these totals respectively. In terms of the local allocations the application site represents 1 of 21 locations spread throughout the district. Whilst the proposed development at LS1 will make a positive and meaningful contribution to meeting future housing needs, when considered in context with the overall development needs over the plan period the application cannot be considered so substantial or significant to undermine the plan making process. Given this analysis it is not necessary to consider paragraph 49 b) as both grounds need to be satisfied.
- 4.3.9 Accordingly, given the advanced stage of the emerging local plan, the absence of a five year housing land supply and that the determination of this application cannot be considered premature because of its limited significance to the overall housing requirement in the district, there is a presumption in favour of granting planning permission for sustainable development in accordance with paragraph 11 d) of the Framework. The Framework caveats the presumption of granting permission for sustainable development if there are clear reasons for refusing development or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against all policies in the Framework. In this case there are a number of issues of harm in terms of the economic, social and environmental objectives of sustainable development that need to be assessed such as the impact on designated heritage assets, landscape and visual effects, highway impact and flood risk and these matters are considered in more detail below.

#### 4.3.10 Summary on the principle of development

4.3.11 The site is immediately adjacent the settlement of Henlow Camp (Minor Service Centre) and a short distance to Lower Stondon (Large village). These settlements contain a range of facilities and services. There are bus services along the A600 adjacent to the site that serve local villages and towns including Hitchin. The site is not of high landscape value as noted in the Pirton Lowlands character area assessment. The site is clearly contained by the A600 to the west, buildings associated with The Manor to the east and four residential properties and a public footpath along the southern boundary. It has a close physical association with the villages to the north emphasised by footpath linkages. The site is not contaminated and there is no evidence of significant archaeological remains. In terms of achieving the social strand of sustainability the site has the potential to deliver much needed residential development, including affordable housing, in a location which is accessible to everyday services.

It is furthermore noted that the LPA did not raise an 'in principle' objection to the previous application (ref: 17/02175) refused in March 2018. That application was refused on grounds of harm to heritage assets and the amount and scale of development, its scale, form and appearance together with the lack of a Section 106 agreement.

Lastly, the Local Plan Inspector, in requesting the LPA to consult on its Proposed Modifications, has not asked the LPA to remove the LS1 site (or any of the proposed housing sites) from its list of housing allocations or requested a further call for sites as part of its Housing Strategy. Given all of these factors it is considered that the site is suitable for residential development in principle.

#### 4.3.12 **Character and Appearance**

4.3.13 The application site consists of mainly arable farmland with a smaller grassed field / paddock in the north eastern corner. It forms part of a wider agricultural landscape to the south. It is generally open in character and of limited landscape features except for the remnants of the former railway embankment now overgrown and a feature which is to be retained as part of the development. The application site is not covered by any statutory designations for landscape character or quality. It lies within the Pirton Lowlands character area (218) of the North Herts Landscape Study (2011). The document describes the Pirton Lowlands area overall as low landscape value.

4.3.14 The application site has a close physical connection with Henlow Camp settlement to the north although its open character means it is visually sensitive to new development given the proximity of the A600 and adjacent footpaths. The approach to the settlement along the A600 from the south provides clear views of the site as well as the backdrop of housing development comprising the Railway housing estate and the older Southern Avenue forming part of The Camp housing estate. The Camp development being older and of more spacious two storey development has, to an extent, blended into the landscape, whilst the Railway development with its high density and 2.5 storey scale provides for a more abrupt and hard urban edge to the village even with the play area and watercourse which defines the boundary of the settlement.

4.3.15 The LPA raised concerns with the previous development in relation to the number of houses, the height, density and scale of development, excessive hardsurfacing, lack of soft landscaping and generally the urban form which was considered to be harmful to the character and appearance of the area and the setting of Old Ramerick Manor. This revised application seeks to address these issues and the following changes are proposed:

- ☐ reduction in dwellings from 180 to 144 (overall 20% reduction)
- ☐ relocation of development further away from eastern and southern boundaries
- ☐ reduction in density in eastern and southern areas of the site
- ☐ reduction in height of development (all houses are now two storey with no 2.5 or 3 storey development)
- ☐ change from urban form to village character
- ☐ provision of new village green and greenway through the centre of the site
- ☐ new orchard and avenue planting
- ☐ change in design and materials to reflect rural edge location and agrarian landscape
- ☐ improved open vistas towards Old Ramerick Manor and group of associated buildings
- ☐ general reduction in scale and density along western boundary.

4.3.16 As a result of the above amendments to the previous scheme is a proposal that is far more sensitive to and better integrated with the surrounding pattern of development. A higher density of housing is focussed in the northern part of the site close to the settlement edge of Henlow Camp. In this area new public open space is proposed with footpath linkages into Henlow via the A600, The Railway and Henlow Camp. The density of development decreases towards the southern part of the site with a wide buffer of open space and new tree planting along the boundary with footpath 001 and the barn complex associated with Old Ramerick Manor. A key feature of the development is a wide landscape corridor through the centre of the site from north to south incorporating a village green, retention of former railway embankment and new pedestrian and cycleway connecting footpath 001 with Henlow. The main access into the site takes the form of a tree lined 'avenue' leading directly to the village green and play area. Highway engineering is more informal with shared surfaces and permeable block paving. Character areas are proposed throughout the site which provide local identity and distinctiveness with housing in the southern edge of the site having a more vernacular style and scale. Design features such as gables, porches, sash style windows, timber weatherboarding, chimneys and car barns create a more traditional appearance and an appropriate rural edge to the development.

4.3.17 Overall there is a reduction in density as a result of the decrease in housing numbers and the maximum two storey height represents a transition in scale from The Railway development to the north of the site to a looser, more appropriate form of development to the south that responds to the scale of houses at Ramerick Cottages that also provides a substantial buffer with the wider open farmland landscape further south.

- 4.3.18 The development is well integrated with local footpaths. Along the A600 boundary, pedestrians are separated from the main road by a landscaped corridor before linking onto the existing footpath in the north eastern corner. The central footpath / cycleway links into The Railway development to the north and footpath 001 to the south (and onwards further south via footpath 003). The applicant has agreed to fund an upgrade of the existing footpath (to include new surface and increased width) along the A600 as far south as the Holwell Road junction. The applicant is prepared to consider a contribution towards the enhancement of The Railway play area north of the site.
- 4.3.19 As an agricultural field the site has limited landscape value. The proposals will introduce landscape enhancements that include new tree, hedge and shrub planting and the retention and maintenance of the former railway embankment. Together with new open space, the landscaping will be managed via a landscape management plan. The measures for landscape enhancement responds positively to the Landscape Study guidelines for Pirton Lowlands that includes the desire to protect and preserve the pattern of existing landscaping and encourage new planting to screen new development that could intrude into panoramic rural views.
- 4.3.20 The provision of 144 dwellings on currently open land would, inevitably, result in a significant change in the character of the site. The form of development would be an improvement though on the immediately adjoining development to the north, particularly in terms of scale, design, density and landscape quality. Although physically separated from The Railway development to the north (by approximately 40 metres) the application site is closely associated with and contained by it and the adjacent footpaths, cottages and barns and new houses at Old Ramerick Manor. With the green infrastructure and open space as proposed, the proposed development would fit comfortably within this setting. The development would represent a southwards extension of Henlow however the settlement is expanding following the completion of new housing development and several permission for residential extensions having recently been granted planning permission with further planning applications pending. In particular, the granting of outline planning permission for up to 85 dwellings on the Welbeck site with an access road opposite the LS1 site, with a similar southerly alignment including open space, is an example of how the settlement character and form is changing. As such any additional harm resulting from the LS1 proposals would be limited.
- 4.3.21 Summary on character and appearance
- 4.3.22 There would be further expansion of Henlow as a result of this development but for the reasons set out above this would not amount to significant harm to the character and appearance of the site or the settlement as a whole. There would be no substantial harm to the landscape of the site and its surroundings or to the character of the wider Pirton Lowlands landscape character area. There would, particularly in the longer term once the landscaping proposals have been established, be no significant visual effects. The development has been re-designed to take account of the settlement edge location and the density, form and layout is responsive to and respectful of its surroundings. Overall it is concluded that the development would not be harmful to the character and appearance of the area.

#### 4.3.23 Highways, access and parking matters

- 4.3.24 The application proposes a single point of access / egress onto the A600 Bedford Road via a T – junction 6 metre wide access road with footpaths either side. A footway inside the application site will connect to the existing northbound footpath on the A600 into Henlow and existing footpath widened to 2m to tie in with the existing 2m wide footway south of Boundary Close. Two new bus stops are proposed on the A600 north of the access road and various traffic calming measures introduced on the carriageway (in conjunction with the approved development at Welbeck). The existing 30mph speed limit will be relocated further south and gateway features introduced to warn of a change in speed restriction. The applicant has agreed, via Section 106 Agreement to fund highway improvement/ capacity works to the Turnpike Lane / Bedford Road roundabout in Ickleford and to fund a widening of the existing footway south of the application site for approximately 1600 metres to the Holwell Road junction.
- 4.3.25 The submitted Transport Assessment includes a commitment to a residential Travel Plan and monitoring costs. The Highway Authority have advised that Data analysis within the TA together with traffic impact assessments demonstrates that the development proposals will not result in a severe impact on the local highway network, subject to the agreed mitigation works. As such, and as with the previous application, the highway authority do not raise any objections to the proposed development on highway safety grounds.
- 4.3.26 Footpath connections are proposed to the Railway amenity land to the north across the watercourse and onto footpath 001 along the southern boundary. A further link across third party land to connect with footpath 002 is considered achievable by Central Bedfordshire Rights of Way officer and is shown indicatively on the submitted plan.
- 4.3.27 The site would be connected to Henlow Camp / Lower Stondon to the north via the A600 and Railway amenity area. It is envisaged that the provision of an upgraded footpath link to Holwell Road to the south will be extended to reach Ickleford and Hitchin with financial contributions from the proposed emerging local plan site IC3 on the north side of Ickleford (Land off Bedford Road, dwelling estimate 150 homes).
- 4.3.28 On site car parking is provided in accordance with NHDC's parking standards and all garages within the scheme meet the minimum requirement of 7m x 3m for a single garage. Each dwelling with on-curtilage parking or a garage will be provided with electric vehicle (EV) recharging points and 10% of communal parking spaces will also be provide with EV recharging infrastructure.
- 4.3.29 It is acknowledged that representations have been received that claim that the development is unsustainable and that the occupiers of the site at LS1 will use cars for everyday needs and to access services. The submitted Transport Statement sets out the existing local services and facilities (Table 5.2). It is shown here that the majority of services and facilities in Lower Stondon and Henlow Camp can be reached on foot from the application site within 12 – 20 minutes with cycle journey times significantly less. Car journeys to these facilities would be short and the provision of footway linkages and improvements to existing footpaths and new bus stops would assist in facilitating and encouraging non-car movements to and from the site.

- 4.3.30 The NPPF encourages new development *'to be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'*. It is considered that with the package of transport improvements in support of the development the site will be well connected to local services and facilities to encourage sustainable transport trips. The NPPF does recognise however that *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision making'*.
- 4.3.31 It is also acknowledged that a number of representations have been received raising concerns over pedestrian and highway safety. The submitted TA and the response from the Highway Authority reveal no evidence that this would be the case taking into account the off-site measures to mitigate the impact of the development on road safety. Indeed, the NPPF states at paragraph 109 that *'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 4.3.32 The proposed Main Modifications to the emerging Local Plan for the LS1 site includes additional highway criteria as follows (new text in bold):
- ☐ Appropriate junction access arrangements to Bedford Road **having regard to the likely impacts of development on the A600;**
  - ☐ **Transport Assessment to consider the cumulative impacts of sites IC2, IC3 and LS1 on the junction of the A600 and Turnpike Lane for all users and secure necessary mitigation or improvements measures;**
- 4.3.33 In terms of junction access arrangements both Central Bedfordshire and Herts County Council highway authorities raised no objection to the proposed access arrangements at the pre-application stage and no objection is raised by either authority to the current application. Furthermore no specific highway objection is raised by CBC (Development Management) in their formal comments on this planning application.
- 4.3.34 A financial contribution will be secured from the approved development on the opposite side of Bedford Road (known as the Welbeck site, permission ref: 16/05229/OUT) towards traffic management measures on Bedford Road. This will be in addition to the traffic mitigation measures and financial contributions offered by the applicant for LS1.
- 4.3.35 The cumulative traffic impact issue has been addressed in section 6 of the Transport Assessment and this takes into account committed development in the area. The TA confirms that the affected junctions will operate within capacity and/ or that development proposals will not severely impact on the operation of these junctions. The Welbeck development, sites IC2, IC3 and LS1 would amount to 419 units which is below the allowance estimated for growth in the transport modelling set out in the TA. The cumulative growth factors have been used to calculate highway impact and the required mitigation measures agreed by the Highway Authority.

#### 4.3.36 Summary on highway matters

4.3.37 The submitted Transport Assessment has been scrutinised by the Highway Authority and found to be acceptable in highway terms. The development can be integrated with Henlow Camp and Lower Stondon (and the wider footpath network) via suitable and achievable footpath connections. The developer is willing to make significant contributions towards mitigating the highway impact of the development and to ensure that there are sustainable transport options. Traffic calming proposals would improve highway safety on the A600 in the vicinity of the site. There is no evidence to suggest that the residual cumulative impact of the development in highway terms is severe and as such the development would be compliant with the Framework in this regard.

#### 4.3.38 **Impact on heritage assets**

4.3.39 Old Ramerick Manor House is located to the east of the application site and the vehicular approach to it is along the access track from the A600 which is also public footpath 001. The Manor House is grade II\* listed and dates from the 13<sup>th</sup> Century. The house has recently been refurbished following the redevelopment of farm buildings that formed part of its historic curtilage. Historic barns located to the west of the Manor House have been converted to residential use forming part of the redevelopment scheme and they are considered non-designated heritage assets (they are not curtilage listed buildings). Two modern dwellings have been added to the former farm buildings group. There is no conservation area designation around or including the Manor house or the associated former farm buildings.

4.3.40 The Manor house is largely screened from views from the application site and from Bedford Road to the east by the converted barns and new residential properties on the site of former agricultural buildings. The form of the Manor can be partially seen from the access track from Bedford Road which forms part of footpath 001. The application site contributes to the significance of the listed building in an agricultural context by virtue of the site forming part of the former agricultural land attached to the farmhouse. The adjacent barns are no longer in agricultural use and their functional association with the application site has been lost.

4.3.41 In response to the previously refused proposal for 180 dwellings, the current application shows that densities of the housing have been reduced along the southern and eastern edges of the site where the development is closest to the former farm complex and public footpath / trackway access. The height of proposed houses has been reduced and more traditional materials and vernacular form introduced to reflect the rural edge / agrarian landscape. Car parking has also been reduced along the eastern edge of the site. A wide landscape belt is proposed along the southern / eastern edge of the site including a new orchard. Landscaping as now proposed is intended to provide filtered views to and from the Manor house as opposed to more dense planting.



4.3.42 Historic England (HE) in their comments on this planning application advised as follows:

*'The revised submission now consulted on is for a reduced density of development across the whole site, providing a total of 144 dwellings. The design modifications would remove housing from the immediate setting of Old Ramerick, and give a landscape buffer to the approach road to the Manor and manorial group of buildings. The proposed revisions to the design would substantially reduce the impact of development on the setting of Ramerick Manor, although inevitably the rural setting of the building would be further eroded as a result of development. Such an erosion should be seen as a harm to the historic environment as defined by the NPPF. In determining this application, your authority should weigh that harm against the public benefit that might accrue as a result of the development'*

4.3.43 The current proposal is clearly an improvement on the previous scheme in terms of the impact on the designated asset and HE acknowledge this in their comments that *'the design would substantially reduce the impact of development on the setting of Ramerick Manor'*. It is considered that the new layout reduces the harm previously identified by the 180 dwelling scheme. The nearest part of the housing development to the Manor is now 90 metres (295 feet) in between which are the barn conversions and new dwellings recently constructed. In addition to this separation distance is the setting back of the development from the approach road to the Manor allowing uninterrupted views of the Manor group from this track. The open setting to the Manor to the north and east is retained.

4.3.44 The conservation of heritage assets is a core planning principle under the NPPF. Paragraph 193 of the NPPF requires that 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). Paragraph 194 of the NPPF requires that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*. If it is judged that harm would be occasioned to the significance of a designated heritage asset, depending on whether this is substantial or less than substantial, will determine whether the aims of Paragraph 195 or 196 respectively should be applied.

4.3.45 The Council's attention has been drawn to the recent case of *Steer vs SoS for Communities and Local Government and Ors* ([2017] EWHC 1456 (Admin)). This is a decision made by the High Court in July 2017 that considers the interpretation of 'setting'. This case relates to a proposed development where it was deemed that harm would be caused to the setting of the grade I listed Kedleston Hall (hereinafter "the Hall"), grade I listed Kedleston Hall Registered Park and Garden (hereinafter "the Park"), and the Kedleston Conservation Area, as well as Kedleston Hotel and Quarndon Conservation Area. Whilst Old Ramerick Manor and Kedleston Hall are both designated heritage assets of high significance within a rural setting, this is where the similarity between the current proposal and the High Court judgement stops in that there are no other designated heritage assets to consider in the current proposal.

Notwithstanding that, the Kedleston case provides a useful and rigorous 'framework' when assessing the current scheme.

4.3.46 The setting of a heritage asset and its significance are defined as follows:

**“Setting of a heritage asset:** *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*”

**“Significance (for heritage policy):** *The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*”

4.3.47 The High Court case refers to Historic England's publication: *The Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning: 3*. Although HE's 'Good Practice Advice' does not constitute a statement of government policy. It is intended to provide information on good practice in implementing historic environment policy in the NPPF and PPG. Paragraph 9 provides:

**“Setting and the significance of heritage assets**  
*Setting is not a heritage asset .... Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset's surroundings.*”

4.3.48 Under the heading “A staged approach to proportionate decision-taking”, a five stage approach is recommended: Step 1: identify which heritage assets and their settings are affected; Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s); Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance; Step 4: explore the way to maximise enhancement and avoid or minimise harm; Step 5: make and document the decision and monitor outcomes. There is a degree of overlap between these stages.

4.3.49 Each of these steps is then considered in more detail. Paragraph 13 provides guidance on Step 1:

***“Step 1: identifying the heritage assets affected and their settings.***

*The starting point of the analysis is to identify those heritage assets to be affected by the development proposal. For this purpose, if the development is capable of affecting the contribution of a heritage asset’s setting to its significance, it can be considered as falling within the asset’s setting.”*

Paragraphs 18 to 21 provide guidance on **Step 2: Assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s)**. Paragraph 18 states:

*“18. The second stage of any analysis is to assess whether the setting of a heritage asset makes a contribution to its significance and/or nature of that contribution. We recommend that this assessment should first address the key attributes of the heritage asset itself and then consider:*

- the physical surroundings of the asset including its relationship with other heritage assets*
- the way the asset is appreciated, and*
- the asset’s associations and patterns of use.”*

Paragraph 19 refers to a non-exhaustive check-list of potential attributes of a setting that it may be appropriate to consider in order to define its contribution to the asset’s heritage and significance.

4.3.50 The application site remains in its historic agricultural use and it is noted that the manor dates back to the C13 and was conveyed to St John’s College, Cambridge, in 1520 -1 by Anthony Wroughton and, after a brief period of dispute, remained in the College’s ownership until 2014 (4.2 of Heritage Statement).

4.3.51 At 4.5 of the HS it states that in the mid-18th century, the manor was surveyed as part of Dury Andrews’s ‘Map of Hertfordshire’, published in 1766. The farm is shown as a complex of buildings, with the manor house identifiable as a L-shape building with the eastern cross wing. It sits within a farmstead with outbuildings to the north and west. A track from what is now Bedford Road would appear to be the main access, however, there are two treelined avenues from the southwest leading to the complex.

4.3.52 It is understood that the land has not been farmed by the occupants of Old Ramerick Manor for some years and that the land is currently farmed by K Parrish & Son – a third generation family run farm, first established in 1932. Furthermore, in the C18 and C19, this agricultural land was traversed by the old railway line from Bedford to Hitchin. This can be seen by virtue of the embankment within the middle of the site area and Historic England has stated that this is an important feature in its own right. The raised profile of the railway embankment together with the vegetation, interrupt views eastwards from Bedford Road to the manor where they would be seen across this

feature. The 1901 OS extract clearly shows this branch line but it is acknowledged that other than the embankment, the route of the railway line is no longer evident through the remainder of the site. According to the submitted HS, by 1960, The Manor remained largely isolated and by this time the railway was disused and had been partially dismantled.

- 4.3.53 At 4.26 of the HS it says that *“As well as a visual connection, the land is presumed to have formed part of the farmland attached to the farmstead and therefore shares a functional and historic associative relationship with the manor”*. The above, however, indicates that the historic associative relationship between the land and Old Ramerick Manor had become fragmented in recent decades. Notwithstanding this, Old Ramerick Manor has evidently been of high status throughout its history, having originated as a moated medieval hall house before its adaptation to a high status farmhouse by the early C17 and then major refronting in the early C18. As such, it has been an important holding within the local area. In addition to which, its farmstead use over the past centuries contributes to the rich agricultural history of the site.
- 4.3.54 The experience of the approach from the trackway is agricultural in character, although noting that the existing development on the southern edge of Lower Stondon is visible. Nevertheless, the informal approach along the trackway together with the open agricultural land to either side does lend it an agricultural character that allows an interpretation and understanding of the former use of the farmstead complex and its position located away from the main road within its surrounding farmland. In terms of the historic relationship between Old Ramerick Manor and its surrounding landscape, the site previously formed part of an estate which would have been managed historically as an economic and social entity. Thus, the preservation of this site in its historic form as agricultural land associated with the Old Ramerick estate would contribute materially to the significance of this highly graded designated heritage asset which is in part derived from its setting.
- 4.3.55 A view may be that no amount of mitigation measures could realistically offset the harm that would be caused by the transformation of agricultural land to housing and as such the principle of development in this location may be called into question. The High Court case highlights the fact that the physical and visual connection between the agricultural land and The Manor should not be determinative and having considered the site beyond purely the visual, there would still be some harm occasioned to the asset’s significance derived from the impact of this amount of development within its setting.
- 4.3.56 The Manor is grade II\* and therefore an asset of the highest significance and whilst The Manor’s rural setting is not a heritage asset in its own right, it is acknowledged that this setting does make a positive contribution to the asset’s significance. The submitted Heritage statement considers in some detail the contribution made by the designated asset, through paragraphs 4.23 – 4.33 and acknowledges the functional and historic associative relationship of the application site to Old Ramerick Manor (paragraphs 4.25

– 4.26). It assesses the impact of the proposed development through the loss of the associated open space beyond the non-designated assets to the west and how this will change the setting of the Manor. The HS addresses the agricultural character of the setting and the contribution that this makes to the significance of the asset. The functional and historical relationship is assessed. The HS also assesses the wider setting of the asset to the north south and east and how the landscape features proposed will help to mitigate the change to the setting to the west. I consider that the potential impacts on the setting of the designated asset has been properly assessed and justified in the HS.

4.3.57 With regards to the impact of the proposed attenuation pond on the setting of the asset it is noted that the County Council's Historic Environment Advisor has some concerns with regard to lack of evaluation of this area and therefore has requested further archaeological monitoring of groundworks associated with the pond. However these works are not required pre-determination of the application. The attenuation pond is proposed to be over 70 m distance from the Manor and beyond a tree belt and intervening public footpath. No structures are proposed in association with the pond. Given this context it is considered that the attenuation pond will have limited impact on the significance of the designated asset.

4.3.58 Taking all these factors into account and the need to look beyond the visual connections toward other environmental factors, thus endorsing J Lang's interpretation of 'setting', it is considered the overall effect of the proposal on the heritage asset would fall within the 'less than substantial' category for the purposes of paragraph 196 of the NPPF.

#### 4.3.59 Summary of heritage impact

4.3.60 Paragraph 193 of the NPPF states that when considering harm to the significance of a designated heritage asset great weight should be given to the asset's conservation and that such weight increases the more important the asset. In this case, a balanced judgement is required between the conservation of the asset and the public benefits that result from the proposal and these are set out in the planning balance below.

4.3.61 The recent case of *Steer vs SoS for Communities and Local Government and Ors* ([017] EWHC 1456 (Admin)) is relevant even though the factors relating to that case are different to those under consideration here. An attempt has been made to assess this proposal in line with Mrs Justice Lang DBE's interpretation of 'setting' and taking into account a range of both visual and non-visual attributes which are capable of contributing to the significance of Old Ramerick Manor, it is concluded that the application site contributes to the significance of Old Ramerick Manor. Most significantly, the land provides the agricultural setting to Old Ramerick Manor, however, it is also noted that this land is no longer farmed by the occupant of Old Ramerick Manor.

4.3.62 In addition, it is noted that the application site was traversed by a branch railway (evidence of which is to be retained within the development) during C19 and C20 leading to a fragmentation of the agricultural land in its more recent history. Finally, Old Ramerick Manor is also on the far side (north-east) as opposed to the near side (south-west) of a range of unlisted converted barns as seen from Bedford Road, therefore, the manor house is largely screened from views from the application site and from Bedford Road to the east by the converted barns and new residential properties on the site of former agricultural buildings. It is considered the overall effect of the proposal on the heritage asset would fall within the 'less than substantial' category for the purposes of paragraph 196 of the NPPF. However, it is considered that the public benefits of this proposal, including 57 affordable dwellings, outweighs this level of harm when carrying out the planning balance.

#### 4.3.63 Environmental **considerations**

##### 4.3.64 Drainage and flooding

The submitted Flood Risk Assessment confirms that although the site falls mainly within Flood Zone 1, the watercourse running along the northern boundary of the site lies within Flood Zone 2 and 3. However there is no development proposed within this area. The FRA advises that a drainage strategy, incorporating SUDs attenuation features, has been devised for the site following hydraulic modelling to ensure that the site can be adequately drained. The SUDs drainage system will be maintained by a management company. Foul drainage will be connected to the public sewer network north of the site in accordance with a Section 98 agreement with Anglian Water. A maintenance / access zone is to be maintained along the northern boundary for future water course maintenance operations.

The Lead Local Flood Authority, the Environment Agency and Anglian Water raise no objections to this development proposal subject to conditions. The FRA advises that the development will not result in flood risk elsewhere and it proposed to adopt a sustainable urban drainage system to manage surface water run-off from the development. It is acknowledged that separate licensing agreements will be necessary from the River Ivel Drainage Board – this will be a matter for the applicant to address.

4.3.65 Some concerns are expressed that development is within Flood Zones 2 and 3. This is addressed in paragraph 4.2 and appendix F of the submitted FRA. Appendix F provides the results of detailed hydraulic modelling which accurately identify the flood zones on site. The results of the study show that taking into account of the 1 in 1,000 year event plus climate change allowance that water remains contained within the banks of the watercourse which runs along the northern edge of the site and as such the site to the south of the watercourse falls within flood zone 1 (lowest risk from flooding).

In the light of these measures and the responses received from the relevant statutory consultees it is considered that the proposals comply with the advice in Section 14 of the Framework in terms of managing flood risk.

#### 4.3.66 Ecology

The application site does not contain any specific wildlife / habitat designations. The majority of the application site is arable and with little ecological value however the field margins and the grassland, railway embankment, watercourse and ponds to the north all have potential habitat conservation issues. The Council's ecological advisors do not object to the proposals on nature conservation grounds however due to the potential impact on farmland birds have suggested alternative off-site mitigation measures. The applicant has agreed to fund an ecological enhancement project in the parish to off-set the potential impact. This solution would be consistent with the principle adopted in paragraph 175 a) of the NPPF. Overall it is considered that the proposals will not result in any adverse ecological impacts and will potentially lead to biodiversity enhancements with the establishment and managed of the landscaped areas and public open space.

#### 4.3.67 Archaeology

On site archaeological investigations have been completed and an archaeological evaluation report published. Hertfordshire County Council's Historic Environment officer has noted that the majority of the site has been sufficiently evaluated to establish that no significant archaeological features are present. Some concerns remain regarding the extent of the attenuation areas and the potential for archaeology in these areas therefore a further Written Scheme of Investigation (WSI) is required by planning condition should permission be granted.

#### 4.3.68 Noise

The main source of noise affecting the site is the A600 Bedford Road. The acoustic assessment accompanying the application advises that external amenity areas on the site will not be exposed to excessive levels of road traffic noise. The dwellings which face the A600 Bedford Road can achieve acceptable internal noise levels with the use of acoustically upgraded glazing and ventilation incorporated into dwelling design. The Council's Environmental Health officer raises no objections subject to a condition requiring compliance with the recommendations in the acoustic report.

#### 4.3.69 Living conditions

Concern has been raised from residents living nearby to the proposed development with regard to loss of privacy, overshadowing and loss of light. The nearest residents to the north of the site in The Railway are some 40 metres distant from the nearest proposed dwellings and are located on higher ground and are therefore unlikely to be affected. Residents in Ramerick Cottages and Ickleford Cottages are closer however these dwellings have large established gardens that provide adequate separation distance. Residents in the converted barns and new build properties close to Old Ramerick Manor are similarly well separated from the new development (by at least 40 metres including the intervening public footpath and landscaping). The detached triple garage block associated with the barns provides additional buffering from the development. The levels difference between the Old Ramerick barns and the boundary of the site is not significant and the proposed orchard planting will mature to provide filtered views over time. I conclude that the living conditions of existing residents would not be significantly affected.

#### Summary on environmental impact

No technical objections are raised to this development by the relevant statutory consultees and the layout of the development would not prejudice the living conditions of existing residents.

#### **4.3.70 Sustainability**

- 4.3.71 To achieve sustainable development the economic, social and environmental objectives set out in Section 2 of the Framework must be met.
- 4.3.72 In terms of the economic objective the development will provide homes that will support economic growth, innovation and productivity in a location close to employment sites and employment opportunities further away through the nearby transport network. The construction of the development and on-going maintenance of it will result in construction jobs and employment in the service sector. The development will result in increased expenditure for local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services. Increased Council tax revenue will help to maintain public services.
- 4.3.73 In terms of the social objective, a number of community benefits will accrue from this development. Firstly, it will provide valuable housing, including a high percentage of affordable housing that meets local housing need, in a district that is suffering from a lack of housing supply. A range of house types and tenures will assist in meeting this need. The proposal will boost the supply of housing in the district in accordance with Section 5 of the Framework ('Delivering a sufficient supply of homes'). Secondly, the site will deliver housing in a high quality residential environment featuring a large amount of public open space and ready access to a network of public footpaths. The development would be well connected to the existing community of Lower Stondon and Henlow Camp and by public transport to larger towns. As such the development will provide access to the social, recreational and cultural facilities and services that the community needs. The proposal will achieve a well-designed sense of place and make effective use of land. The development will be in accordance with sections 8, 11 and 12 of the Framework. A remaining concern with regard to the social objective is the lack of agreement on primary education contributions – this is addressed in the planning balance below.



4.3.74 In terms of the environmental objective it has been concluded above that this revised development will not be harmful to the character and appearance of the locality. The visual effect of this development has been evaluated as not having an adverse impact on the Pirton Lowlands landscape character area which is identified as being of low overall landscape value. The loss of high grade agricultural land is necessary to achieve the District's housing need which cannot be met within existing urban areas. Even so, the site is part of a wider agricultural landscape within which arable farming is the predominant land use and therefore the magnitude of the loss is considered proportionately acceptable. The impact on heritage assets is considered less than substantial and the harm outweighed by the public benefits. The site has limited ecological interest and there is potential for a net increase to biodiversity through additional landscaping in accordance with Section 15 of the Framework. The site is not isolated in terms of transport with the site accessible by public transport and local services can be reached on foot and by cycling in accordance with Local Transport Plan objectives and Section 9 of the Framework.

4.3.75 Summary on sustainability

Overall, it is considered that the proposals have the potential to create a sustainable form of development that complies with national and local planning policy and guidance.

4.3.76 Planning **Obligations**

4.3.77 In considering Planning obligations in relation to this development the Framework (paragraph 56) advises that:

*Planning obligations should only be sought where they meet all of the following tests:*

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

The Community Infrastructure Regulations 2010 (regulation 122) coincides with the above requirements of the Framework.

The LPA has held detailed negotiations with the applicant and agreement has been reached on the majority of the required Heads of Terms and financial contributions. However no agreement has been reached between the applicant and Hertfordshire County Council as Education Authority regarding Primary School contributions. In addition agreement has yet to be reached with Henlow Parish Council re The Railway Play Space impact and contribution levels towards expanding / improving this facility. The full list of S106 matters are set out below:

<b>Element</b>	<b>Detail and Justification</b>	<b>Secured by condition or Section 106</b>	<b>Status</b>
Affordable Housing	<p>On site provision of 57 affordable dwellings based on 65% rented tenure (units of mixed size) and 35% intermediate tenure ( units of mixed size)</p> <p>NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Local Plan Policy HS2 'Affordable Housing'</p>	S106 obligation	Agreed by applicant
Primary Education educations	<p>Contribution of <b>£1,916,226</b> based on a 0.44 FE (Form of Entry) primary pupil yield arising from the site. Contribution to be spent on primary education in the local area – to be agreed between Hertfordshire County Council and Central Bedfordshire Council.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p>	S106 obligation	Not agreed by applicant

<p>Secondary Education contributions</p>	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of The Priory School, Hitchin</p> <p>Amount before index linking: <b>£371, 931.00</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	<p>S106 obligation</p>	<p>Agreed by applicant</p>
<p>Library Services</p>	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the development of a CreatorSpace and reconfiguring of floorspace at Hitchin library.</p> <p>Amount before index linking: <b>£25,999.00</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>	<p>S106 obligation</p>	<p>Agreed by applicant</p>
<p>Youth Services</p>	<p>Contribution towards the development of outreach work based out of the Bancroft Centre in Hitchin or its re-provision. Amount before index linking : <b>£7,024.00</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	<p>S106 obligation</p>	<p>Agreed by applicant</p>

Health Services	<p>Contribution towards GP Core Services (expansion of Lower Stondon Surgery): <b>£117,346.22</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	S106 Obligation	Agreed by applicant
Sustainable Transport contributions	<p>Full contribution based on NHDC Planning Obligations SPD.</p> <p>To be spent on:</p> <p>1)Upgrading roundabout on A600 / Turnpike Lane junction at Ickleford Amount before index linking: <b>£60,000</b></p> <p>2) Widening of existing footway to footway/ cycleway on east side of A600 south of the site for a length of approximately 1600 metres to junction with Holwell Road. Amount before index linking: <b>£202,000</b></p> <p>3) Travel Plan contribution to HCC to cover assessment and monitoring costs: Amount before index linking <b>£6,000</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Local Transport Plan (LTP4)</p>	S106 obligation	Agreed by applicant
St. Katherine's Church, Ickleford	St. Katherine's Church Room-for-all community project. An extension to the grade I listed building for community use.	S106 obligation	Agreed by applicant

	<p>Contribution <b>£10,000</b></p> <p>North Hertfordshire Partnership Sustainable Community Strategy 2009 - 2021</p>		
Ickleford Parish Council community sports	<p>Playground equipment: <b>£20,000</b></p> <p>Ickleford Sports Club Facilities and Equipment: <b>£20,000</b></p>	S106 obligation	Agreed by applicant
NHDC Waste Collection & Recycling	<p>Full contribution based on NHDC Planning Obligations SPD. Amount total before index linking: <b>£8,919</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p>	S106 obligation	Agreed by applicant
Central Bedfordshire Council Rights of Way Unit – public access improvements	<p>Two public access improvement projects:</p> <p>1) Bridging of watercourse north of the application site: <b>£20,000</b></p> <p>2) Dedication of approximately 30 metres length of public footpath to link the north-east corner of the site to Henlow Public Footpath No. 16. Requires compensation to landowner: <b>£3,500</b></p>	S106 obligation	Agreed by applicant
Ecological off-site compensation scheme	<p>Contribution towards restoration of lagoon and reedbed, Burymead Springs, Ickleford</p> <p>Contribution : <b>£10,000</b></p>	S106 obligation	Agreed by applicant
Open space/Landscape buffer management and maintenance arrangements	<p>Private management company to secure the provision and long term maintenance of the open space/landscape buffer and any SuDs infrastructure</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	S106 obligation	Agreed by applicant

Fire Hydrants	Provision within the site in accordance with standard wording  Policy SP7 'Infrastructure requirements and developer contributions'	Section 106 obligation	Agreed by applicant
Henlow Parish Council	Contribution towards the replacement and extension of The Railway LEAP and maintenance contribution. Requested contribution: <b>£100,000 – works</b> <b>£40,00 - maintenance</b>  Policy SP7 'Infrastructure requirements and developer contributions'	Section 106 obligation	Not fully agreed by applicant - £40k offered towards additional facilities

4.3.78 The applicant considers that the Primary contribution request from Herts County Council Education Authority fails to meet the test of being fair and reasonable as set out below:

- a) There is a large disparity between the limited use, if any, that may be made by residents of the LS1 site of a new school in Ickleford and the contribution sought. No assessment has been made of the likely demand.
- b) The contribution is not based on the HCC Toolkit but is being charged on a new and undisclosed formula that has not been itself justified by public consultation / process
- c) HCC are not following the guidance set out in the National Planning Policy Guidance to be flexible in their requirements and to take into account site specific circumstances
- d) The scale of the primary school contributions now sought by HCC are not fairly or reasonably related in scale and kind to the development contrary to Regulation 122 of the CIL Regs 2010.

4.3.79 The applicant considers that there is no clear evidence of need for additional school capacity at Ickleford and asserts that residents of the LS1 development are likely to seek education provision in the nearest schools in Lower Stondon / Henlow in line with the previously agreed approach endorsed by HCC that education funds should be directed towards the closest schools to the site within Central Bedfordshire.

- 4.3.80 The applicant has advised that the development could be brought forward with a policy compliant package of obligations including 40% affordable housing on site with payments exceeding £1.3m. As such they have offered primary and education contributions based on the HCC Toolkit formula (£765,569) together with other contributions as set out in the table above. The applicant is offering this package of obligations by way of a submitted Unilateral Undertaking. The offer is based on the HCC Education Toolkit and is flexible as to which schools / phases of education the contributions are used for provided that the expenditure is properly related to meeting needs arising from the development.
- 4.3.81 It is unfortunate that HCC Education (Growth and Infrastructure team) have in assessing the education impact of this development, changed from their Planning Obligations Toolkit formula and standard charges approach to an estimation of child yield as a proportion of the cost equivalent to a new two form of entry school. This, together with a higher child yield calculation (from the standard 1 form of entry per 500 dwellings approach) has resulted in a substantially higher primary contribution figure that was not previously anticipated by the applicant.
- 4.3.82 In addition to the above the recently published Main Modifications (Ickleford chapter 13.160 – 13.162) sets out a range of possibilities for primary education provision in Ickleford subject to future demand for school places and consultation with all stakeholders along with an emphasis on retaining the existing school on the current site which it is recognised as having functional and heritage advantages.
- 4.3.83 It is acknowledged however that HCC and Central Bedfordshire Council will work together to establish the most appropriate provision for primary education as a result of child yield from the proposed development and that this joint working will be secured through a formal agreement between the two Councils. This arrangement recognises the specific circumstances of the site and its location and reflects the Memorandum of Understanding signed between the two authorities.
- 4.3.84 Notwithstanding the issues raised above, Hertfordshire County Council (in this case now through joint working with CBC) has a statutory responsibility to ensure the provision of all school places and associated infrastructure within its area. In addition all new development should contribute appropriately to infrastructure requirements so as to mitigate and accommodate the impact of new development and growth. In providing their advice relevant to this application HCC consider that the requested financial contributions have been calculated correctly according to the scale and type of development and consequent pupil yield. HCC consider that the contributions meet the test set out in Regulation 122 of the Community Infrastructure Regulations 2010 that they are appropriate and 'fairly and reasonably related in scale and kind to the development'
- 4.3.85 Given the above and the lack of agreement between the applicant and the education authorities on the appropriate level of primary education contributions and consequently the lack of any formal Section 106 agreement in place to secure the necessary school infrastructure provision it has to be concluded that the proposed development cannot be supported in planning terms.

#### 4.3.86 Planning balance and conclusion

4.3.87 The LPA does not have up-to-date housing policies in its local plan and cannot demonstrate a five year deliverable supply of housing land. This means that paragraph 11d) of the Framework is engaged. This states that where there are no relevant development plan policies which are most important for determining the application are out-of-date, granting planning permission unless:

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

4.3.88 In this case the impact of the development on the significance of Old Ramerick Manor as a designated historic asset falls to be considered under (i) above. In this regard the proposal would not have a direct effect on the historic building given its distance from the development. It is the contribution that the application site has to the agricultural setting of the listed building that is the most important consideration. Historic England consider that this revised scheme '*would substantially reduce the impact of development on the setting of Ramerick Manor.*' although they consider that the rural setting of the building would be further eroded. In this regard it is considered the rural setting of the building has been significantly affected as it has no functional association with the surrounding farmland and the setting has been further diminished by the residential conversion of the adjacent barns and new build housing on the site of previous farmyard buildings which formed part of the Manorial group. Views of the Manor house are limited on approaches to it along the access track and from large parts of the application site. It has been concluded above that the development will lead to less than substantial harm. This harm should be given moderate weight in the planning balance.

4.3.89 The proposal would provide 144 dwellings of which 57 would be affordable dwellings. The mix and tenure of the units would accord with the Council's housing officer and Ickleford Parish Council's housing needs survey. There is a recognised need for affordable housing in the district and such provision is a high Government priority as evidenced by the advice in Section 5 of the Framework. As such the provision of affordable housing as well as a large number of market housing must be given substantial weight. Moreover, the site is essential to addressing the housing shortfall in the district given its allocation in the emerging local plan particularly in the short term. Indeed the applicant has indicated a commitment to completing the development early on in the plan period. The delivery of housing on this site reflects the Government's objective to significantly boost the supply of homes and is consistent with paragraph 68 of the NPPF which refers to small and medium sized sites making an important contribution to meeting the housing requirement of an area where they can be built out relatively quickly.



- 4.3.90 Moderate weight must be attached to the economic benefits of the proposal including construction spending and job creation and additional spending in the local economy and support for local services by future occupiers.
- 4.3.91 The site is located in a sustainable location immediately adjacent to the combined settlements of Lower Stondon and Henlow Camp designated as a large village and minor service centre within which there is a range of shops and community services. The site is not a town centre location and cannot be regarded as highly accessible. The NPPF does however advise in paragraph 103 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and therefore this should be taken into account in decision making. Given the range of facilities in Lower Stondon / Henlow however it is considered that sustainability must be given moderate weight.
- 4.3.92 The application site does not fall within a protected landscape and the landscape value of the area is considered low. The site is immediately adjacent the built up edge of Henlow Camp and contained by the A600 Bedford Road, public footpaths and cottages along the access track to Old Ramerick Manor. In view of amendments to the scheme to reduce visual and landscape impact it is considered that limited weight must be attached to landscape harm.
- 4.3.93 The proposal would result in the loss of some open land and a significant expansion of built development into the countryside. However, as demonstrated above the harm arising from landscape and visual effect of the development is limited.
- 4.3.94 Section 106 obligations are a significant and essential part of development. In this case the local education authority considers that the requested planning obligations in respect of primary education contributions meet the tests set out in paragraph 56 of the Framework and Regulation 122 of the CIL Regulations. The applicant clearly disagrees with the approach now adopted by the education authority and considers that the requested contributions threatens the viability of the development and its deliverability as an allocated housing site in the emerging local plan. The applicant's case queries the necessity of the contribution having regard to existing primary school capacity and asserts that the education contribution fails to meet the test of being fair and reasonable.
- 4.3.95 The applicant has not provided any viability evidence that demonstrates that the proposed development is unviable based on the requested Primary Education contributions as required by Paragraph 57 of the Framework. Setting aside the rights or wrongs of the local education authority's rather inconsistent approach in this case, it must be assumed that, without evidence to the contrary, the development is still viable. I conclude therefore that the lack of a satisfactory Section 106 legal agreement with particular regard to the failure to agree Primary Education contributions is of great significance that weighs substantially against the development in the planning balance.
- 4.3.96 It is concluded that lack of a Section 106 agreement which is necessary to mitigate against the harmful effects of the development significantly and demonstrably outweighs the benefits of the development and diminishes considerably the social strand of sustainability as required by the Framework.

#### 4.3.97 **Alternative Options**

4.3.98 None applicable

#### 4.3.99 **Pre-Commencement Conditions**

4.3.100 Not relevant.

### 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** on the following grounds:

1. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing appropriate provision for primary education in the vicinity of the site (as required by Hertfordshire County Council as Education Authority) and other necessary obligations. The secure delivery of these obligations is required to mitigate the impact of the development on local infrastructure and services in accordance with Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Polices 2007) and proposed Local Plan Policy SP7 of the Council's Proposed Submission Local Plan (2011-2031) (Incorporating Proposed Main Modifications 2018). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF).

### **Proactive Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **Informative/s:**

### 1. Water Authority Informative:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

### 2. NHDC Environmental Health Informative

#### 1. EV Charging Point Specification:

Each charging point shall be installed by an appropriately certified electrician/ electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

2) The above condition is considered relevant and reasonable for the following reasons:

- o Paragraph 120 of the NPPF which refers to the effects (including cumulative effects) of pollution on health, the natural environment or general amenity.
- o The aim of Section 4 'promoting sustainable development' of the NPPF, which includes in paragraph 35 'developments should be designed where practical to incorporate facilities for charging plug-in and other ultra low emission vehicles'.
- o HCC Local Transport Plan (LTP3) 2011-2031 which includes an aim 'to reduce transport's own contribution to greenhouse gas emissions and improve its resilience'.
- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document that is referenced within the current consultation version of the Local Plan

3. Additional Environmental Informative

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.

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

4. Flood Authority Informative:

The applicant is advised that the adjacent watercourse is classified as an ordinary watercourse and lies in the Internal Drainage Board area. The applicant is advised to contact the IDB in relation to any concerns they may have as this may impact the proposed drainage strategy. Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

5. Highway Authority Informatives:

HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

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 38/278 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. It is advisable that all internal roads could be designed and built to adoptable standards.

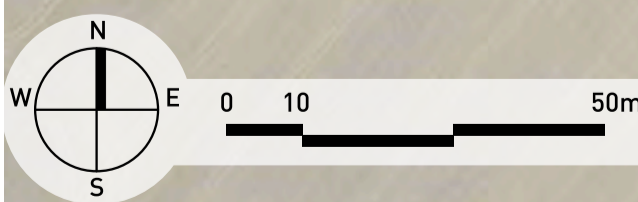
3. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles 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.

This page is intentionally left blank

KEY



SITE APPLICATION BOUNDARY



BEDFORD ROAD, LOWER STONDON - SITE LOCATION PLAN



This page is intentionally left blank



<b>ITEM NO:</b>	
<u>Location:</u>	<b>Land South Of 1A Lower Gower Road Royston Hertfordshire SG8 5EA</b>
<u>Applicant:</u>	<b>Mr J Webb</b>
<u>Proposal:</u>	<b>Demolition of existing buildings to facilitate the erection of 16 residential dwellings with associated access, parking, landscaping and amenity (design amended 16/11/2018).</b>
<u>Ref. No:</u>	17/04419/FP
<u>Officer:</u>	<b>Melissa Tyler</b>

**Date of expiry of statutory period:**

15 February 2019

**Reason for Delay**

The statutory dates were restarted following a technical error in regards to the redline. The scheme has also been amended from the original scheme. Delays have also been caused by the Unilateral Undertaking.

**Reason for Referral to Committee** (if applicable)

Following Royston Town Council objection, Councillor Green called the application to Committee in the wider public interest.

1.0 **Site History**

- 1.1 **17/01940/1PRE** Erection of 21 new dwellings with associated landscaping and car parking following demolition of existing buildings.

Officer conclusion:

***The application site represents an opportunity to increase the amount of housing in the town and this is a positive public benefit. The application site also represents an opportunity to increase the amount of housing in the town and improve the character and appearance of this site – an objective expressed clearly in the NPPF at paragraph 64.***

***However, at the scale presented I am of the view that the provision of 21 dwellings is overdevelopment for the site. Some further consideration needs to be given to servicing and access for deliveries, waste collection, parking provision and the provision of private amenity space.***

## **2.0 Policies**

### **2.1 National Planning Policy Framework**

Section 5 – Delivering a sufficient supply of homes.  
Section 6 – Building a strong, competitive economy  
Section 9 - Promoting sustainable transport.  
Section 11 – Making effective use of land  
Section 12 – Achieving well-designed places

### **2.2 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 8 – Development in Towns.  
Policy 26 - Housing proposals.  
Policy 29a – Affordable Housing for Urban Local Needs  
Policy 55 - Car Parking Standards.  
Policy 57 - Residential Guidelines and Standards.

### **2.3 Supplementary Planning Documents.**

Vehicle Parking Provision at New Development.

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

Policy SP1 Sustainable development in North Hertfordshire  
Policy SP2 Settlement Hierarchy and Spatial Distribution  
Policy SP7 Infrastructure requirements and developer contributions  
Policy SP8 Housing  
Policy SP9 Design and Sustainability  
Policy ETC2: Employment development outside Employment Areas  
Policy T1 Assessment of transport matters  
Policy T2 Parking  
Policy HS2 Affordable Housing  
Policy HS3 Housing Mix  
Policy D1 Design and Sustainability  
Policy D3 Protecting Living Conditions  
Policy D4 Air Quality  
Policy NE7 Reducing Flood Risk  
Policy NE8 Sustainable drainage systems  
Policy NE11 'Contaminated Land  
Policy NE12 Renewable and low carbon energy development

### 3.0 **Representations**

#### 3.1 **Royston Town Council – Objections**

Members of Royston Town Council STRONGLY OBJECTED to this application for the following reasons:

- ☐ ***The application is an overdevelopment of the site***
- ☐ ***The proposed dwellings are excessive in height***
- ☐ ***The new properties will overlook existing properties***
- ☐ ***The development is not in keeping with the neighbourhood***
- ☐ ***The proposed development is overbearing and overshadows neighbouring properties***
- ☐ ***Loss of light to nearby properties in Stuart Drive***
- ☐ ***Increased traffic in an already congested area***
- ☐ ***Insufficient parking for the development***
- ☐ ***Loss of rights of way to local business properties***
- ☐ ***Concerns over safety of access to the site***
- ☐ ***Concerns over emergency vehicle access***
- ☐ ***Loss of privacy to existing residents***

3.2 **Environmental Health - Contamination and Air Quality** – No objection subject to conditions

3.3 **Environmental Health – Noise** - No objection subject to condition

3.4 **Lead Local Flood Authority** – No objection subject to conditions

3.5 **Waste and Recycling** – No objections subject to conditions and S106 contributions

3.6 **Hertfordshire County Council Highways** – applicant has over come objections – conditions recommended

3.7 **Hertfordshire County Council Contributions** – Library and education S106 contributions requested. UU has been agreed

3.8 **Housing Supply Officer** – Affordable housing should be provided on site – UU underway at time of writing

3.9 **Network Rail** - No objection – conditions and informative proposed

3.10 **North Hertfordshire District Council Landscape and Urban Design Officer** – Initial concerns were raised with the heights, layout and density of the site provision of 18 dwellings. Following negotiations in relate the above – no objections raised.

3.11 **Crime Prevention Officer** - the Police Crime Prevention Design Service will not object to this development and would support it, especially if they seek SBD accreditation.

3.12 **HCC Mineral and waste** –Condition recommending a *Site Waste Management Plan (SWMP)*

3.13 **Environment Agency** - No objection subject to conditions

- 3.14 **Anglian Water** – “Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment of Royston Water Recycling Centre that will have available capacity for these flows

*The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.”*

- 3.15 **Traffic Management** – No comments

- 3.16 **Neighbour representations – 21 objectors**

All reps are available on the website. I have summarised the comments below:

- ☒ Parking issues in the area – will be exacerbated due to development
- ☒ Narrow access – poor visibility with Titchmarsh Close/Gower Road
- ☒ Height of the proposed buildings – site only suitable for low rise dwellings
- ☒ Inappropriate mass and density – not in keeping with surroundings
- ☒ Overlooking loss of privacy
- ☒ Design and materials not sympathetic or in keeping with the area
- ☒ Small gardens and no play space
- ☒ New road will cause pollution and noise to adjacent dwellings
- ☒ Trees should be retained or replaced

#### 4.0 **Planning Considerations**

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

- 4.1.1 The application site is located within the urban area of Royston. The site is currently a small industrial area with a number of occupied and some unoccupied units.
- 4.1.2 The access road is located to the south of No. 1a Lower Gower Road. Stuart Drive is located to the north of the site with a number of properties backing onto the site. Titchmarsh Close is situated to the south of the site with an access road in between the proposed dwellings and the properties on Titchmarsh Close (this access road is not within the ownership of the developer and therefore not part of the application site).

##### **Proposal**

- 4.2.1 Planning permission is sought for residential development comprising 16 dwellings. The housing mix includes:

- 2 x 2 bed dwellings – 2 storeys (plots 1 and 2) – proposed Social Rent
- 6 x 3 bed dwellings – 2.5 storeys (Plots 3 to 8)
- 8 x 4 bed dwellings – 2.5 storeys (plots 9 to 16)

- 4.2.2 Provision of 2 parking spaces per dwelling equalling 32 spaces with 4 visitor spaces has been proposed.

4.2.3 Bin stores are located at the front of all properties with turning area for Waste vehicle within the site.

4.2.4 Materials include a mix of buff brickwork and zinc cladding with pre-weathered standing seam zinc for the roofs, Windows are proposed to be aluminium and solid timber doors.

### 4.3 Key Issues

4.3.1 The key planning considerations have been divided into the following sections:

- ☐ Policy background and principle of development
- ☐ Planning issues – discussing the range and harm and benefit of each planning issue
- ☐ Planning balance and conclusion

#### **Principle and policy background**

4.3.2 In most circumstances, where an Authority can not demonstrate a 5 year supply of housing land and the adopted plan is out-of-date, (or otherwise silent or absent) **paragraph 11** of the NPPF sets out a presumption in favour of sustainable development for decision makers on planning applications as follows:

***c) approving development proposals that accord with an up-to-date development plan without delay; or***

***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:***

***i. 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***

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

4.3.3 Despite the advanced stage of the **ELP**, applications must still be determined in accordance with the development plan (**DP** - saved policies 2007) unless material considerations indicate otherwise. These material considerations might include the Council's housing supply situation at the time of determination, the advanced stage of the ELP and the conformity of saved policies with National policy (NPPF).

4.3.4 The site is currently a small employment site located within a residential area. The site is within the settlement of Royston, a town as set out in Policy 8 of the DP, where development will be permitted if the aims of other relevant policies are met. Policy SP2 of the ELP states that the majority of the District's development will be located within towns including Royston. New residential development on the site is therefore acceptable in principle, subject to complying with other relevant policies.

- 4.3.5 The site is not an allocated employment area in the current DP or the ELP. **Policy ETC2: Employment development outside employment areas** in the ELP Main-Modification Consultation document states that

***“the council will only permit the loss of existing employment uses on unallocated sites, where it can be demonstrated that i) the land or premises is no longer required to meet future employment needs of either the local community or the District, demonstrated through evidence of at least twelve months of active marketing ii) the existing use has a significant adverse impact on the amenities of surrounding land uses; or iii) the existing use is detrimental to highway safety.”***

The underlined text has been added to the emerging policy through the modifications put forward by the Inspector during the examination of the Local Plan – this text is still being consulted on through the Main-Modification Consultation which is due to finish on 4 March 2019. I therefore give little weight to the inclusion of this new test in light of this application being with us for a year (originally submitted in January 2018) and that the results of the main modifications consultation have not been considered.

In the Planning Statement the applicant has stated that ***‘the site accommodates a mix of commercial, light industrial buildings; however, the majority are now vacant and the site has not been allocated for employment in emerging local plan draft proposal. Moreover, there are a number of proposed and retained employment allocations in Royston to meet local needs. Therefore, it is considered that the land and premises, which comprise the existing application site, no longer required.’***

- 4.3.6 The existing industrial area is located within a residential area and in my view, is out of keeping with that area. Some of units have been vacant and are now appearing to be rundown. The site is within an area covered by the **Royston Urban Assessment** document and is identified as an area within which there is potential to increase housing densities. The majority of employment uses are located to the north east of Royston on Orchard Road and York Road.
- 4.3.7 The site is considered to be in a sustainable location, and the proposed development of the erection of residential dwellings would support the recognised need for housing. The NPPF at paragraph 130 sets the following test for the re-development of sites such as this:

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

- 4.3.8 I am of the view that the site currently contributes little to the street scene along Lower Gower Road. Accordingly, a well designed housing proposal certainly has the potential to represent a benefit both **environmentally** and **socially** (more efficient use of the site for the delivery of more housing).

4.3.9 In my opinion, the proposed development would comply with the requirements of Policies 8 and 26 of the DLP in terms of being within the town of Royston, and being a proposal to meet the development needs of the District. The development still needs to meet the aims of other relevant policies within the development framework and be acceptable in terms of retaining the local environment and character of the existing area in order to fully comply with Policies 8 of the DP and policies SP2 and SP8 of the ELP, discussed below.

### **Planning Issues**

4.3.10 In the following section I discuss the planning issues that are relevant to this proposed scheme. I have separated the key issues into six sections, whereby I will discuss both the harm and benefits and conclude with a separate planning balance:

- ☐ Design, layout and appearance
- ☐ Impact on neighbouring properties and future living conditions
- ☐ Environmental Issues - including noise, drainage and contamination and waste, landscape
- ☐ Highways and parking
- ☐ Planning Obligations
- ☐ Discussion, Planning Balance and conclusions.

### **Design, layout and appearance**

4.3.11 This application follows pre-application advice which proposed a similar scheme but for 21 dwellings. Advice was offered that 21 dwellings on this site would be overdevelopment and would cause harm to the surrounding area and have a negative impact on the reasonable living conditions of nearby residential properties.

4.3.12 The originally submitted scheme was for 18 dwellings. Following input from the Urban Design and Landscape officer it was felt that 18 dwellings would still have a negative impact. Both Waste and Highway comments also suggested that a change to the layout would be required to overcome objections. Following a meeting with the applicant a new layout and reduced the dwelling number of 16 was submitted. Having taken into account the concerns raised by neighbouring properties around the proposed scale of development, further amendments were sought centred on reducing the heights of the proposed dwellings from a maximum of 3.5 storeys to 2.5 storeys throughout the site (other than the 2 x 2 bed dwellings on the front of the site which are 2 storey).

4.3.13 The applicant has responded to the concerns raised by both the neighbours and the Planning Officer positively and in my view the scheme has been further improved as part of this application. In my opinion the amended scheme would sit comfortably in its context and would improve the character and quality of the area and the way it functions. I would further comment that the proposed layout with the houses fronting onto Lower Gower Road is welcomed as it provides active frontages.

- 4.3.14 There are no objections to the demolition of the existing industrial buildings as they not listed and not considered to be of significant historic or architectural merit.
- 4.3.15 The materials used on dwellings in the vicinity, along Gower Road, Lower Gower Road and Stuart Drive vary with a mix of red, buff, cladding, render and a mix of roof tiles. The proposed materials used in this scheme of buff brick and zinc cladding would not cause significant harm in my opinion. A modern design is therefore welcomed.

#### **Impact on neighbouring properties and future living conditions**

- 4.3.16 Objections received from the neighbouring properties along Stuart Drive, which back on to the northern boundary of the site, expressed concerns with over- dominance of the proposed properties and the subsequent loss of privacy. The new dwellings would be approximately 22 metres from the rear of the existing properties on Stuart Drive. The scheme has been amended to reduce the overall heights of the properties from 3.5 storeys to 2.5 storeys. In my view it would be perceived from the properties on Stuart Drive that the proposed dwellings would be 2 storeys with the half storey only evident from the elevation facing Titchmarsh Close. In my view the proposed development would not be unduly dominant in the outlook the neighbouring properties currently enjoy.
- 4.3.17 As seen in the layout plan the relationship between 1a Lower Gower Road and plots 3-6 were of concern. The original dwellings were 3.5 storeys here and it was considered that due to the height of the proposed properties the living conditions of those at 1a would be significantly worse. With a reduction of height and the specification of windows at first floor on plots 3-8 which have been designed to angle away in order to reduce the potential of overlooking and loss of privacy, the relationship is now considered acceptable. The windows on the front of all the properties at first floor facilitate bedrooms. The living areas are all located on the rear elevations.
- 4.3.18 Therefore, in terms of the schemes potential to impact on neighbours I am now satisfied that proposals would not be materially harmful.
- 4.3.19 Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations sets out the residential guidelines and standards and the Council requires that proposals for residential development will meet the objectives of these guidelines. Whilst the development is fairly high density (40 dwellings per hectare) and the amenity areas for the dwellings are small, in my view it would be acceptable given its context. A recreation ground is located in Stuart Drive which can be reached from the access that borders the site to the south. I have recommended the removal of permitted development rights given that it is a fairly high density development with small rear gardens.



## **Environmental Issues**

### Landscape

- 4.3.20 No concerns are raised in regards to the landscaping proposed. A condition would be required if minded to approve for the submission of more precise landscaping and boundary treatment details. A condition requiring details of walls, fences, garden sheds, bin stores and cycle parking arrangements should be submitted to and approved in writing by the LPA prior to development commencing.

### Noise and contamination

- 4.3.21 The Environmental Protection Team at North Hertfordshire District Council have responded to consultation holding no objection to the proposed development subject to conditions and informatives. As such, I consider no material harm would occur as a result of the development in terms of noise which cannot be dealt with by way of condition.

### Environment Agency/Drainage - Water

- 4.3.22 Both the Environment Agency and the Lead Local Flood Authority have recommended conditions. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment.

### Waste

- 4.3.23 Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development. Due to the scale of the proposed developments and the inclusion of demolition on site, the Waste Planning Authority would expect to see a Site Waste Management Plan (SWMP) produced for the developments. I have recommended a condition to submit a Site Waste Management Plan (SWMP) and to be approved by the LPA prior to demolition.

## **Car Parking and Highways and National Rail**

- 4.3.24 Being close to the town centre, the application site can be considered to occupy a sustainable location - a short walk from schools, the health centre, open spaces and the facilities and shops in the town centre. The Highway Authority has not raised any substantive objections and while I acknowledge the concerns raised by some residents, I am of the view that more housing in such a sustainable location will reduce reliance on the car for day to day needs.

- 4.3.25 The car parking requirement for the proposed dwellings, in accordance with Policy 55 of the Saved Local Plan and the Vehicle Parking at New Development Supplementary Planning Document (VPND SPD), stands at 32. 32 spaces and 4 visitor spaces have been provided on site. The requirement for parking within the VPND SPD and the Saved Local Plan are based on requirements for this specific form of development and are proposed to be carried through to the 2011-2031 Local Plan Proposed Submission in Appendix 4 (in conjunction with policy T2).
- 4.3.26 I must conclude that the scheme is adequately serviced in this regard. Precise details of cycle parking, bin storage / collection and the illustrative garden buildings should be the subject of a condition. A condition requiring the garage spaces to remain for this use only would also be sensible given parking conditions locally as stated by residents.

### **Planning Obligations**

- 4.3.27 Under the adopted Local Plan, the affordable housing requirement on a threshold of 20 dwellings or more is 25%. However, following the Cabinet meeting in September 2016, the public consultation and the Council meeting on 11 April 2017, the affordable housing requirement is 35% on sites which will provide between 15 to 24 dwellings, in accordance with the proposed submission Local Plan.
- 4.3.28 The Housing Development Liaison Officer has been consulted. Lengthy discussions regarding off site contributions rather than on site affordable housing provision were had. Through negotiations with the Housing Officer and the applicant it has been agreed that the applicant would provide on-site affordable housing. Royston has a shortfall of small social rent units. Therefore it has been agreed that the proposed scheme would provide 2 x 2 bed social rented residential units, these would be the two units on the front of the scheme facing onto Lower Gower Road. Whilst this is below the 35% affordable housing target, the offer of providing 'social rent' rather than 'affordable rent' units in this location provides a more target and indeed more 'affordable' form of affordable housing tenure. The offer has been supported by the Council's Housing Development Liaison Officer and in my view is an appropriate affordable housing offer for this development of 16 dwellings.
- 4.3.29 The other contributions required to make the development acceptable in planning terms would be a contribution to education and libraries made to Hertfordshire County Council and waste and fire hydrants.
- 4.3.30 It is considered that the contributions required are reasonably related to the planning application and required in order to make the proposal acceptable in planning terms.
- 4.3.31 At time of writing this report the UU agreement is waiting to be signed by the applicant.

## **The Planning Balance**

- 4.4.32 At the time of determination I am of the view that the Authority is unable to argue that it has a 5 year supply of housing land and this being the case the tilted balance set out in paragraph 11 of the NPPF is engaged. This requires any adverse impacts of approving a scheme to '**significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole.**'
- 4.3.33 In my view the proposed scheme would pass the NPPF test set at paragraph 130, namely it would take the opportunity to improve the character of the area and have an acceptable impact on the way it functions. The delivery of 16 more dwellings is a significant social and economic positive, particularly in such a sustainable location.
- 4.3.34 The site therefore does not conflict with any housing policies. It is considered that the most important policies for determining this application have regards to the design of the building and its impact on the character of the sites surroundings and neighbouring properties (policy 57 of the Saved Local Plan, policy D1 of the 2011-2031 Local Plan Proposed Submission and section 12 of the revised NPPF 2018). Accordingly, it is considered that the proposal does not conflict with the development plan.
- 4.3.35 In summary, it is considered that the site could accommodate housing in a balanced way which would not cause such significant harm to the character of the area and the living conditions of adjoining occupiers; or result in harmful living conditions for future occupiers in regards access to daylight and lack of amenity space and parking provision.

## **4.4 Conclusion**

- 4.4.1 In my view the proposed scheme would pass the NPPF test set at paragraph 130, namely it would take the opportunity to improve the character of the area and have an acceptable impact on the way it functions. The delivery of 16 more dwellings is a significant social and economic positive, particularly in such a sustainable location. These benefits are not in my view significantly or demonstrably outweighed by any identified harm.

## **Alternative Options**

None applicable

## **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are 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 and the completion of a satisfactory unilateral undertaking:
- 6.2. In the event that a signed Unilateral Undertaking is not with the authority before the expiry of the agreed extension of time, permission be refused under delegated powers based on a lack of a satisfactory UU.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class A-F 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.

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

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

5. Prior to the commencement of the approved dwellings the following landscape details to be submitted shall include the following:
  - a) which, if any, of the existing vegetation inside and adjoining the site is to be removed and which is to be retained
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
  - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
  - d) details of the cycle storage shed including elevations and external materials.

Landscaping shall be implemented in accordance with the approved details.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

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

Reason - To facilitate refuse and recycling collections.

7. A Site Waste Management Plan (SWMP) should be submitted prior to any demolition and approved in writing by the LPA

Reason: due to the scale of the proposed development and the inclusion of demolition on site

8. Prior to first occupation of the dwellings, the noise mitigation measures detailed in sections 5 and 6 of the ACA Acoustics Limited report reference 171013-R001B dated January 2019 (Acoustic assessment of a proposed residential development at Lower Gower Road, Royston) relating to glazing, ventilation and screening specifications shall be fully implemented. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: to protect the residential amenities of future occupiers of the development.

9. 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) 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 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 (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.

10. Prior to occupation, the sixteen (16) residential properties with dedicated car parking spaces shall each 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.

11. The development hereby permitted shall not be occupied until the proposed access has been constructed as identified on the "in principle" drawing number H-101 revision P1 to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

12. The development hereby permitted shall not be occupied until the footway as identified on the "in principle" drawing number H-101 revision P1 shall be constructed 1.8 metres wide along the frontage of plot 1 and 2 to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. The improved footway link will need to be joined to the development's own access road. These works shall be secured and undertaken as part of the s278 works.

Reason: In order to meet accessibility requirements in accordance with Roads in Hertfordshire 'A Guide for New Developments.

13. The development hereby permitted shall not be occupied until the turning area as identified on the vehicle swept path analysis drawing number T-01 revision P1 has been provided to the local Planning Authority's satisfaction.

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

14. The gradient of the main access from the Lower Gower Road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

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

15. Prior to the commencement of the development, a Construction Management Plan/Method Statement shall be submitted to 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/Statement.

The Construction Management Plan/Method statement shall address the following matters

- (i) Details of a construction phasing programme (including any pre-construction or enabling works);
- (ii) Hours of construction operations including times of deliveries and removal of waste;
- (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other customers;
- (v) Details of provisions for temporary car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding details
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site access roads and the adjacent public highway and;
- (xii) Disposal of surplus materials.

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

16. Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Reason: for the safety, operational needs and integrity of the railway.



17. Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Reason: for the safety, operational needs and integrity of the railway.

18. Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Reason: for the safety, operational needs and integrity of the railway.

19. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3)

21. 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 National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

22. Pre-Commencement Condition: Confirm the viability of the drainage scheme by undertaking infiltration tests

No development shall take place until infiltration tests in accordance with BRE Digest 365 and ground condition surveys to be conducted at the location and depth where soakaways will be installed. The soakaways should be appropriately designed to the 1 in 100 year + climate change (+40%) event and have an adequate drain down time. If infiltration is found to not be feasible on the development site then an alternative drainage scheme based on attenuation and discharge into a watercourse or public sewer should be provided and approved in writing by the Local Planning Authority

Reason: As infiltration is being proposed within soakaways, evidence of ground conditions / underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided. The applicant has provided some information regarding a local borehole in close proximity to the site; however this is not confirmation that the site can achieve the required infiltration rates. If infiltration cannot be achieved, the applicant will have to provide an alternative scheme and discharge mechanism.

23. Confirm final drainage scheme

Revised drainage drawings detailing the final surface water drainage scheme for the site are submitted to and approved in writing by the Local Planning Authority. The revised drawings should take account of the following specific mitigation measures, as detailed within the Flood Risk Assessment (FRA) dated 14.09.18 (reference E3779-FRA-1217) written by Wormald Burrows Partnership Limited:

1. Limiting the surface water run-off generated by the 100 year + 40% for climate change event so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding.
2. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

1. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants

24. Completion condition

Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The management and maintenance plan shall include:

1. Provision of a complete set of as built drawings including the final drainage layout for the site drainage network.
2. Maintenance and operational activities for the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason:

1. To prevent flooding by ensuring the satisfactory maintenance of the surface water network on the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

25. Before the occupation of any of the dwellings hereby permitted, the car parking facilities, including garage spaces shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

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

## Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## Informative/s:

### 1. Environmental Health Informatives

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.

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

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.

### 2 EV Charging Point Specification:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should

be installed as part of the EV ready installation to avoid significant on cost later.  
o A list of authorised installers for the Electric Vehicle Homecharge Scheme can be found at  
<https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

## 2. Network Rail informatives

### Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

### Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

### OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

### Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

### Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.  
Network Rail is required to recover all reasonable costs associated with facilitating these works.

3. Highway Informative:

HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

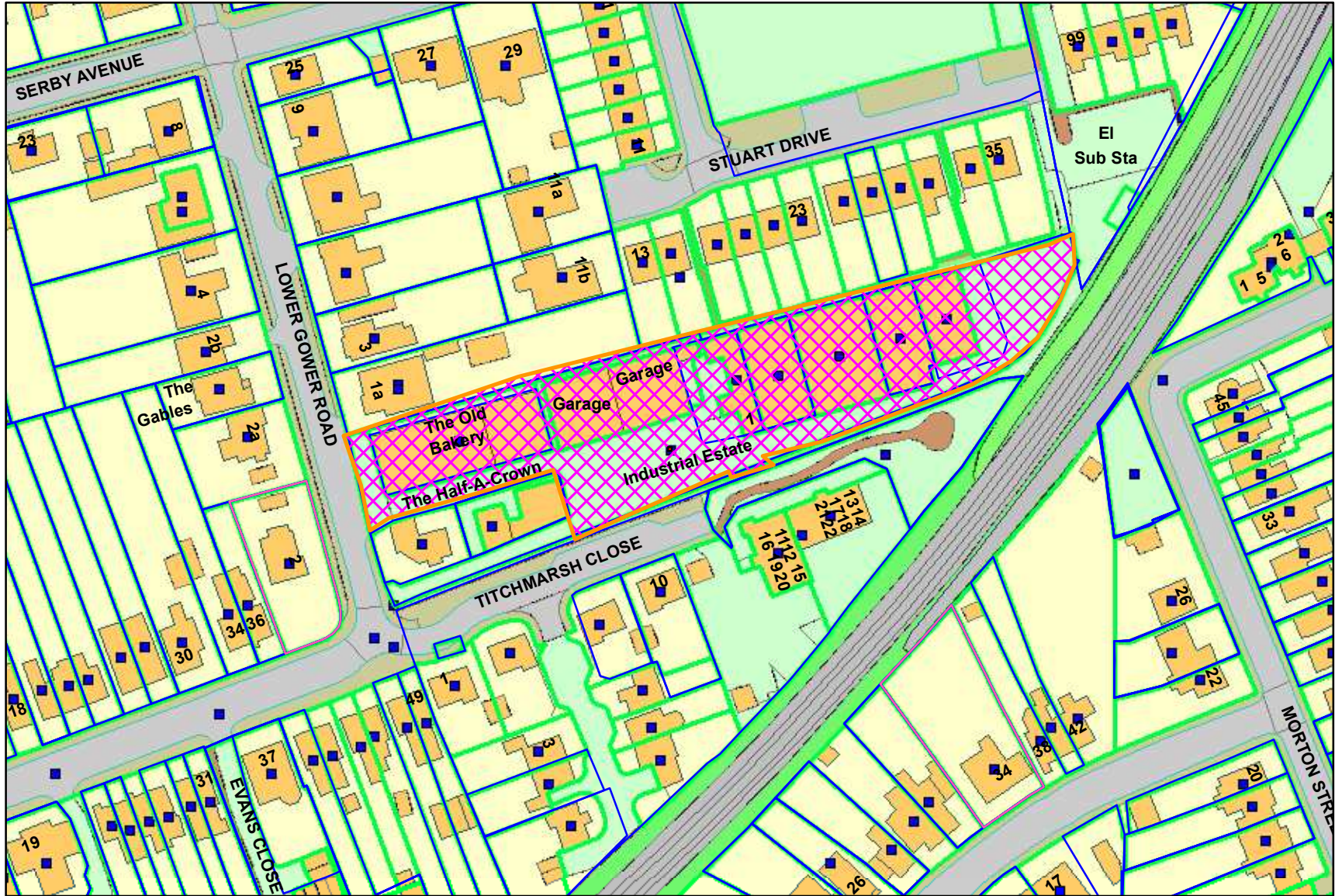
Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of 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. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.



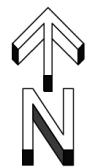
## Application Validation Sheet

17/04419/FP Land South of 1A Lower Gower Rd, Royston, SG8 5EA

- 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  
Prgrnbt.shp
- Health & Safety Consultation Zone  
Prhjszone.shp
- Landscape Conservation  
Prlandca.shp
- Ward Boundary  
Prwardcd.shp
- Noise Nuisance Indicators  
Prnnis.shp
- Indicative Flood Plain  
Prifpm.shp



Scale 1:1,250  
Date: 23/01/2019



This page is intentionally left blank



<b>ITEM NO:</b>	
<u>Location:</u>	<b>68 London Road Baldock Hertfordshire SG7 6JL</b>
<u>Applicant:</u>	<b>Mr Saunders</b>
<u>Proposal:</u>	<b>Outline application for the proposed residential development of 10 houses following demolition of existing property and workshop, accessed via existing driveway from London Road and extension to Knights Court of Weston Way, with all matters reserved except layout and access.</b>
<u>Ref. No:</u>	18/02586/OP
<u>Officer:</u>	<b>Richard Tiffin</b>

**Date of expiry of statutory period:** 07.01.2019

## **Submitted Plan Nos**

16752 PL01B; 16752 PL02B; 16752 PL03D

### **1.0 Policies**

#### **1.1 National Planning Policy Framework**

In general and with regard to:

Section 2 – Achieving sustainable development  
Section 5 – Delivering a sufficient supply of homes  
Section 8 - Promoting healthy communities  
Section 9 - Promoting sustainable transport  
Section 11 – Making effective use of land  
Section 12 – Achieving well designed places  
Section 15 - Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment.

#### **1.2 North Hertfordshire District Local Plan No.2 with Alterations (Saved 2007)**

Policy 8 – Development in Towns  
Policy 14 – Nature Conservation;  
Policy 26 - Housing Proposals;  
Policy 55 – Car Parking (SPD Car parking);  
Policy 57 – Residential Guidelines and Standards.

### 1.3 **Supplementary Planning Document.**

Design SPD  
Vehicle Parking at New Developments SPD

### 1.4 **North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Policies Map – Modification Report received**

Policy SP1 Sustainable Development in North Hertfordshire  
Policy SP2 Settlement Hierarchy and Spatial Distribution  
Policy SP6 Sustainable Transport  
Policy SP8 Housing  
Policy SP9 Design and Sustainability  
Policy SP10 Healthy Communities  
Policy SP11 Natural Resources and Sustainability  
Policy SP12 Green Infrastructure, landscape and biodiversity  
Policy T1 Assessment of Transport Matters  
Policy T2 Parking  
Policy HS3 Housing Mix  
Policy HS5 Accessible and adaptable housing  
Policy HE4 Supported, sheltered and older persons housing

Policy D1 Sustainable Design  
Policy D3 Protecting living conditions  
Policy D4 Air Quality  
Policy NEx Biodiversity and geological sites  
Policy NE4 Protecting open space  
Policy NEx New and improved open space  
Policy NE7 Reducing Flood Risk  
Policy NE8 Sustainable Drainage Systems  
Policy NE9 Water Quality and Environment  
Policy NE10 Water conservation and Wastewater Infrastructure  
Policy NE11 Contaminated land  
Policy NE12 Renewable and low carbon energy development  
Policy HE4 Archaeology

The site is part of a larger site allocated for housing in the Submission Plan as **BA7 Land Rear of Clare Crescent** which includes former allotments (not part of this application).

### 2.0 **Site History**

2.1 Pre-application advice was given in Dec 2017 (17/02793/1PRE) based on an indicative quantum of 10 dwellings (the same number as this application). The advice issued related only to the area of BA7 within the applicants ownership / control but not the former allotment land owned by this Council. The advice concluded as follows:

***“The NPPF is predicated on an imperative to deliver sustainable development – particularly housing. However, this imperative clearly favours sustainable development – development which is well designed, well connected, context sensitive and well executed.***

***The information submitted with this pre-application submission (a layout) is not sufficient to offer comprehensive planning advice and comment. However, judged in isolation of any adequate justification or explanation, the submitted scheme is, in my view, unsatisfactory and pays insufficient regard to the established urban context or the need to reinforce sense of place, including the reasonable living conditions of existing dwellings and the established verdant and spacious suburban setting.***

***In summary, a lower density scheme with a defining and coherent landscape framework reflective of the sites current character may be far more likely to satisfy the standard set by the NPPF, specifically paragraph 64. I might also suggest that compliance with paragraph 64 of the NPPF might more readily be achieved if the entire allocation is considered at the same time or, failing this, some clear and demonstrated consideration of how the entire allocation would be developed going forward.”***

Following subsequent discussion with the applicant further advice was given as follows:

***“In summary, while the suggestions above are only ideas, I am increasingly of the view that the capacity of the site is probably around 7 or 8 dwellings (your site) at the higher estimate if it is to be developed in a manner appropriate to the locality and with paragraph 64 of the NPPF in mind (i.e. taking the opportunity to improve the character of the area and the way it functions). My original estimate of 5 dwellings for your clients site may be an even more accurate assessment of capacity.”***

### 3.0 **Representations**

- 3.1 **Herts Highways** – Recommends that permission be refused for the following reasons:
- 3.2 **Anglian Water** – No objection subject to a waste water condition.
- 3.3 **Local Lead Flood Authority (LLFA)** – No objection subject to conditions.

- 3.4 **Herts Ecology** – While not objecting has expressed concerns over the loss of trees and suggested an offset compensation scheme. Summarised view as follows:

*“Consequently I suggest that appropriate compensation should be 40 fruit trees on the basis of a 2 to1 replacement as proposed. Furthermore, to achieve biodiversity gain from the development, a further ten trees would be appropriate, to provide a new orchard of 50 trees. Assuming an appropriate site could be found to accommodate this new planting, I suggest the cost of 50 trees, appropriate protection and support, along with the required labour and subsequent establishment costs, should be secured via a S106 agreement. If this offsetting proves difficult to deliver in practice (such as lack of suitable sites available), the costs should be made available to support another biodiversity enhancement project locally, as agreed with the LPA. Herts Ecology are currently investigating the likely costs of a new orchard and will inform the LPA accordingly when this information becomes available.*

*To conclude the recommendations of the ecological report should be adopted in full where possible. However, I consider that consistent with the NPPF, biodiversity offsetting should be used to compensate for the loss of the existing orchard and also contribute towards a net ecological gain from the development.”*

- 3.5 **Herts and Middlesex Wildlife Trust** – Has recommended conditions requiring a protected species licence to be secured before works commence.
- 3.6 **Herts Archaeology** – No objection subject to conditions.
- 3.7 **Environment Agency** – No objection subject to conditions.
- 3.8 **Herts Fire and Rescue** – Has requested a condition or agreement to secure suitable fire hydrant provision.
- 3.9 **Environmental Health** – No objection subject to conditions (contaminated land and air quality).
- 3.10 **Local Residents** – A number of objections and concerns have been registered from residents around the site (see website). These concerns and objections centre on the following summarised issues:
- Too close to existing boundaries / loss of privacy
  - Not enough car parking / no visitor parking
  - Significant loss of habitat / trees
  - Adverse impact on wildlife
  - Access arrangements not acceptable via London Road and Knights Court
  - Only suitable for 5/6 dwellings
  - Overdevelopment – not enough space for adequate landscaping
  - Impact of construction activity
  - Legal responsibility for the Knights Court access should be resolved before considering the application.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

4.1.1 The application site is currently occupied by a single bungalow and associated outbuildings. The application site comprises the entire curtilage of the bungalow which is largely verdant being planted with a variety of trees. The existing bungalow is hidden behind established development fronting Weston Way to the west and Ashton's Lane and London Road to the south and west. The site is bordered to the north by former allotments owned by this Council and the garden city style interwar development off Clare Crescent.

### 4.2 **Proposal**

4.2.1 The application seeks permission for 10 dwellings (8 detached and one pair of semis) following the demolition of the existing dwelling and workshop buildings. The proposal is outline with all matters reserved except for means of access and layout (although the layout would largely dictate appearance in my view). Access is shown from Knights Court (off of Weston Way) and via the established access to the existing property off of London Road. The latter is a narrow single track drive with no passing points running between 66 London Road and 28 Ashtons Lane. This would serve 3 of the new dwellings. Access from Knights Court is to highway standard and would serve the remaining 7 dwellings.

### 4.3 **Key Issues**

4.3.1 This key issues in this case will be discussed under the following headings:

- Principle of development
- Highways
- Design, Landscape and context
- Other matters
- Planning Balance
- Conclusions

#### **Principal of development**

4.3.2 The application site forms part of allocation **BA 7** in the emerging local plan, (ELP) a plan which is now subject to the Local Plan Inspector's modifications. Given that these modifications do not remove any allocated, sites significant weight can now be attributed to the housing allocation in the planning balance.

4.3.3 Despite the advanced stage of the **ELP**, applications must still be determined in accordance with the development plan (**DP** - saved policies 2007) unless material considerations indicate otherwise. These material considerations might include the Council's housing supply situation at the time of determination, the advanced stage of the ELP and the conformity of saved polices with National policy (NPPF).

4.3.4 The relevant DP policies in this case include those set out above at 1.2, notably **Policy 57 – Residential Guidelines and Standards**. This requires that residential development is carefully considered in relation to its context and is fully compliant with the NPPF insofar as they both seek to give emphasis to context driven place making (para 127):

***“Planning policies and decisions should ensure that developments:***

***a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;***

***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;***

***e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and***

***f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”***

4.3.5 Accordingly, while the principle of development on this site is now decisively accepted, I would attach significant weight to any conflict with **Policy 57** and similar policies in the ELP (see 1.4 above **SP9, D1, D3, H3** and **T1**) in the planning balance.

4.3.6 The determination of this application will rest on balancing the clear benefits of delivering housing on an allocated site with any conflict with associated policies in the DP (i.e. Policy 57), the NPPF and related policies in the ELP.

#### **Highways**

4.3.7 As a matter for consideration now, the Highway Authority has raised concerns, principally about the proposed access of London Road but also the level of information generally:

***“The Highway Authority provided detailed comments on a pre-application submission on this site in 2016. It doesn’t appear that any of the matters raised in our comments were addressed in this outline submission, namely the requirement for a submission of a Road Safety Audit, junction radii, swept path for a 12.1m long refuse vehicle, visibility from the access, etc. Given that this is an outline application with all matters reserved except access, these details are all necessary to make an informed decision.***

***Without this the Highway Authority raises an objection and recommends that the application is refused due to insufficient information provided. In terms of the use of the access from London Road, this does not meet the minimum required width of 4.8m or more to safely accommodate passing and turning vehicles plus pedestrians. This access should be closed up and redesigned into pedestrian/cyclist access only.”***

The London Road access would serve 3 new dwellings (a net increase of 2 over the existing situation). The access is narrow and there is no space available for passing or for pedestrians and vehicles to pass safely. In this regard I share the views of the Highway Authority that it represents a significant concern. The applicant has commissioned a safety audit in response to the expressed concerns. This audit acknowledges issues in relation to poor visibility at the London Road junction and the absence of any passing places in the driveway. These issues have not been addressed in the design at the time of writing this report and therefore represent conflict with Policy 57 of the DP, Policy T1 of the ELP and the NPPF insofar as it requires opportunities be taken to improve the way an area functions (para 130).

4.3.8 Some residents have raised concerns about the access via Knights Court and the issue of car parking. No objection in principle has been raised by the Highway Authority in relation to the use of this access. It is wide and enjoys a modern and well engineered access onto Weston Way. I note the concerns expressed about who will manage the resulting access in the future. However, this is not a matter which needs to be resolved in this application as it may well remain a private drive and still be unobjectionable in highway safety terms.

4.3.9 Turning now to the issue of car parking, layout is a matter for consideration at this stage and I consider it is appropriate to look at the proposed car parking provision against the relevant standards. In this regard the scheme shows a mixture of 4 and 5 bedroom dwellings. The Council's **SPD (Vehicle Parking at New Developments)** requires that 2 bed dwellings or greater require a minimum of 2 parking spaces each. A scheme of 10 units such as this would therefore need 20 spaces. Visitor parking where garages are specified for all dwellings should be provided at a standard of 0.75 spaces per dwelling (10 x 0.75 rounded to 8 spaces). In short the scheme should ideally show provision for 28 spaces 8 of which should be unallocated. The scheme shows 20 spaces (not including garages) and no unallocated visitor spaces. Some of this parking is tandem and would require additional manoeuvres on the highway. I consider this level and type of provision to be unsatisfactory and will likely lead to on street parking issues in Knights Court.

#### **Design, Landscape and context.**

4.3.10 The explanatory text to Policy 57 sets a clear expectation that residential development should pay particular attention to its context:

***“North Hertfordshire possesses a wide range of urban environments; many are “established” with important townscape elements such a trees, brick walls and open spaces...These environments should be reflected and improved in all new housing, large or small, and changes to exiting buildings”***

These aims are wholly consistent with the NPPF (see 4.3.3 above). The applicant's Design Statement justifies the submitted layout design in this regard as follows:

***“The proposed layout is informal, partly due to the very irregular site shape and partly due to the location of trees which are to be retained. The pattern created is therefore free-flowing and organic, creating a unique sense of place for the development. Central ‘green’ spaces as highlighted in Figure XVIII form the heart of the development with shared access roads and driveways spurring off.”***

***“The development layout proposed in this application takes a soft informal layout, which positions dwellings around the stepped shape site making best use of the available land. The layout is heavily landscape biased with large areas of communal planting, good sized private gardens, and protective measures proposed to retain existing trees on site. This layout differs in style from the linear development patterns of Weston Way, London Road, Ashton's Lane & most of Clare Crescent, but this site is driven by its shape and boundary relationships.”***



- 4.3.11 While the Authority must assess carefully the claims that this scheme is appropriate in its context, it must also ensure that it represents an effective use of land (NPPF, paras 117 and 118). This is an exercise in balancing the density of development proposed against its impact on the character and grain of the established urban form. The ELP allocation for BA7 sets a indicative quantum of 20 units. This is a necessarily crude 'desk top' approximation and should not be viewed as in any way determinative of the 'appropriate' form of development. The appropriate form and density of a scheme can only properly be assessed by a careful understanding of local context and a considered appraisal of the development proposed. This exercise is carried out below.
- 4.3.12 The arrangement of buildings and spaces (layout) relative to that of surrounding established development is a key consideration in any assessment. In this case the applicant argues that the site is **'heavily landscaped'** with **'good sized'** private gardens. If these assertions are placed in the context of the surrounding urban fabric, I can not agree. The largest gardens in the proposed scheme (plots 4, 5 and 7) are around 180 sqm or so in area. The smallest garden barely 100 sqm. The average garden size in Ashton's Lane is around 350 - 400 sqm and London Road something similar. The Weston Way gardens south of Knights Court are in the region of 800 sqm and more. Clare Crescent around 350 – 400 sqm. In this regard then, the proposed arrangement is clearly at odds with its context and the new gardens could not credibly be called 'good sized', on the contrary they would be demonstrably 'small' in relative terms.
- 4.3.13 The character of the site is well established with a significant number of trees. This verdant feel is reinforced by the adjacent gardens which, as evidenced above, are mostly of a decent size with established planting. The response from Herts Ecology highlights this verdant character:

***"The loss of wider habitat is significant – according to the PEA, 61 trees and bushes from site, 75% of the existing resource. The ecological report identifies some of the trees to be lost as being part of a traditional orchard as identified on MAGIC, the Governments GIS. I agree with this definition, although I have map evidence to indicate the orchard is not especially old and is almost certainly post WWII. There are two distinct orchard areas within the development site; one to the south of the site and one to the west, that are dominated by fruit and nut bearing trees such as walnut, apple, pear ,cherry and plum, of which 20+ out of 23 are to be lost. Traditional orchards are a priority habitat, and form hotspots for biodiversity, supporting a wide range of wildlife. These trees are shown in the Arboriculture Report as being of a range of ages with the majority being semi to fully mature. Trees gain increasing importance as habitats with age, and the replacement of a mature tree with a young tree represents a biodiversity loss. Consequently whilst I support the ecologist's recommendation to replace trees on a two-for-one basis, achieving meaningful compensation within the soft landscaping is wholly unachievable given the size of the existing orchard and***

**limited open space to support any such landscaping within the proposed development.[my underlining]”**

4.3.14 Given the significant loss of established flora on the site, the claim that the proposed scheme would be ‘heavily landscaped’ by way of compensation is also a questionable assertion in my view. In my opinion, the proposed scheme would leave little room for compensatory planting and, as a consequence, have a marked and adverse impact on the well established and verdant nature of the site and its immediate environs.

4.3.15 Looking beyond the density of development proposed for this site and its impact on the character of the area, I turn now to the layout as submitted and the form of development this necessarily dictates. The application proposes 10 units 8 of which are detached. All properties have garaging specified either integrally or as a freestanding or attached structure. In my view this is a typically modern urban estate approach and is untypical of the established garden city style character of the surrounding area, notably Clare Crescent. In my view the design would appear to be driven by a requirement to deliver a popular form of mass market dwelling with garaging rather than taking its cue from its surroundings and responding positively to local character. A more positive solution in my view would be based on a reduced number of units configured in a combination of terrace and semi detached units set in a more spacious and verdant setting. This approach would be more typical of the type of development evident in Clare Crescent and Weston Way and better utilise available space by reducing unnecessary gaps between buildings and by removing garaging in favour of rationalised surface parking. Garden sizes could be improved and communal landscaping maximised.

**Other matters**

4.3.16 The quantum of housing proposed falls beneath that which would require planning obligations (as set out in the Councils SPD).

**Planning Balance.**

4.3.17 This is an ELP housing site (**BA 7**) and part of a strategic allocation to deliver the Councils housing commitment within the ELP period (2031). This allocation has not been modified by the local plan inspector and therefore now carries significant weight as a policy objective going forward. Until adopted however, the allocation does not form part of the development plan but is nevertheless a material consideration to which significant weight must be attributed.

4.3.18 Notwithstanding the significance which must be given to the emerging allocation, all development must be assessed against relevant policies in the adopted development plan where these are consistent with the NPPF and, moreover, be further assessed against relevant policies in the ELP. As set out above, the relevant DP policy is principally **Policy 57** and policies **SP9, D1, D3, H3** and **T1** of the ELP.

4.3.19 In assessing the design of the scheme in terms of its layout, character and density, I find significant conflict with these policies insofar as the proposal does not adequately or meaningfully respect the established verdant character of the site and its immediate environs or the configuration and layout of adjacent development, notably that in Clare Crescent. Further, the proposal, while relatively modest in scale, proposes no dwellings with less than 4 bedrooms. **Policy H3** (and the NPPF as a matter of general principle) requires that a mix be provided based on a guideline of 60 % larger (3 bed plus) and 40% smaller (2 bed or less). Given the proposed mix I find conflict with this policy.

4.3.20 The Highway Authority has raised concerns about the safety and adequacy of the proposed access from London Road. Accordingly, I find conflict with **Policies 57** of the **DP Policy T1** of the ELP as well as the NPPF in this regard. Further, the Environment Agency has raised concerns about the lack of information pertaining to the pollution risks of development on controlled waters.

#### 4.4 **Conclusion.**

4.4.1 At the time of determination I am of the view that the Authority is unable to argue that it has a 5 year supply of housing land and this being the case the tilted balance set out in paragraph 11 of the NPPF is engaged. This requires any adverse impacts of approving a scheme to **'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole.'**

4.4.2 This is a relatively small site in what might be regarded as a sustainable location and as such the proposed housing would yield tangible if modest benefits both **socially** and **economically**. However, the design layout and proposed density of the scheme are at odds with the prevailing character of the area. This is **environmental** harm by reason of conflict with local and national policy which seeks to encourage development which is sympathetic to local character. Moreover, the mix of housing is unbalanced in favour of larger units. This is **social** harm by reason of conflict with local and national policy which seeks to promote a diverse housing stock. Further, the access off of London Road is substandard and likely to give rise to locally severe conflict on the highway.

4.4.3 In summary, it is considered that the harm identified above would significantly and demonstrably outweigh the modest benefits associated with the delivery of the proposed housing.

#### 5.0 **Recommendation**

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

1. The proposed development would, by reason of its layout, character and density, be at odds with the prevailing verdant and suburban character of the surrounding area. This discord would amount to poor design, the proposal failing to take the opportunity to improve the character of the area and the way it functions contrary to Saved Policy 57 of the Local Plan, policies SP9, D1, D3, H3 of the emerging plan and the NPPF as it relates to achieving well-designed places.

### **Proactive Statement**

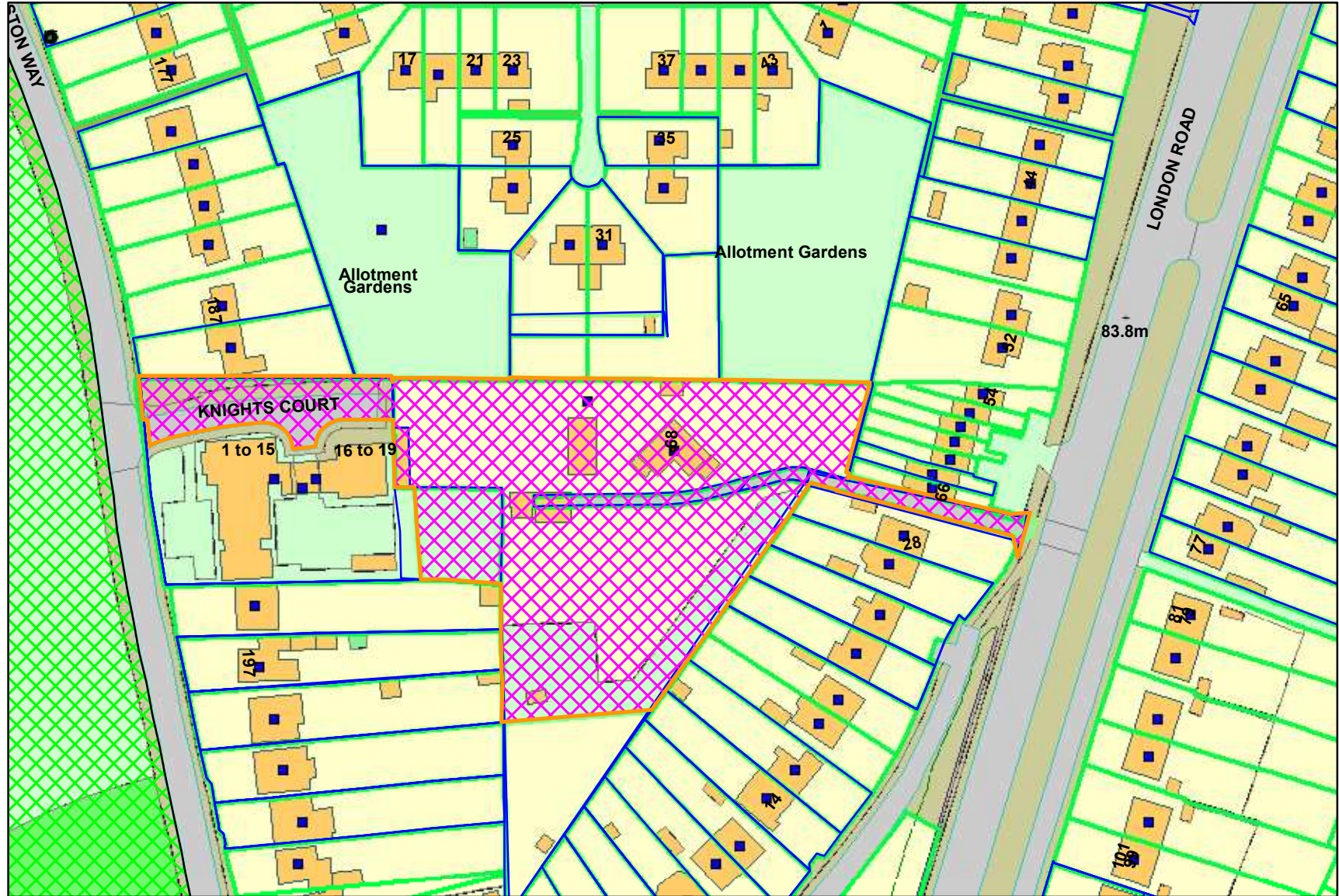
Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



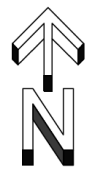
## Application Validation Sheet

18/02586/OP 68 London Road, Baldock, Herts, SG7 6JL

- 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**  
Prconca.shp
- District Local Plan Boundary**  
Prdlp2.shp
- Green Belt**  
Prgrnbt.shp
- Health & Safety Consultation Zone**  
Prjnzzone.shp
- Landscape Conservation**  
Prlandca.shp
- Ward Boundary**  
Prwardcd.shp
- Noise Nuisance Indicators**  
Prnnis.shp
- Indicative Flood Plain**  
Prifpm.shp



Scale 1:1,250  
Date: 23/01/2019



This page is intentionally left blank

<b>ITEM NO:</b>	
<u>Location:</u>	Land To Rear Of Putteridge High School And Community College Putteridge Road Offley Hertfordshire
<u>Applicant:</u>	Mr R Kirk
<u>Proposal:</u>	Retention of cricket wicket; fencing around pond and bunding along boundary as a variation to the approved use and landscaping (LPA refs: 08/02926/1, 12/00359/1DOC and 12/00532/1DOC).
<u>Ref. No:</u>	18/02320/FP
<u>Officer:</u>	Kate Poyser

**Date of expiry of statutory period:** 19.12.2018

### **Reason for Delay**

Delayed due to consultations and committee cycle.

### **Reason for referral to committee**

This application has been called in for determination by the Planning Control by Cllr Barnard for the following reason: "If you intend to recommend approval with the condition that the plastic pitch is removed within 5 years, I believe that there is a clear reason for a committee debate, particularly as it contravenes planning policy."

### **Submitted Plan Nos**

223 – FA-00-XX-DR-A-00001 rev P-0, 10000 S8 P0, 00002 S8 P0

#### **1.0 Site History**

- 1.1 08/02926/1 Change of use of agricultural land to playing fields and associated landscape areas were allowed at appeal, subject to conditions.
- 1.2 10/01497/1 and 17/01810/1 sought the variation of Condition 3 – hours of operation. The former was granted and the latter withdrawn.
- 1.3 12/00359/1DOC and 12/00532/1DOC Conditions 4 and 5, both relating to landscape details, were discharged.
- 1.4 17/02578/1 Variation of applications 12/00359/1DOC and 12/00532/1DOC pursuant to conditions 4 and 5 respectively (landscaping) of appeal decision APP/X1925/A09/2111993. Refused.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations, Saved policies**

Policy 2 – Green Belt

Policy 19 – Historic Parks and Gardens

### 2.2 **National Planning Policy Framework**

Section 2 - Achieving sustainable development

Section 4 – Decision-making

Section 8 – Promoting healthy and safe communities

Section 13 – Protecting Green Belt land

Section 16 – Conserving and enhancing the historic environment.

### 2.3 **North Hertfordshire District Local Plan 2011 – 2031 Submission Local Plan, Modifications Report**

Policy SP5 – Countryside and Green Belt

Policy HE2 – Heritage at risk

## 3.0 **Representations**

### 3.1 Hertfordshire Gardens Trust –“We have discussed these proposals with Luton Borough Council in detail and are happy with the design of the fencing.

However we do have some serious concerns.

1. We requested the removal of the bunding along the east side of Area B if there was to be fencing installed as there is no need for both. The fencing or bunding in this location would be needed only if the land between the cricket ground and the Home Farm complex is to be restored to pasture. There is nothing within this application to confirm the intention (indicated merely on the plans) or time scale. We would object to crops being planted in this area as it needs to be a green sward to retain some integrity as a Registered parkland.
2. The cricket wicket is visually intrusive and we discussed with LBC the importance of putting a time limit on its use and that regular reviews of the use of this area as a cricket pitch be done. Once it is not in use then we would want the ground re-instated to parkland.

We understand from LBC that recently planted trees along the perimeter and the former field boundary across the site which have died are to be replaced and we are happy with their proposals for that.

We would therefore propose that if NHDC were to give permission for the proposals in this application, conditions be put on the installation of fencing along the east side of Area A so that bunding is removed beforehand and that assurances are given of the use of the land to the east of that current bunding; and that the cricket wicket has temporary permission to be reviewed at intervals.”

With regard to further consultation and clarification

“Thank you for sending through your suggested conditions for approval of the application. As these are those HGT (me) and Luton BC (Juliana) verbally agreed, I am very happy with them and would expect the applicants to be anticipating them.”



- 3.2 Offley Parish Council – “We are surprised that this application is even being considered.  
I believe that the area is in a conservation area with listed historic gardens and green belt.  
There are historic trees all around the ground?  
The previous planning conditions have already been breached.  
I have heard nothing regarding my mail on the 26/6/18 asking for the unauthorised artificial cricket wicket to be investigated.  
We object to the addition of bunding and fencing in this open space.  
We therefore ask that this application is declined until the planning breaches have been actioned.”
- 3.3 Local Residents/Site notice – the occupier of West Lodge objects for the following reason:  
“The artificial cricket pitch has already been rejected as part of a previous application so hopefully this will be rejected along with the bund which spoils the previous natural look of the fields.”
- 4.0 **Planning Considerations**
- 4.1 **Site and Surroundings**  
The application site lies within the registered Historic Park and Garden of the Putteridge Bury Estate and relates to outdoor sports facilities serving Putteridge High School. The site also lies within the Green Belt.
- 4.2 **Proposal**
- 4.2.3 The proposed work relates to a planning permission for use of land as a school sports field, allowed at appeal under planning ref: 08/02926/1. The Inspector granted permission subject to conditions which include approval of landscaping (Conditions 4 and 5). Landscaping details were submitted and approved in 2012. Then in 2017 a further application was received to amend the landscaping scheme, which was refused. Unfortunately, some of the work has now been implemented not in accordance with the approved scheme. This application seeks to regularise the situation and follows a meeting and discussion with the applicant and Hertfordshire Gardens Trust.
- 4.2.4 The work is required for the health and safety of the pupils of Putteridge High School. This application specifically relates to the east boundary treatment of the cricket pitch with the adjacent field; the surface material of the wicket; a fence around a pond and bunding to the field edge.
- 4.2.5 The east boundary of the cricket pitch currently has a post and rail fence and a bund. This bund has been omitted from the proposed drawings. The fence is to be retained. There is a catchment pond to the west of the cricket pitch and it is proposed to erect a post and rail fence around it. Bunding is proposed to the east boundary of an adjacent agricultural field, on the inside of an existing post and rail fence.

#### 4.3 Key Issues

The key planning consideration relates to the effect of the changes to the landscaping on:

- ☐ the appearance and character of the Historic Park and Garden setting and;
- ☐ the openness of the Green Belt.

##### 4.3.1 Historic Park and Garden

Putteridge Bury is a grade II historic park and garden. It is an early C20 country house and gardens largely laid out by Edwin Lutyens and Gertrude Jekyll, surrounded by C18/C19 parkland. It reaches up to the built boundary of Luton and to the boundary of Putteridge High School. The park, surrounding the house and gardens, is largely laid to arable use with scattered clumps of trees, single trees and woodland. Great Hays Wood is a tree belt that divides the built form of Luton, including Putteridge School, from the Putteridge park, including the sports field.

4.3.2 In the 2010 appeal decision letter, which allowed the land to be used as the school sports field, the Inspector considers that the historic park would benefit from the scheme. *“Moreover, there would be significant benefit from the restoration based on the 1884 planting record, which would eradicate the unacceptable degradation of the Registered Park and Garden to farmland, with its loss of trees and landscape structure over the years.... The proposal would not be out of character with a historic landscape, as many great country estates have, for example, cricket fields, croquet lawns, tennis courts, polo fields, and horse riding or horse racing. The proposal before me would thus be in keeping with the traditions of historic landscape, with its sporting activities as well as its traditional sheep grazing alongside them, and the important improvement of considerable restorative planting, which would bring some of the historic parkland, currently somewhat dead, back to life.”*

4.3.3 The school must consider the health and safety of its pupils. I would consider the use of 1.0 metre high post and rail fencing and bunding would have significantly less effect on the open character of the parkland than many boundary treatments more typically used by schools. However it is considered unnecessary, by The Historic Gardens Trust, to use both fencing and bunding to the east boundary of the cricket pitch. The submitted scheme shows the bunding to be omitted. As the bunding is currently in place I would suggest a condition to secure its removal within 6 months.

4.3.4 There is clearly a health and safety issue with the catchment pond and children. This pond is close to Great Hays Wood and with the woodland as a backdrop, would not cause significant harm to the character of the open parkland.

4.3.5 In the centre of the cricket pitch is, of course, the wicket. The Historic Gardens Trust considers the artificial surface to be harmful to the character of the park, but feels it to be acceptable on a temporary basis only. A temporary 5 year condition is therefore suggested for this part of the scheme. It is envisaged that if and when the land is no longer used for cricket, the artificial surface should be removed.

4.3.6 **I, therefore, consider that subject to the conditions below, the proposed amended scheme would not cause significant harm to the Registered Historic Park and Garden and permission should be granted.**

#### 4.3.7 Green Belt

The proposed sports field was not considered to have an adverse effect on the openness of the Green Belt by the Inspector or the Council during the consideration of the initial application 08/02926/1. I do not consider this amended proposal would cause any harm to the openness of the Green Belt either.

#### 4.3.8 Other Matters

There seems to be some confusion on the part of the Parish Council about the designation of the land. I can confirm that it does **not** lie within a Conservation Area.

4.3.9 Some trees planted with the original scheme for the sports field, have died or suffered during the dry summer. The approved plant maintenance programme has not been fully implemented. Negotiations have taken place and the applicant has agreed to replant and maintain properly. This is not a matter for this application, but if need be could be enforced under the original planning permission.

#### 4.4 **Conclusion**

4.4.1 The proposed amended landscaping would not cause harm to either the setting of the Registered Historic Park and Garden or the Green Belt. This is subject to a condition requiring the removal of the bunding to the east boundary to the cricket pitch and the removal of the artificial surface of the wicket pitch within 5 years. There are, therefore, no sustainable planning objections to raise to the proposal.

#### 4.5 **Alternative Options**

None applicable

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

N/A

#### 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 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.

2. The use shall not take place on Area A, other than between the hours of 9.00 to 18.00 on Monday to Fridays, and on Area B, other than between the hours of 13.00 to 18.00 on Mondays to Fridays (as shown on drawing no 4554/022A) and not at all on Saturdays, Sundays, or Bank Holidays. The use hereby permitted shall be restricted only for use by Putteridge High School and during term time only.

Reason: To ensure that the residential amenity of nearby residents are safeguarded.

3. The existing bunding to the eastern edge of sports field B shall be removed within 6 months of the date of this decision notice and the land reinstated to its former condition.

Reason: In the interests of the special character of the Registered historic park and the completed scheme.

4. The artificial surface of the cricket wicket shall be removed within 5 years of the date of this decision notice and re-instated with grass unless a prior application for planning permission to extend the time period has first been granted by the Local Planning Authority.

Reason: In the interests of the long term special character of the Registered historic park.

5. All hard and soft landscaping shall be carried out and maintained in accordance with the written planting and maintenance scheme approved under planning reference numbers 12/00359/1DOC and 12/00532/1DOC.

Reason: In the interests of the appearance and setting of the Registered historic park.

6. For the use hereby permitted, access to the application site shall be via the woodland area adjacent to the curtilage of Putteridge High School only with the exception of access for maintenance equipment. No parking shall be permitted on site except for emergency vehicles.

Reason: To ensure that the residential amenity of nearby residents are safeguarded.

**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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



This page is intentionally left blank

**PLANNING CONTROL COMMITTEE**

**DATE: 14 February 2019**

**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 & Mrs C George	Single storey rear extension following demolition of existing conservatory. Works to facilitate conversion of existing garage into habitable space. Erection of new carport/garage, entrance gates and boundary fence.	7 Cambridge Road, North, Barley Royston SG8 8HN	18/01746/FPH	Appeal Allowed on 7 January 2019	Delegated	The Inspector concluded that the proposed garage building would be in keeping with the character and appearance of the appeal property and local area. Further, the new garden room and conversion of the integral garage are in keeping with the host property and have very little impact on the character and appearance of the local area.
Mr & Mrs Webber	Part two storey, part single storey rear extension.	23 Melbourn Road, Royston SG8 7DE	18/02012/FPH	Appeal Dismissed on 7 January 2019	Delegated	The Inspector concluded that the proposed development would unacceptably harm the outlook and levels of natural light available to the occupiers of the neighbouring dwelling, No. 25 Melbourn Road.
Market Homes (Knebworth) Limited	Erection of 3 storey building to provide 9 x 2 bed flats; conversion and extension of store to 1 bed house and new vehicular access off of Station Approach (as amended by drawings received 12th and 25th October 2017).	The Station Approach Knebworth SG3 6AT	17/01622/1	Appeal Allowed on 16 January 2019	Committee	The Inspector found that there would be no significant adverse effect on the future viability of the Public House and stated that the supply of 10 dwellings would make a welcome and much needed contribution towards the Council's housing stock and the level of harm that the Inspector identified to the character and appearance of the area would not be at a level to outweigh the benefits of 10 further houses in a

						district that currently has a significant undersupply.
Gladman Developments Limited	Outline planning application for the erection of up to 99 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Holwell Road. All matters reserved except for means of access.	Land Off Holwell Road Pirton	17/01543/1	Appeal Dismissed on 18 January 2019	Committee	The Inspector stated that the proposal would cause environmental harm to the adopted and emerging plan-led development strategy by adding a significant amount of new housing in a location not identified for this level of growth with constrained accessibility by sustainable modes of transport, and which could only be achieved with significant adverse effects on the character and appearance of the countryside.





---

## Appeal Decision

Hearing held on 4 and 5 September 2018

Site visit made on 5 September 2018

**by Brendan Lyons BArch MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> January 2019

---

**Appeal Ref: APP/X1925/W/17/3184846**

**Land off Holwell Road, Pirton, Hertfordshire SG5 3QU**

- 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 Gladman Developments Ltd against the decision of North Hertfordshire District Council.
  - The application Ref 17/01543/1, dated 15 June 2017, was refused by notice dated 18 September 2017.
  - The development proposed is the erection of up to 99 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Holwell Road, with all matters reserved except for means of access.
- 

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The application under appeal was submitted in outline form, with only the principle of development and the proposed new access to the site for full approval at this stage. I have assessed the appeal on this basis. The other matters of the layout of development, and its scale, appearance and landscape treatment ('the reserved matters') would be for later detailed consideration. However, the application was supported by a Design and Access Statement ('DAS') that considers how the site might be developed, with plans showing a development framework and an indicative layout. These informed the assessment of the effects of development on the character and appearance of the area in the submitted Landscape and Visual Appraisal ('LVA'). While recognising that much of this information is indicative only, I have taken it into account in the assessment of the appeal.
3. Following submission of the appeal statements, Government planning policy was updated by the publication of the July 2018 revision of the National Planning Policy Framework ('NPPF'). The appellant supplemented their statement with comments on the revised NPPF, and all parties were able to adapt their submissions at the Hearing to reflect the latest policy position, which the appeal decision must take into account.
4. Before the Hearing, a signed Statement of Common Ground ('SCG') was submitted, which sets out matters not in dispute between the appellant and the

- Council. The SCG outlines an agreed description of the site and its surroundings and the policy context for consideration of the appeal proposal.
5. The SCG records that the Pirton Neighbourhood Plan 2011-2031 ('NP'), which was close to final approval when the application was refused, has since been formally 'made' and now forms part of the development plan for the area. The appellants supplemented their statement with comments on the NP as made.
  6. The development plan also comprises the saved policies of the North Hertfordshire District Local Plan No.2 with Alterations, first adopted in 1996 ('NHDLP'). It is intended that this plan will be replaced by the emerging North Hertfordshire Local Plan 2011-2031 ('ELP'), which is currently progressing through examination. Since the appeal Hearing, proposed Main Modifications to the ELP have been published and these, together with additional evidence submitted by the Council during the examination, are to be subject to formal consultation in early 2019. The main parties to the appeal were allowed additional time to make representations on the implications of this latest stage in the ELP's progress towards adoption.
  7. The fourth reason for refusal of the application related to the lack of commitment to provide affordable housing and address other infrastructure and service impacts. The SCG records the intention that affordable housing at the level of 40% sought by emerging local policy and other infrastructure provision would be secured by a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The appeal was accompanied by a draft unilateral undertaking ('UU') setting out covenants on the provision and management of affordable housing and open space on the site and the payment of financial contributions for infrastructure and service provision. A signed copy of the UU presented at the Hearing was withdrawn following discussion and a certified copy of a slightly amended form provided shortly after the Hearing in accordance with an agreed timetable.

### **Main Issue**

8. In the light of the reasons for refusal of the planning application and of the SCG, I consider the main issue in the appeal to be whether the site would be suitable for the proposed development, having regard to national and local policy on the provision of rural housing, and in particular to:
  - The site's location outside the designated settlement boundary;
  - The effect on the character and appearance of the area;
  - The use of best and most versatile agricultural land;
  - The site's accessibility to services and facilities.
9. A number of other matters were raised by interested parties, which I also cover below.

### **Reasons**

10. The appeal site comprises a large rectangular-shaped field of some 6.5ha in area, located just to the east of the rural village of Pirton. The land immediately to the west, known as Elm Tree Farm 1<sup>1</sup>, is currently being

---

<sup>1</sup> The appeal site is referred to as Elm Tree Farm 2

developed by the construction of 78 houses, for which outline planning permission was granted by the Council in 2016.

11. That development is to be accessed by forming a priority junction at the point where Holwell Road bends sharply on the approach to the village. It is proposed to access the appeal site by taking a spur off the road through the new development, so that traffic from both sites would make use of the priority junction.
12. The site is bounded to the south by Hambridge Way, a footpath and bridleway that here forms part of the long-distance Icknield Way Trail, beyond which, and to the east, lie open fields. The northern boundary of the site is formed by the enclosed garden of a detached house just outside the village.
13. The village has a roughly triangular layout, and apart from some outlying farm groups to the north-west appears compact in form with well-defined edges. The core of the village is characterised by a number of historic buildings and has been designated as a conservation area, but there is also a variety of housing of different more recent periods.

### **Site location**

14. National policy as stated by the NPPF reflects the Government's objective of significantly boosting the supply of homes, with a sufficient amount and variety of land to come forward where it is needed<sup>2</sup>. Rural housing should be located where it will enhance or maintain the vitality of rural communities<sup>3</sup>.
15. It is common ground that the NHDLP is now effectively time-expired and that its provisions for housing supply do not reflect up-to-date need. The main parties agree that the 'tilted balance' outlined by paragraph 11(d) of the NPPF should apply. I accept that position. However, that does not mean that NHDLP policies now carry no weight. The weight to be given to policies in such circumstances will depend on their degree of consistency with the policies of the NPPF<sup>4</sup>.
16. Pirton is identified by NHDLP Policy 7 as one of several 'Selected Villages beyond the Green Belt', within whose main areas development will normally be permitted, subject to character and appearance criteria. Land outside the settlements is classed as 'Rural Areas beyond the Green Belt', where development is restricted by Policy 6 to limited exceptions. The appeal site is outside the NHDLP settlement boundary and it is agreed that none of the Policy 6 exceptions apply.
17. The appellant suggests that Policy 6 should receive only limited weight, arguing that it seeks to protect the countryside to a greater degree than now supported by the NPPF. But the approach to development in rural areas outlined by Policies 6 and 7 does represent a coherent response to the location of rural development that remains broadly consistent with the NPPF support for planned development<sup>5</sup>, with patterns of growth to be managed to focus significant

---

<sup>2</sup> NPPF para 59

<sup>3</sup> NPPF para 78

<sup>4</sup> NPPF para 213

<sup>5</sup> NPPF para 13

development in the most sustainable locations<sup>6</sup>, and appropriate recognition of the intrinsic character and beauty of the countryside<sup>7</sup>.

18. The particular settlement boundaries and restrictions set by the NHDLP may have reflected a strategy that is now overtaken, but that does not fundamentally undermine the continued relevance of the approach. In seeking to 'maintain' the character of the countryside the language of Policy 6 differs from the current NPPF expression, but I agree with the Council that the objective of seeking to control development in the open countryside while focusing growth within designated settlements is not inconsistent with the NPPF, and should continue to receive at least moderate weight.
19. Support for this interpretation is found in the examination of the ELP, which continues to promote a very similar strategy. ELP Policy SP1 seeks to direct most development to key settlements and supports growth of villages to ensure their vitality. Pirton is one of more than 20 'Category A' villages identified by the submission version of Policy SP2, within which development will be allowed within their defined settlement boundaries. Land outside the boundaries continues to be treated as Rural Areas beyond the Green Belt. Policy SP5 confirms recognition of the intrinsic value of the countryside and a general principle of restraint in these areas. This is expanded by Policy CGB1 which proposes to restrict development to certain defined categories, including that to meet proven local needs for community facilities or rural housing. Had the examining Inspector found any inconsistency with the NPPF in this approach, he would almost certainly by now have required a modification to the draft plan to be brought forward.
20. Instead, the most relevant published Main Modification to Policy SP2 now proposes to clarify that 5 of the Category A villages, not including Pirton, would accommodate a much greater share of planned growth. The emerging policy context for the village would thus show a high degree of continuity from the adopted NHDLP.
21. However, the settlement boundary proposed by the ELP has expanded from the NHDLP boundary and would now include the Elm Tree Farm 1 site adjoining the appeal site, as well as the site at Priors Hill for which permission has been granted for 24 houses. Evidence was also provided at the Hearing of a number of other smaller sites for which permission has been granted or sought within the village. A considerable degree of growth of the village has already been allowed within the ELP period.
22. The parties differ on the degree of weight that can be afforded to the ELP in the light of the publication of proposed Main Modifications. Having regard to the NPPF criteria<sup>8</sup>, I endorse the Council's view that the Inspector's lack of requests for changes to the housing numbers and strategy is significant, and supports increased weight to relevant policies of the emerging plan as a result.
23. The appellant also draws attention to a previous appeal decision where the Secretary of State chose to give limited weight to an emerging plan that had reached a similar stage<sup>9</sup>, but that was in the particular circumstances of that

---

<sup>6</sup> NPPF para 103

<sup>7</sup> NPPF para 170(b)

<sup>8</sup> NPPF para 48

<sup>9</sup> Appeal Ref APP/P1615/A/14/2218921RD, Appendix 1 to appellant's additional submission on ELP progress, December 2018

- case and where the Inspector's report had flagged considerable uncertainty about the emerging plan and had recommended very limited weight to be given to it. In my view, publication of proposed Main Modifications can normally be seen as an advanced step towards adoption of the plan.
24. The appellant also places reliance on the fact that the forthcoming consultation will be the first opportunity for representors to comment on the additional evidence brought forward by the Council in response to the examining Inspector's requests. In response to a query, the Inspector has confirmed<sup>10</sup> that he will not be in a position to reach a final view on the soundness of the plan until he has received all the representations. However, the same would be true of any examination that had reached the stage of consultation on Main Modifications. The consultation on further evidence adds a slightly greater degree of complexity to the process, but in my view the important factor is that the Inspector would not have invited the publication of Main Modifications to proceed if he had not been satisfied, in the light of the additional evidence, that they were at least capable of addressing his concerns to date.
25. For these reasons, I agree with the Council that at least moderate weight, and in the case of uncontested policies a greater degree of weight, can now be given to the policies of the ELP, although not the full weight argued by the Parish Council.
26. As well as the conflict with the adopted and emerging local plans, the appeal site's location is also not in accordance with the NP, whose addition to the development plan is a significant step. The NP adopts the same expanded village boundary as the ELP. Policy PNP1 supports residential development within the boundary, subject to a number of criteria including an appropriate mix of homes. While the NP does not offer an explicit policy about such development outside the boundary, the clear objective is to focus development within the boundary in order to maintain the character of the village and its setting.
27. The scale of the appeal proposal, with up to 99 dwellings subject to the final reserved matters, would also conflict with the Policy PNP1 limit of 30 houses on any one site. I acknowledge that the NP does not impose an upper limit on the total number of dwellings that might be allowed under Policy PNP1, but the number of opportunities within the village envelope beyond those recently permitted appears likely to be limited. Nevertheless, the essence of the policy requirement is to ensure an incremental rate of change.
28. Because the NP does not allocate specific sites, it cannot alter the 'tilted balance'<sup>11</sup>, but the conflict with this component of the development plan does weigh against the appeal proposal.
29. I conclude on this issue that the appeal site's location would not be consistent with national policy which supports a plan-led approach or with local policy. I consider the weight to be given to this conflict in the final balance below.

### ***Character and appearance***

30. In addition to the LVA submitted with the application, the appellant's appeal statement was supplemented by a Technical Response to the Reason for

---

<sup>10</sup> Correspondence with CPRE, Appendix 2 to appellant's additional submission on ELP progress, December 2018

<sup>11</sup> NPPF para 14

Refusal in Landscape and Visual Terms, and specialist evidence was given by both sides at the Hearing.

31. It is agreed that the landscape around the appeal site has no formal quality designation and that it would not be classed as a 'valued landscape' in national policy terms<sup>12</sup>. The Chilterns AONB comprises rising ground immediately to the west of the village, over 1km from the appeal site.

*Landscape character*

32. The appeal site lies within the Pirton Lowlands Landscape Character Area ('LCA'), as defined by the North Hertfordshire and Stevenage Landscape Character Assessment (2011). Its open, flat character, enclosed by linear hedges, with some lengths missing, is very typical of the large-scale expansive nature of the wider LCA. Despite its closeness to the village and notwithstanding the ongoing Elm Tree Farm 1 development, the character of the site is much more of the wider landscape rather than of the village fringe.
33. The Character Assessment advises that there may be scope for carefully located and small scale developments within the LCA, but the appeal proposal would not fall within that type. In this regard, I agree with the Council that the appeal proposal should be regarded as an urban extension, which the Character Assessment considers would not be an appropriate form of development in the LCA. In fact, at 6.5ha, the appeal proposal should in itself be regarded as a large scale extension, as there appears to be no published justification for counting only the likely built core of the site. Green areas around the edges of the site would form part of the development rather than of the wider landscape.
34. Furthermore, in this case the appeal site would be seen very much in conjunction with the nearly contemporaneous Elm Tree Farm 1 site, so that both together would appear as a very significant extension of the village. Whereas Elm Tree Farm 1, particularly at the northern end, can be taken as an almost incremental expansion, the addition of the appeal site would create a very marked incursion into the countryside to the east. This would be very noticeable from the Holwell Road approach to the village and from Hambridge Way, where the open character of the site is currently readily apparent.
35. The final landscape treatment of the site would be subject to later detailed design, but it is unlikely that either proposed tree planting or the existing perimeter hedge would be fully effective in mitigating the perception of the altered character of the site, which would be prominent from public vantage points.
36. While the development of any site at the village edge will have an inherent urbanising effect, at the scale of Pirton the degree of change in this instance would be significant. While the impact on the extensive LCA as a whole would also inevitably be modest, the impact in the immediate vicinity of the site is of much greater relevance. I agree with the Council that effects both at one year and ten years post-completion would be considerably greater than those assessed by the LVA and would be at least 'moderate adverse' over that term.

---

<sup>12</sup> NPPF para 170(a)

*Visual effects*

37. The LVA assessment of visual effects predicts no greater than a moderate adverse effect after one year and minor-moderate after ten years, with the great majority being ranked as minor or negligible. This appears to me to underestimate the proposal's effects.
38. When taken with the Elm Tree Farm 1 site, there would be significant change over a considerable length of Hambridge Way, with the presence of the new development likely to be perceived for some distance to the east. The effect on users of this important recreational route, who would be regarded as sensitive to change, would be much greater than moderate at the outset, because of the prominence of the new development and the change from the current rural aspect. The limited depth of the intended open space at the southern end of the site would not be sufficient to reduce the long-term effect to minor-negligible as assessed by the LVA. The effect on users of Footpath 005, just to the south, would be slightly mitigated by the greater distance, but would also be adverse in the long term.
39. Close views from Holwell Road on leaving and entering the village would be in the context of the completed Elm Tree Farm 1, but that would form a new edge. There would still be an important open aspect over the appeal site which would be lost. In assessing effects the LVA places undue reliance on the mitigation offered by the intended small area of open space at the corner of the site. Further north on Holwell Road, the development would become visible in views filtered by the intervening hedges. The degree of adverse effect would be less, but there would still be a clear perception of development extending out into the countryside.
40. In more distant views from the south, the effect of expansion of development to the east of the village would also appear rather incongruous, and the measures outlined by the LVA would not produce effective mitigation. This would be particularly apparent from the footpath adjoining Hitchin Road (LVA vp16) and the nearby Footpath 028. The latter lies within the AONB, from where the development would also be partly seen from elevated positions (LVA vp17-19) as an incursion into the countryside. The effects on users of what are said to be popular recreational routes at the edge of a designated landscape would be more adverse than allowed by the LVA.

*Conclusion on character and appearance*

41. I conclude that the proposal would have long term adverse effects, both on the character of the landscape and on its appreciation by users of local roads and footpaths. The adverse impact of increased urbanisation at the village edge would be greater than that inherently involved in any similarly-sized development. This would particularly be so because the proposed housing would inevitably be seen in conjunction with the adjoining Elm Tree Farm 1 as an expansion of significant scale, which would have an urbanising effect on part of an important long-distance pedestrian/cycle/equestrian rural route.
42. The proposal would be contrary to national policy that development should be sympathetic to local character, including landscape setting<sup>13</sup> and should recognise the intrinsic character and beauty of the countryside<sup>14</sup>. ELP Policy

---

<sup>13</sup> NPPF para 127(c)

<sup>14</sup> NPPF para 170(b)

NE1 is consistent with the NPPF in this respect, and requires development to respect the sensitivity of relevant landscape character areas and to accord with landscape management guidelines, without a detrimental effect on the immediate surroundings. The proposal would conflict with this policy and also with the recognition of the character of the countryside set by NHDLP Policy 6 and ELP Policy SP5, as reflected by NHDLP Policy 7 and ELP Policies SP2 and CGB1. The change at the village edge arising from the approval of Elm Tree Farm 1 does not establish a principle of continued incremental expansion to the east of the village, which is specifically resisted by Policy 7.

43. The NP stresses the importance of the village's relationship with its landscape setting. The proposal would be contrary to Policy PNP2 which requires development to respect and reinforce the distinct local character of the village.

### ***Agricultural land***

44. The second reason for refusal of the planning application was that the proposed development would be unsustainable in both environmental and economic terms.
45. The land that makes up the appeal site is assessed as Grade 3a, and is therefore ranked as 'best and most versatile' ('BMV') agricultural land. National policy states<sup>15</sup> that decisions should recognise the wider benefits from natural capital and ecosystem services, including the economic and other benefits of BMV agricultural land.
46. It is not disputed that the surrounding area predominantly comprises BMV land, and that the development of the appeal site would not sever an agricultural unit. This context would serve to mitigate any adverse impact of the loss of 6.5ha of the lowest grade of BMV land.
47. The Council also accepts that permission has been given to develop other sites of BMV grade, including Elm Tree Farm 1, and that some ELP proposed allocations would include BMV land. However, the particular circumstances that led to those decisions do not necessarily justify further losses.
48. The Government's Planning Practice Guidance explains<sup>16</sup> that soil is an essential finite resource, with both economic, and biodiversity value. The site is currently productive arable land. The loss of this amount of BMV land would have adverse economic and environmental effects, but relatively minor in their impact. This harm must be weighed in the balance against different economic and other benefits, which I address below.

### ***Accessibility***

49. The proposal is also seen by the Council as unsustainable in regard to dependency on services outside the immediate area, resulting in a significant reliance on private car transport.
50. Services available within the village include a primary school, two public houses, a small convenience store, two churches, a village hall and a recreation ground with a pavilion. While noting reservations expressed about the store's limitations in respect of stock and opening hours, I agree with the appellant that this is a reasonable range of services for a village of this size.

---

<sup>15</sup> NPPF para 170(b)

<sup>16</sup> PPG: Natural Environment para 025



51. The SCG sets out agreed schedules of walking and cycling distances and times from the site to facilities within the village. These, together with isochrone maps included in the submitted Transport Assessment ('TA') show that all of the communal facilities within the village would lie within recommended maximum walking distances, although outside the preferred desirable distances. I recognise that these anticipated routes would mainly involve use of Hambridge Way, which is currently unlit and unsurfaced. Increased use of the footpath could lead to pressure for surfacing and lighting, which could result in a harmful change of character. However, alternative routes, which would be slightly longer and involve use of roads that are narrow, often without footways and with limited street lighting, would still allow walking to be a realistic option for trips within the village.
52. Access for virtually all employment, secondary and higher education, shopping, leisure and medical needs would require trips to larger places. The proposal is virtually identical in this respect to the schemes for which permission has been granted at Elm Tree Farm 1 and at Priors Hill. Bus stops are located close to the site, with services to Hitchin, which has a main-line railway station and medical provision. Although the SCG records agreement that the proximity to public transport would allow for a sustainable mode of transport for trips to employment, retail and leisure, the Council continues to express reservations about the scope of this option and the appropriateness of the site's accessibility. Contrary to the appellant's interpretation, I note that similar reservations were expressed in the officer report on the Elm Tree Farm 1 application, but were outweighed in the final balance for that decision.
53. I acknowledge that the existing level of service is limited, particularly for return trips at and beyond the evening peak and at weekends, and that some doubts about its reliability were voiced at the Hearing. However, at current levels it could allow a realistic alternative for at least some commuting and daytime shopping and leisure trips.
54. Similarly, I consider that cycling to Hitchin and other centres, although possibly requiring a stronger level of commitment than the distances involved would suggest, would still provide an option for some residents.
55. The proposal is supported by an outline Travel Plan, which indicates potential targets for modal shift to these more sustainable modes of transport. Interim and final versions of the Travel Plan would be secured by a planning condition, and support for its implementation through the planning obligation. Even with those improvements, the proposed development would involve much reliance on the private car. Although national policy recognises that opportunities to maximise sustainable transport will vary between urban and rural areas<sup>17</sup>, it does not suggest that development of this scale is best located where sustainable options are relatively limited.
56. Therefore, I find that the site's accessibility by sustainable modes is marginal at best, which reflects the village's non-identification for significant further growth. However, this would not alone provide justification to reject the proposal.

---

<sup>17</sup> NPPF para 103

## **Other matters**

### *Archaeology*

57. The third reason for refusal of the planning application related to the lack of sufficient information to establish the site's archaeological value, and the potential impact of the proposed development. The appellant subsequently commissioned an archaeological field evaluation, the report of which was submitted to the County Council's specialist adviser, and was later updated in response to comments received. The SCG records the District Council's acceptance that the report has now provided adequate analysis and that any archaeological impacts could be addressed by means of a condition.
58. Representations on behalf of the local archaeological society maintain opposition to the proposal. It is argued that the significance of the site has been misunderstood, given the extent of archaeological interest in the immediate vicinity, as exemplified by the finds revealed on the Elm Tree Farm 1 site. An application to have the site scheduled was unable to proceed in the absence of more detailed analysis.
59. The County Council's adviser has now accepted that the revised evaluation report is sufficiently detailed to accord with national guidance and that its conclusions can be broadly accepted. He has recommended the terms of a condition on further investigation should permission be granted. While I acknowledge the detailed analysis provided by the local society, who clearly have considerable levels of expertise and dedication at their disposal, there is insufficient reason to overrule the conclusion of the County Council's adviser, whose professional standing was accepted at the Hearing.
60. I consider that, subject to the necessary condition, the proposal would comply with national policy<sup>18</sup> on the conservation of the historic environment including non-designated heritage assets, which is echoed by ELP Policy HE4, and with NHDLP Policy 16, which envisages development subject to conditions in appropriate circumstances. The submitted evaluation would meet the requirements of NP Policy PNP8.

### *Drainage*

61. Evidence was given at the Hearing of periodic problems at the village pumping station, leading to overflows of untreated sewage and contamination of watercourses. While I have no reason to doubt this, I must give weight to the confirmation by the local drainage undertaker that there would be adequate safe capacity for the appeal proposal. The remediation of any previous technical faults would be a matter for the service provider.

### *Highway safety*

62. The site would rely on the principal access from Holwell Road whose details will already have been approved as part of the Elm Tree Farm 1 development. In the absence of any objection by the highway authority, there are no good grounds to conclude that increased traffic from the appeal site would add any unacceptable risk to the safe operation of the junction or of roads in and around the village. Particular concern has been raised about the impact of construction traffic on local roads, especially the sometimes narrow road

---

<sup>18</sup> NPPF Chapter 16

through neighbouring Holwell. However, such impacts are by definition of time-limited duration, and could be minimised by the approval through a planning condition of a Construction Management Plan, which could learn from the experience of the adjoining development to specify access routes and timings.

### ***Planning balance***

63. As earlier noted, there is agreement that the 'tilted balance' should apply in this case. None of the NPPF policies that protect areas or assets<sup>19</sup> would indicate a different approach. Despite the further progress in the ELP examination, the Council continues to maintain a 'precautionary approach' to the estimation of housing land supply, which means that a five-year supply cannot currently be shown with certainty.
64. The principal benefit of the appeal proposal would lie in the provision of 40 units of affordable housing. Although this would not relate to an identified need in Pirton, there is an acknowledged shortfall in the area, which the provision would help to address. Substantial weight can be given to this benefit.
65. The addition of the other units of market housing would also be of some social benefit. But in the light of progress on addressing the district's full housing need through the ELP and by the permissions already granted to address any local need for housing in the village and provide a considerable element of growth, only moderate weight can be attached to this.
66. I understand the concerns raised by the Parish Council about possible social harm due to the difficulty of assimilating a rapid increase in population, in addition to growth already permitted. However, population growth could also have benefits in supporting some local services, so that I find this to be a neutral factor.
67. There would be some time-limited economic benefits from the investment in construction and some modest longer-term benefits from increased local government revenues and from additional spending on goods and services in the local economy. However, these effects would also be delivered by development in accordance with the development plan, so that very limited weight can be given to them in this instance.
68. Set against this would be the environmental harm to the adopted and emerging plan-led development strategy by adding a significant amount of new housing in a location not identified for this level of growth with constrained accessibility by sustainable modes of transport, and which could only be achieved with significant adverse effects on the character and appearance of the countryside. These are matters of substantial weight.
69. There would also be minor economic and environmental harm from the loss of BMV agricultural land.
70. Other than the delivery of affordable housing, the UU covenants predominantly address mitigation of impacts rather than benefits, and do not add any extra weight in support of the proposal.

---

<sup>19</sup> NPPF para 11(d)I and footnote 6

71. Taking all the above into account and assessing the proposal against the NPPF as a whole, I find that the proposal's adverse impacts would significantly and demonstrably outweigh the benefits.
72. I have considered the schedule of possible conditions discussed at the Hearing, but have concluded that none of them, either alone or in combination, would render the proposal acceptable.
73. Therefore there would be no material considerations that would outweigh the acknowledged conflict with the development plan.

**Conclusion**

74. For the reasons set out above, and having taken account of all matters raised both in writing and at the Hearing, I conclude that the appeal should be dismissed.

*Brendan Lyons*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANTS:

Chris Ball	Gladman Developments Ltd
Keith Nye	FPCR
Rob Hindle	Rural Solutions

### FOR THE LOCAL PLANNING AUTHORITY:

Shaun Greaves	GC Planning
Jonathan Billingsley	Landscape Partnership

### INTERESTED PERSONS:

Bim Afolami	Member of Parliament
Jacqueline Veater	Pirton Parish Council
Diane Burleigh	Pirton Neighbourhood Plan Steering Group
	Pirton Parish Council
Tom Gammell	Pirton Parish Council
	Pirton Neighbourhood Plan Steering Group
Gilbert Burleigh	North Hertfordshire Archaeological Society
Michael Ransom	Local resident
Alison Smither	On behalf of Clare Baines, local resident
Wilfred Aspinall	Local resident
Ken Jordan	Holwell Against Construction Traffic
	Holwell Parish Council
Jacqui Jordan	Holwell resident
David Barnard	District and County Councillor, representative on Chilterns (AONB) Conservation Board

## DOCUMENTS

- 1 Pirton Neighbourhood Plan 2011-2031
- 2 Pirton Village: List of planning applications for residential development since 2011
- 3 Plan of proposed and completed residential development in Pirton since 2011
- 4 Appeal Decision Ref APP/X1925/W/17/3187286: Land off Luton Road, Offley, Hitchin
- 5 Photographs and note on Pirton sewerage system
- 6 Land off Holwell Road, Pirton: Archaeological Evaluation Report
- 7 Map of Prehistoric and Roman Sacred Landscape around Pirton
- 8 Hertfordshire County Council response to Archaeological Report
- 9 Land adjacent to Elm Tree Farm: Layout plan
- 10 Photographs of vehicle conflict along Pirton Road and Waterloo Lane, Holwell
- 11 Photograph of traffic on Holwell Road
- 12 Submission on housing numbers and density
- 13 Landscape Character of Pirton (extract)
- 14 Plan of Pirton Visual Character Areas
- 15 Photograph of Icknield Way/Hambridge Way in winter conditions

This page is intentionally left blank



---

## Appeal Decision

Inquiry Held between 4 and 6 December 2018

Site visit made on 6 December 2018

**by D. M. Young BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> January 2019

---

**Appeal Ref: APP/X1925/W/18/3205685**

**The Station Inn, Station Approach, Knebworth, Hertfordshire SG3 6AT**

- 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 Market Homes (Knebworth) Limited against the decision of North Hertfordshire District Council.
  - The application Ref 17/01622/1, dated 22 June 2017, was refused by notice dated 1 May 2018.
  - The development proposed is the erection of a three storey building to provide 9 x 2 bed flats, conversion and extension of store to one bed house and new vehicular access from Station Approach.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a three storey building to provide 9 x 2 bed flats, conversion and extension of store to one bed house and new vehicular access from Station Approach at The Station Inn, Station Approach, Knebworth, Hertfordshire SG3 6AT in accordance with the terms of the application, Ref 17/01622/1, dated 22 June 2017, subject to the conditions set out in the schedule to this decision.

### Preliminary Matters

2. The Inquiry sat for 3 days on 4, 5 and 6 December 2018. There was an accompanied site visit on 6 December 2018. With the agreement of the main parties, the Inquiry was adjourned following the site visit pending the submission of closing statements on 7 December. The Inquiry was subsequently closed in writing on 10 December 2018.
3. The Council confirmed before the Inquiry that it no longer intended to contest reasons 3 (parking), 4 (living conditions) and 5 (infrastructure contributions). I have determined the appeal accordingly.
4. An agreement under Section 106 of the Town and Country Planning Act 1990 was submitted prior to the Inquiry. This would provide financial contributions towards education, youth services, libraries and waste collection. I shall return to this matter later in my decision.
5. Various appeal decisions were referred to in the evidence and at the Inquiry. However, there was no suggestion that the facts of any one case were so aligned with the facts here that the previous decision indicated that this appeal should be either allowed or dismissed. I have therefore had regard to the

various decisions insofar as they are relevant to my consideration of this appeal.

6. Shortly before the Inquiry opened the Inspector's Main Modifications to the "North Hertfordshire Submission Local Plan 2011-2031" (the emerging LP) were published. Relevant copies were provided by the Council at the opening of the Inquiry. At this stage it is intended to consult on the modifications in early January 2019. The Council has confirmed that the Main Modifications do not materially affect its stance in relation to the appeal scheme. In view of its advanced stage, I am satisfied that the policies in the emerging LP should be afforded moderate weight in determining this appeal and accordingly, I have had regard to them in reaching my decision.
7. Finally, a signed Statement of Common Ground (SOCG) was submitted prior to the Inquiry and I have had regard to this in reaching my decision.

### **Main Issues**

8. The main issues are, firstly, whether the appeal scheme would prejudice the long term retention and viability of the public house and, secondly, the effect of the development on the character and appearance of the area.

### **Reasons**

#### *Viability*

9. Paragraph 92(c) and (d) of the "National Planning Policy Framework" (the Framework) advise that planning decisions should:
  - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
  - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.*
10. The Station Inn Public House (the PH) is listed as an Asset of Community Value (ACV) in accordance with the requirements of the Localism Act 2011. Contrary to its Statement of Case, the appellant has clarified that the appeal scheme is not enabling development and the PH has only been closed pending the outcome of this appeal. Although those opposing the scheme are keen to focus on what they see as a "volte face", I consider the appellant's change of position was unequivocally dealt with by Mr Escott's oral evidence and as a consequence, I do not intend to comment on the matter further.
11. At the Inquiry I heard from local people about the importance of the PH to the local community as the only pub in the centre of Knebworth. Prior to its closure, it provided an important meeting place for a range of local groups including amongst others the lawn tennis club and twinning association. There appears to me to be a genuine desire on all sides to see the PH reopened and doing well. Despite suggestions to the contrary, I have no reason to think that a future operator would not share the same aspirations.
12. The appeal scheme does not involve the loss of the PH. On the contrary, it would be retained and refurbished as would the staff accommodation on the first floor. The provision of a 50 cover garden patio to the rear is proposed to offset the loss of the existing pub garden. Although it is not possible to know



- at this stage exactly which direction a future operator will want to develop the PH, I have not identified any conflict with the aims and objectives of the ACV listing.
13. It is common ground between the parties that the PH had up until its closure been financially viable as a wet led enterprise with a basic food offering. Where the parties diverge is on the matter of the lawned garden and pétanque court and whether their loss would undermine the viability of the PH. The appellant called two expert viability witnesses at the Inquiry both of whom were of the opinion that irrespective of wider market trends, the PH would be equally viable with or without the existing garden. Both had considerable knowledge of the hospitality trade and one practical experience of running a pub. Their evidence has not been challenged in any cogent way by those opposing the scheme and I do not consider the credibility of Mr Taylor's evidence is in any way diminished by arguments about when he first read the appellant's statement of case.
  14. Whilst the pub garden was undoubtedly well used on occasion, no evidence has been presented to suggest it enjoyed a sustained level of use such that it contributed significantly to the viability of the PH. The English climate is not one that is known to be particularly conducive to the use of a pub garden for large parts of the year and even in summer the weather is inherently unpredictable. Based on the foregoing and my own experience, I do not consider a garden is essential for a pub to operate successfully especially where it is an urban area as is the case here.
  15. The Rule 6 Party through its expert witness Mrs Ingram sought to argue that the loss of the pub garden could have a significant effect on the PH. However the evidence supporting that position is at best patchy. The 30% figure proffered is largely anecdotal and based on her personal knowledge of the Duke of Wellington PH in Spitalfields and The Crown PH in Battersea. No documents were produced to show how the 30% figure had been arrived at. Moreover, I concur with the appellant that the location of these pubs within London is not remotely comparable to the PH. This therefore limits the weight I attach to these arguments.
  16. I acknowledge that the existing garden would be better suited to hosting those events cited by Mrs Ingram which in turn could contribute to supporting the pub in the future. However, there is nothing to show that any of these activities took place in the recent past nor is there any evidence to suggest that a relatively small number of events of this kind would make a meaningful contribution to the financial viability of the PH. I accept the argument that a lawned garden would be more attractive to some patrons particularly families with young children. However, by the same token, the proposed landscaped courtyard patio with its accessibility and management benefits would be more attractive to other sections of the community who are perhaps more likely to frequent the PH. In both qualitative and quantitative terms the patio would be an attractive environment to drink, dine and to simply enjoy the company of a loved one on a warm summer evening.
  17. The loss of a pétanque court would be both unfortunate and place some at a disadvantage. The court is clearly an important community facility that can hopefully be accommodated elsewhere in the village. However, I have not been provided with any compelling evidence to suggest that the numbers

- engaging in this pastime are so great that the future viability of the PH is dependent upon its retention. I am also not aware that the existing pub garden is the only option for providing a facility of this kind in Knebworth.
18. The suggestion has been made that the appeal scheme represents a "*trojan horse*" development whereby there is a deliberate attempt to strip assets away from the PH with the intention of ensuring its decline and eventual redevelopment for housing. However, I am bound to consider the development that has been put to me which in this case involves the retention of the PH. Accordingly, speculation about what may or may not happen in the future is not a material planning consideration to which I can ascribe any degree of weight. In any event, the appellant has patently gone to some considerable lengths to demonstrate that the PH has a positive future which is perhaps not the approach one would expect if the real motive was to secure its demise.
  19. The SOCG confirms that there would be no adverse consequences on the living conditions of future occupiers. Despite that, it was argued at the Inquiry that the proximity of unit 10 could lead to noise complaints and onerous licencing restrictions being placed on the PH which in turn could affect its viability. I do not accept that proposition for a number of reasons. Firstly; it seems illogical to accept that the proximity of the pub would not harm the living conditions of adjacent occupiers but then to suggest that the same occupiers would be likely to complain. Secondly, any prospective purchaser or occupier of unit 10 would be well aware of its location next to the PH and hence would be able to exercise consumer choice in these matters.
  20. I do not consider there is any merit in the suggestion that the conversion of the outbuilding would reduce the ability of the PH to operate successfully through a reduction of essential storage space. The floor plans submitted with the application show that an alternative storage room could be provided in place of the office on the first floor accessed via the internal staircase. Whilst the stairs might be a minor inconvenience, they would be no more so than having to walk outside particularly during periods of inclement weather. Overall, there would not be any significant loss of storage in terms of amount or quality.
  21. Given the PH's sustainable location and the availability of alternative car parking in the immediate vicinity, I do not consider the small reduction in parking spaces would be detrimental. The Council has referred to the creation of a separate access to the staff accommodation, new extraction systems and the creation of a separate planning unit. However, even if I were to agree with the Council that these effects would occur, it is not clear how they would prejudice the viability of the PH. Accordingly and given that a number of these matters could be dealt with by planning conditions, I am giving very limited weight to these concerns.
  22. Overall, the development would result in the loss of the pub garden including the pétanque court. The strength of local opposition to the scheme would suggest that the PH is a '*valued facility*' in the terms of the Framework. As to whether the garden and pétanque court are valued facilities in their own right the evidence is unclear. Nonetheless, the PH would be retained, refurbished and provided with an alternative outdoor seating area which would be beneficial to a future operator and the majority of paying customers. Consequently, I do not consider the loss of the garden would reduce the community's ability to meet its day-to-day needs nor is there any credible

evidence to suggest it would prejudice the long term retention and viability of the PH. Accordingly, there would be no conflict with Policy ETC7 of the emerging LP or the overall aims and objectives of paragraph 92 of the Framework. I note that the revised reason for refusal also cites conflict with paragraph 83 of the Framework which, inter alia, seeks the retention of pubs. Notwithstanding that the appeal site is not in a rural area, there would be no conflict with paragraph 83(d) on the basis that the PH is to be retained.

### *Character and appearance*

23. The PH is located prominently on the inside of a sweeping bend within the built-up centre of Knebworth. There is an unusually large pub garden to the side (west) of the PH which includes a pétanque court close to the southern site boundary. To the rear of the PH is a small outbuilding currently used for storage purposes. The PH has been closed for some time and consequently it and the garden have developed a neglected and forlorn appearance.
24. The PH and wider site are seen very much in the context of Park Lane, Station Approach and the train station located on the opposite side of the road. Whilst not unattractive in streetscape terms, I noted a wide variety of building forms and architectural styles such that it was difficult to identify a single overriding style or character. I note that the area is not subject to any special designation and that similar layouts to the appeal scheme have been approved on the adjacent site known as Wordsworth Court as well as that currently under construction at 1 & 2 Park Lane. There are various 3-storey buildings in the immediate area including Redemption House to the east. Whilst none of these buildings set a precedent for the appeal scheme, they are nonetheless an intrinsic part of the urban fabric and part of the site's context.
25. The 3-storey flatted building would be built on the pub garden. Due to local topography it would be set at a slightly higher level than the PH. A shared parking area served via a new access would be provided to the front of the building with a small communal outdoor amenity area to the rear. The siting, scale and layout of the development would thus be markedly similar to Wordsworth Court which I understand was also built on land that was previously associated with the PH.
26. Whilst certain elements of the design such as the circular windows, the use of contrasting materials, recessive elements, a front gable and asymmetrical/symmetrical fenestration patterns are not common features in the locality, these would provide articulation to the façade adding to the eclectic mix of building styles in this part of Knebworth.
27. The Council and others are clearly concerned that the building would appear cramped. The first point to make is that the prevailing settlement pattern in this part of Knebworth did not strike me as particularly spacious nor are there large gaps between buildings. Putting that to one side, the building would be set back generously from the roadside behind a spacious parking area on a similar alignment to other buildings along Park Lane. A new footpath for use by the public would be provided along the western site boundary. There would also be ample separation to the PH. I am therefore satisfied that adequate distance would be provided between the building and its nearest neighbours such that it would not be out of keeping with the pattern of development in the locality.

28. There would be some, albeit limited, opportunity to implement landscaping across the site frontage and set further into the site which over time would assist in softening the visual impact of the building. The appellant's analysis of plot ratios including the amount of outdoor amenity space, demonstrates that the development would be generally consistent with what has been accepted by the Council at Wordsworth Court and 1-2 Park Lane. I accept that the amount of outdoor amenity space would be limited. However, there is no suggestion that the living conditions of future occupiers would be harmed in this regard. Moreover, being located to the rear of the building, the communal garden would be largely screened from public viewpoints. Reference has been made to the proposed fence fronting unit 10. However, that again would have limited visual exposure in public views. Accordingly, I fail to see how it would cause unacceptable harm to the character and appearance of the area. Based on the foregoing, the development would not appear unduly prominent or cramped.
29. The loss of an open, green and undeveloped green space within the centre of Knebworth is of course unfortunate perhaps more so given the scarcity of such land in the vicinity. However, neither the Council nor local community has sought to recognise its status by formally registering the land as a Local Green Space in accordance with the provisions of paragraph 99 of the Framework. I have no reason to agree with the Council's suggestion that a green space within a Category A village such as Knebworth should be protected at the expense of open areas in more rural parts of the district, one has to accept that the erection of a 3-storey building on an open parcel of land, would transform its appearance giving it a more built-up and urbanised character. To that extent at least, some minor visual harm would arise. However, this harm would be mitigated by the detailed design and layout of the building which would be appropriate to the site's already urbanised context.
30. The PH is locally listed on account of its historical interest and is therefore a non-designated heritage asset. The pub garden is not specifically referred to in the listing description and the Council and Rule 6 Party both conceded at the Inquiry that the effect of the development on the setting of the PH would not in itself, justify refusal of the appeal scheme. I see no reason to depart from that agreed position and accordingly there would be no conflict with paragraph 197 of the Framework.
31. Overall, there would be some harm to the character and appearance of the area arising from the loss of an open space. However, for the reasons given above, I find that this would not be at a level to cause significant harm. I therefore conclude that the development would only cause minor harm to the character and appearance of the area. Consequently, there would be some limited conflict with Policy 57 of the "*North Hertfordshire District Council: District Local Plan No.2 with Alterations originally adopted April 1996*" (the LP), Policy D1 of the emerging LP and the relevant sections of the Framework.

### **Planning Balance**

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 explains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point in weighing the various factors is therefore that the proposal would conflict with

- Policies 57 of the LP and D1 of the emerging LP. As to whether material considerations indicate that the permission should be allowed, the Framework is one such consideration.
33. Despite its laudable work to address the situation through its emerging LP, there is no dispute between the parties that the Council cannot demonstrate a 5 year supply of housing<sup>1</sup>. Consequently, those policies which are most important for determining the application are to be considered out-of-date. Not only does this reduce the weight that I can attach to them it also engages the default position identified in paragraph 11 d) ii of the Framework. The effect of this is that the planning balance shifts in favour of the grant of consent. Only if the Council is able to demonstrate harm which "*significantly and demonstrably*" outweighs the benefits of the development should consent be refused.
34. The scheme would incur the loss of an open parcel of land within the village centre of Knebworth. To that extent, there would be some limited harm to the character and appearance of the area. However, the appeal site has no special designation and the Council accept that greenfield sites will have to be forfeit in the future to meet its housing targets. Furthermore, in view of the area's varied and somewhat robust character, the level of harm would not be significant. The site occupies a sustainable location in one of the larger villages in the district where residents would have a realistic choice to walk, cycle and use public transport to access essential day-to-day services and facilities.
35. In terms of the economic role, the purchase of materials and services in connection with the construction/conversion of the buildings and an increase in local household expenditure are benefits that again weigh in favour of the scheme.
36. The development would result in the loss of the PH garden and associated pétanque court and to that extent there would be some limited erosion of a valued community facility. However, in view of the Council's housing land supply position and the aims of the Framework to significantly boost supply, I do not consider this loss would be "*unnecessary*" in the language of paragraph 92(c) of the Framework. I have found that there would be no significant adverse effect on the future viability of the PH. The supply of 10 dwellings would make a welcome and much needed contribution towards the Council's housing stock. Irrespective of the fact that 10 dwellings would not, in themselves, eradicate the Council's housing shortfall, the importance attached to these matters in the Framework requires me to allocate significant weight to these social benefits. Even if I gave the housing benefits reduced weight as advocated by the Council and Rule 6 party, the level of harm I have identified to the character and appearance of the area would not be at a level to outweigh the benefits of 10 further houses in a district that currently has a significant undersupply.
37. Taking all these matters in the round, the development would deliver significant social and economic benefits consistent with the aims of the Framework. These would significantly outweigh the environmental harm I have identified. The development would therefore represent sustainable development for which there is a presumption in favour. I consider this to be a

---

<sup>1</sup> The SOCG confirms that the Council have a supply equivalent to between 2.7 and 3.7 years.

significant material consideration sufficient to outweigh the conflict with the development plan.

### **Other Matters**

38. There is no compelling evidence before me to suggest that the existence or otherwise of restrictive covenants attached to the land are likely to cause significant delays in bring the development forward. In any event, this is a private legal matter and not a planning consideration to which I can attach any degree of weight.

### **Conditions**

39. The Council has suggested a number of planning conditions which I have considered against the advice in the "*Planning Practice Guidance*" (PPG). In some instances I have amended the conditions provided by the Council in the interests of brevity.
40. A condition specifying the approved plans is necessary to provide certainty<sup>[2]</sup>. I have imposed conditions in relation to landscaping works, external materials and floor levels to ensure the satisfactory appearance of the development<sup>[3,4,5]</sup>. I have combined several of the suggested highway conditions to ensure the access and parking areas are provided in accordance with the approved plans prior to first occupation of the buildings<sup>[6,7]</sup>. A drainage condition is necessary to ensure satisfactory drainage of the site in the interests of flood prevention<sup>[8]</sup>. I am satisfied that the removal of permitted development rights for unit 10 is necessary to safeguard the operational requirements of the PH<sup>[9]</sup>. A noise mitigation strategy is necessary to protect the living conditions of future occupiers<sup>[10]</sup>. To protect the future viability of the PH I have imposed conditions relating to the use of the ground and first floors<sup>[11,12]</sup>. Finally, I have imposed a condition relating to a vehicle charging point to assist the move towards a lower carbon future<sup>[13]</sup>.
41. On the very limited justification before me, I am not persuaded that conditions relating to external plant or kitchen extraction equipment are necessary. There is no evidence to suggest there is a reasonable likelihood of bats being present in the outbuilding, I have omitted the suggested condition accordingly. The design of the rooflights to unit 10 would be covered by my condition 3 and a separate condition is unnecessary.

### **Planning obligations**

42. Regulation 122 of the CIL states that obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
43. An education contribution of £7,716 is sought towards primary education is supported by a response from the County Council. This identifies a potential future deficit at the local primary school which would serve the development. I consider the primary school obligation, which is calculated via a standard formula, would be fairly and reasonably related to the development proposed and it would as a result pass the tests.
44. A contribution of £1,469 is sought to mitigate the impact of use of library services by the 20.1 additional future library users generated by the

development. The contribution would be put towards the provision of ICT equipment at Knebworth library. The County Council has advised that although this is a 'pooled' form of contribution, pursuant to Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010, less than 5 specific planning obligations have been entered into. I am therefore satisfied that this contribution would be fairly and reasonably related to the development proposed and it would as a result pass the statutory tests.

45. A formula based waste collection contribution is sought towards the provision of household waste collection services on the site. The Council clarified that this relates to the provision of wheelie bins and containers as opposed to the collection of waste itself. On that basis, I am satisfied the obligation would meet the tests.
46. Despite the development only being projected to generate 0.4 additional young people, a youth services contribution of £129 is sought towards the cost of art equipment at Bowes Lyon Centre in Stevenage. The justification for the contribution refers to the centre being over-subscribed. However, rather than being directed towards the creation of additional capacity, the contribution would be spent on art equipment. In my view, this contribution is not necessary to make the development acceptable in planning terms.

### **Conclusions**

47. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

*D. M. Young*

Inspector

## APPEARANCES

### For the local planning authority:

Mr Hashi Mohamed, (No5 Chambers)

He called

Mr Shaun Greaves  
BA (Hons), DIP URP, MRTPI

GC Planning Partnership

### For the Rule 6 Party - Save Our Station Pub Action Group

Mr Ashley Bowes (Cornerstone Barristers)

He called

Mrs Dale L Ingram MSc CHE FRSA

Director, Planning for Pubs Ltd

Mrs Alison Young BA (Hons)

Alison Young Town Planning  
Associates **For the appellant:**

Mr Jonathan Clay (Cornerstone Barristers)

He called

Mr David Morgan  
FRICS, MEWI, MRPAS

Morgan & Clarke Chartered Surveyors

Mr Peter Taylor  
FRICS, DipArb, FCI Arb

Christie & Co

Mr John Escott  
BA (Hons) DipTP, MRTPI

Robinson Escott Planning LLP

### Interested persons:

Mr Henry Lytton Cobbold

Local Resident

Mrs Ann Judge

Local Resident and Chair of Twinning Association

Mr Malcolm Chapman

Representing CAMRA

Mr Michael Maresh

Local Resident and Chair of Knebworth Lawn  
Tennis Club

### Documents submitted at the Inquiry



1. Council's Appeal Notification Letter dated 26 November 2018
2. Mr Edis' rebuttal evidence on heritage matters
3. Appellant's opening statement including amenity space & layout plan
4. Council's opening statement
5. Rule 6's opening statement
6. Statement of Henry Lytton Cobbold
7. Michael Donnelly article r.e. Housing Delivery Test dated 3 December 2018
8. John Geoghegan article r.e. Housing Delivery Test dated 21 November 2018
9. Emerging LP Main Modifications s with Knebworth extract
10. Statement of Ann Judge
11. Knebworth Twinning Association leaflet
12. Appearance of Rule 6 party list
13. GCA Market monitor report extract
14. Condition relating to EV charging point
15. Hertfordshire County Council supporting statement for planning obligations

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 (location Plan), 02 (survey drawing & elevations), 03 – (outbuilding floor plans & elevations), 20 rev C (site plan), 21 rev B (existing public house), 22 rev A (existing elevations), 23 rev A – (Unit 10 outbuilding plans, section and elevations), 24 rev A – (units 1-9 plans, section and elevations) & 25 rev C (visibility splays).
- 3) No development above slab level shall commence until details of the external materials to be used for the construction/conversion of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) No works of construction above slab level shall take place until full details of the soft landscape works including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
- 5) No development above slab level shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) No part of the development shall be occupied until the access, parking and turning areas have been laid out and constructed in accordance with the approved drawings. These areas shall thereafter be retained for those purposes.
- 7) Prior to first occupation of the development, the redundant accesses shall be closed off and the adjacent footway reinstated in accordance with details that have first been submitted and agreed in writing with the local planning authority.
- 8) No construction work shall commence until a surface water drainage scheme for the development, based on sustainable drainage principles including details hard surfaces which shall be made of porous materials has been submitted to and approved in writing by the Local Planning Authority.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development as set out in Classes A to E of Part 1 of Schedule 2 shall be

carried out to the converted outbuilding referred to as unit 10 without first obtaining planning permission from the local planning authority.

- 10) A noise mitigation scheme in accordance with the measures set out in the Accon UK Environmental Consultant's report ref: A3239/N/02/V1 dated 14 February 2018 shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied and retained thereafter.
- 11) The occupation of the first floor residential accommodation above the public house shall be limited to a person solely or mainly employed in the public house and any resident dependents.
- 12) The ground floor of the public house shall be used as a public house within Use Class A4 of the Town and Country Planning (Use Classes Order) 1987 (as amended) and for no other purpose.
- 13) Prior to first occupation of any residential unit, one electric vehicle charging point shall be installed to the flatted development (units 1-9) and shall be retained thereafter.

This page is intentionally left blank



## Appeal Decision

Site visit made on 11 December 2018

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> January 2018

---

**Appeal Ref: APP/X1925/D/18/3213659**

**23 Melbourn Road, Royston SG8 7DE**

- 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 & Mrs Webber against the decision of North Hertfordshire District Council.
  - The application Ref 18/02012/FPH, dated 27 July 2018, was refused by notice dated 6 September 2018.
  - The development proposed is part two storey and part single storey rear extensions.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of No. 25 Melbourn Road with particular regard to outlook and access to natural light.

### Reasons

3. The appeal dwelling is located within group of houses which sit close together and whose rear gardens sit at a 45 degree angle or thereabouts to the main body of the houses themselves.
  4. The appeal dwelling has a single storey extension to the rear. The proposal seeks to build a first floor extension above part of this, projecting 2 metres from the existing first floor rear elevation, and extend the existing ground floor addition rearwards by a further 4.5 metres or so. The extensions would be finished in external materials which match those of the host dwelling and the Council raises no issue in terms of their effect on the character and appearance of the host dwelling or the street scene.
  5. The proposed first floor addition would project only 2 metres from the existing first floor rear elevation. However, at first floor level, the existing rear elevation already projects beyond the rear elevation of the main body of the adjacent house, No. 25 Melbourn Road. Given the angle of the proposed first floor extension, this element would effectively enclose the courtyard area between the main rear elevation of No. 25 and its outrigger. The effect would be
-

oppressive when viewed from this courtyard area, from the window serving the ground floor sitting room at the back of No. 25 and also from the window serving its small kitchen on the side of the outrigger. This arrangement would also harmfully reduce the levels of natural light available to these areas at certain times of the day.

6. I am mindful that saved policy 28 of the adopted North Hertfordshire Local Plan (LP) suggests that extensions (including first floor additions) which project less than 3 metres from the rear main wall of the existing house will normally be permitted. However, this policy also explains that rear extensions should not dominate adjoining property and should be well related to the direction the house faces. The angled arrangement of the rear gardens of the dwellings within the row in this particular case is not a 'normal arrangement' in my view, and I have considered the proposal on its merits as I see it.
7. The oppressive effect which would be caused by the proposed first floor addition would be exacerbated by the proposed single storey extension. This would be added to the existing single storey addition and would project a significant distance beyond the conservatory which is attached to the rear outrigger of No. 25 Melbourn Road. Although the proposed single storey extension would have a flat roof which would minimise any shadowing, the top courses of brickwork and its roof would sit above the tall boundary fence and most of the associated vegetation. This would increase the enclosing effect and would be unduly oppressive when viewed from No. 25.
8. I am satisfied that the window arrangement of the proposed extensions would not result in a material loss of privacy for the occupiers of No. 25 Melbourn Road. However, for the above reasons, I conclude that the proposed development would unacceptably harm the outlook and levels of natural light available to the occupiers of this neighbouring dwelling. In such terms, it conflicts policy 28 of the LP as outlined above. It also conflicts with saved policy 57 of the LP, which seeks to ensure appropriate orientation and safeguard reasonable levels of sunlight and daylight, along with the National Planning Policy Framework which promotes good design.
9. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

*David Fitzsimon*

INSPECTOR



---

## Appeal Decision

Site visit made on 30 November 2018

by **J A B Gresty MA MRICS**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> January 2019

---

### **Appeal Ref: APP/X1925/D/18/3210202 7 Cambridge Road, North, Barley SG8 8HN**

- 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 & Mrs C George against the decision of North Hertfordshire District Council.
  - The application Ref 18/01746/FPH, dated 2 July 2018, was refused by notice dated 8 August 2018.
  - The development proposed is existing conservatory to be demolished and replaced with proposed garden room, existing garage converted to utility/study-office. Proposed carport/garage and entrance gates and garden fence to be erected.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for existing conservatory to be demolished and replaced with proposed garden room, existing garage converted to utility/study-office. Proposed carport/garage and entrance gates and garden fence to be erected at 7 Cambridge Road North, Barley SG8 8HN in accordance with the terms of the application, Ref 18/01746/FPH, dated 2 July 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13325-P001-A, 13325-P002 & 13325-S001.

### **Main Issue**

2. The main issue in this case is the effect of the proposed development on the character and appearance of the local area.

### **Reasons**

3. The appeal property is a substantial, two-storey, detached house set back from the road behind a large front garden and driveway. The property is situated in a semi-rural location towards the edge of the village of Barley, in a line of houses on the south-east side of Cambridge Road. There is farmland to the rear of the houses and on the other side of the road.
4. The appeal proposal includes construction of a detached, single-storey garage building on the front driveway, in the northern corner of the front garden. The building would have a pitched, clay tiled roof and timber, feather-edge board cladding, which would contribute to the building having the character and

appearance of a small, traditional style rural outbuilding. The design would be in keeping with the character and appearance of the host dwelling and the other nearby houses on this part of Cambridge Road. The building would be small in comparison to the host dwelling and it would be in keeping with the size of the front garden and driveway.

5. Outbuildings and garages in front of the houses are not characteristic of this part of Cambridge Road and the front gardens contribute to this part of Cambridge Road having a spacious and leafy character and appearance when viewed from the road. Whilst the proposed garage building would be the only substantial building in front of the general building line of the line of houses, it would stand of ground about a metre below the level of the nearby road which would limit its visible height in the landscape when viewed from the road. Also, as a consequence of the gentle bend in the road, the building would have a backdrop of the two-storey houses when viewed from the road to the north and sloping garden land and trees when viewed from the south.
6. Overall, whilst the proposed garage building would be the only significant structure forward of the building line on this part of Cambridge Road, as a consequence of its design, siting on land below the level of the road, the curve of the road and its relatively small size in relation to the host dwelling and plot, the proposed building would not stand out prominently in the local landscape and it would be in keeping with the character and appearance of the host property and the line of houses as a whole.
7. Further, nearby towards the centre of the village on High Street, there are houses and buildings which stand close to the road. The nearest of these houses are visible from by the appeal property and relate strongly in the local landscape to the line of residential development on Cambridge Road. The proposed garage building would be some 5 metres or more from the side of the road and would be in keeping with the pattern of residential development nearby on High Street. The visual continuity of the proposed outbuilding with the nearby pattern of development on High Street would contribute to the proposed building being in keeping with the character and appearance of the local area.
8. The second main element of the appeal proposal is construction of a new single-storey garden room on the rear elevation of the appeal property and conversion of the small, integral single garage into habitable accommodation. At the time of inspection these works were largely complete and I concur with the Council that they are in keeping with the character and appearance of the host property. Similarly, the proposed fencing and gates would be in keeping with the character and appearance of the local area.

## **Conclusions**

9. At the heart of the National Planning Policy Framework (the Framework), there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development and 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. The proposed garage building would be in keeping with the character and appearance of the appeal property and local area. Further, the new garden room and conversion of the integral garage are in keeping with the host property and have very little impact on the character and appearance of the local area. Accordingly, in these respects the



proposed developments would represent sustainable development as sought by the Framework and comply with the requirements of Policies 28 and 57 of the North Hertfordshire District Local Plan No. 2 with Alterations Saved Policies – September 2007. Therefore, on balance and for the above reasons, I conclude that the appeal should be allowed.

### **Conditions**

10. For the sake of clarity, I impose a condition requiring the development to be carried out in accordance with the approved plans.
11. The Council has proposed that the materials used in the external surfaces of the new garden room and converted garage should match those of the host property. However, this aspect of the proposed development is all but complete, using materials which are in keeping with the host building and the application drawings indicate that materials would be used that match the host building. Accordingly, I consider such a condition is not necessary.
12. The Council has proposed that the materials used in the external surfaces of the proposed garage building should match those of the host property. However, the application drawings indicate that the garage building would clad with materials which would not match the host dwelling. Accordingly, such a condition would not be appropriate.

*J A B Gresty*

INSPECTOR

This page is intentionally left blank

**PLANNING CONTROL COMMITTEE**

**DATE: 14 February 2019**

**PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Mr Tim Wild	23/01/2019	25 Stockens Green, KNEBORTH, SG3 6DQ	18/02306/FPH	18/02306/FPH	Householder Appeal Service

This page is intentionally left blank