

NORTH HERTFORDSHIRE DISTRICT COUNCIL



5 July 2019

Our Ref Planning Control Committee
Your Ref.
Contact. Amelia McInally
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To: Members of the Committee: Councillors Terry Tyler, Daniel Allen, Ruth Brown, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice, Val Shanley and Michael Weeks

Substitutes: Councillors David Barnard, Sam Collins, George Davies, Gary Grindal, Michael Muir, Kay Tart and Tom Tyson

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES. GERON
ROAD, LETCHWORTH GARDEN CITY**

On

THURSDAY, 18TH JULY, 2019 AT 7.30 PM

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL
AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION
ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Thompson', written over a thin horizontal line.

Jeanette Thompson
Service Director – Legal and Community

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 30 MAY 2019 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 30 May 2019.	(Pages 5 - 14)
3. NOTIFICATION OF OTHER BUSINESS 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.	
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing 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.	
5. PUBLIC PARTICIPATION To receive petitions and presentations from members of the public.	
6. 18/01622/FP LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of 144 no. 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 15 - 74)
7. 16/01797/1 LAND REAR OF 4-14 , CLAYBUSH ROAD, ASWELL, SG7 5RA - THIS ITEM HAS BEEN WITHDRAWN THIS ITEM HAS BEEN WITHDRAWN REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 30 dwellings together with associated access, parking, amenity and open space. (Site layout amended by amended plans received 29/01/17, 23/03/17 and 22/08/17). (Please note plans received on 23/03/17 are only a minor site layout alteration).	(Pages 75 - 128)

8. **18/03348/FP VINE COTTAGE, MAYDENCROFT LANE, GOSMORE, HITCHIN, HERTS, SG4 7QB** (Pages 129 - 144)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of 3 x 3 bed detached dwellings, 3 bay car port, double garage, parking and vehicular access following demolition of existing dwelling and detached garage (as amended by drawing nos. 2017-30-PL.001E; -101B; -102D; 103D; -201B; -202C; -203D; -204D; -205D & -206B received on 12th June 2019 and coloured site plan no. 2017-30-PL.001E received on 14th June 2019).
9. **19/000317/FP 11 ROYAL OAK LANE, PIRTON, HITCHIN, HERTFORDSHIRE, SG5 3QT** (Pages 145 - 162)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of one 3-bed dwelling; partial demolition and reconfiguration of existing dwelling to facilitate new vehicular access and driveway to serve detached 3-bed dwelling in rear garden (as amended plans).
10. **18/02132/S73 EAST LODGE, LILLEY BOTTOM, LILLEY, LUTON, HERTFORDSHIRE, LU2 8NH** (Pages 163 - 178)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Variation of Condition 4 (Opening times) as attached to Planning application 17/04255/FP granted on 29/05/2018.
11. **19/00201/FPH 8 GUN MEADOW AVENUE, KNEBWORTH, HERTFORDSHIRE, SG3 6BS** (Pages 179 - 190)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Insertion of front and rear pitched roof dormer windows and rooflights to side elevations of roof to facilitate loft conversion.
12. **PLANNING APPEALS** (Pages 191 - 208)

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Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY
ON THURSDAY, 30TH MAY, 2019 AT 7.30 PM

MINUTES

Present: *Councillors Terry Tyler (Chairman), Daniel Allen (Vice-Chairman), David Barnard (In place of Ian Moody), Sam Collins (In place of Ruth Brown), Morgan Derbyshire, Tony Hunter, David Levett, Ian Mantle, Michael Muir (In place of Val Shanley), Sue Ngwala, Mike Rice, Adem Ruggiero-Cakir (In place of Mike Hughson) and Michael Weeks*

In Attendance: *Simon Ellis (Development and Conservation Manager), Ben Glover (Planning Officer), Kate Poyser (Senior Planning Officer), Tom Rea (Principal Planning Officer), Nurainatta Katevu (Legal Advisor) and Hilary Dineen (Committee, Member and Scrutiny Manager)*

Also Present: *At the commencement of the meeting approximately 40 members of the public, including registered speakers.*

1 APOLOGIES FOR ABSENCE

Audio recoding – Start of Item – 5 seconds

Apologies for absence were received from Councillors Ruth Brown, Councillor Val Bryant, Councillor Mike Hughson, Councillor Ian Moody, Councillor Sean Prendergast, Councillor Val Shanley.

Having given due notice the following Councillors advised that they would be substituting:

Councillor Sam Collins for Councillor Ruth Brown;
Councillor Adem Ruggiero-Cakir for Councillor Mike Hughson;
Councillor David Barnard for Councillor Ian Moody;
Councillor Michael Muir for Councillor Val Shanley.

2 MINUTES - 13 DECEMBER 2018

Audio Recording – Start of Item - 1 minute 19 seconds

RESOLVED: That the Minutes of the Meeting of the Committee held on 13 December 2018 be approved as a true record of the proceedings and be signed by the Chairman.

3 MINUTES - 16 JANUARY 2019

Audio recording – Start of Item - 1 minute 36 seconds

RESOLVED: That the Minutes of the Meeting of the Committee held on 16 January 2019 be approved as a true record of the proceedings and be signed by the Chairman.

4 MINUTES - 14 FEBRUARY 2019

Audio recording – Start of Item - 2 minutes 2 seconds

In respect of Minute 19, Councillor Barnard asked whether a timescale was in place to remove items in respect of the refusal and whether that timescale should have formed part of the decision.

The enforcement timescale was a separate decision making process, however, as a responsible Authority, we were mindful of the Applicant's right to appeal and would seek to ascertain whether the Applicant was going to appeal before commencing enforcement action.

If there was no appeal within the 6 months allowed, then a time limit would be applied to enforcement action against any unauthorised development.

The Development and Conservation Manager advised that there were no time limits in respect of refusal of planning permission.

RESOLVED: That the Minutes of the Meeting of the Committee held on 14 February 2019 be approved as a true record of the proceedings and be signed by the Chairman.

5 MINUTES - 14 MARCH 2019

Audio recording – Start of Item – 4 minutes 44 seconds

RESOLVED: That the Minutes of the Meeting of the Committee held on 14 March 2019 be approved as a true record of the proceedings and be signed by the Chairman.

6 NOTIFICATION OF OTHER BUSINESS

Audio Recording – Start of Item – 4 minutes 54 seconds

There was no other business notified.

7 CHAIRMAN'S ANNOUNCEMENTS

Audio recording – Start of Item – 4 minutes 59 seconds

- (1) The Chairman thanked Councillor Mike Rice for his previous Chairmanship of the Committee
- (2) The Chairman thanked those who are no longer Members of this Committee, Councillors ;
- (3) The Chairman welcomed Councillors Val Bryant, Morgan Derbyshire, David Levett, Ian Moody, Sean Prendergast and Val Shanley who are new to the Committee;
- (4) The Chairman advised that, in accordance with Council policy this meeting was being audio recorded. Members of the public and the press may use their devices to film/photograph, or do a sound recording of the meeting, but should not disturb the meeting;
- (5) Please could Members, officers and public speakers announce their names each time they speak and speak directly into the microphones to assist members of the public;

- (6) To clarify matters for the registered speakers:

Members of the public have 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. This 5 minute time limit also applies to Member Advocates.

The bell will sound after 4½ minutes as a warning and again at 5 minutes, to signify that the speaker must cease.

In the case of Item 11 – each group of speakers have 8 minutes.

- (7) Members were reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and 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, wishing 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.

8 PUBLIC PARTICIPATION

The Chairman confirmed that the 10 registered speakers and 2 Member Advocates were present.

9 19/00201/FPH 8 GUN MEADOW AVENUE, KNEBORTH, HERTS, SG3 6BS

Audio recording – Start of Item – 9 minutes 15 seconds

The Development and Conservation Manager presented the report in respect of application 19/00201/FPH supported by a visual presentation consisting of photographs and plans.

The Development and Conservation Manager advised that Mr Paul Webster would not be attending the meeting and that the Chairman had asked him to read out a statement from Mr Webster the Applicant's Agent.

The Committee were advised that Mr FursseDonn would not be speaking regarding planning application 19/00201/FPH.

Councillor Lisa Nash, Member Advocate, thanked the Chairman for the opportunity to address the Committee and advised that, in respect of planning application 19/00201/FPH she had not been advised of the changes to the proposal until today and that those changes now satisfied local residents concerns regarding privacy and design.

The following Members took part in the debate and asked questions:

- Councillor Michal Muir;
- Councillor Michael Weeks

The Development and Conservation Manager responded to questions asked.

It was moved by Councillor Mantle, seconded by Councillor Hunter and

RESOLVED: That application 19/00201/FPH be **GRANTED** planning permission, subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

10 19/00151/FPH 8 GUN MEADOW AVENUE, KNEBWORTH, HERTS, SG3 6BS

Audio recording – Start of Item – 20 minutes 41 seconds

The Development and Conservation Manager presented the report in respect of application 19/00151/FPH supported by a visual presentation consisting of photographs and plans.

The Development and Conservation Manager advised that the statement from Mr Paul Webster, Applicant's Agent, read out during consideration of the previous item, also applied to this application.

Mr Fursedonn thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in objection to application 19/00151/FPH.

The following Members asked questions of Mr Fursedonn:

- Councillor Michael Weeks;
- Councillor Sue Ngwala.

Councillor Lisa Nash, Member Advocate, thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in objection to application 19/00151/FPH.

The Development and Conservation Manager clarified details of materials and advised that sewerage was a matter for Building Control.

The building would go up to the boundary of the property, but would be contained within the boundary of the property.

If access was required to the footpath for construction they would need to gain the necessary permits from the Highways Authority, Rights of Way.

The Flood Agency advice would apply to larger developments than this, which was borderline permitted development, however Member could require a condition regarding flood alleviation measures.

The following Members took part in the debate and asked questions:

- Councillor David Levett;
- Councillor Mike Rice;
- Councillor Sam Collins;
- Councillor Michael Muir;
- Councillor Michael Weeks;

The Development and Conservation Manager responded to the questions asked.

Members considered that it was appropriate to condition regarding materials and details of rainwater drainage and guttering.

It was moved by Councillor Muir, seconded by Councillor Allen and

RESOLVED: That application 19/00151/FPH be **GRANTED** planning permission, subject to the conditions and reasons contained in the report of the Development and Conservation Manager and the additional conditions and reasons below:

- 3 Prior to the commencement of the development hereby permitted, full details of the external materials of the development shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars.

Reason: In the interest of visual amenity and to ensure the external finish of the development adjoining the footpath is of an appropriate standard.

- 4 Prior to the commencement of the development hereby permitted, full details of the rainwater drainage and guttering arrangements associated with this development shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first occupation of the development and thereafter retained and maintained in perpetuity to the satisfaction of the Local Planning Authority.

Reason: To ensure that rainwater runoff from this development does not spill over to the adjoining footpath in the interests of pedestrian safety and amenity.

11 19/01622/FP LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD, HERTFORDSHIRE

Audio recording – Start of Item – 48 minutes

The Principal Planning Officer advised of updates to the report and presented the report in respect of application 18/01622/FP supported by a visual presentation consisting of photographs and plans.

Parish Councillor Miles Maxwell, Chairman of Ickleford Parish Council, thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in objection to application 19/01622/FP.

The following Members asked questions of Parish Councillor Maxwell:

- Councillor Sam Collins;
- Councillor Sue Ngwala.

Councillor David Barnard, advised that he would be speaking as a Member Advocate and moved to the public area to make his presentation

Councillor Barnard thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in objection to application 19/01622/FP.

The following Members asked questions of Councillor Barnard:

- Councillor Sam Collins;
- Councillor Michael Weeks

Councillor Barnard then left the room for the remainder of the item.

Mr Andy Moore, Barratt David Wilson Homes (applicant) and Mr Geoff Armstrong, Armstrong Rigg Planning (Planning Agent), thanked the Chairman for the opportunity to address the Committee in favour of application 19/01622/FP.

The following Members asked questions of Mr Moore and Mr Armstrong:

- Councillor David Levett
- Councillor Sam Collins
- Councillor Sue Ngwala

The Principal Planning Officer clarified details regarding some of the questions asked.

The following Members took part in the debate

- Councillor David Levett

The Principal Planning Officer advised that the density in the Local Plan was an estimate and not a set figure, the S106 contributions had been agreed by the applicant and that this site was not in the green belt.

It was proposed by Councillor David Levett that application 19/01622/FP be deferred pending publication of the Inspectors report regarding the Local Plan and to allow further discussion regarding S106 contributions to education.

The Development and Conservation Manager advised that it was best practice to detail all reasons for deferment. The proposal to defer on the grounds of waiting for the Inspectors report was valid and Officers could be requested to look into the S106 contributions for Education. He cautioned against referring to admissions to schools as this was not a S106 matter.

Central Bedfordshire and Hertfordshire County Councils were in agreement that the approach regarding S106 contributions was the most appropriate solution.

When the application comes back to Committee, officers could invite Hertfordshire Education and Highways Officers to attend the meeting.

The following members entered into the debate regarding the proposal to defer:

- Councillor Sam Collins;
- Councillor Michael Muir;
- Councillor Ian Mantle.

It was proposed by Councillor David Levett, seconded by Councillor Mike Rice and

RESOLVED:

- (1) That application 19/01622/FP be **DEFERRED** on the grounds that consideration of the application should await the publication of the Emerging Local Plan 2011 – 2031 Inspectors report;
- (2) That Officers be requested to invite County Council Education and Highways Officers to attend the meeting at which this application is reconsidered.

Councillor Barnard returned to the room and to the Committee.

The Chairman advised that there would be a 5 minute comfort break.

12 19/00317/FP 11 ROYAL OAK LANE, PIRTON, HITCHIN, HERTS, SG5 3QT

Audio Recording – Start of Item – 2 hours 4 minutes 17 seconds

At the start of the Item the Chairman agreed that the applicant could distribute some plans to Members of the Committee.

The Senior Planning Officer advised of updates to the report and presented the report in respect of application 19/00317/FP supported by a visual presentation consisting of photographs and plans.

Councillor David Barnard, advised that he would be speaking as a Member Advocate and moved to the public area to make his presentation.

Councillor Barnard thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in support of application 19/00317/FP.

The following Members asked questions of Councillor Barnard:

- Councillor Mike Rice:
- Councillor Ian Mantle.

Councillor Barnard then left the room for the remainder of the item.

Mr Tom Gammell, applicant and Ms Charlotte Fausset, architect thanked the Chairman for the opportunity to address the Committee in favour of application 19/00317/FP.

The following Members asked questions of Mr Gammell and Ms Fausset:

- Councillor Sue Ngwala;
- Councillor Ian Mantle.

The Senior Planning Officer clarified details regarding some of the questions asked and advised that she had not seen the proposed amended plans and that these would need to be considered before making a recommendation.

The following Members asked questions and took part in the debate

- Councillor Ian Mantle;
- Councillor David Levett;
- Councillor Michael Weeks;
- Councillor Michael Muir;
- Councillor Daniel Allen;
- Councillor Sam Collins;
- Councillor Mike Rice.

The Development and Conservation Manager advised that the Committee should consider the application as presented in the report. Officers had not seen the proposed amendments, which would need to be considered by officers and consulted on.

The Senior Planning Officer advised that the proposed amendments may overcome part of the reasons for refusal, but they have not had time to consider whether this would happen.

It was proposed by Councillor Collins and seconded by Councillor Morgan Derbyshire that the application be deferred to allow the amended plans to be assessed by officers.

RESOLVED: That application 19/00317/FP be **DEFERRED** to enable consultation and further consideration by officers of the amended layout plan tabled at the meeting.

Councillor Barnard returned to the room and the Committee.

13 18/03347/FP 189 HIGH STREET, CODICOTE, HITCHIN, HERTS, SG4 8UD

Audio Recording – Start of Item – 2 hours 43 minutes 21 seconds

The Planning Officer advised of updates to the report and presented the report in respect of application 18/03347/FP supported by a visual presentation consisting of photographs and plans.

Parish Cllr Helena Gregory, Chairman of Codicote Parish Council and Mr Tom Brindley thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in objection to application 18/03347/FP.

Ms Aimee Cannon, applicant's agent, thanked the Chairman for the opportunity to address the Committee in support of application 18/03347/FP.

The following Members asked questions of Ms Cannon:

- Councillor Sue Ngwala;
- Councillor Sam Collins

The Planning Officer clarified that the green belt boundary would remain in place.

The following Members asked questions and took part in the debate:

- Councillor Michael Muir;
- Councillor David Levett;

It was proposed by Councillor David Levett that application 18/03347/FP be refused planning permission as it was an inappropriate development in the Green Belt.

RESOLVED: That application 18/0334/FP be **REFUSED** planning permission on the grounds that the proposal would comprise inappropriate development in the Green Belt and in the opinion of the Local Planning Authority there are no very special circumstances that would outweigh the harm caused to the Green Belt by reason of inappropriateness and harm to openness. The development would therefore conflict with Section 13 of the National Planning Policy Framework, Policy 2 of the North Hertfordshire Local Plan 1996 with Alterations, Policy SP5 of the Emerging Local Plan.

Councillor Daniel Allen left the meeting.

14 19/00762/FPH HOWLETT'S FARM, GAS LANE, BARKWAY, ROYSTON, HERTS, SG8 8ET

Audio Recording – Start of Item – .3 hours 9 minutes 51 seconds

Councillor Gerald Morris, who had been sitting in the public gallery, left the room, as this application related to his property.

The Development and Conservation Manager presented the report in respect of application 19/00762/FPH supported by a visual presentation consisting of photographs and plans.

It was proposed by Councillor Hunter, seconded by Councillor Mantle and

Thursday, 30th May, 2019

RESOLVED: That application 19/00762/FPH be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

15 18/02910/TCA LAND OPPOSITE 35 GERNON ROAD, LETCHWORTH GARDEN CITY, HERTS

Audio Recording – Start of Item – 3 hours 13 minutes 49 seconds

Councillor David Levett declared a disclosable interest in that one of the objectors to this Tree Preservation Order was his landlord. He advised that he would leave the room and take no part in the debate and vote.

The Development and Conservation Manager presented the report in respect of application 18/02910/TCA supported by a visual presentation consisting of photographs and plans.

It was proposed by Councillor Barnard, seconded by Councillor Mantle and

RESOLVED: That the temporary Tree Preservation Order 18/02910/TCA be **CONFIRMED** without modifications.

16 APPEALS DECISION

Audio Recording – Start of Item – 3 hours 16 minutes 20 seconds

The Development and Conservation Manager presented the report entitled Appeals Decision.

RESOLVED: That the report entitled Appeals Decision be noted

The meeting closed at 10.48 pm

Chairman

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ITEM NO:	
<u>Location:</u>	Land To The East Of Bedford Road And West Of Old Ramerick Manor Bedford Road Ickleford Hertfordshire
<u>Applicant:</u>	Barratt David Wilson North Thames
<u>Proposal:</u>	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).
<u>Ref. No:</u>	18/01622/FP
<u>Officer:</u>	Tom Rea

Reason for Delay

An extension to the statutory period for determining this application expired on 1st July 2019. This application is now the subject of an appeal to be heard by a Public Inquiry with a date to be confirmed by the Planning Inspectorate.

1.0 Background to Report and Reason for Referral to Committee

- 1.1 This planning application was considered by the Planning Control Committee at its meeting on 30th May 2019 at which the Committee resolved to defer consideration of the application until the publication of the emerging North Hertfordshire Local Plan Examination Inspector's report.
- 1.2 On 24th June 2019 the Local Planning Authority (LPA) received prior notification of the applicants' (Barratt David Wilson North Thames) intention to lodge an appeal against the non-determination of the planning application ref: 18/01622/FP with the Planning Inspectorate on 2nd July 2019. The applicants further advised that it is their intention to submit a duplicate planning application after 18th July in order for any concerns raised by the Planning Control Committee to be addressed which may result in a quicker decision and obviate the need to pursue the appeal to its conclusion.
- 1.3 On 3rd July 2019 the LPA received confirmation from the Planning Inspectorate that an appeal against non-determination had been received. The appeal reference is APP/X1925/W/19/3232512. The appellants have requested a Public Inquiry.

- 1.4 As part of the appeal procedure the Planning Inspectorate will (within 5 weeks of the start date of the appeal) require the LPA to provide a Statement of Case which must include what decision it would have taken on planning application ref: 18/01622/FP. An agreed statement of Common Ground is also required within this same period.
- 1.5 The purposes of this report is therefore to seek the Committee's views on what decision the LPA would have arrived at on application 18/01622/FP, to provide further comment on the issues raised at 30th May 2019 Committee and to make a recommendation in respect of the submitted appeal.
- 1.6 For clarity, the Committee is informed that it is the Planning Inspectorate who will now determine planning application ref: 18/01622/FP, should the appeal process be concluded, rather than the LPA.

2.0 **Site History**

- 2.1 See officer report presented to 30th May 2019 Planning Control Committee at **Appendix A**

3.0 **Representations**

- 3.1 As part of the appeal process all representations received as a result of consultation on the planning application ref: 18/01622/FP will be sent to the Planning Inspectorate and all interested parties will be provided with an opportunity to make further comments to PINs and attend and participate in the forthcoming public inquiry.

4.0 **Planning Considerations**

- 4.1 The key planning considerations in respect of planning application ref: 18/01622/FP are set out in the Committee report presented to 30th May 2019 Planning Control Committee at **Appendix A**.
- 4.2 Notwithstanding the resolution of the Committee on 30th May to defer a decision on application ref: 18/01622/FP until publication of the Local Plan Inspector's report, a number of issues were raised at the meeting in debate prior to the formal resolution. Therefore, it is considered appropriate to respond in more detail on these matters raised in order to assist the Committee to formulate a response to PINs as required by the appeal procedures.
- 4.3 The issues raised at Committee on 30th May include the following:
- The Emerging Local Plan and housing land supply
 - Density of development
 - Education matters
 - Air Quality
 - Highway matters

4.4 The Emerging Local Plan and housing land supply

4.4.1 Members are referred to paragraphs 4.3.4 to 4.3.10 of the 30th May Committee report attached as Appendix A. These paragraphs explain the weight that can be applied to the ELP and how the policies in the ELP are considered to be closely aligned and consistent with the NPPF. They also explain why, through reference to Paragraph 49 of the NPPF, the proposed development cannot be considered premature. The key message of this section of the report is that in the absence of a five year land supply, there is a presumption in favour of delivering sustainable development and that the LS1 site, given its location adjacent to a large settlement and alongside a major transport corridor, can meet the economic, social and environmental objectives necessary to achieve sustainable development where the limited harm associated with it is outweighed by the benefits such as boosting the supply of housing including the provision of affordable housing.

4.4.2 For some time the LPA has been addressing its housing shortfall through the grant of planning permission on several Emerging Local Plan sites throughout the district most notably around Royston on sites in the Rural Area Beyond the Green Belt. These include:

- BK1 (Cambridge Road, Barkway – under construction)
- RY1 (Ivy Farm, Baldock Road – part completed)
- RY2 (Newmarket Road – under construction)
- RY4 (Lindsay Close – permission granted)
- RY10 (Newmarket Road – permission granted)
- RY11 (Barkway Road – partly constructed)
- Priors Hill, Pirton (under construction)*
- Holwell Turn, Pirton (under construction)*
- Brickyard Lane, Reed (completed)*

* Included at earlier preferred options stage

4.4.3 It is the view of planning officers that consideration of the LS1 application should be consistent with the approach to delivering housing that the LPA has been taking with other similar allocated sites in the Rural Area Beyond the Green Belt as identified above.

4.4.4 The ELP Inspector's report is still awaited. There is no certainty at this stage when the report will be published and whether any part of the Examination sessions will be re-opened or when the Plan may be adopted. In the meantime the Council's efforts to address its housing supply has been referred to by recent planning appeal Inspectors (e.g. at Offley, Pirton and Barkway) as having relevance in attributing the weight that can be applied to housing proposals. Inspectors have, in the planning balance on these recent appeals, given less weight to the benefits of new housing on non-allocated sites and increased weight on the adverse impacts. Moreover, for the Council to continue to implement its housing strategy on ELP allocated sites that are deliverable such as LS1 (and following the presumption in favour of sustainable development) this will assist in preventing the submission of hostile, unplanned development proposals predicated on this Council's lack of a five year housing supply argument, as was the case with e.g. Offley and Pirton.

4.4.5 Density of development

4.4.6 The dwelling estimate for the LS1 site is 120 units whilst the planning application proposes 144 (20% increase). The Communities section of the ELP provides an assessment for the housing needs of each community throughout the district. It advises that the dwelling figures are not a target and do not necessarily represent the maximum number of new homes that will be built.

4.4.7 In the case of the LS1 site, regard has to be given to the site's location immediately adjacent to the settlement of Henlow Camp and in particular The Railway development to the north, recently constructed and comprising of 2.5 storey dwellings. As mentioned in the attached Committee report at 4.3.16 the LS1 development *'...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 the houses at Ramerick Cottages and also provides a substantial buffer with the wider open farmland landscape further south'*

4.4.8 The LS1 proposals will result in a relatively low density overall with the site containing approximately 40% of public open space and landscaping. Section 11 of the NPPF ('Making effective use of land') requires Local Planning Authorities to promote and effective use of land in meeting the need for new homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. It is considered that the LS1 proposals strike a reasonable balance between the need to make effective use of the land but also to reflect the character of the area and to provide a high quality living environment for future residents.

4.4.9 Attached at **Appendix B** is a document explaining the approach to dwelling estimates in the emerging local plan. The key message here is that ELP sites should 'broadly accord' with the indicative number of homes shown in the Plan but that policies both in the emerging Plan and the National Planning Policy Framework provide the basis for considering the appropriateness or otherwise of individual planning applications.

4.4.10 Education matters

4.4.11 Concerns were raised at the Committee meeting on 30th May as to whether the education contributions arising from the LS1 development should go towards Hertfordshire or Central Bedfordshire schools.

4.4.12 An important element of the National Planning Policy Framework is the Duty to co-operate as introduced by the 2011 Localism Act. Local Authorities have a legal duty to co-operate on strategic planning issues that cross administrative boundaries and work together to meet development requirements which may not be wholly met within their own areas. To meet this requirement Local Authorities are required to prepare and maintain statements of common ground documenting the cross – boundary matters to be addressed and progress in co-operating on these matters.

4.4.13 In respect of the LS1 site, a Memorandum of Understanding has been signed between North Hertfordshire District Council and Central Bedfordshire Council and sets out confirmed points of agreement between the two authorities on planning matters including community infrastructure and other local facilities. Paragraph 5.15 of the document confirms the agreement between North Herts and Central Bedfordshire to work together over the further potential development of Lower Stondon including the LS1 site and to work with other relevant organisations to deliver the services and infrastructure required to support development. This includes education provision.

4.4.14 Officers at North Hertfordshire and Hertfordshire County Council agree that given the location of the site and proximity to schools in Henlow, and to reflect the Local Transport Plan LTP4, it is appropriate that education contributions from the LS1 development go towards improving capacity of schools in Central Bedfordshire. This approach is agreed with Central Bedfordshire in principle and it is expected that the Section 106 Agreement will secure this essential infrastructure.

4.4.15 Air Quality

4.4.16 Local authorities in the UK have a responsibility under Local Air Quality Management (LAQM) legislation to review air quality. Where concentrations exceed national objectives an Air Quality Management Area (AQMA) is required and measures should be put in place to reduce emissions, and be reported in the local Air Quality Action Plan (AQAP).

4.4.17 The main source of air pollution in North Hertfordshire is from traffic. Objectives set out in the Air Quality Regulations 2010 identify a level of pollutants for which there would be no, or low risk to health. North Hertfordshire District Council monitors against these objectives and if exceeded, more detailed monitoring action would be required, which may highlight the need to take locally targeted action to improve the air quality. Air quality reports are published regularly on the Council website.

4.4.18 There are currently two Air Quality Management Areas within North Hertfordshire. These are both within Hitchin at Paynes Park and Stevenage Road. There are no AQMAs along the A600 towards Hitchin although the Council monitors air quality at a number of sites across the district in order to satisfy its responsibilities to keep this issue under review.

4.4.19 Measures to reduce air pollution relating to traffic include the following:

- Encouraging a move away from internal combustion engine vehicles to ultra low emission vehicles (ULEV) which will reduce particulate emissions from exhausts;
- Measures to reduce road travel altogether will reduce emissions from other vehicular emissions and pollutants.

4.4.20 In the case of the LS1 site the Council's Environmental Health officer considers that there are several methods of addressing air quality arising from this development and these are secured by conditions recommended in the report. These are centred around encouraging the use of Ultra Low Emission Vehicles through the provision of electric vehicle charging infrastructure and a encouraging sustainable travel patterns reducing the use of the private car. Conditions 14, 15 and 17 address these issues. In addition condition 18 relating to construction traffic management will need to include measures to minimise emissions from construction vehicles.

4.4.21 Highway matters

4.4.22 Concern has been raised at transport related aspects of the proposed LS1 development particularly at the proposed T- junction and the cumulative impact of the development when taken with approved and planned development.

4.4.23 In terms of the proposed T – junction access arrangements, the layout of the proposed junction has been designed in conjunction with Hertfordshire Highways and as part of this process a Road Safety Audit has been undertaken which has demonstrated that the junction can operate safely. On this basis, the junction arrangements are considered to be acceptable. The detail of the junction works will need to be secured by a s278 Highways Act Agreement in association with Central Bedfordshire County Council. It is relevant to mention that traffic speeds will reduce past the junction following an approved reduction in maximum speed for this stretch of the A600 to 30mph from the current 40mph.

4.4.24 In terms of the cumulative impact the Highway Authority have acknowledged that the submitted Transport Assessment (TA) has taken into account other committed development in the area. These include the 85 dwellings currently under construction at Brunswick Gate opposite the site and the 78 dwellings being constructed at Pirton.

4.4.25 The Highway Authority do not object to the development subject to the satisfactory completion of the S106 Agreement and the S278 Highway Agreement. Overall they consider that the traffic impact of this development will not be severe – see paragraph 109 of NPPF:

'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'

5.0 Procedural matters and risk of costs

5.1 As part of the appeal process the appellants will be commencing their preparations to support their case at a Public Inquiry and this will involve engaging Counsel and specialist witnesses in preparing expert evidence to cover the various matters likely to be examined by the Appeal Inspector. Likewise, the LPA will also have to engage Counsel and witnesses to defend the appeal. In addition there will be a number of 'Rule 6' parties (other main parties to the Inquiry e.g. Parish Councils, Neighbourhood Groups)

5.2 Given the above, officers consider it important at this stage that the Local Planning Authority considers what its decision would have been if it had determined planning application 18/01622/FP and to convey that decision asap to the Planning Inspectorate. To delay this consideration will potentially result in unnecessary or wasted costs being incurred by all parties. Furthermore, the Planning Practice Guidance (PPG) advises that local authorities are required to behave reasonably in relation to procedural matters at appeal e.g. by complying with the requirements and deadlines of the process. The PPG states that examples of unreasonable behaviour which may result in an award of costs include:

- Delay in providing information or other failure to adhere to deadlines;
- Failing to provide relevant information within statutory time limits;
- Not agreeing a statement of common ground in a timely manner

6.0 Conclusion

6.1 Application ref: 18/01622/FP was registered valid on 20th July 2018 following a previous application refused in March 2018. In the past 12 months extensive negotiations have been undertaken to resolve objections from statutory consultees and negotiate an acceptable Section 106 Agreement. The submission of the appeal against non-determination is regrettable however delaying consideration of this application to await the publication of the ELP Inspectors report is not reasonable given the unknown timescale for the delivery of that report, the lack of any objections from statutory consultees on technical matters and the overall benefits of the scheme outweighing any identified harm in the planning balance. Furthermore, negotiations on the Section 106 are at a very advanced stage so as not to prevent a decision being taken subject to a satisfactory conclusion of the agreement.

7.0 Alternative Options

7.1 None applicable

8.0 Legal Implications

8.1 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.

9.0 Recommendation

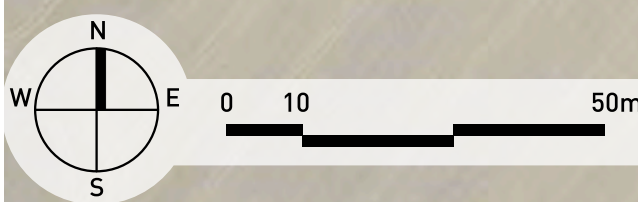
9.1 That the Planning Control Committee resolve the following in relation to the submitted appeal against non-determination of application ref: 18/01622/FP:

- 9.2 **A) That North Hertfordshire District Council advise the Planning Inspectorate that had it determined planning application ref: 18/01622/FP it would have resolved to grant planning permission subject to the completion of a satisfactory legal agreement and the planning conditions and informatives as set out in the Committee report to the NHDC Planning Control Committee, 30th May 2019 (Agenda item 11)**
- 9.3 **B) That North Hertfordshire District Council advise the Planning Inspectorate that it does not wish to contest the appeal against non-determination of planning application ref: 18/01622/FP (Appeal ref: APP/X1925/W/3232512) subject to the Council's participation in the completion of a satisfactory legal agreement and appropriate conditions and informatives.**
- 10.0 **Appendices**
- 10.1 Appendix A – Copy of Committee report to North Hertfordshire District Council Planning Control Committee, 30th May 2019.
- 10.2 Appendix B – Approach to dwelling estimates in the emerging Local Plan

KEY



SITE APPLICATION BOUNDARY



BEDFORD ROAD, LOWER STONDON - SITE LOCATION PLAN



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ITEM NO:	
<u>Location:</u>	Land To The East Of Bedford Road And West Of Old Ramerick Manor Bedford Road Ickleford Hertfordshire
<u>Applicant:</u>	
<u>Proposal:</u>	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).
<u>Ref. No:</u>	18/01622/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 1st July 2019

Reason for Delay

Negotiations, consultation responses and preparation of Section 106 Legal Agreement

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 (February 2019)

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.

The applicant has offered a £40k contribution towards improvements to the LEAP at The Railway however this has been declined by Henlow Parish Council as not in line with their aspirations for the area. Without a full contribution of £140k towards new play equipment and maintenance the Parish Council have advised that it will not permit a bridge access to The Railway from the LS1 development.

Comments received 23/4/19:

Henlow Parish Council reiterates its objection to the development stating that the lack of safe and sensitive integration into the adjacent settlement conflicts with the emerging local plan and does not provide safe routes to school as required by sustainable development. HPC require this issue to be remedied before determination of the application.

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 proforma 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 14th 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.

The County Council education team have further advised that work is on-going in consultation with legal advisors and CBC to identify the relevant education projects being funded by this development and to secure their delivery through appropriate wording and clauses in legal agreements between the parties concerned.

Comments received 23/4/19

HCC advise that agreement has been reached with CBC on a number of principles with regard to the allocation and spending of the education contributions. Details to be agreed within S106 legal 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

3.25 Additional comments have been received from residents of Old Ramerick Manor, 1, 2 and 4 Old Ramerick Barns (February 2019) raising the following concerns:

- Flood Risk – the applicant has not demonstrated that the development will not flood and/or exacerbate flooding downstream or lead to flooding elsewhere
- Concern on setting of the listed building – query weight attached to the significance, lack of public benefit and lack of reference to impact on adjoining non-listed buildings
- Impact on residential amenity – lack of regard to impact of orchard planting on occupiers of adjacent properties
- Access – A Right-hand turn lane is required; concern of a severe impact on highway safety
- Ecological mitigation – off-site mitigation contrary to CIL Regulations
- Recommend refusal on above grounds

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 adjoins 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 are 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 along the northern boundary and through the centre of the site.
- 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
 - Deletion of the pedestrian link into The Railway open space north of the site
- 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 Proposed Submission Local Plan (incorporating Main Modifications) 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 (as amended in the Proposed Modifications):

- 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 (incorporating Main Modifications) 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 on the Main Modifications has taken place between January 3rd – 11th April 2019. Whilst 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, 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

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, a public footpath (002) and buildings associated with The Manor to the east and four residential properties and a public footpath (001) along the southern boundary. It has a close physical association with the settlements of Henlow Camp and Lower Stondon to the north emphasised by road access, the proximity of housing and 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 and accessible to neighbouring towns and villages via good transport infrastructure.

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 the above factors it is considered that the site is suitable for residential development in principle. Furthermore, it is appropriate for this application to be considered now given the schemes' deliverability i.e. the site is available now, offers a suitable location for housing development now and that there is a reasonable prospect that housing will be delivered on the site within five years from the date of adoption of the Emerging Local Plan.

4.3.11 Character and Appearance

4.3.12 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 of low landscape value.

4.3.13 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.

4.3.14 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, particularly from public footpath 001.
- general reduction in scale and density along western boundary.

4.3.15 The 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. The development is of reduced density and more appropriate to this edge of settlement location yet still well integrated with Henlow Camp to the north. Generally 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 routes connecting to Henlow Camp to the north and the existing footpath network. 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.

4.3.16 Overall there is a reduction in density from the previously refused application 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 and also provides a substantial buffer with the wider open farmland landscape further south.

4.3.17 The development is well integrated with local footpaths. Five connection points are proposed in total including three directly onto the footpath along Bedford Road. 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 provides permeability through the site linking with footpath 001 to the

south (and onwards further south via footpath 003). In terms of wider improvements to the footpath network 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.

- 4.3.18 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.
- 4.3.19 The provision of 144 dwellings on currently open land would, inevitably, result in a change in the open 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, following the grant of planning permission for 85 dwellings construction has commenced on the Welbeck site opposite the north east corner of the LS1 site (known as 'Brunswick Gate'). This development is on a similar southerly alignment as the LS1 site and is an example of how the settlement character and form of Henlow is changing to meet local housing need.
- 4.3.20 Summary on character and appearance
- 4.3.21 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 on the wider area. 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.
- 4.3.22 **Highways, access and parking matters**
- 4.3.23 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.

- 4.3.24 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.
- 4.3.25 The site will be connected to footpath 001 along the southern boundary. A further link across third party land to connect with footpath 002 and west to footpath 016 is considered achievable by Central Bedfordshire Rights of Way officer and is shown indicatively on the submitted plan.
- 4.3.26 The site would be connected to Henlow Camp / Lower Stondon to the north via the A600. 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).
- 4.3.27 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.
- 4.3.28 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. This is consistent with policies in the new Local Transport Plan (LTP4) which seeks to achieve modal shift and improve sustainable travel provision.

- 4.3.29 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'*.
- 4.3.30 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'*.
- 4.3.31 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;**
- 4.3.32 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.
- 4.3.33 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.
- 4.3.34 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.

4.3.35 Summary on highway matters

4.3.36 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.

4.3.37 **Impact on heritage assets**

4.3.38 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 13th Century. The house has recently been refurbished following the redevelopment of farmbuildings 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.

4.3.39 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 as a matter of fact.

4.3.40 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.

4.3.41 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'

4.3.42 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.

4.3.43 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.

4.3.44 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.

4.3.45 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.”*

4.3.46 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.”

4.3.47 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.

4.3.48 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.

4.3.49 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).

4.3.50 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.

4.3.51 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.

- 4.3.52 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.
- 4.3.53 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.
- 4.3.54 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 harm occasioned to the asset’s significance derived from the impact of this amount of development within its setting.

- 4.3.55 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.
- 4.3.56 Concern has been raised at the 'proposed tree belt' adjacent to the eastern boundary of the site and the implications this planting has in terms of the setting of the Manor and the farm complex. The concern is misguided as the planting here is shown clearly on the submitted landscape plan (drawing CSA/3739/107) as consisting of fruit trees within a wildflower meadow resulting in filtered views through to and from the application site as opposed to a dense tree belt. Even so, the concern does not take account of or acknowledge the existing substantial trees and other landscaping immediately to the north west of the Manor and farm complex which have formed part of the setting of the group for many years.
- 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* ([2017] 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 converted barns (non-designated heritage assets) 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 are significant to outweigh the limited harm to the designated heritage assets that have been identified. For clarity the public benefits are considered as follows:

- The site will significantly assist in addressing the Council's housing shortfall
- 57 affordable homes would be secured
- Benefits to the local economy from construction and on-going expenditure in local shops and services
- Improved connections to public footpaths and upgrading of public footpath south towards Holwell
- Upgraded bus stops and traffic calming measures on the A600

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 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 45 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.

In terms of the direct impact of the proposed planting on daylight and sunlight on the converted barns regard has to be had to the dual aspect of the barns which have private gardens to the east, the distance of the barns from the planting (35 metres), the westerly orientation of the planting and the long term height of the fruit trees proposed (between 2 – 7m). All of these factors combine in my opinion to 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. The Environmental harm arising from this development is not considered to be significant particularly when taking into account mitigation measures proposed.

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 required Heads of Terms and financial contributions including Education contributions and where such contributions should be spent. The full list of S106 matters are set out below:

Element	Detail and Justification	Secured by condition or Section 106	Status
Affordable Housing	On site provision of 57 affordable dwellings based on 65% rented tenure (units of mixed size) and 35% intermediate tenure (units of mixed size) NHDC Planning Obligations Supplementary Planning Document Submission Local Plan Policy HS2 'Affordable Housing'	S106 obligation	Agreed by applicant
Primary Education educations	Contribution of £1,918,226 based on a 0.44 FE (Form of Entry) primary pupil yield arising from the site. Contribution to be spent on expansion of Derwent Lower School in Henlow Camp following agreement between Hertfordshire County Council and Central Bedfordshire Council education authorities. Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD	S106 obligation	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 Approx amount before index linking : £371,931.00</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. Approx contribution: £25,999.00</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 calculated on the basis of a payment per dwelling towards the development of outreach work based out of the Bancroft Centre in Hitchin or its re-provision.</p> <p>Amount before index linking : £7,024.00</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): £117,346.22</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: £60,000</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: £202,000</p> <p>3) Travel Plan contribution to HCC to cover assessment and monitoring costs: Amount before index linking £6,000</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. Contribution £10,000 North Hertfordshire Partnership Sustainable Community Strategy 2009 - 2021	S106 obligation	Agreed by applicant
Ickleford Parish Council community sports	Playground equipment: £20,000 Ickleford Sports Club Facilities and Equipment: £20,000	S106 obligation	Agreed by applicant
NHDC Waste Collection & Recycling	Full contribution based on NHDC Planning Obligations SPD. Amount total before index linking: £8,919 Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD	S106 obligation	Agreed by applicant
Central Bedfordshire Council Rights of Way Unit – public access improvement	Access improvement projects: - 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: £3,500	S106 obligation	Agreed by applicant
Ecological off-site compensation scheme	Contribution towards restoration of lagoon and reedbed, Burymead Springs, Ickleford Contribution : £10,000	S106 obligation	Agreed by applicant
Open space/Landscape buffer management and maintenance arrangements	Private management company to secure the provision and long term maintenance of the open space/landscape buffer and any SuDs infrastructure Policy SP7 'Infrastructure	S106 obligation	Agreed by applicant

4.3.78

	requirements and developer contributions'		
Fire Hydrants	Provision within the site in accordance with standard wording Policy SP7 'Infrastructure requirements and developer contributions'	S106 obligation	Agreed by applicant

Whilst the applicant has agreed to the education contributions negotiations have been held between the education authorities at Herts County Council and Central Bedfordshire Council to determine the most suitable schools to receive the contribution. In terms of the main part of the contribution (primary education) agreement has been reached that the funding should go to capacity improvements at the nearby Derwent School in Henlow within Central Bedfordshire. This is consistent with the Memorandum of Understanding signed between the two authorities to recognise cross-boundary impacts on services and infrastructure and to agree to work together to deliver the services and infrastructure required to support development. The distribution between the two Local Authorities of Section 106 contributions and proposed infrastructure improvement projects also reflects the specific circumstances of the site and the major transport corridor on which the site is located together with the proximity of nearby settlements in both local authority districts.

4.3.79 Having had regard to paragraph 56 of the Framework and the guidance set out in the Community Infrastructure Levy Regulations 2010 I conclude that the proposed planning obligations comply with Regulation 122 and 123 of the CIL Regulations and the tests at paragraph 56 of the Framework.

4.3.80 Planning balance and conclusion

- 4.2.81 Site LS1 is a housing allocation in the EML which is at an advanced stage. Its development will make a significant contribution towards the Council's planned supply of housing land. At present the Council does not have up-to-date housing policies in its adopted local plan and cannot demonstrate a five year deliverable supply of housing land. Further, the site will make a valuable and much need contribution to the supply of affordable housing in the district. These benefits are considered to have considerable weight in the planning balance.
- 4.3.82 The development will have an impact on designated and non-designated heritage assets. It has been demonstrated above however the development would not have a direct adverse effect on the historic building at Old Ramerick Manor. 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. It is acknowledged above that the wider rural setting of the Manor will be further diminished by the development however there is no functional association with the surrounding farmland and the setting has been further eroded 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 to heritage assets. This harm should be given moderate weight in the planning balance.
- 4.3.83 The site is located in a relatively 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 and the proposed transport infrastructure improvements any environmental harm in terms of accessibility has limited weight.
- 4.3.84 The application site is not in the Green Belt and 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.

4.3.85 It is acknowledged that the development will have some impact on the setting of the heritage assets (including non-designated heritage assets) and that there will be a level of car dependency that may not be the case with an urban development site. Balanced against this are the significant social and economic benefits of additional housing (including affordable housing) and the benefit to the local economy in the short term through construction and in the longer term through expenditure in the local economy and service sector once the development is operational. The planning obligations offered will help to offset the harm to local infrastructure.

4.3.86 Overall I consider that the application proposals would amount to sustainable development and would be in accordance with the Framework as a whole and in accordance with the site specific criteria set out in the EML for housing allocation LS1. I conclude that the balance is in favour of granting planning permission.

4.3.87 **Alternative Options**

4.3.88 None applicable

4.3.89 **Pre-Commencement Conditions**

4.3.90 The applicant has agreed to pre-commencement conditions.

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:

(A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required. If no such agreement is signed between the relevant parties then authorisation is hereby granted under delegated authority for officers to refuse planning permission on the grounds of a lack of a satisfactory legal agreement necessary to mitigate the effects of the development.

(B) The following conditions and informatives:

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. No part of the development shall be occupied until the proposed works shown on 'in-principle' I Transport drawing ITB12014-GA-101 revision E and Drawing: P18-0685_01 SHEET NO: REV: M; on the A600 are completed to satisfaction of the Highway Authority.

Reason: To ensure that the impact of development traffic on the local road network is minimised.

4. No part of the development shall be occupied until the proposed principal access road is provided as defined on I Transport drawing ITB12014-GA-101 revision E and Drawing: P18-0685_01 SHEET NO: REV: M; 6.0 metres wide for at least the first 100 metres thereafter the access roads shall be provided 5.0 metres wide to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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

5. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard

6. 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 highway users;**
- (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

7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by RCP reference LAD/BNL/E4483/16718 dated June 2018 and following mitigation measures;

1. Limiting the surface water run-off to a maximum of 13.4l/s generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The following rates should be provided as maximum for each development area;

- Detention basin 1: 5.0l/s
- Detention basin 2: 7.9l/s

2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

3. Undertake drainage strategy to include to the use attenuation basin as indicated on drawings BNL-E4483-014E and BNL-E4483-013F

Reason: To reduce the risk of flooding to the proposed development and future occupants

8. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;

- 1. Detailed design of the drainage scheme including detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding discharge and volume calculations/modelling. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.**
- 2. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.**
- 3. Silt traps for protection for any residual tanked elements.**
- 4. Identification of any informal flooding areas and exceedance routes.**
- 5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.**

The development shall be carried out in accordance with the approved details

Reason: To reduce the risk of flooding to the proposed development and future occupants

9. 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 scheme shall include;

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

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

10. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**

- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation. The development shall take place in accordance with the approved Written Scheme of Investigation.**

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

11. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

12. The development hereby permitted shall be carried out in accordance with the noise mitigation measures detailed in section 4 and appendix 5 of the Cass Allen Associates report reference RP01-17634 Revision 1 dated 15th June 2018 (Acoustic Assessment- Land to the east of Bedford Road, Ickleford) relating to glazing, ventilation and acoustic fencing specifications. The development shall not be occupied until the approved scheme is fully implemented in accordance with the details provided. 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

13. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the agreed foul water strategy unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding

14. Prior to occupation, each of the residential houses with a garage or alternative dedicated car parking space shall incorporate an 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

15. Prior to occupation, the development shall include provision for 10% of the car parking spaces in the parking courtyards to be designated for plug-in Electric Vehicles (EV) and served by EV Charging Points.

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

16. No dwelling hereby permitted shall be occupied unless and until an external lighting strategy has been submitted to and approved in writing by the local planning authority. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and local amenity

17. Prior to the occupation of any part of the development details of a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. Measures within the approved travel plan shall be implemented in full within an agreed timetable set out in the plan, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of promoting sustainable transport and minimising the impact on local air quality

18. No development shall take place until a Construction Traffic Management Plan, which includes specified routes for HGV construction phase traffic and how emissions from construction vehicles can be reasonably minimised, is submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the construction work traffic has no, or a minimal, impact on existing levels of air pollution within established Air Quality Management Areas within North Hertfordshire

19. Prior to the commencement of the relevant phase of the development hereby approved, full details of the pumping station and sub-station buildings and enclosures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that development is implemented as approved.

Proactive Statement:

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

Informative/s:

1. 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>

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.

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Appendix B:

Approach to dwelling estimates in the emerging Local Plan

1. This Appendix summarises how the dwelling estimates in the emerging new Local Plan have been calculated. It also shows that policies in the emerging Plan allow for planning applications to be brought forward with a dwelling number which is different from that set out in the emerging Plan.
2. The sites identified in the emerging Plan as proposed housing allocations are supported by a range of evidence. This includes the Council's [Strategic Housing Land Availability Assessment](#) (SHLAA).
3. Chapter 4 of the SHLAA explains the methodology. The full report should be referred to for further information. The calculation of potential housing numbers is based upon broad density assumptions; it is not the role of the SHLAA or Local Plan to generate detailed site layouts or schemes. An extract is set out below (note: dph = dwellings per hectare):

4.14 As such, it is necessary to re-assess site yields to ensure draft housing allocations in the plan are made on the most appropriate basis. An initial / indicative dwelling yield for each site was generated to inform subsequent analysis. This used an assumed density of between 20 and 35dph based upon site location, type and / or size. All density figures in this assessment are based upon gross site area:

- Infill development within existing town boundaries: 35dph
- Small extension to existing town (<5 hectares (ha)): 30dph
- Moderate extension to existing town (5 – 15 ha): 25dph
- Large extension to existing town (>15 ha): 20dph
- Land within or adjoining village: 20dph¹²

Assessing site suitability

4.15 The suitability of each site has been assessed, in the first instance, by desk-top studies to identify potential planning constraints against a consistent matrix. All sites have been visited by Council officers to check the findings of this exercise and make additional observations.

4.16 This process also allowed the initial dwelling assumptions to be tested on a site-by-site basis. Where higher or lower densities were considered appropriate, these were reflected in the final dwelling estimate for those sites which passed the SHLAA tests.

Source: Strategic Housing Land Availability Assessment (NHDC, 2016)

4. The new Local Plan recognises that the dwelling estimates are not the final word on the subject. Policy HS1 states that, on Local Housing Allocation sites, planning permission will be granted “provided that development **broadly accords** with the indicative number of homes shown” (emphasis added). The supporting text goes on to say:

8.3 An indicative number of homes is shown for each site based on our evidence⁸⁷. We will take a design-led approach to each site as schemes are brought forward. This may result in housing numbers changing in response to the pre-application and planning application process and our policy approach allows for development to fall within a reasonable range of our initial expectations.

5. Other policies in both the emerging Plan and the National Planning Policy Framework provide a basis on which to consider the appropriateness of individual planning applications against the dwelling estimates in the Plan. These include (but are not necessarily limited to) policies which advise upon detailed matters such as design, heritage and open space.
6. In practice, it is highly unlikely that all schemes brought forward will conform precisely to the dwelling estimates in the emerging Plan. As can be seen from the extracts above, the estimates from the SHLAA are based upon densities set at 5dph intervals using five broad typologies of site. Upon detailed analysis it may be found that schemes do not conform precisely to these categorisations and can support higher, or only lower, numbers of homes.
7. Based upon the wording of the relevant policies and supporting text, it is Officers' professional view that a 'standalone' refusal of a planning application against Policy HS1 based solely on the number of homes proposed in a scheme would be unlikely to be sustained at a Planning Appeal. If decision-makers are of the view that a scheme proposes too many or too few homes upon a site, any reason(s) for refusal would need to identify the planning harm by reference to other relevant national or local policies.

Site LS1

8. Site LS1 was assessed in the SHLAA as 'land within or adjoining a village'. This means an initial assumption of 20dph was used. This generated an initial estimate for the site of 141 homes. The commentary in the SHLAA says:

"Site adjoins Lower Stondon (Central Beds) and could provide extension to this settlement. Site is flat and well-defined. Area of flood risk along northern edge of site and this would need to be excluded unless a sequential test was undertaken. This would create a gap from existing development and any scheme would need to ensure permeability and integration. Listed buildings to east would require a sensitive buffer and further consideration of likely heritage impact. Dwelling estimate reduced to take account of these factors and based upon assumption that land in flood zones would not be developed."

9. A refined dwelling estimate of 120 units is shown. This effectively assumes that approximately one hectare of the site would not be developed with a density of 20dph applied to an assumed developable site area of 6 hectares.

ITEM NO:	
<u>Location:</u>	Land Rear Of 4-14 Claybush Road Ashwell SG7 5RA
<u>Applicant:</u>	Mr Evans
<u>Proposal:</u>	30 dwellings together with associated access, parking, amenity and open space. (Site layout amended by amended plans received 29/01/17, 23/03/17 and 22/08/17). (Please note plans received on 23/03/17 are only a minor site layout alteration).
<u>Ref .No:</u>	16/01797/1
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period: 26.10.2016

0.1 Reason for Delay

Time taken to receive amended plans and the Land Tribunal issue.

0.2 Reason for Referral to Committee

At 1.74 hectares, the site area is larger than 0.5 hectares and therefore has to be presented to Planning Committee for determination.

1.0 Policies

1.1 National Planning Policy Framework February 2019

In general and with regard to:

- Section 2 – Achieving sustainable development;
- Section 4 – Decision-making;
- Section 5 – Delivering a sufficient supply of homes;
- Section 11 – Making effective use of land;
- Section 12 – Achieving well-designed places;
- Section 16 – Conserving and enhancing the historic environment.

1.2 North Hertfordshire District Local Plan No. 2 with Alterations 1996:

- Policy 6 - Rural areas beyond the Green Belt;
- Policy 16 - Areas of Archaeological Significance and other Archaeological Areas;
- Policy 26 - Housing Proposals;
- Policy 29A – Affordable Housing for Local Needs;
- Policy 51 – Development Effects and Planning Gain
- Policy 55 – Car Parking (SPD Car parking);
- Policy 57 – Residential Guidelines and Standards.

1.3 North Hertfordshire District Council Local Plan 2011 – 2031 Proposed Submission - October 2016:

- SP1 - Sustainable development in North Hertfordshire;
- SP2 - Settlement Hierarchy;
- SP8 - Housing;
- SP9 - Design and Sustainability;
- SP10 - Healthy Communities;
- SP11 - Natural resources and sustainability;
- SP12 - Green infrastructure, biodiversity and landscape;
- SP13 - Historic Environment;
- T2 – Parking;
- HS1 - Local Housing Allocations
- HS2 - Affordable housing;
- HS3 - Housing mix;
- D1 - Sustainable design;
- D3 - Protecting living conditions;
- D4 - Air quality;
- NE1 - Landscape;
- NE5 - New and improvement public open space and biodiversity;
- NE7 - Reducing flood risk;
- NE8 - Sustainable drainage systems;
- HE4 - Archaeology.

1.4 Supplementary Planning Document.

Ashwell Neighbourhood Plan – Our Parish – Our Future – Our Say. Planning the development of Ashwell up to 2031. Pre-submission Consultation Version September 2018.

2.0 Site History

- 2.1 A pre-application request (16/00480/1PRE) was made to the Council regarding the residential re-development of this land with 33 houses. At that time the Council commented that the site is currently outside of the village boundary for Ashwell, and if any planning application were forthcoming, the application would need to address whether the Council had an up to date five year supply of housing land. Guidance was also provided regarding site layout, garden sizes, drainage, affordable housing, parking, highways and impact on historic assets.

3.0 Representations

- 3.1 **HCC Lead Local Flood Authority** - no objection subject to a condition and informative.
- 3.2 **HCC Hertfordshire Highways** - no objection subject to conditions and an informative.
- 3.3 **HCC Development Services** - HCC do not require a contribution towards Ashwell Primary School, as there is existing capacity within this school. HCC sought a contribution towards an existing youth service project in Hitchin to provide a training kitchen at Bancroft Youth Centre. However, due to the geographical distance from the site, the case officer decided that this requirement cannot be reasonably linked to this proposal consequently, this contribution has not been sought from the developer.

- 3.4 **HCC Hertfordshire Ecology** - no objection subject to conditions.
- 3.5 **HCC Historic Environment Advisor** - no objection subject to a condition.
- 3.6 **HCC Fire Services** - the provision of fire hydrants is required within the development, which are to be secured by condition.
- 3.7 **NHDC Affordable Housing Officer** - no objection to 12 units being provided for social housing which is a contribution of 40%. The proposed units are:

Affordable Rent:

- 4 x 1-bed flats (plots 14, 15, 29 and 30);
- 3 x 2-bed houses (plots 16, 17 and 28);
- 1 x 3-bed house (plot 27).

Affordable Shared Ownership:

- 2 x 2-bed houses (plots 25 and 26);
- 2 x 3-bed houses (plots 18 and 19).

The affordable homes should be restricted to people with a local connection to Ashwell in the first instance, at least for first lettings. As Ashwell has a population of 3,000 or less, protected status will be applied. Therefore, staircasing on any shared ownership properties is restricted to 80% to ensure that the home remains affordable in perpetuity, and any social rented properties are excluded from the Right to Acquire and the new Right to Buy. The affordable housing is to be secured via the S106 Obligation.

- 3.8 **NHDC Waste Services** - each property has sufficient space off street for the storage of bins. The surface to collection point should be uninterrupted.
- 3.9 **NHDC Environmental Health** - no objections subject to an informative regarding the hours of construction.
- 3.10 **NHDC Environmental Protection** - no objection subject to conditions.
- 3.11 **Anglian Water** - no objection subject to condition.
- 3.12 **Historic England East of England Office**

"the proposed housing development lies within long views from the hill fort Arbury Banks, which is the earthworks and buried archaeological remains of an Iron Age hill fort, designated as a scheduled monument, which sits on high ground to the south-west of the application site. However, given that the application site and these views are already framed by modern development to the south of the conservation area, and the height of the building does not exceed two storeys, the degree of harm which this would cause to its significance would be modest. In line with paragraph 134 of the NPPF the Local Planning Authority should consider this harm in relation to the public benefits of the proposals.

The site should be assessed and evaluated by means of a pre-determination archaeological evaluation, to ensure that if there are any important remains the application mitigates any harm to these".

3.13 **CPRE Hertfordshire**

"we maintain that this site is unsuitable for housing development. There is overwhelming opposition among the local community. The draft plan sets out that the District needs to provide 14,975 new homes, with the implication that this overrides all other considerations. We consider that these figures are overstated. There is no requirement on the Council to set such a figure. Ministerial statements have been clear that housing figures do not over-ride Green Belt policies and the overall quantum of housing should be adjusted to reflect this. This lowers the figure, which impacts on the Rural Area Beyond the Green Belt, in which this site lies.

The planning statement submitted in support of the application repeatedly refers to the Council's inability to demonstrate a five year housing land supply, and the implicit limited weight which can be given to the Saved Local Plan policies as a result. The Council should give due worth to the National Planning policy Framework and the Saved Local Plan policies in determining this application and note that the lack of a five year housing land supply does not constitute a reason to justify the development. Under those policies this site should be inappropriate. The development is outside of the settlement boundary and in our view would cause harm to the character and appearance of the area. The pattern along both Claybush Road and Ashwell Street is not one of backland development and the proposal would be intrusive and clearly visible from the east to the south and west.

The Council has rejected previous applications for development on this site as it is unsuitable for residential use, decisions which were upheld on appeal. Nothing has materially changed and it is not consistent to now include it as a 'preferred option' in the emerging Local Plan"

3.14 **Ashwell Parish Council** - object to the application, including all the amended plans, for the following reasons:

- concern regarding drainage and flooding downhill from the development. In particular with regard the long term maintenance of the of the soakaway drainage proposed in the site and what will happen in the future if this does not work, or gets blocked up and houses downhill get flooded. Express concern that the developer is passing the responsibility of this development onto the new individual home owners and that the management company will not effectively manage the drainage or provide compensation for home owners downhill who get flooded.***
- The application fails to protect valued landscapes and heritage.***

- The proposal fails highway safety and we have concerns regarding pedestrian access and the use of a private road, where refuse vehicles have to reverse up. There is no footpath along the road and this is near a very***

busy junction where school buses park. The existing footpath extends up to the junction of Bear Lane and Ashwell Street and includes many (19) steps. It is steep and dangerous in icy weather. The residents of Ashwell Street are seeking legal clarification whether the pedestrian link can use their private street.

- The site is outside of the village boundary and the PC have objected to this site's inclusion in the Land Allocations Plan.**
- Object to the adverse visual impact the development will have on the scheduled ancient monument, the protected landscape of the chalk uplands and the views into the conservation area.**
- The proposal is unacceptable in views from Claybush Hill as large buildings would dominate.**
- We do not consider that this proposal is consistent with the Heritage Assessment of Ashwell June 2016, which stated that development should be limited to the north west of the site and only 1.5 storeys high to protect long range views of the ancient monument.**
- Concern regarding the long term protection of the tree boundary to protect the views from the village.**
- The PC are of the view that even though the District Council cannot provide a five year land supply, the adverse impacts of this development on the landscape, the heritage setting and the failure to demonstrate highway safety significantly outweighs the benefit of housing on this site.**
- Other sites have been identified in Ashwell that would meet our local housing need.**
- Our objections and those of local parishioners are real concerns and not of a 'nimby' nature. People from across the village have expressed concern, not just residents of Claybush Road.**
- The emerging Neighbourhood Plan Housing Survey has identified a lack of provision for the elderly, and this development does not meet this need. Recent development a Walkdens and Philosophers Gate has addressed some need for social and small family units.**
- There are inaccuracies in the application and documents have been worded to favour the development.**
- The design is not reflective of the village of Ashwell.**
- The height of the dwellings is not compliant with the good design for a landscape sloping site overlooking a settlement that includes a conservation area and the Grade 1 listed St Mary's Church.**
- This is an area of archaeological significance and we are concerned that this has not been adequately considered.**
- There is insufficient infrastructure in the village and the application does not adequately address this and problems will be exacerbated.**
- We expect to be included in the negotiation of S106 obligations to ensure that the needs of the village are adequately taken into account.**

3.15 **Neighbour views** - the Council has received replies from 293 respondents, with many people responding more than once, as local residents have been consulted four times on this application when amended plans have been received. Three replies have been in support, with the rest all objecting to the application. Due to the number of replies, the key points are grouped and summarised below:

3.16 Support

I have no objection. Layout looks good

3.17 Objecting - Principle:

- we object to any development of the proposed site.
- The site is outside of the village boundary. The village voted with a large majority to keep the boundary in a recent survey.
- We need to preserve our boundaries and remain as a village.
- The previous Inspector rejected the previous Planning Application for good reason.
- Other suitable sites have been and still are being identified for building new houses. We are not objecting to building just for the sake of it.
- There are better sites to build in Ashwell than this.
- The village has already had built 69 houses since 2011 and at least five other sites have been identified where you can build so we do not have to have these 33 houses.
- The village has been growing at 2% per year and this is not sustainable growth and additional development of this size is entirely inappropriate.
- Over 260 people have objected to this application along with the Parish Council. To approve this application is contrary to the Localism Act 2011 which states: *'that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhoods and shape the development and growth of their local area'*.
- The application fails to comply with Saved Policy 7 of the Local Plan.
- We need houses for the elderly. The village has struggled to find buyers for the recently built affordable housing.
- This proposal is contrary to the Ashwell Housing Needs survey, and these houses have already been built elsewhere.
- The village survey and the draft Neighbourhood Plan make it very clear that this proposal is against the village's wishes.
- Why should our heritage be sacrificed?
- Large scale developments in such a location are unnecessary and do not fit with the majority of the residents needs and wants.

3.18 Objecting - Layout and design:

- the scheme still shows the tallest plot (14-16) next door, on a higher elevation than plots 11-13. This plot will tower over anything in the area at a height that will dominate the landscape and intrude on us and neighbouring properties which are much smaller.
- The height of no.14 Claybush Road should not be used to mitigate the new location of the dwellings as due to the topography of the land they stand more than 3m higher than no.14.
- The density is significantly higher than development surrounding it and is contrary to the Ashwell Design Plan which states that lower densities should be favoured on the edges of the settlement where this respects the established local character. New development on the periphery of the settlements should be at a lower density to mark the transition to the rural area beyond.

3.19 Objecting - Landscape:

- the developers cannot and must not be allowed to propose a development which shows such disregard to the landscape.

- Towering houses will dominate the skyline.
- It will ruin the entrance into the village / visually impact on the horizon from the North.
- This will extend ribbon development considerably higher than the existing houses on Claybush Road.
- This is a protected landscape and on a high point of the village.
- A proper analysis of the impact on Arbury Banks has not been undertaken. It is unacceptable to say 'small possibility that the roof lines'. This needs to be objectively assessed by accurate cross-sections especially as the plans place the taller building at the higher (southern) end of the site. The fact that some buildings can already be seen is not relevant.
- It will impact the setting and views of St Mary's Church.
- There is no assessment of the impact on the landscape when viewed from the north-west of the village. The skyline behind the village is very significant and largely unspoiled. That is all part of the village setting and its relationship with the Historic Landscape.
- I object to the light pollution this site will introduce.
- Widening the road will change the character of this entrance into the village from a country road into a large expanse of suburban tarmac.
- When building our home we were informed by the planning office that this entrance into the village was vitally important as it was the first impression of the village.
- If a 15m level platform is being proposed to connect to Claybush Road I would have expected plans and a 3D diagram to show it for people to make a reasonable response considering how visible this would be when exiting the village.
- I object to the removal of the hedgerows and trees along the access track. This provides our screening.
- I object to the loss of this view where I enjoy walking my dog
- The houses are so close to the trees that new owners will probably cut the trees down.

3.20 Objecting - Highways issues:

- Ashwell Street is to be gated as it has been determined that it is unsuitable for pedestrian access. We cannot afford to pay for any injury to the public. Five houses on the street have agreed to this and the gate will be open on Mondays for refuse collection.
- Pedestrian and vehicle access is dangerous. Pedestrians will have to walk along unlit roads with no pavements.
- Any new housing development in the village needs to provide level pedestrian access to the High Street to allow people to walk to the village amenities,
- Visit the High Street on any weekday at school drop or pick up. It's mayhem. I watched a police car trying to drive up the High Street, they got so frustrated they parked up on the grass verge and started directing traffic. More houses mean more cars it won't work. It's unsafe and nonsensical.
- Cars park along Claybush Road which blocks access for large vehicles and when bins are left out on collection day these block sight lines even more.
- There appears to be no assessment of the impact of 70% of the traffic turning left and impact upon the village. These corners - Silver Street / Bear Street / Back Street / High Street are often dangerous at peak times and school bus times and there is a risk to pedestrians and property damage.

- Safe access for mums with children, elderly and disabled has not been provided.
- These houses are isolated. People will have to drive down into the village.
- It is dangerous for the number of cars that will come from this development to discharge onto country roads and enter the village. The village cannot cope with any more cars.
- The recent Cooks development will exacerbate the parking problem in this part of the village.
- The whole of Claybush Road has a speeding problem. How can a plan requesting access for 90 more cars on Claybush Road be a good idea.
- The access crossed the driveway of no.14 making a very dangerous situation especially if there is a parked car to block the sight lines.
- The refuse lorry sweep path goes across both sides of the carriage way making a very dangerous situation.
- The highways sight line also extends across the lines of the deeds of no.12.
- My right of access has not been taken into account. The proposed alterations to my driveway are completely unacceptable because they are dangerous. The sight lines fabricated by Croudace go through my hedge - do they propose that I remove it? They will also create a steep incline from my drive, expect me to take a sharp turn into traffic and block my current access. They cannot do this, we have right of access to this road which they cannot remove.
- It is not possible to achieve the sight lines the plans / report set out.

3.21 Objecting - Drainage:

- soakaways do not work. There is a similar soakaway in Philosopher's Gate which does not work. A house there keeps flooding. These soakaways are costly to maintain, need maintenance every year and are ineffective as they get blocked up.
- The plans show two drainage grids immediate west of the junction discharging into the site. It is stated that the road access will be level with the road. A very considerable volume of rainwater flows down Claybush Road. This will divert into the development discharging into the site and no consideration has been given to this at all.
- I definitely do not want a soakaway behind my hedge because it is up hill and all the water will run into my house.
- What plans are there in place to stop water running down the palaeo-channel and flooding houses down the hill and into the High Street?
- The flooding specialists have turned this application down for good reason.
- It is difficult to assess what the likely permeability of the palaeo-channel might be since there is no real evidence presented beyond a description of the infill material. The permeability will be mainly controlled by the degree of fissuring in the 'friable sandy clay' and its gravel content. The Croudace letter makes sweeping statement and the permeability of 'clay' but does not entirely reflect the description from the trial pit logs.
- I do not consider proper infiltration tests were carried out in the pits that intercept the palaeo-channel.
- The projection of the palaeo-channel from the site toward West End is speculative.
- Whilst it might be possible to demonstrate that the site will not flood, the flooding of other houses off site has not been demonstrated.

- The flood Risk Report does not take into account the extent of non-permeable surfaces in the development, that will be inevitably be taken up over time with extensions, conservatories, sheds, patios and flower beds with weed membranes.
- My house and my neighbours are downhill to this site and already get flooded due to the inadequate drainage being overwhelmed by surface water being discharged. This development will be unable to suitably contain all of its run-off in thunderstorm conditions. The water will be unable to soak away fast enough and will enter the street drain which are already failing to cope with the quantity of water they already receive in thunderstorms.
- I am concerned that if the run off water goes into the palaeo-channel the water will flood up from underground.
- Forget about chimneys, no one cares about them. Think what will happen if lots of houses in West End become uninhabitable because of flooding. How would you feel if it were your home regularly flooding?

3.22 Objecting - Amenity issues

- It will place unacceptable demand on local amenities and infrastructure.
- The sewage infrastructure cannot cope with this development. Pipes are old and frequently block.
- This site is important for tourism.
- All my privacy will be lost. The windows of the house behind me will look into my bedroom windows.
- The shadowing from the houses will put our garden into the shade.

3.23 Objecting - Other issues:

- the re-consultation process is confusing and unclear. It is not clear if my earlier comments have been passed to the developer as my objection to the plans still exists.
- The lack of a detailed response on the amendments does not mean a change or view or an acceptance of the development.
- Are we to assume that the Council now supports this development even though other sites have been offered in the village?
- The amendments have in no way addressed my objection and I assume that my objections are being completely ignored. Is there any point in making objections? Is anyone listening to the views of those most directly affected by this disastrous development? It would appear that the legitimate concerns and objection of the hundreds of people most closely affected by their development are being completely ignored.
- It seems to me that the decision to go ahead with this development was made quite some time ago - once a suitable 'arrangement' between yourselves and the developers was made - and that any form of public consultation is a sham and a waste of time as our views will be ignored. You should be ashamed of yourselves for behaving in such a corrupt and undemocratic manner, but instead you are probably rubbing your hands with glee at the prospect of the rearwards coming your way.
- NHDC needs to take local democracy seriously and consider the will of the vast majority of Ashwell's residents. We are growing tired of hostile planning applications, such as this one, driven by avaricious landowners who have no interest in local concerns and wishes.
- The plans on the website are hard to read and the time scale for consultation is too short and over the holiday period so many people will miss it.

- I feel it is disingenuous that this is the third time we are being consulted on this application when nothing materially has changed to alter the validity of my previous objections.
- The amended plans have not overcome the objections stated on this application.
- It is disgusting that the proposed developer has been taking steps as if planning permission has already been granted. Including marking out plots and netting up the hedgerows. Acting as if permission is a foregone conclusion is outrageous behaviour and does nothing to breed confidence in the overall planning permission process.
- It is immoral that our previous objections have not even been read, let alone taken into account.
- You are determined to sacrifice the village because some greedy person is willing to sell the land.
- I urge you to reject this application which has been the most objected to planning application in living memory in the village for very good reason.
- Ashwell school is oversubscribed with no more space for expansion even if finance were available.
- Ashwell school is reducing its size down to one class group per year to balance its budget.
- The proposal does not meet the needs of the many older people in the village who need appropriate housing within the village. If they could move into flats / bungalows within the village that would free up family sized houses within the village.

3.24 New comments raised by neighbours and the Parish Council in response to the amended plans and additional information received on the 22/08/17:

- the residents of numbers 47, 49, 51, 53, 55, 57 and 59 Ashwell Street do not agree to the re-surfacing of Ashwell Street, or to any trees being cut back, or to the road being widened.
- The sight lines required by the DOE cannot be provided.
- We object to the development as the pedestrian link via Ashwell Street is not safe.
- Croudace does not own the land required to undertake the works set out in the Road Safety Audit. Therefore, these works cannot be done.
- Any attempt to undertake these works without the consent of the owners of the properties fronting Ashwell Street is in contravention of the 1862 Ashwell Enclosure Map and Awards, which the applicant is relying on to say they have access over the lane in the first instance.
- The owners along here are keeping the road not repaired and the hedges unclipped as a strategy to keep traffic speeds low as there have been many near miss accidents over the years.
- The applicant has no right to use the area of the site marked as 'public open space' as this is outside of these awards. Mr Gurney realised this a number of years ago and tried to sell this land to the neighbours.
- The Enclosures Award state that this route is only for fit able bodied people to work the land and to provide food for the poor. Therefore, this cannot be considered a suitable right of way for everyone, including mothers with buggies and those in wheelchairs.
- The new vehicle sight lines for the access on Claybush Road goes through the front garden of no.12 and therefore this fails DoE advice and cannot be delivered on site.

- The Transport Statement undertaken by Transport Dynamics advises that the pedestrian route is not safe.
- The Parish Council are concerned at not being included in the negotiations of the S106 Document.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a greenfield site (1.7 ha) positioned on the south side of the village of Ashwell. The site lies to the west of Claybush Road, rear of houses numbers 4 - 14 Claybush Road. The site extends to the north, adjoining the rear of houses 41 - 57 Ashwell Street. There is an existing gated, track access off Claybush Road, between no.14 and an existing pumping station. Whilst the field itself is open, there is a belt of mature trees rear of 4 - 14 Claybush Road, and some trees around the site along the field boundaries. The land is a hill, with the land sloping downhill to the north and west. As a result, the change in levels across the site is quite significant.

4.2 **Proposal**

4.2.1 The application is seeking full planning permission for the residential development of the land of 30 dwellings comprising 26 houses and four flats. The layout plan, drawing no. 1130.P1.400.Q shows that a vehicle access would be created off Claybush Road on the south side of no.14. This would lead down into the site forming a circular ring road, with the houses positioned around this.

4.2.2 In summary the proposed dwellings comprise:

- 2 x 5-bed detached houses;
- 3 x 4-bed detached houses with detached garage with studio accommodation above;
- 2 x 4-bed detached houses;
- 7 x 3-bed detached houses;
- one pair of 3-bed semi-detached houses (2 houses in total);
- one pair of semi-detached houses comprising 1 x 3-bed house and 1 x 2-bed house;
- two pairs of 2-bed semi-detached houses (4 houses in total);
- 4 x 2-bed detached bungalows;
- 4 x 1-bed flats in two two storey buildings.

4.2.3 All the detached houses have garages or car ports and off street parking. The semi-detached houses, bungalows and flats have off street parking and no garages. Each dwelling has a private garden area, including the flats. On the east side of the site the mature belt of trees is to be retained, and the grass area rear of the trees bordering up to the houses in Claybush Road is being retained and proposed as an area of public open space.

4.2.4 The application is supported by the following documents:

- Planning Statement;
- Design and Access Statement;
- Open Space Assessment;
- Sustainability Statement;
- Affordable Housing Statement;
- Statement of Community Involvement;
- Transport Statement;

- Flood Risk Assessment and letter dated 24th January 2017 regarding the palaeo-channel;
- Desk Based Assessment - Land West of no.1 Claybush Road, Ashwell;
- Specification for Archaeological Evaluation;
- Heritage Impact Assessment - Land West of no.1 Claybush Road, Ashwell;
- National Vegetation Classification (NVC) Report - Land to the West of 1 Claybush Road, Ashwell;
- Arboricultural Report for Lane to the West of Claybush Road, Ashwell;
- Extended Phase One Ecology Report;
- Southern Testing Site Investigation Report;
- Stage 1 Road Safety Audit;
- Landscape Screening - Additional Information

4.2.5 All these documents are available to view on the Council's website. Some key points are summarised below:

4.2.6 Planning Statement - this sets out the policy background for the application and sets out that as the Council does not have a five year land supply and that the site is not a Green Belt location, there is no objection to the principle of this proposal. Furthermore, that the published Strategic Housing Land Availability Assessment (SHLAA November 2014) identifies this site as a deliverable site within the housing trajectory (set out in the SHLAA) and that this site should be able to deliver on completions from the financial year 2016 -17.

4.2.7 Design and Access Statement - that sets out that this site has a long history of refusals over a 30 year period, but that now the site is an allocated site for housing in the new local plan. It sets out the design process the applicant has gone through. It also states that the application site has excellent transport and pedestrian links, and due to the layout of the land the site is well screened from views around the site. It also sets out an appraisal of design styles of existing dwellings within the village, and states that the design of the proposed houses is taken from local character.

4.2.8 Landscape screening - the site has a mixed boundary of mature hedgerow and mixed mature field trees, forming a strong characterful boundary screen to the site. This asset will be retained and enhanced as part of the development. Part of the landscape proposal is to plant approximately 40 additional native trees within the development, with the intention of further softening and screening the built elements.

4.2.9 Flood Risk Assessment - The proposed residential development will result in an increase in impermeable area, therefore the risk of flooding compared to the current situation is considered to increase. It is proposed that wherever possible private house soakaways will be utilised in back gardens in order to attenuate and discharge via infiltration the surface water produced as a result of each house and its associated hard standing. The site will be drained by a combination of private soakaways and cellular storage. The application regarding drainage has not been updated following the amendment of the application from 33 dwellings to 30. The drainage strategy for the site when 33 dwellings was proposed, confirmed that the site has been split into two catchment areas and each will have its own cellular storage structure which has been sized to accommodate the surface water run off in order to result in no flooding for the 1 in 100 year plus climate change event, before discharging via infiltration, and this was concluded to be a sustainable solution in terms of flood risk. The applicant has confirmed that this was a strategy only, and that the principle of this will not be

greatly different following the amendment of the application. A condition is recommended to cover the issue of drainage from the site.

4.2.10 **Letter dated 24th January 2017 from Croudace (applicant)**

" I can confirm that though a palaeo-channel is present it will not aggravate off-site flooding. Furthermore, the development itself will utilise SUDS to mitigate future flooding events rather than cause additional flooding. Palaeo-channels that consist of sands and gravels offer a permeable route for ground water to travel, hence the level of concern regarding palaeo-channels. We have undertaken extensive ground investigation activities at the development site and reviewing the Site Investigation Report it is demonstrable from trail pits 5, 7, 8 and 9 which are clearly aligned with the palaeo-channel, show the channel to be entirely comprised of a band of clay. As the palaeo-channel is formed of secondary clays which are highly impermeable and do not offer a viable drainage route, the groundwater will infiltrate through the surrounding chalk, which is highly permeable, rather than along the palaeo-channel.

Furthermore, it is unreasonable to claim that the proposed development will overall increase the volume of surface water infiltrating into the ground, thus affecting the ground water table. The volume of water is wholly controlled by the weather and the build up of the site makes no difference to the resulting volume of water from precipitation. Thus, it is unreasonable to argue that the development will affect the local ground water table, as presently precipitation must primarily infiltrate into the ground. The drainage system proposes utilising a permeable pavement as the primary infiltration device on the site and utilises checkdam structures to control water levels within the permeable subbase of the pavement. This avoids the focused outlet nature of individual soakaways as our proposed permeable pavement structure is spread across 2000m2 of land".

4.2.11 Archaeological Report - Oxford Archaeology East was commissioned by Croudace Homes to evaluate the application and trial trenching was done on site before determination. This work took place between the 3rd to 7th October 2016. As a result of the evaluation a pre-historic palaeo-channel, two small features relating to the Roman period, a post-medieval field boundary and windmill mount were recorded.

4.3 **Key Issues**

4.3.1 The key areas for consideration are:

- Policy context and principle of development;
- Layout, design and site context;
- Access and highways issues;
- Landscape and heritage considerations;
- Environmental matters - drainage, sewage, ecology and archaeology;
- Amenity issues;
- Sustainability;
- Planning Obligations;
- Ashwell Plan;
- Planning balance and conclusion.

Policy context and principle of development

- 4.3.2 The development plan for North Hertfordshire consists of the saved policies of the North Hertfordshire District Local Plan no.2 with Alterations (1996). Saved Policy 6 - Rural areas beyond the Green Belt, is applicable as the proposed development site is outside of the village boundary of Ashwell. Saved Policy 6 is a rural restraint policy which seeks to prevent new development in rural areas outside of existing settlements.
- 4.3.3 The application site has been identified in the NHDC emerging Proposed Submission Local Plan (incorporating Main Modification) as a housing site – AS1. Paragraph 13.7 of this plan states that this housing site is identified for up to 33 homes with the following policy criteria:
- Provision of a vehicular and pedestrian access into the village;
 - Sensitive design and layout required in terms of ridge line and setting within the landscape, retain existing boundary hedgerows and supplement with additional planting on the east and west boundaries to improve views from Arbury Banks and screen properties on Claybush Road;
 - Heritage Impact Assessment required informing design and layout at southern extent of site to respect setting of Arbury Banks Schedule Ancient Monument and the views of St Mary's Church; and
 - Provide archaeological survey prior to development.
- 4.3.4 Although in the Rural Area beyond the Green Belt under the Saved policies of the 1996 Local Plan, this site is identified in the Submission Local Plan (incorporating Main Modifications) as a housing site at a time when the Local Planning Authority cannot demonstrate a five year deliverable supply of housing land, which is currently estimated to be between 2.7 to 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 (Framework) 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 can 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 on the Main Modifications took place between 3rd January – 11th April 2019. Whilst there are still unresolved objections to the policies in the plan, including with regards to AS1 (see below for more discussion on this point), it is considered that the policies in the emerging plan are closely aligned and consistent with the policies in the NPPF.

4.3.7 Paragraph 49 of the NPPF 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 an advance stage but is not yet formally part of the development plan of the area.

4.3.8 In this case, the emerging Local Plan (over the plan period 2011 – 2031) identified the need to deliver at least 14,000 new homes for North Hertfordshire's own needs. Policy SP8 of the emerging plan sets out that 4,860 of these homes are to be provided through local housing allocations, such as AS1. In total, 21 housing sites are recommended / allocated to meet the target of 4,860 new homes, and given that this site is proposing only 30 of these 4,860 new homes, the delivery of these houses, when combined with the other allocated housing sites, will make a meaningful contribution to meeting future housing needs. When considered in isolation, this proposal is not considered to be so significant or substantial as to undermine the plan making process. As this proposal does not meet the requirements of test (a) above, test (b) is not applicable, as both grounds need to be satisfied. Therefore, I do not consider that a reason for refusal of this planning application based on prematurity in advance of the Local Plan could remotely be sustained at an appeal.

Unresolved objections

4.3.9 A number of parties have made objections to emerging Policy AS1. These include objections with regards to heritage and landscape issues. Local residents and amenity groups raised objection to this part of the policy at the Examination in Public. The Inspector has not expressly said how he intends to deal with the objections. To that extent, they remain 'unresolved'. However, set against this and to date, the Inspector has not required the Council to make any substantive changes to the wording of this policy with regards to these two issues.

4.3.10 As a result, in my view, substantial weight can be given to the conclusion that the wording as set out within the emerging Policy AS1 is likely to remain unchanged. Therefore, consideration of these issues is discussed in more detail below, along with all the other development management considerations.

4.3.11 In light of the policy context for this application, namely the advanced stage of the emerging Local Plan, the absence of a five year housing land supply and the analysis that the application cannot be considered to be premature, there is no objection to the principle of residential development on this site, as there is a presumption in favour of granting planning permission for sustainable development in accordance with paragraph 11d of the NPPF. This is considered to outweigh the relevance of Saved Policy 6 of the 1996 Local Plan and no objection is raised to the principle of

development on this site, subject to the other development management considerations set out below.

Layout, design and site context

- 4.3.12 The site amounts to an outward expansion to the village although there is existing residential development on two sides of the site, which the proposed development will be an extension to. As existing the land is open agricultural land with important screening along the western boundary and to the rear of the houses in Claybush Road. The important tree screen rear of Claybush Road is being retained with an area of open space rear of these houses. The proposed new dwellings form a circular cul-de-sac with the gardens extending out to the site boundaries.
- 4.3.13 This proposal is for 30 dwellings, formed by 22 houses, four bungalows and four flats (with the flats appearing as two two storey houses), set around a circular road. The bungalows are 6m in height, and the houses vary from 7.2m (the two bed semi-detached houses) to 8.5m in height, with most of the detached houses being 8.3m to 8.5m tall. Each property, including the flats, has its own private rear garden area and off street parking for at least two vehicles. The garden sizes and off street parking varies, with larger houses having the larger rear gardens and double garages with parking for a further two to four cars on the driveway. Nine of the three bed houses have three off street spaces including a car port and around the development there is lay-by parking for a further six vehicles. As each house / flat has its own rear garden area, there is space for bin storage for each property within the garden and not in the road frontage.
- 4.3.14 With regards to garden size, gardens are adequate, although not generous for most units. The houses along the west boundary have rear gardens of 10m to 15m in depth, with the three bedroom houses having gardens 10m to 12m wide, and the four and five bed houses having gardens between 18m to 30m wide. These gardens are west facing and run up to the important west boundary of the site.
- 4.3.15 The bungalows on the north boundary also have 10m deep rear gardens, which are 15m wide. These are north facing rear gardens, but given the spacing around the bungalows with the parking areas, sufficient sunlight should reach the back gardens to make these useable and enjoyable spaces.
- 4.3.16 The houses in the central part of the site have opposing rear elevations. This back to back distance varies from 24m between the rear of plots 18/19 to 22 to a more generous distance of 37m between plots 14/15 and 25/26. Saved Policy 57 of the existing Local Plan requires a back to back distance of 30m. Given that this can be considered to be a generous allowance and that this is a factor that future owners can take into account, I do not consider that these relationships are so poor to justify the refusal of the application for this reason. Some effort has been made to site the houses on slightly different angles so that windows are not directly opposing, although this is not fully achieved and there will be some overlooking between the rears of these houses and over each other's rear gardens. In summary, it is my view that the occupiers of these new dwellings will experience some loss of amenity as a result of the design, but this has to be balanced against the need to make effective use of land and other material considerations.

- 4.3.17 There is a significant levels change across the site. The Indicative Levels Plan (DES/072/100C May 2016) indicates that the works to create the vehicle access will result in this access having a 3m drop in levels from Claybush Road to the point where the access road joins the inner ring road. Furthermore, the inner ring road in front of plots 2 and 3 is 5m higher than the level of the ring road in front of plot no. 11. The proposed street scene elevations shown on drawing no. 1130.P1.600.J shows that the houses do drop in ridge height level as they go down the hill. The tree belt on the west boundary will effectively screen the development in my view. Given that the trees are more like 6m in height and the houses are 8.3m to 8.5m in height, the roofs of the houses will be visible above the trees. The impact this will have in the landscape is discussed in more detail below.
- 4.3.18 I have no objection to the design of the proposed houses or chosen external materials with sections of brick work, timber cladding and render, which will provide for visual variation within the street scene and is complementary to the character of Ashwell village. However, for two storey houses the houses do appear tall and several of the designs do appear to have very tall roofs which do not appear to be necessary given that third floor accommodation is not proposed. However, on balance, no objection is raised to the layout and design of the proposed dwellings and the scheme layout is considered to be appropriate for the site context with existing residential development on two sides of the site.

Access and highway issues

- 4.3.19 The proposed pedestrian and highway accesses have been extremely contentious issues of this application. To comply with Policy AS1 this site must deliver both a vehicular and pedestrian access.

Vehicle Access

- 4.3.20 The site layout plan, drawing no. 1130.P1.400.Q shows a vehicle access joining Claybush Road to the south of no.14, and a pedestrian pathway linking down past plot no.11 to an access track linking down to Ashwell Street. This track is grassed over in the rear part and the front half is used as a driveway access by numbers 47 and 51 Ashwell Street.
- 4.3.21 With regards to the vehicle access, the latest layout plan, drawing no. 1130.P1.400.Q shows that the vehicle access is to be relocated to the south side of the existing access track with the long hedgerow leading from the lane to the site to now be retained. A section of hedgerow along the road frontage is to be removed and the lane will have a wider section where the access road joins the highway of Claybush Road. The roadway of Claybush Road is just over 5m wide with a grassy verge on either side. The plans do not show any significant works to widen the lane other than at the point where the new vehicle access way joins. A 13m wide section of hedgerow from the lane frontage is to be removed to allow the space for the access to be constructed and to allow necessary vision splays.
- 4.3.22 With regards to impact on no.14, the access has been amended so that it now no longer impacts the right of way to no.14 and the existing access track into the field.
- 4.3.23 A benefit of the access way being sited on the south side of the track, means that the shared surface access way is now further away from no.14. The shared surface vehicle access way is now just over 14m away from the side flank wall of no.14, and

the retention of the existing hedgerow on the north side of the proposed shared surface will help to block noise and screen number 14 from vehicles coming and going from the development, and will help to reduce any adverse impact on the residential amenities of no.14 from the proposed development.

Pedestrian Access

- 4.3.24 The application proposes a pedestrian access on the north side of the site, adjacent to plot no.11. As existing there is a field gate in this location which connects down to a grassy track in the rear part of the land between numbers 47 and 51 Ashwell Street, with the front part hard gravel and used as driveway access for numbers 47 and 51. The plans show a pedestrian pathway to connect down, with the front section re-paved (the details of this are not provided at this stage) to still allow access into the front gardens / parking areas for numbers 47 and 51. This pedestrian link has proved to be contentious locally, both in terms of the use of Ashwell Street as a pedestrian link for the development, and the safety of it. I shall discuss each issue separately.

Use of Ashwell Street

- 4.3.25 It is a requirement of the emerging local plan Policy AS1, that to deliver this site as a local plan housing allocation there must be the provision of pedestrian access into the village. Given that Claybush Road does not have pavements, this cannot be realistically considered to form an effective pedestrian link. Due to land ownership complaints it has not proved possible for the applicant to enter the necessary agreements with the Highway Authority to create a new pedestrian footpath link along Claybush Road. Therefore, the application is proposing the pedestrian link from the north side of the site via Ashwell Street.
- 4.3.26 In terms of establishing the right of access, the applicant has referred back to the 1862 Enclosure Award for Ashwell. Allotments 249, 250 and 285 comprise most of the development area of the site, and the area within these allotments have a right of way over the 'road no.251' owned by field number 253. The applicant sets out that field 253 is land now owned by Mr Farr, but that all houses fronting Ashwell Street and the majority of the land within the application site (within the areas of old allotments plots 249, 250 and 285) have an equal right of way over Ashwell Street for the use of it.
- 4.3.27 On this basis the applicant applied to Land Registry to seek amendments to the deeds of the land, which resulted in a Tribunal in January 2019. On 29/05/19 the Lands Tribunal found in favour of the applicant and has confirmed that the application site does have the right to use the unadopted stretch of Ashwell Street and the Court has instructed the Land Registry to update the property title information accordingly. The decision letter from the Tribunal at paragraph 37 states:
- “I have found that Mr Gurney did use Ashwell Street to access the Field (the application site). However even if he had not used it, I would not have found that the right of way over Ashwell Street to the field had been abandoned...”***
- 4.3.28 Therefore on this basis, the applicant has set out that the application site does have a right of way over Ashwell Street. It is therefore acceptable for the layout plan (plan 400Q) to show a pedestrian footpath coming down past the side of proposed plot 11 adjoining onto Ashwell Street between numbers 47 and 51. This route would therefore form the required pedestrian access from the development to the village centre, as set out in Policy AS1 of the emerging Local Plan.

Safety

- 4.3.29 Local residents have also been concerned about the safety of the proposed pedestrian link over Ashwell Street. The proposed pedestrian route off the application site will lead to the short unadopted section of Ashwell Street to then reach the junction of Ashwell Street with Bear Lane. Whilst being relatively short in distance, this section of Ashwell Street is very narrow with the concrete roadway being 2.6m wide, with extra width to the bank (a muddy channel next to the edge of the concrete roadway) of 0.3m taking the total width to 2.9m. Owners along this section of Ashwell Street state that when cars, refuse vehicles or other vehicles are using this lane, pedestrians have to 'duck off' the pathway into front gardens / driveways as it is too narrow to allow a pedestrian to pass by a car. There are no pavements or street lights, and the road surface has dips and pot holes. Local residents have expressed concern that if an increased number of pedestrians start using this lane, and in particular school children walking to school on their own and mothers with pushchairs, there is the fear that this could increase the risk of accidents.
- 4.3.30 As a result, the developer was asked to carry out a Safety Audit this route. The results of this are contained in **Appendix 1**. In summary this raises concerns with safety, and concludes that to improve visibility and safety, trees and hedgerows should be cut back and the road re-surfaced.
- 4.3.31 Following the Land Tribunal Result, the applicant has set out that as they now have a proven right of way, they also have the right to carry out the works to re-surface the road and cut back the vegetation overhanging the section of Ashwell Street to make this short un-adopted section of Ashwell Street as safe as possible, in accordance with the requirements of the Safety Audit. A letter confirming this right and an extract from the Practical Law Property encyclopaedia are attached at **Appendix 2**.
- 4.3.32 As the road is un-adopted, Hertfordshire County Council (Highways) state that they are not in a position to comment on the safety audit report as it deals with safety issues for a pedestrian route that is outside the limits of the adopted highway. My own view is that the applicant is proceeding with caution and taking all reasonable and possible steps to improve the potential safety of the route with resurfacing and cutting back the vegetation to improve visibility along the route. Given the narrow width of the lane drivers have to go slowly and future users, as with all pedestrian / road junctions, will have to take due care. Given that Claybush Road does not have pavements and is a steep hill down to the village, and that this is a more level route from the north side of the application site to the village, and that the application has set out a right of way over the route and measures to improve safety, I raise no objections to the proposed pedestrian access layout. On this basis I consider that the planning application meets the provision of both a vehicle and pedestrian access into the village requirement of Policy AS1 of the emerging Local Plan. Suitably worded planning condition(s) are recommended below to ensure that the requirements of the Safety Audit are carried out in a timely manner before the occupiers of the development start using the pedestrian access.

Landscape and heritage considerations

Heritage

- 4.3.33 Many Ashwell residents have objected on the basis that they consider the proposal will harm the setting of the nearby Ancient Scheduled Monument Arbury Banks, as it will be visible in long distance views. Having walked to Arbury Banks, I cannot support this objection as the distance separating the two sites is three fields and a public footpath. In my view the two sites are not within the immediate visual context of each other, and the visual impact of the development when viewed from Arbury Banks would, in my view, be so minimal that I do not consider that the refusal of this application for this reason can be justified.
- 4.3.34 Consideration must also be given to the setting of Claybush Road and the impact the new vehicle access will have. The existing mature hedgerow fronting the lane is an attractive roadside feature and part of the setting of Claybush Road and the entrance into the village of Ashwell. From this part of Claybush Road, due to the steep drop in levels it is possible to see the steeple of St Mary's Church, a Grade 1 listed building, and this approach forms an attractive approach into the historic village of Ashwell. I have a degree of concern that the removal of the 13m stretch of hedgerow to allow the new access combined with its location on the south side of the existing access track into the application site off Claybush Road, will alter the character of this approach. I consider that more landscaping on the south side of the proposed shared surface vehicle access (which can be achieved via the landscaping condition) is required to further screen this in approach views from the lane itself to minimise any impact. However, on balance I raise no objection to this issue and conclude that the impact will be less than substantial harm to the setting of the lane and the approach into the village. The reasons being that car drivers will pass by the access fairly quickly and given that the closest house is set back from Claybush Road by 35m, views from Claybush Road will be of a hedged / landscaped access which is similar to the existing context of the lane as existing.
- 4.3.35 Furthermore, this site is not within the Conservation Area nor are there any listed buildings in proximity to the proposed site which need protecting in their immediate context. The access will not block the view of the church from the lane, it would merely change the appearance of a small section of the lane, and in time people will adjust and accept the change. Finally, this is an allocated housing site in the emerging local plan, and needs an access. In conclusion I do not consider that there are any outstanding heritage issues relating to the application, and I do not consider that the setting of the lane or the impact the development would have on the context of the approach into the village is a reason to withhold the grant of planning permission. I therefore consider that the proposal meets this requirement test of Policy AS1.

Landscape

- 4.3.36 In terms of the visual impact the proposed houses will have it is clear that they will be visible in the context of the landscape when viewed from Claybush Road and in longer distance views from the public footpath that lies to the west of the development. As set out in the design and layout section above, the internal road layout drops by 5m across the site. Proposed street scene plan 600J at cross-section AA shows that the ridge

height of plot 4 (at the top of the hill) is 4.8m higher than the house in plot 10 (at the bottom of the hill). Policy AS1 requires for the “*sensitive design and layout required in terms of ridge line and setting within landscape*”. Given that the houses have been designed so that the ridge height of the dwellings drops as the land goes down hill it is my view that reasonable efforts have been made to take account of site topography and the layout can be regarded to be sensitive to the landscape context. Whilst it is acknowledged that the houses will be visible in comparison to the undeveloped field, the site layout plan drawing no. 1130.P1.400.Q shows that along the south and west boundaries there are many existing trees, which are to be retained and additional tree planting specified to fill in any gaps. A landscaping condition is recommended to ensure final consideration of the proposed landscaping. Accordingly it can be concluded that the site will have effective tree setting and screening. This, combined with the effort to set the dwellings within the context of the site and given that this is an allocated housing site, leads me to conclude that the impact in the landscape will be acceptable and the policy test of AS1 in this regard is met, in my view.

- 4.3.37 I note the concern that there will be conflict between the future occupiers and the trees along the west boundary, as future owners may wish to fell the trees to achieve open views of the countryside rear of the houses. A condition is also recommended to secure the retention of the landscaping and in my view this concern, which may not arise, is not a reason to withhold the grant of planning permission.

Environmental Matters

Flooding

- 4.3.38 A major objection to this application from the Parish Council and local residents is the concern that this development will result in increased flooding downhill within the village of Ashwell and the issues of a paleo-channel on site have been raised. As a result, this application has been critically assessed on the issue of site drainage. In conclusion, the HCC Lead Local Flood Authority team are raising no objection subject to a condition. Furthermore, it is set out in the application that in the event that the development is built, a management company would be set up and one of their responsibilities will be the long term maintenance of the SUDs drainage system. The setting up of this management company is a clause within the draft S106 Legal Agreement, which if signed and the development is built, will ensure this happens.

Sewage

- 4.3.39 With regards to the proposed sewage system, the application sets out:

"The capacity in the existing sewer system has been confirmed by Anglian Water. The sewers and pump station shall both accord with the Building Regulations Part H and BS EN 752. These standards mandate the foul pump

station shall provide 24 hour emergency storage in the event of a breakdown for the entire site. An audible and visual alarm shall be fitted to the pump station and shall activate should the storage chamber start to fill up. The site shall also benefit from a Management Company who will maintain the Pump Station and will also be able to respond in the situation of a breakdown. It is also worth noting that additional storage is also provided in the way of upstream drains and chambers, so the actual storage provided shall be in excess of 24 hours. With such safeguards in place it is beyond any reasonable doubt that the pump station will not overflow. However also observing the system from an engineering point-of-view the foul flow rate for 31 houses is 1.4l/s. So in the event of a flood, which is exceptionally unlikely given the safeguards in place, the flow from a flood event is so low that it would also be exceptionally unlikely to leave the site before further action could be taken. In conclusion there are multiple levels of protection in place to prevent an overflow event and even if against all probability that a flood were to occur the flow rate of such an event is so low that it poses a very minimal risk. Finally the low flow rate from the site is very unlikely to impact the local sewer system significantly and Anglian Water have also confirmed that the existing system does have capacity”.

- 4.3.40 Based on the above information and given that Anglian Water raise no objection subject to a condition being imposed, no objection is raised to the proposal.

Ecology

- 4.3.41 An updated Ecology report was submitted on 24/06/19. This concludes that with the recommended mitigation and enhancement measures there will be no harm on site. These measures are recommended.

Archaeology

- 4.3.42 As set out above, an archaeology report has been submitted with the application and the Historic England team at HCC have been consulted on the results. The archaeology evaluation identified the presence of archaeological features on site. These were dated to the Roman and post-Medieval periods, with a Roman ditch and pit in the northern part of the site. These have been interpreted as representing activity that is peripheral to Roman settlement in the area. A mound in the farm south west of the area has been interpreted as the site of Kitchener’s mill.

- 4.3.43 The results of the evaluation suggest that this presence of remains of national importance that would require preservation ‘*in situ*’ is unlikely. However, given that there are significant archaeological features, such as Bronze Age round barrows to the east and Arbury Banks hillfort to the west it is appropriate to conclude that there may be the possibility archaeology on site. Therefore, an archaeological condition is recommended to cover this issue and it can be concluded that this aspect of the proposal is in accordance with the requirements of Policy AS1.

Amenity issues

- 4.3.44 As discussed above under layout and design considerations, there will be a degree of overlooking and loss of privacy between the proposed houses that back towards each other in the central part of the site. However, as future occupiers can take this into account, this is of less concern than the adverse impact proposed on the existing adjoining neighbours to the site.

- 4.3.45 With regards to impact on no.14, as stated above, the access has now been relocated, and the impact on no.14 will, in my view, now be minimal. I have a degree of concern that the dwellings on proposed plots 11 - 13 will be visible to the existing occupiers of numbers 43 - 47 Ashwell Street. Saved Policy 57 of the adopted Local Plan advocates that a back to back distance of 30m is an acceptable distance to retain privacy and prevent dominance. The site layout plan shows that a back to back distance of at least 33m is to be retained between these neighbours and the proposed bungalows in plots 11 – 13, in compliance with Saved Local Plan Policy 57. The plans show that the properties in plots 11 - 13 are 6m high bungalows. The cross-section details on drawing number 1130.P1.650.C shows the fall in ground level as the land continues to the north down to Ashwell Street. These plans show that the bungalow rear of no. 47 Ashwell Street has a ridge height 1.5m taller at a distance of 33m and the bungalow rear of no.43 (plot 13) will have a ridge height 4.5m taller at a distance of 35m. There are some trees and shrubs on the rear boundary, and the layout plans show that this is to be increased. As these existing occupiers currently have views out over open countryside and instead they will have a row of trees along their rear boundary fence with the new properties behind, the outlook of these occupiers will be most affected. As Members will be aware, in planning there is no right to retain a view. The proposed back to back distance is in excess of that recommended in the Saved Policy 57 of local plan of 30m and landscaping to screen the new properties is also proposed. Whilst I acknowledged that the outlook will be changed for the residents in Ashwell Street and that these occupiers will see the development, this is not considered to be a reason for refusal that could be substantiated at appeal in my view.
- 4.3.46 With regards to privacy to these neighbours, as plots 11 - 13 are bungalows, their ground floor windows will be screened by the proposed fencing and trees on the rear boundary. Therefore, I do not consider that this proposal represents an unacceptable loss of privacy to these proposed neighbours on Ashwell Street
- 4.3.47 There will be less impact to on the existing neighbours on Claybush Road in terms of impact on outlook, as these houses have their outlook mainly protected by the open space and retention of the tree belt separating the area of open space from the built part of the development. On balance, I have no objection to this proposed relationship.

Sustainability

- 4.3.48 The NPPF sets out a presumption in favour of sustainable development as a general policy stance, although it still requires to deliver on housing numbers. Given, as discussed above, there is no objection to the principle of the residential re-development of this site, in my view, no significant material weight can be given to the assertion that building on a greenfield site is not sustainable in principle. Looking at the site in the broader context of sustainability, Ashwell has a train station, primary school, public house, local shops and a vibrant community spirit. Even though secondary school aged children and many people in paid employment commute out of the village for these, Ashwell is still regarded to be a sustainable settlement. As a pedestrian footpath link is proposed, future occupiers will have the choice to walk or cycle into the village, rather than having to take the car. In conclusion, in the overall context of the application, no objection is made to the application on the basis of sustainability.

Affordable housing

- 4.3.49 Set out within the emerging Local Plan it states that North Hertfordshire is going to be affected by considerable housing growth over the plan period, and that if all of this were to be private / market housing that it would fail to meet the housing needs of new forming households on lower incomes who would not be able to afford to live locally. Affordable housing is provided for those who cannot access open market housing and including affordable rented housing and intermediate housing, such as shared ownership schemes. It will be secured through the S106 Agreement to make sure that the benefit of the housing continues in the long term.
- 4.3.50 Policy HS2 of the emerging Local Plan requires for housing proposals with 25 or more dwellings to provide 40% of dwellings as affordable dwellings. As set out above, the application is proposing 12 units to be for affordable accommodation, which meets this 40% contribution target. The affordable accommodation is to be 8 dwellings (4 x 1-bed flats; 3 x 2-bed houses and 1 x 3-bed house) for affordable rent and 4 dwellings (2 x 2-bed houses and 2 x 3-bed houses) for affordable shared ownership. This is considered to be in accordance with this policy and no objection is raised on this basis.

Planning Obligations

- 4.3.51 The applicant has agreed to pay the following S106 Legal Agreement undertakings. All the payments are to be collected by NHDC:
- 12 units for affordable housing with the split of 65% for affordable rent and 35% for affordable shared ownership;
 - That development cannot commence until it has the Council's approval of the SUDs scheme and management scheme, and that this has to be implemented on site;
 - Details of the management plan for the open space to be submitted to and agreed by the Council's and these details have to be implemented on site;
 - A contribution towards bin provision (£2,062 based on £71 per dwellinghouse and £54 per flat);
 - £8,000 for Sustainable Transport improvements towards the design and construction of highway improvement works to the bus stop along the High Street;
 - £75,000 to Ashwell Parish Council for funds towards a new pavilion building collected under the 2008 SPD categories of community halls / centres; leisure, play space and pitch sport.

Ashwell Neighbourhood Plan

- 4.3.52 The first round of public consultation was undertaken in Autumn 2018. To date the plan has not progressed to the stage of being 'made'. Therefore, very little weight can be given to the policies within this plan. It is noted that this plan does identify three possible housing sites within the village, none of which are this proposed site, AS1. However, as this plan is not made, and given the progressed stage of the emerging Local Plan where this is an allocated housing site, it is not considered that the Ashwell

Neighbourhood Plan has any material influence on the determination of this application at this time.

Planning balance and Conclusion

- 4.3.53 Site AS1 is a housing allocation in the emerging Local Plan which is at an advance stage in preparation. Its development will make a contribution towards the Council's planned supply of housing land. At present the Council does not have up-to-date housing policies in the Saved Local Plan and cannot demonstrate a five year deliverable supply of housing land. The site will also make a valuable and much needed contribution to the supply of affordable housing in the district. I consider that these benefits have considerable weight in the planning balance.
- 4.3.54 The application site is not Green Belt and does not fall within a protected landscape area. The development has been designed to sit sensitively within the landscape, with the houses positioned so their slab levels and resulting ridge heights drop as the land falls downhill and with gardens extending out to the site boundaries. The existing landscaping rear of the houses in Claybush Road and along the west boundary is being retained and enhanced to help screen the site and to maintain the site's context and setting in the landscape. It is also concluded that the application poses no adverse harm to the setting of Arbury Banks and less than substantial harm to the setting and context of Claybush Lane and the approach into the village from this direction.
- 4.3.55 The distances the new dwellings are sited to the existing neighbours both along Ashwell Street and Claybush Road are adequate, and additional landscaping along site boundaries is being proposed. Therefore, whilst neighbours will see these houses, it cannot be concluded that there would be direct adverse harm on their residential amenities from the development. Within the development, there will be some overlooking and a limited loss of privacy between some of the dwellings that back on to each other. However, efforts have been made to position windows so that they are not directly overlooking and potential future occupiers can take the layout of the houses and the relationship between neighbours into account before purchase. The application provides for adequate off street parking, bin storage space and private amenity areas and will overall provide future residential with a good quality living environment.
- 4.3.56 The vehicle access off Claybush Road has been repositioned to the south of the existing access track, so that the right of way of no.14 Claybush Road is not affected. The application has set out that it does have a right of way for future pedestrians to walk via Ashwell Street into the village and will undertake measures to enhance the safety of the unadopted section of Ashwell Street. As a result, the application is considered to meet all the requirements of emerging Policy AS1.
- 4.3.57 As it is possible to walk into the village and given the Ashwell is classed as a sustainable village, no objection is made to the application on the basis of sustainability. I note the concerns around the public footpath outside of the application site and the ability for those with walking limitations to be able to use this route. However, by implementing the requirements of the Safety Audit this route can be made as safe as possible for pedestrians.
- 4.3.58 The application is therefore considered to meet the necessary policy requirements for such new developments and is recommended for conditional permission, subject to the

completion of the S106 Legal Agreement and the recommended conditions and S278 highways works.

4.4 **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 completion of the Section 106 Legal Agreement and the following conditions:

6.2 In the event that the applicant does not agree any necessary extensions to the Statutory Determination that the Development and Conservation Manager be given delegated authority to refuse planning permission on the basis of the absence of a completed S106 Obligation.

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. Details and/or samples of materials to be used on all external elevations and the roofs 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.

4. Before any development commences on site, full details covering the following are to

be submitted to, and agreed in writing by, the Local Planning Authority. The agreed details are to be implemented on site:

- a) which, if any, of the existing vegetation 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. The planting along the south side of the vehicle access way is to be enhanced / increased;
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
- d) details of any earthworks proposed.

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

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

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

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

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

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

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

9. Prior to any other development and / or construction works on site, the proposed access shall first be constructed to base course construction for the first 12 metres and the join to the existing carriageway is to be constructed to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity

10. The gradient of the access shall not be steeper than 1 in 50 for the first 12 metres from the edge of the carriageway.

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

11. The access road shall be a minimum of 5.50 metres wide and the kerb radii shall be 10 metres as identified on drawing number 072/064 revision F.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

12. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 90 metres to the northern direction and 2.4 metres x 84 metres to the southern direction shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the foot way level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

13. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been 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. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

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

14. Prior to the commencement of development a Construction 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 Statement.

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The Siting and details of wheel washing facilities;
- d. Cable trenches within the public highway that affect traffic movement of existing residents;
- e. Cleaning of site entrance and the adjacent public highways and,
- f. Disposal of surplus materials.

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

15. A No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation;
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To protect any archaeological finds on site.

16. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and agreed in writing by the

local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment, Project no. 70020615, Revision 3, dated of December 2016, produce by WSP Parsons Brinckerhoff and updated additional information.

The surface water drainage scheme should include:

10 BRE Digest 365 compliant infiltration tests for the two soakaways, specifying the exact location and the exact depth where the infiltration features are proposed to be located. This should take into account that the bottom of the soakaways should be located below the clay layer (which is comprised between depths from 0.3m to 1.4m) so that infiltration will take place only through the base of the soakaway

2) If the infiltration rates obtained of the soakaways prove to be lower than 1.0×10^{-6} then the applicant should provide an alternative strategy in order to drain the surface water from the new development.

3) Once the results of the infiltration tests are known, all calculation should be updated including pre development and post development for all rainfall events up to and including the 1 in 100 year plus climate change event. The updated calculation should consider the whole site and not only the impermeable area. Also no flooding should occur at and below the 1 in 30 year rainfall event. It should be demonstrated that any flooding above this can be managed within the site without increasing flood risk to the proposed development and the surrounding area. Both the 1 in 100 year and the 1 in 100 year + climate change extents, depths and volumes should be established.

4) Full detailed drainage plan including location of SuDS measures, pipe runs and discharge points, informal flooding (no flooding to occur below and including the 1 in 30 year rainfall return period).

The scheme shall be fully implemented and subsequently maintained, 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: To ensure adequate drainage.

17. 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 scheme shall also include:

1. Final confirmation of management and maintenance requirements
2. Provision of complete set of as built drawings for both site drainage

Reason: To reduce the risk of flooding to the proposed development and future occupants.

18. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

19. Before any development commences on site, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results form monitoring show that contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To protect the natural environment.

20. Prior to occupation a 'lighting design strategy for biodiversity' for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To protect bats.

21. 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:
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

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

This site shall not be occupied, or brought into use, until:
All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

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

22. Prior to occupation each property with dedicated parking (either in the form of a garage or dedicated space adjacent to a house) shall incorporate an 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.

23. No development shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.

24. The safety enhancement works of the resurfacing and cutting back the overhanging vegetation to the unadopted section of Ashwell Street are to be undertaken before the first occupation of the first dwelling and thereafter maintained as such.

Reason: To ensure pedestrian safety.

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:

Highways Informative:

1. 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 contact <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or call on 0300 1234 047 to obtain the requirements for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

PLANNING OBLIGATION INFORMATIVE: Through the planning process Hertfordshire County Council would recommend that a financial contribution is provided by developers toward an integrated transport scheme to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms where safety and passenger transport improvements would then be delivered in order of need.

This approach is consistent and relate to the scale and impact of development. The sustainable contribution means the sum of eight thousand pounds (£8,000) (Index Linked) as a contribution towards the design and construction of highway improvement works to the bus stops along the High Street that will encourage users of the Development to travel to and from the Development by means of transport other than the private car which the County Council determines will contribute to the improvement of highway conditions on parts of the network affected by traffic associated with the Development.

OFFSITE WORKS INFORMATIVE:

The requirement as part of the offsite s278 works is to include the to extend the existing speed limit to the south. The details of the Speed Limit Order should be included as part of the s278 drawing as part of the required highway work in conjunction with the development.

As a requirement of the section 106 agreement the bus stops along Station Road are required to be upgraded to Disability Discrimination Act standards in order to maximise accessibility of the site. The bus stops will need to be upgraded with easy access kerbs (the existing shelter may need relocating). This will need to be agreed in conjunction with appropriate parties. These works shall be secured through the s106 agreement.

Reason:

1. 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.

2. 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.

EV Recharging Infrastructure Informative

EV Charging Point Specification:

Each charging point, whether wall or post-mounted 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)

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.

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)

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.

Environmental Protection Informative:

During 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.

Drainage Informative:

We noted that the applicant has provided a SuDS Maintenance and Management Plan, Reference 70020615, dated of 15 December 2016, produced by WSP.

It is stated that the maintenance of the structures will be responsibility of the private management company to be set up by the developer. It is also stated that the property owners will have to undertake complete replacement of any drainage component once they have reached the end of their functional lifetime and when repair is not the practicable solution.

The LPA needs to be satisfied that the maintenance arrangements for proposed drainage scheme are suitable and can be maintained for its lifetime.

7.0 **Appendices**

7.1 Appendixes 1 – Pedestrian Access Road Safety Audit Stage 1 & 2.

7.2 **Appendix 2** – Statement regarding right to carry out works to un-adopted road and extract from Planning Law.

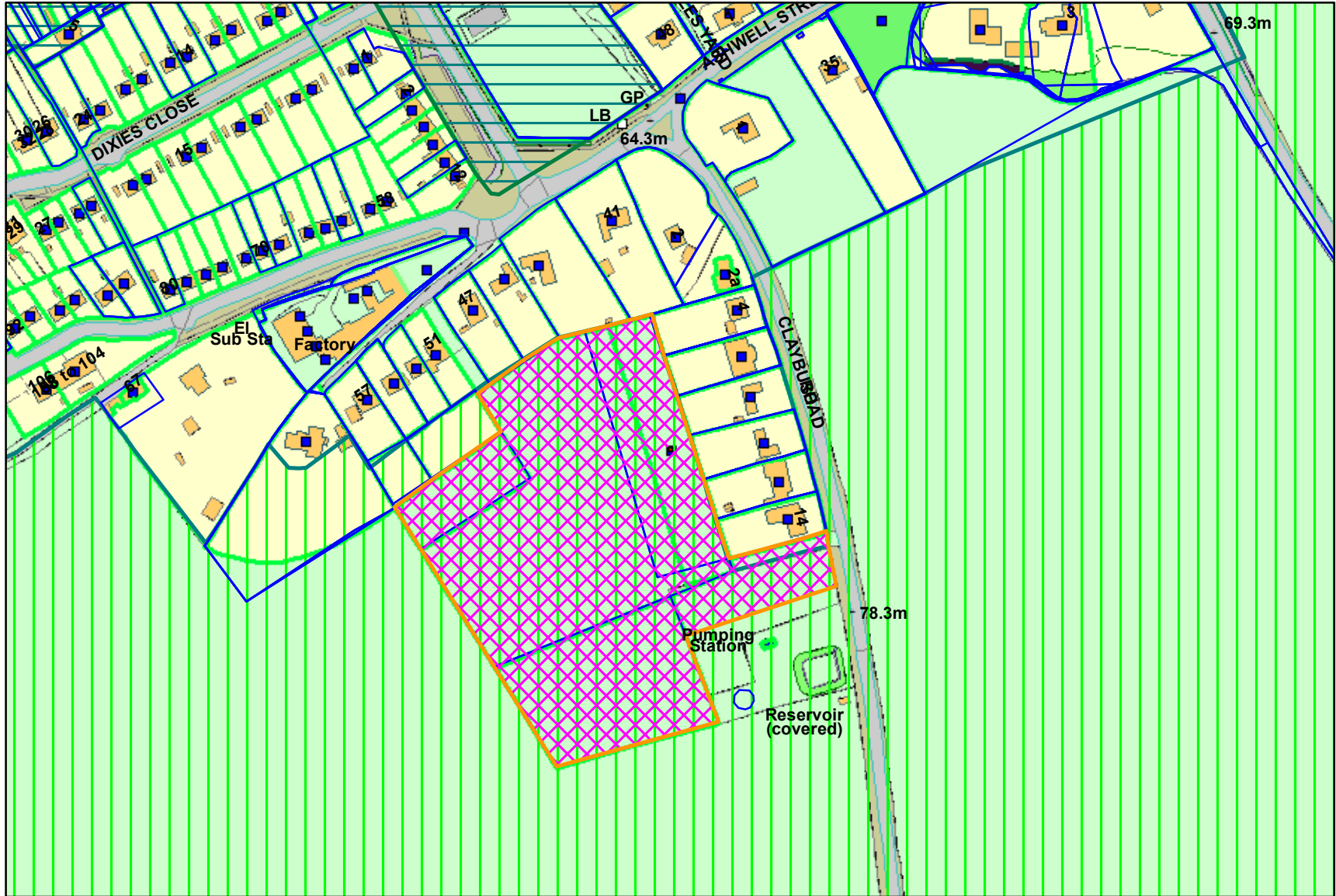
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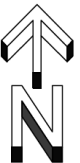
Application Validation Sheet

16/01797/1 Land Rear Of 4-14, Claybush Road, Ashwell, SG7 5RA

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



Scale 1:2,500
Date: 26/06/2019



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Claybush Road, Ashwell - Pedestrian Access

Road Safety Audit Combined Stage 1 & 2

Designers Response

2.1 General

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

2.2 Local Alignment

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

2.3 Junctions

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

2.4 Non-Motorised User Provision

2.4.1 PROBLEM

Location General - Proposed pedestrian access route between Ashwell Street and residential development (Drawing 072/067).

Summary - Potential lack of adequate and suitable intervisibility could result in a slight increased risk of conflicts occurring between pedestrians and vehicles.

Detail - At this Combined Stage 1 & 2 Road Safety Audit, the scheme proposals indicate that a pedestrian access path is to be provided between Ashwell Street and the proposed residential development sited to the south.

The site visit has established that the existing concrete carriageway access road is narrow with vegetation on both sides and on the exit/entrance corners.

Whilst traffic flows and speeds within this area have been observed to be very low, concern arises that this situation may result in a risk of conflicts occurring between pedestrians and vehicles entering and exiting Ashwell Street.

2.4.1 RECOMMENDATION

At the construction stage of the project, suitable and adequate intervisibility zones should be provided to enable pedestrians to clearly see any passing vehicles. Associated localised vegetation clearance should be undertaken in particular along the northern side of the proposed pedestrian route itself and exit/entrance corner.

2.4.1 DESIGNERS RESPONSE

We propose to cut back vegetation as identified on the northern boundary of the pedestrian route and near the entrance exit corner.

2.5 Road Signs, Carriageway Markings & Street Lighting

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

END OF REPORT

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CLAYBUSH ROAD, ASHWELL, HERTFORDSHIRE

**Proposed Residential Development -
Pedestrian Access**

Road Safety Audit - Combined Stage 1 & 2

Final Report

August 2017



REPORT APPROVAL

Document Location

Ensure that this document is current. Printed documents and locally copied files may become obsolete due to changes to the master document.

This is a controlled document.

The source of the document can be found on the file server at location:

SB:TAYLOR BOWIE LTD:CLIENTS:CroudaceHomes:ClaybushRoadAshwellHerts:PedestrianAccess:RSACombinedStage 1&2.docx

Revision History

This document has the following history:

Version No.	Version Date	Summary of Changes	Changes marked
1.0	17/07/2017	N/A	N/A

Approvals

This document requires the following approvals:

Name	Title
Sarah Bowie	Audit Team Leader
Mario Gatti	Audit Team Member

Distribution

This document has also been distributed to:

Name	Title & Organisation
Alan Griffin	Senior Engineer - Croudace Homes

1 INTRODUCTION

1.1 Commission & Terms of Reference

This report has been prepared in response to an e-mail commission dated 13th July 2017 from Alan Griffin, Croudace Homes, requiring a Combined Stage 1 & 2 Road Safety Audit on a proposed pedestrian access associated with a proposed residential development sited off Claybush Road, Ashwell, Hertfordshire.

The Terms of Reference are as described in the Highways Agency's Design Manual for Roads and Bridges document HD 19/15 'Road Safety Audit'.

1.2 The Scheme and its Purpose

The proposed pedestrian access is associated with a residential development on land west of Claybush Road, Ashwell, Hertfordshire. The proposed development is circa 33 residential units.

Pedestrian access to the site is via a short section of concrete road, which connects to Ashwell Street west of its junction with Bear Lane.

This section of Ashwell Street serves seven properties in total, five of which are beyond the access point to the field where the residential development is proposed.

1.3 The Audit & Audit Report

The audit comprised an examination of documents forming the Audit Brief and an examination of the site during daylight hours. The documents were made available to the Audit Team by Alan Griffin who was available to respond to queries from the auditors to clarify detailed issues, to provide additional details and to achieve an Audit Brief acceptable to the Audit Team. The total documents forming the Audit Brief are listed in **Appendix A**. Generally, the Brief comprised:

- Proposed pedestrian access

This information was considered sufficient as the Audit Brief for the purpose of undertaking the road safety audit requested.

The Audit Team membership approved for this audit was:

Sarah Bowie IEng, MICE, FIHE, MCIHT, MSoRSA HE RSA Cert Comp

(Audit Team Leader) Director, Taylor Bowie Ltd

Mario Gatti BSc Civ Eng, HE RSA Cert Comp

(Audit Team Member) Associate Consultant, Taylor Bowie Ltd

The audit took place at Taylor Bowie Ltd Letchworth office during July 2017, and both Audit Team Members examined the site together in daylight hours on the morning of Monday 17th July 2017. The weather during the site visit was hot and sunny. The carriageway was dry. Traffic flows at all times were light. Five pedestrians and no cyclists were observed during the site visit.

The scheme has been examined, and this report compiled, only with regard to the safety implications to road users of the scheme as presented. It has not been examined or verified for compliance with any other Standards or criteria. However, to clearly explain a safety problem or the recommendation to resolve a problem the Audit Team may, on occasion, have referred to a Design Standard without touching on technical audit.

No Departures from Design Standards have been reported by the Design Organisation.

1.4 Audit Administration

This Audit Report has been submitted to the Design Organisation as a draft for checking, consideration and approval. The Design Organisation is responsible for agreeing with the Audit Team Leader the form of the final version of the report and for instructing that the report is presented in its final form.

It is the responsibility of the Audit Project Sponsor, i.e. the local highway authority, Hertfordshire County Council, to advise the Audit Team Leader if any Problem or Recommendation is not adopted. A copy of every signed Exception Report is required by the Audit Team Leader from the Audit Project Sponsor for attachment to the master copy of the Final Audit Report.

Safety issues identified during the audit and site inspection which the Terms of Reference exclude from this report, but which the audit team wishes to draw to the attention of the Audit Project Sponsor, will be set out in a separate letter. These issues could include maintenance items and operational issues. In this regard, the Audit Team have made reference to one item as referred to in a covering letter to the Design Organisation, Croudace Homes, dated 1st August 2017. This covering letter should be supplied to the Audit Project Sponsor, Hertfordshire County Council and, be considered in conjunction with this Combined Stage 1 & 2 Road Safety Audit Report.

2 ITEMS RAISED IN THIS COMBINED STAGE 1 & 2 ROAD SAFETY AUDIT

2.1 General

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

2.2 Local Alignment

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

2.3 Junctions

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

2.4 Non-Motorised User Provision

2.4.1 PROBLEM

Location General - Proposed pedestrian access route between Ashwell Street and residential development (Drawing 072/067).

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The site visit has established that the existing concrete carriageway access road is narrow with vegetation on both sides and on the exit/entrance corners.

Whilst traffic flows and speeds within this area have been observed to be very low, concern arises that this situation may result in a risk of conflicts occurring between pedestrians and vehicles entering and exiting Ashwell Street.

RECOMMENDATION

At the construction stage of the project, suitable and adequate intervisibility zones should be provided to enable pedestrians to clearly see any passing vehicles. Associated localised vegetation clearance should be undertaken in particular along the northern side of the proposed pedestrian route itself and exit/entrance corner.

2.5 Road Signs, Carriageway Markings & Street Lighting

No Problems identified in this category at this Combined Stage 1 & 2 Road Safety Audit.

END OF REPORT - NO PROBLEMS IDENTIFIED OR RECOMMENDATIONS OFFERED IN THIS

COMBINED STAGE 1 & 2 ROAD SAFETY AUDIT

3 AUDIT TEAM STATEMENT

We certify that this Audit has been carried out in accordance with HD 19/15.

AUDIT TEAM LEADER

Sarah Bowie I.Eng, MICE, FIHE, MCIHT, MSoRSA, HE RSA Cert Comp

Director

Taylor Bowie Ltd

Road Safety & Transportation Consultants

5 Curlew Close

Letchworth Garden City

Hertfordshire

SG6 4TG

Signed: 

Date : 1st August 2017

AUDIT TEAM MEMBER

Mario Gatti BSc Civ Eng, HE RSA Cert Comp

Associate Consultant

Taylor Bowie Ltd

Road Safety & Transportation Consultants

5 Curlew Close

Letchworth Garden City

Hertfordshire

SG6 4TG

Signed: 

Date : 1st August 2017

APPENDIX A

Documents Forming the Audit Brief

Drawings:

DRAWING NO.	TITLE
072/067	Pedestrian Access

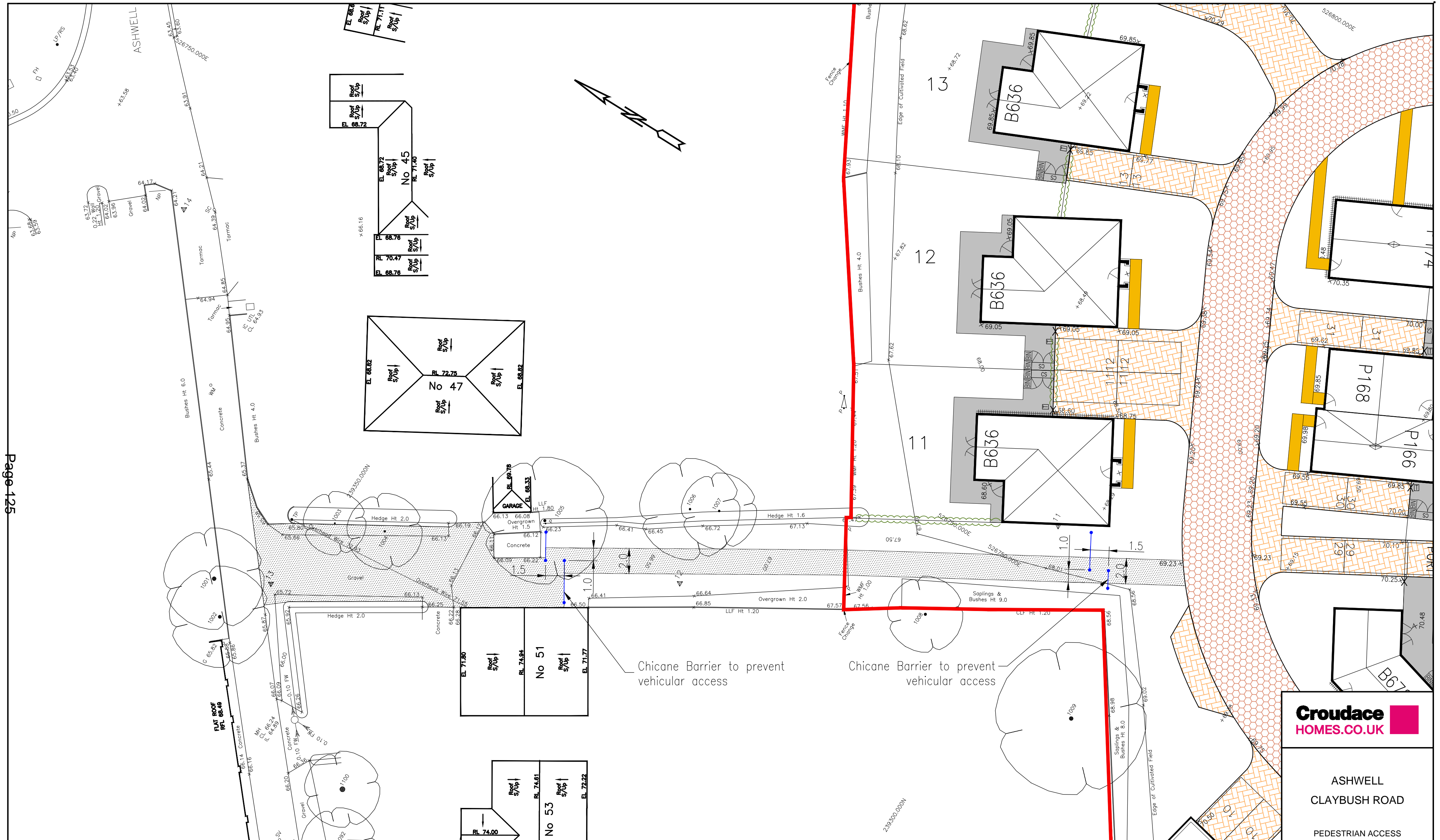
Taylor Bowie Ltd

ROAD SAFETY & TRANSPORTATION CONSULTANCY

5 Curlew Close
Letchworth Garden City
Hertfordshire
SG6 4TG

E: sarah.bowie@taylorbowie.co.uk

M: 07810 712985



- KEY**
- Brett Omega Flow Paving—Colour Brindle (Permeable Construction)
 - Brett Omega Paving—Colour Autumn Gold (Impermeable Construction)
 - Concrete Slabs – Colour Buff
 - Concrete Slabs – Colour Natural
 - Tarmac

NOTES

- All units shown are in meters.

Croudace HOMES.CO.UK

**ASHWELL
CLAYBUSH ROAD**

PEDESTRIAN ACCESS

SCALE: 1/500 (A2)

DATE: JULY 2017

DRAWN: ACG

CHECKED:

DRG.No.: 072/067

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LAND AT ASHWELL STREET, ASHWELL - REPAIR

The wording of the Enclosure Award states that the "Road is set out for the use of the persons interested for the time being in the allotments numbered 249, 250, 252 and 253 and the "old Enclosure numbered 285". In light of this, there is no constraint on the use. The Enclosure Award also states that the "Road shall forever hereafter be maintained and re-paved by the Owners and proprietors of the allotments".

It has now been confirmed by the First Tier Tribunal that the application site benefits from this express right. The right extends to maintenance and re-paving i.e. structural works not merely use.

I attach a copy of commentary from Practical Law Property dealing with easements and rights and obligations to repair.

I have highlighted the sections that relate to repair of an expressly granted right of way. Please note the statement that the dominant owner (i.e. the user of the right of way) is entitled to maintain and repair the way and to enter onto the "servient owner's land" (i.e. the land over which the right is being exercised) to do necessary work in a reasonable manner.

There is a distinction between an express right (as we are considering in this case) and prescriptive rights. The express grant of a right of way permits the dominant owner to carry out work (even if it is a work of improvement) to the route of the right of way to make the road suitable for intended purposes. If only a prescriptive right had been obtained, queries relating to the scope of the easement might arise, but this is not the case here.

Accordingly, the express right that is or will be shortly noted on the title to the application property extends to repair and improvement of the right of way. Repair to bring the relevant stretch of Ashwell Street to a standard suitable for use (which would include clearing of vegetation and relaying of the surface, repaving is expressly permitted in the wording of the right itself) are therefore covered.

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ITEM NO:	
<u>Location:</u>	Vine Cottage Maydencroft Lane Gosmore Hitchin Hertfordshire SG4 7QB
<u>Applicant:</u>	Mr S Michell
<u>Proposal:</u>	Erection of 3 x 3 bed detached dwellings, 3 bay car port, double garage, parking and vehicular access following demolition of existing dwelling and detached garage (as amended by drawing nos. 2017-30-PL.001E; -101B; -102D; 103D; -201B; -202C; -203D; -204D; -205D & -206B received on 12th June 2019 and coloured site plan no. 2017-30-PL.001E received on 14th June 2019).
<u>Ref. No:</u>	18/03348/FP
<u>Officer:</u>	Tom Rea

Statutory Expiry Date

19th July 2019 – extension of time agreed with applicant

Reason for Delay

Negotiation, submission of amended plans and re-consultation

Reason for Referral to Committee

The application has been called in to Planning Committee by Councillors Barnard and Frost in the wider public interest and due to concerns over the impact on an adjacent listed building.

1.0 Policies

1.1 North Hertfordshire District Council Local Plan No. 2 with alterations

Policy 2: Green Belt

Policy 16: Archaeological Areas of significance and other Archaeological Areas

Policy 26: Housing Proposals

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

1.2 National Planning Policy Framework (February 2019)

Section 2: Achieving sustainable development

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

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

1.3 **Emerging Local Plan 2011-2031 (Proposed Submission September 2016 incorporating the Proposed Main Modifications November 2018)**

Strategic policies

SP1: Sustainable development in North Hertfordshire
SP2: Settlement Hierarchy and Spatial Distribution
SP5: Countryside and Green Belt
SP6: Sustainable transport
SP7: Infrastructure requirements and developer contributions
SP8: Housing
SP9: Design and sustainability
SP12: Green infrastructure, landscape and biodiversity
SP13: Historic environment

Development Management policies

T1: Assessment of transport matters
T2: Parking
D1: Sustainable Design
D3: Protecting living conditions
D4: Air quality
NEx: New and improved open space
HE1: Designated Heritage Assets
HE4: Archaeology

1.4 **St. Ippolyts Neighbourhood Plan**

The St. Ippolyts Neighbourhood Plan area was designated by North Hertfordshire District Council in June 2018. The NP Area includes the application site.

1.5 **Supplementary Planning Document**

Vehicle Parking at New Development (as amended in Main Modifications)
Design
Nationally Prescribed Space Standards

2.0 **Site History**

- 2.1 11/02866/1: Replacement 5 bedroom dwelling including self contained annex in roof space and erection of detached double garage following demolition of existing dwelling and garage.(As amended by plan nos. PL101A and PL003A received 30th January 2012) Granted 10.2.12. Permission expired.

3.0 **Representations**

3.1 **St. Ippolyts Parish Council:**

Raises an objection to amended plans on the following grounds:

- ☐ An overdevelopment
- ☐ An inappropriate urban feel rather than a preferred more sensitive rural design
- ☐ Would spoil the character and openness of the area including the village green all located within the Gosmore conservation area.

Any further comments on the amended plans submitted in June 2019 will be verbally reported to the Committee meeting.

3.2 NHDC Conservation officer:

The full comments of the Conservation officer to the amended scheme for three dwellings (submitted on 12th and 14th June 2019) are attached at **Appendix A**

3.3 Hertfordshire Highways:

Recommends conditions and an informative.

3.4 Hertfordshire Ecology:

Recommends a condition re net gains for biodiversity and an informative

3.5 NHDC Environmental Health officer (contamination):

Recommends a land contamination condition and an EV Charging Infrastructure condition

NHDC Environmental Health officer (noise):

Recommends an informative regarding the demolition and construction phase and procedures to deal with asbestos.

3.6 Anglian Water: Do not wish to make comments

3.7 NHDC Waste Officer: Provides guidance and recommendations on waste and recycling collection provision within the site.

3.8 Hertfordshire Historic Environment Advisor:

Advises that the development is unlikely to have a significant impact on heritage assets of archaeological interest – no further comments

3.9 Herts County Council Fire & Rescue Service:

Request the provision of fire hydrants in accordance with HCC Planning Obligations guidance

3.10 Site Notice / Neighbour consultation:

The LPA has received 49 responses from residents both adjacent to and nearby the site and from residents further afield and all correspondence received can be viewed on the Council's web site. The correspondence include the following comments:

Comments against the development

- ☒ Amended plans have not addressed fundamental issues and concerns
- ☒ Development would still adversely affect listed buildings, have an adverse effect on the conservation area and will result in an overdevelopment of the site
- ☒ Excessive height, style not in keeping, detracts from setting of the village green and adverse impact on setting of adjacent listed buildings and the character of Maydencroft lane
- ☒ Substantial loss and harm to heritage assets contrary to NPPF
- ☒ Public benefits do not outweigh the harm to heritage assets
- ☒ Increased noise, loss of privacy, overlooking, negative visual impact
- ☒ Adverse impact on public safety
- ☒ Overdevelopment of the site detrimental to village green
- ☒ Materials do not respect the local vernacular
- ☒ Loss of green space
- ☒ Inappropriate backland development resulting in a material change to the environment

- ☐ Not supported by the majority of local residents
- ☐ Concern at width of access road and loss of boundary walls / vegetation
- ☐ Appearance of dwellings is too urban – alternative materials suggested
- ☐ Concern at siting and appearance of Plot 2 overlooking the green
- ☐ Fails to conserve the landscape character of the Gosmore Conservation Area
- ☐ Development must preserve the openness of the Green Belt
- ☐ Inadequate refuse collection arrangements
- ☐ Noise and disruption during building work
- ☐ Lack of gardens
- ☐ Extra traffic and pollution and consequent negative impact on quality of life
- ☐ Overbearing and overpowering impact on neighbours
- ☐ Not affordable
- ☐ Insufficient parking and plots too small
- ☐ Lack of infrastructure to support the development
- ☐ Loss of view to existing properties

Comments in favour of the development

- ☐ Amendments have addressed many of the original concerns
- ☐ A more sympathetic density and layout that does not harm the Green
- ☐ Ideal, discreet and appropriate development
- ☐ The village needs more houses
- ☐ Would provide additional and more affordable homes
- ☐ Design is of a high standard / positive use of the site
- ☐ Will benefit local services and amenities, providing customers for the shop and pubs
- ☐ Will benefit young families and the village as a whole
- ☐ Will have a minimal effect on the area and would be an asset to the village
- ☐ Traffic impact will be negligible

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.2 The Vine Cottage is set on a large plot on the north side of Maydencroft Lane. The eastern boundary of the plot adjoins part of the village green. The house is a chalet bungalow style with an attached double garage. The site is located within the Gosmore Conservation Area and the site is also within the Green Belt. Adjacent the site to the west is a grade II listed detached property ('Hindsmount') whilst opposite the site are several other dwellings including the listed cottages opposite the site entrance and the listed Avenue Farm. Opposite the northern boundary is a terrace of unlisted dwellings known as Letterbox Row.

4.2 **Proposal**

4.2.1 There have been several changes made to this application since the original submission. The amended scheme as submitted in June 2019 now proposes the following:

- ☐ The demolition of the existing dwelling, Vine Cottage, and its replacement with three detached, 3 bedroom dwellings
- ☐ Provision of a revised access road from Maydencroft Lane
- ☐ Plot 1 is two and half storey dwelling with a maximum ridge height of 9.5m and overall depth of 10.7m.

- ☐ Plot 2 is a two storey dwelling with a maximum ridge height of 7.5m and depth of 12m
- ☐ Plot 3 is a two storey dwelling with a maximum ridge height of 8.2m and depth of 12m
- ☐ The triple car port will be 5m high and the double garage 5.8m in height.
- ☐ External materials will include painted render, brickwork, plain tile / slates and timber windows.

4.3 Key Issues

4.3.1 The key issues for consideration with this planning application are as follows:

- ☐ Policy background and the principle of development
- ☐ Impact on the character and appearance of the area
- ☐ Impact on heritage assets
- ☐ Highway impact, access and parking matters
- ☐ Sustainability

4.3.2 Policy background and the principle of residential development

4.3.3 The application is currently located within the Green Belt as designated in the current local plan however Section 13 of the NPPF ('Protecting Green Belt land') allows for (in paragraph 145 e) for 'limited infilling in villages'. I consider that the application site being surrounded by housing on 3 sides and in a central location adjacent the village green, would amount to an infill site. As such residential development would not in itself be considered inappropriate development and very special circumstances would not need to be demonstrated.

4.3.4 Notwithstanding the above, the North Hertfordshire Emerging Local Plan (ELP) proposes a settlement boundary for Gosmore and St. Ippolyts including the main built up area of the settlements as Category A villages excluded from the Green Belt. Emerging local plan Policy SP2 advises that development will be allowed within the settlement boundaries of Category A villages. The ELP is at a very advanced stage and the policies within it are considered to have increasing weight the nearer the Plan is to adoption.

4.3.5 In summary therefore, either under the current local plan or the ELP it is considered that the principle of residential development on the application site is acceptable in planning policy terms.

4.3.6 Impact on character and appearance.

4.3.7 The application site is located close to what could be described as the centre of Gosmore i.e. the junction of Hitchin Road/ High Street with Maydencroft Lane, Waterdell Lane and Preston Road where the village has established itself around the crossroads. A key feature of the area is the village green with a variety of properties set around it. The roads are generally narrow and well defined by hedges, boundaries and a mix of property types including small cottages close to the highway boundary and a number of large brick buildings set in larger grounds. There are many listed buildings and more modern buildings.

- 4.3.8 Vine Cottage is set well back from Maydencroft Lane with the view of the house from the lane framed by the boundary walls, entrance gates, driveway and mature landscaping. The eastern boundary of the property is defined by a low brick wall with the existing house in prominent views from the village green.
- 4.3.9 The proposed development will replace Vine Cottage itself with a detached dwelling (Plot 1) of similar scale as other two and half storey dwellings in the vicinity of the site such as Rose Cottage, Victoria House and Avenue Farm. Plot 1 would be sited 2 metres further back into the site than the existing dwelling but approximately 1 metre closer to the eastern boundary. Plot 2 is located 18 metres north of plot 1 but is lower in scale with part of the first floor accommodation set within the roofspace. Plot 2 has a main aspect facing the village green. Set behind plot 2 is plot 3, of similar appearance and smaller scale than plot 1 and approximately 17 metres from the village green boundary.
- 4.3.10 The layout of the development respects the undeveloped nature of the southern part of the site maintaining its character as a landscaped private drive off Maydencroft Lane. The central part of the site is largely open save for the single storey car port sited close to the western boundary.

Plot 2 presents a main aspect onto the green in a not dissimilar fashion as other dwellings in the area which face or are alongside the green. Plot 3 is set well back from the village green boundary behind Plot 2 and so the visual impact of this building is limited on views from the green into the site. The car ports and detached garage are of much smaller scale than the dwellings and also sited some distance from the village green boundary.

The trees to the north of the site to the rear of Letterbox Row remain unaffected by the development.

All of the proposed dwellings display the traditional form and architectural features that are in keeping with the local vernacular including chimneys, flat roofed dormers set within pitched roofs, brick and rendered elevations, exposed rafter feet, timber porches and canopies and conservation style rooflights.

- 4.3.11 Infill development has taken place within Gosmore over recent years e.g. at Gosmore End House and Cottage and along the eastern side of High Street and Hitchin Road to the north. This reflects the organic growth pattern of the village. The application proposals continue this growth pattern in a restrained, respectful manner introducing a development that addresses the importance of the village green and its setting, maintains open views across the central part of the site and adopts a traditional design in keeping with surrounding development. The density of the scheme is not excessive and indeed considered comparable to similar sized sites within the village boundary. In terms of living conditions the plot sizes comfortably meet the amenity space requirements of Policy 57 of the local plan and there would be no overlooking or overbearing impact on adjacent property.
- 4.3.12 Taking into account the above contextual analysis of the proposals, the relatively low density and the high standard of design I consider that this proposed small courtyard development would result in a sympathetic and appropriate form of development that would not be harmful to the character and appearance of the area.

4.3.13 Impact on heritage assets

- 4.3.14 The key heritage assets affected by this application are the Gosmore Conservation Area and the listed buildings that surround the site. There are also several undesignated heritage assets which make a positive contribution to the Conservation such as 1 – 9 Letterbox Row.
- 4.3.15 The Gosmore Conservation area is centred around Hitchin Road and Maydencroft Lane with two significant green spaces in between (the village green and the grounds of Gosmore Care Home). Neither of these two green spaces are encroached upon by this development and indeed, in the view of the NHDC Conservation officer, Plot 2 has the potential to make a positive contribution in facing the village green.
- 4.3.16 Within the Conservation Area there are many prominent red brick buildings showing a variety of styles and other buildings ranging from agricultural barns to the scale of Gosmore House and Gosmore Nursing Home. Plot 1 is to be a prominent red brick building as it faces Maydencroft Lane yet its distance from the lane ensures that the lane retains its rural character. The metal railing boundary fencing and gates at the front of the site would be similar to those at Maydencroft Manor situated further west along Maydencroft Lane and would help in maintaining an open and rural feel to this part of the Conservation Area.
- 4.3.17 A key viewpoint across the green towards the several listed buildings in High Street would not be affected by this development. Similarly, given the setback of Plot 1 from the highway boundary public views of the several listed buildings along Maydencroft Lane (Hindsmount, Hindsmount Cottage, Whitbank and Jenny Cottage, View Cottage and Avenue Cottage and barns adjoining Avenue Farm) would not be affected or encroached upon by the proposals. Hindsmount, the curtilage of which adjoins part of the western boundary of the site, will be approximately 28 metres from the dwelling on Plot 1. Given this distance and with the intervening garage, shed and mature trees, the Conservation officer considers that the development will not harm the setting of Hindsmount.
- 4.3.18 Within the Gosmore Conservation Area there are several small groupings of buildings (such as those around Gosmore End House and Avenue Farm) and the proposed courtyard development would be similar to this pattern of development which is not uncommon in many villages in the district which have an historic core. Vine Cottage itself and its garden curtilage is of no particular architectural or historic merit and whilst it has some openness which will be eroded the key open spaces of the village (particularly the village green and grounds of Gosmore Care Home) will remain.
- 4.3.19 The scale and visual impact of the proposed development when viewed from the adjacent open area to the east is illustrated on drawing no. PL206 Revision B 'Proposed Elevation from Village Green' and this shows how, taking into account the siting of Hindsmount and Gosmore End House in the background, the development would have an acceptable impact.
- 4.3.20 Paragraph 192 of the NPPF requires local planning authorities to take account of new development sustaining and enhancing the significance of heritage assets and ensure that new development makes a positive contribution to local character and distinctiveness. I consider that this small scale development will achieve these aims as it does the following:

- 1) The value of the green spaces, particularly the village green, is maintained and not encroached upon
- 2) The existing cottage and garden, which arguably has only a neutral effect on the conservation area, is replaced by a development which, because of its high standard of design has the potential to make a positive contribution to local character and distinctiveness
- 3) The rural character of Maydencroft Lane is maintained by the sympathetic front boundary treatment, maintenance of landscaping and the set back of the development from the highway boundary
- 4) There would be no harm to the setting of adjacent listed buildings and undesignated heritage assets.

4.3.21 For all of the above reasons, it is considered that the development would have an acceptable impact on heritage assets.

4.3.22 **Highway impact, access and parking matters**

4.3.23 The Highway Authority is satisfied with the submitted Stage 1 Road safety Audit and raises no objections to the development on highway safety grounds. The width of the access road is sufficient to allow access for emergency vehicles and the siting of the bin collection point and bellmouth design of the access allows for refuse collection vehicles to reverse partly into the site for waste collection purposes and to be clear of Maydencroft Lane. A condition is recommended to secure the permanent opening of the access gate.

4.3.24 The layout of the development will provide two parking spaces for each dwelling within designated parking areas and three visitor parking spaces. Further parking can occur within the courtyard area if required. The parking provision is in accordance with the Council's updated parking standards SPD. Given the level of parking proposed there is no reason to suggest that the development will lead to congestion / parking in Maydencroft Lane.

4.3.25 There is a net increase of two dwellings with this development and traffic movements in and out of the site will be very low and unlikely to prejudice highway safety.

4.3.26 Paragraph 109 of the NPPF states 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'

The provision of a policy compliant level of car parking and the lack of objection from the highway authority confirm that there are no sustainable highway reasons to withhold planning permission for this development.

4.3.27 **Sustainability**

4.3.28 At the heart of the NPPF is a presumption in favour of sustainable development and Section 2 of the document sets out the three strands to sustainability as economic, social and environmental objectives.

4.3.29 The proposal would achieve an economic role through the construction of the 3 houses and on-going employment in the service sector through maintenance of the dwellings as well as benefit to the local economy through expenditure by the future occupiers on local services and facilities. In terms of the social role the development would boost the supply of housing to meet local needs. It would provide a well-designed environment for residents and assist in supporting local facilities in the village and nearby settlements.

4.3.30 The environmental objective relates to protecting and enhancing the natural, built and historic environment. The proposal would have a positive effect on historic assets, it has the potential to enhance biodiversity through retention of and provision of new landscaping and it would make effective use of land. Whilst it is acknowledged that occupiers of the new dwellings will undoubtedly use cars for most journeys, the site is immediately adjacent to the High Street and the village green and nearby public houses and there is a bus service into Hitchin and nearby facilities in St. Ippolyts including primary school, church and post office / shop. Paragraph 103 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The emerging local plan settlement strategy does allocate a Category A village boundary for Gosmore including this site and as such takes account of the accessibility to services and facilities in the locality and nearby settlements.

4.3.31 Overall, I consider that the proposals would amount to sustainable development as supported by the NPPF.

4.3.32 Conclusion

4.3.33 The proposals would amount to limited infilling in a village and therefore acceptable in planning policy terms. The Emerging Local Plan designation for Gosmore as a Category A village further confirms that development is acceptable in principle. The proposals would have a positive impact on the Gosmore Conservation Area and no harm would be caused to the setting of nearby listed buildings. The development is acceptable in highway safety terms and the living conditions of neighbours would not be adversely affected. The development meets the economic, social and environmental objectives necessary to achieve sustainable development therefore the presumption is in favour of granting planning permission.

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:

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. Sample(s) of all roof materials for all buildings hereby approved including confirmation as to which materials would be applied to which buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the roofing works. Thereafter, the roofs shall be covered as per the approved sample(s).

Reason: To ensure that special regard is paid to the setting of nearby listed buildings and to the special architectural and historic interest of Gosmore Conservation Area under Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Each new building hereby approved (dwellings, garage and car port building) shall have exposed eaves' unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings and to the special architectural and historic interest of Gosmore Conservation Area under Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. A sample brickwork panel or panels indicating brick type, bond and mortar mix for all new brickwork on site shall be made available for inspection on site and approved in writing by the Local Planning Authority prior to the commencement of any above ground brickwork.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings and to the special architectural and historic interest of Gosmore Conservation Area under Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. All windows and external door joinery shall be manufactured in timber unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings and to the special architectural and historic interest of Gosmore Conservation Area under Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. With respect to new windows:

- i. Where windows are shown to receive glazing bars, the external bars shall project i.e. either traditional joinery or applied bars;
- ii. All windows at Plot 1 shall be true vertically sliding sash windows with no trickle vents; and
- iii. All side hung casement windows shall be constructed as 'flush casements'

unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings and to the special architectural and historic interest of Gosmore Conservation Area under Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. All new rainwater goods shall either be manufactured in metal and be black painted or shall be black cast-iron effect unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings and to the special architectural and historic interest of Gosmore Conservation Area under Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Prior to the occupation of Plot 2, the timber gate panel in the garden wall facing onto 'The Green' shall be implemented unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings and to the special architectural and historic interest of Gosmore Conservation Area under Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Prior to the commencement of the relevant phase of works all details of soft and hard landscape works and details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity

11. Prior to the occupation of the development a landscape and ecological management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

Reason: In the interests of achieving biodiversity gain as required by the NPPF

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

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

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

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

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

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed 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.

13. Prior to occupation, each of the three dwellings shall incorporate one Electric Vehicle (EV) ready domestic charging point.

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

14. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018)

15. Prior to the occupation of the development hereby approved full details of the detached storage sheds for plots 2 and 3 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

16. The entrance gates at the front of the site as shown on plan PL001 Revision E shall be permanently fixed open.

Reason: To ensure access for emergency and service vehicles at all times.

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:

Highway Informative: AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047 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.

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>

Environmental Health informative (noise):

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.

















Biodiversity informative:

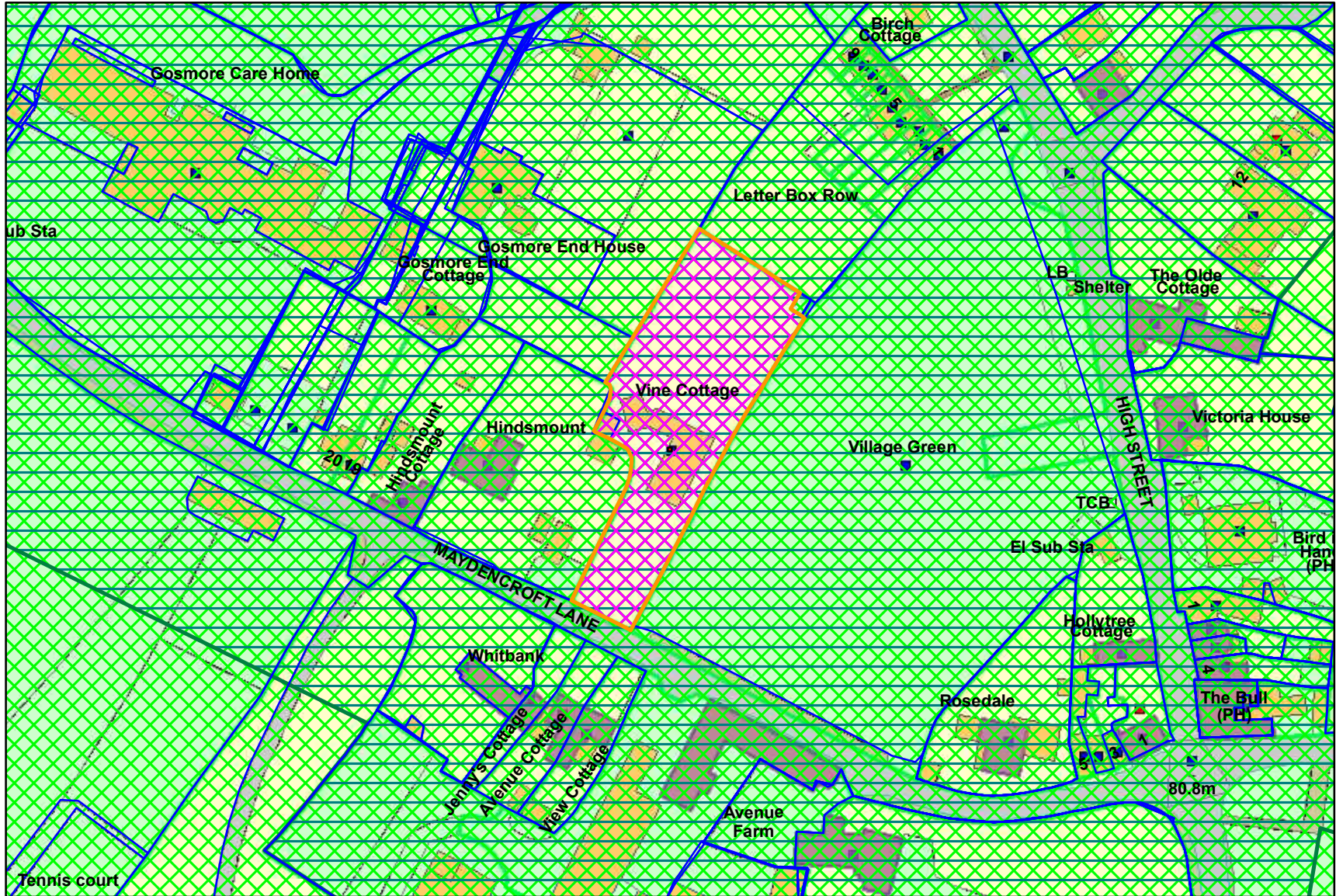
In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.



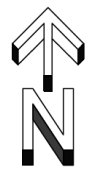
Application Validation Sheet

18/03348/FP Vine Cottage, Maydencroft Lane, Gosmore, Hitchin, Herts, SG4 7QB

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
sp.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistld.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**
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: 08/05/2019



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ITEM NO: 4	Location:	11 Royal Oak Lane Pirton Hitchin Hertfordshire SG5 3QT
	Applicant:	Mr Gammell
	Proposal:	Erection of one 3-bed dwelling; partial demolition and reconfiguration of existing dwelling to facilitate new vehicular access and driveway to serve detached 3-bed dwelling in rear garden and closing of existing access (as amended by plans received 6th and 17th June 2019)
	Ref.No:	19/00317/FP
	Officer:	Kate Poyser

Date of expiry of statutory period :

15.April 2019

Reason for Delay (if applicable)

Reason for Referral to Committee (if applicable)

Submitted Plan Nos

ROL-10-001rev 1 ROL-10-002rev 1 ROL-10-003rev 1 ROL-10-004rev 1 ROL-02-01-010 ROL-02-01-011 ROL-02-01-012 ROL-02-01-013rev 1 ROL-02-01-014rev 1 ROL-02-01-015rev 1 ROL-02-01-016 ROL-02-01-017 ROL-02-01-018 ROL-02-01-020 ROL-02-01-021 ROL-02-01-022 ROL-02-01-023 ROL-02-01-024 ROL-02-01-025 ROL-02-01-026

Reason for committee decision – The application was initially called to the Planning Control Committee on 30th May 2019 by Cllr Dave Barnard on the grounds of being debated for the public interest.

1.0 **Site History**

1.1 18/00238PRE request for pre-application advice for a 3 bedroom, single storey dwelling.

1.2 93/00474/1HH single storey rear extension.

2.0 **Policies**

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

Policy 6 – Rural areas beyond the Green Belt
Policy 7 – Selected villages beyond the Green Belt
Policy 16 – Areas of archaeological significance and other archaeological areas
Policy 55 – car parking standards
Policy 57 – Residential guidelines and standards

2.2 **National Planning Policy Framework**

In general and with regard to:

Section 2 - Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 16 – Conserving and enhancing the historic environment

2.3 **Emerging Local Plan 2011 – 2031**

The current progress is that the Inspector's Main Modifications have been publicised.

Policy SP2 – Settlement hierarchy
Policy T1 – Assessment of transport matters
Policy T2 – Parking
Policy HS5 – Accessible and adaptable housing
Policy D1 – Sustainable Design
Policy D3 – Protecting living conditions
Policy HE1 – Designated heritage assets
Policy HE4 – Archaeology

2.4 **Pirton Neighbourhood Plan** – made on 27th April 2018 and now forms part of the Development Plan.

3.0 **Representations**

3.1 Please see previous committee report, attached as an appendix to this item. This shows the comments received to the original applications. Comments that have been received as a result of the amended scheme are shown below.

3.2 Highway Authority - has no objections to the amended scheme, subject to the closing of the existing access and reinstatement of the verge.

3.3 County Archaeologist – no further comments received.

3.4 Environmental Health – confirms that the changes to the application do not alter the advice given previously.

3.5 Pirton Parish Council no further comments have been received.

3.6 Pirton NP Steering Group – no further comments have been received.

3.7 Local Residents – no further comments received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.2 11 Royal Oak Lane is a detached bungalow with roof lights to provide some first floor accommodation. It is located in the southern half of the street, approximately 110 metres from the junction with the High Street. Much of the southern half of Royal Oak Lane lies within Pirton Conservation Area, but this property is one of a group of 6 properties not within its boundary. The Conservation Area does, however, include the grass verge that lies between 11 Royal Oak Lane and the carriageway, and runs along the front of several properties. There is no footway here. Royal Oak Lane has a wide variety of housing types and styles, although most at this end of the street are detached, many on good sized plots.

4.2 **Proposal**

4.3 This application was deferred at the 30th May Planning Control Committee. The reason for the deferral was due to the last minute receipt of amended drawings and to enable the planning officer to consider the planning merits of the amendments.

4.3 The proposal is to building a bungalow in the rear garden of 11 Royal Oak Lane. Part of the existing dwelling would be demolished to provide a gap wide enough for a driveway through to the site at the rear. Please see previous report to the Planning Control Committee on 30th May 2019, which is copied as an **appendix** to this item.

4.4 The proposed amendments relate to the vehicular accesses for the existing and proposed dwellings. The original drawings showed the existing access to remain and a new access was proposed to serve the new dwelling. The amended drawings show just one new access to serve both the existing and proposed dwellings. The existing access would be removed, leaving just the one access.

4.3 **Key Issues**

4.3.1 The key planning considerations relate to:

- The principle of the development;
- The effect on the character of the locality including adjacent Conservation Area;
- Living conditions of neighbours and future occupiers;
- Any highway/parking matters.

4.3.2 **Principle of the Development**

See previous report. The amendments to the scheme do not alter the consideration of this matter.

4.3.3 **Effect upon the Character of the Locality**

This is the consideration most affected by the amended scheme. The original application was recommended for refusal for the following reason:

“The proposed new dwelling would be back-land development with a curtilage smaller than average for properties in Royal Oak Lane, as such it would fail to relate well to its site and surroundings and to the established character and appearance of the area. Also, the proposed creation of a new vehicular access across a green amenity strip that runs to the front of the group of houses would be harmful to Pirton Conservation Area of which this part of the scheme would lie within. Furthermore, the development would set an undesirable precedent for similar such development in the locality. The development would, therefore, be contrary to the North Hertfordshire District Local Plan No. 2 with Alterations, Policy 57 - Residential Guidelines and Standards; the National Planning Policy Framework, Section 5 - Delivering a sufficient supply of homes, paragraph 70, Section 12 - Achieving well-designed places, paragraphs 127 and 130, Section 16 - Conserving and enhancing the historic environment; Pirton Neighbourhood Plan, Policy PNP 2 - Design and Character; and the Emerging Local Plan 2011 - 2031, Policy D1 - Sustainable design and Policy HE1 – Designated heritage assets.”

The reason for refusal deals with two matters; the effect of the second driveway across the pleasant wide grass verge, which lies within Pirton Conservation Area and; the effect of the new, back -garden plot on the pattern of development in the area.

4.3.4 The amended scheme would, effectively, relocate the access across a pleasant grass verge, rather than add a further hard surface to this area. **I therefore consider the amended drawings would overcome this part of the reason for refusal.**

4.3.4 This leaves the objection to the creation of a back garden plot and it being out of keeping with the pattern of development in the area. I maintain the view that the back garden development would not reflect the pattern of development in Royal Oak Lane. I acknowledge that, due to its location and single storey height there would be very little public visibility of the new building. There is variety in plot sizes in the street, although numbers 7, 9 and 11 are similar. I consider there is potential for setting a precedent for similar such development to these two neighbouring sites. However, does this on its own amount to a strong enough reason for refusal? I consider this to be border line case and I am influenced by the support of the scheme shown by Pirton Parish Council. Overall, there is a presumption in favour of sustainable development, and this would be sustainable. **On balance, I consider that there is no longer sufficient harm to the character of the area to justify withholding planning permission.**

4.3.5 Living Conditions

The proposed amendment would not have a significant effect upon neighbouring living conditions or those of the future occupiers of the new dwelling. There are neighbour objections to the original scheme and I would refer you to the previous report for considerations of those matters.

4.3.6 Highway/Parking Matters

The amended scheme would not change the proposed parking arrangements for the new dwelling. It would, however, affect the existing parking and access arrangements for the existing bungalow. The existing access would be closed up and the new access would be shared between the two properties. The amended scheme shows two car parking spaces in front of the bungalow. I can see no objections to this number of spaces. The Highway Authority has been consulted on the amendments and no objections are raised, subject to the existing access being closed and the verge reinstated.

4.4 **Conclusion**

The original recommendation was one of refusal. The amended scheme has overcome one of the main concerns. There is a fine balance of planning considerations to the proposed development as it now stands. It is felt that as there is a thrust in favour of allowing sustainable development, and due to the support of Pirton Parish Council, that permission should now be granted.

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

None proposed.

5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions:

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

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

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

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

3. Details of the proposed finish for the weather boarding shall be submitted to and approved in writing by the Local Planning Authority prior to this part of the development being carried out. Thereafter, the development shall be completed as agreed.

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

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

5. Before the proposed development is first occupied, the existing access shall be closed and the grass verge reinstated to the satisfaction of the Local Planning Authority

Reason: In the interest of Highways Safety.

6. No construction vehicles in association with the approved development shall attend the site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

Details submitted in respect of the CMP, incorporated on a plan, shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The CMP shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials. Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Reason: In the interests of highway safety and amenity.

7. Work shall not commence on the construction of the new dwelling until the applicant has submitted a written response from the fire authority to the Local Planning Authority and the Highway Authority agreeing the means of access for Fire Authority.

Reason: in the interest of highway safety and emergency access .

8. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

9. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (8)

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

- 10 The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (8) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

11. Prior to occupation, the new residential dwelling (11A Royal Oak Lane) shall incorporate an 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.

Proactive Statement:

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

















7.0 **Appendices**

7.1 Previous report to the 30th May 2019 Planning Control Committee.



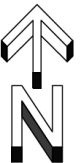
Application Validation Sheet

19/00317/FP 11 Royal Oak Lane, Pirton, Hitchin, SG5 3QT

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
sp.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prccrea.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



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1.0 **Site History**

1.1 18/00238/PRE Erection of one 3-bed single storey dwelling.

1.2 93/00474/1HH Single storey rear extension.

2.0 **Policies**

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

Policy 6 – Rural areas beyond the Green Belt

Policy 7 – Selected villages beyond the Green Belt

Policy 16 – Areas of archaeological significance and other archaeological areas

Policy 55 – car parking standards

Policy 57 – Residential guidelines and standards

2.2 **Pirton Neighbourhood Plan** – made on 27th April 2018 and now forms part of the Development Plan.

Policy PNP 1 – Meeting Local and Wider Needs

Policy PNP 2 – Design and Character

Policy PNP 8 – Heritage Assets and Archaeological Heritage

2.2 **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 and safe communities

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 16 – Conserving and enhancing the historic environment

2.3 **Emerging Local Plan 2011 – 2031**

The current progress is that the Inspector's Main Modifications have been publicised.

Policy SP2 – Settlement hierarchy

Policy T1 – Assessment of transport matters

Policy T2 – Parking

Policy HS5 – Accessible and adaptable housing

Policy D1 – Sustainable Design

Policy D3 – Protecting living conditions

Policy HE1 – Designated heritage assets

Policy HE4 – Archaeology

3.0 **Representations**

3.1 **Highway Authority** – raise no objections subject to conditions requiring a Construction Management Plan and accessibility of emergency vehicles

3.2 **County Archaeologist** - ...”The applicant's statement recommends a programme of archaeological work to take place post consent, but (mainly) prior to any development taking place. In this instance we are largely in agreement with its recommendations.

I believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:..."

- 3.3 **Environmental Health (contamination)** – has no objections to the proposal.
- 3.4 **Pirton Parish Council** – support the proposed development and the full comments are attached as an appendix to this Item.

- 3.5 **Pirton NP Steering Group** – “Thank you for the opportunity to comment on this application. We will limit our comments to Pirton Neighbourhood Plan issues and policies.

PNP1:

The proposal for one new dwelling is within Pirton's development boundary, has regard to the needs of older residents and is akin to a "self-build"; these elements meet PNP1. The remodelled 11 Royal Oak Lane (ROL) becomes a modest 3- bedroom family home, and so has regard to the needs of young families, again in keeping with PNP1.

PNP2:

2.1 requires residential development to recognise and respect the distinct character of the location. There is a mix of dates and styles of properties in ROL which is a key feature of this part of Pirton and we think that this development this will add to it. The design demon states tremendous innovation in design, and will make an exciting contribution to the variety of architectural design across Pirton. The whole plot is outside of the conservation area, although opposite it; there will be no adverse impact from the new build as it is not seen from the street. The impact on nearby listed buildings is likely to be slight, given that the front building remains (albeit altered) and the new build is deliberately designed for minimal impact and lies behind the front building; both respond positively to existing height scale and character.

2.3 We believe that the density of building "on plot" will be approximately 16dph, higher than the dph for ROL as a whole. However, we do not think that one new dwelling will adversely affect the density of the street taken as a whole.

2.10 Lighting: care will need to be taken that any external lighting does not adversely impact on neighbouring properties.

PNP3 Extensions:

The PNP does not address in full this type of development. An analogy is with the policy on "extensions". However,

3.2. The scale, height and roof form are complementary to the host building and the character of the street scene.

3.3. The building will be constructed of materials that are sensitive and complementary to the host building.

3.4. The spacing between buildings respects the character of the street scene.

3.5. Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.

3.6. The dwelling continues to meet the parking standards of PNP 13.

PNP4.

4.2 The proposals will retain the existing high boundary hedges.

4.4 Much of the proposed landscaping forms part of the innovative design (living wall etc).

PNP5.

5.1 The garden pond will be retained. We understand that this attracts frogs and newts and other wildlife.

5.3 As noted above, the existing Yew Hedge will be retained, as will the hedging that marks the boundary with neighbours.

PNP 8.

8.2 We note the pre-application archaeology work and report and we note that it expects there to be a condition in compliance with PNP8.

8.1 As noted above, we do not expect any change to the impact on nearby Heritage Assets (listed buildings).

PNP11: Whilst not seeing any Highways report, we believe it will be perfectly possible to construct a safe access on to and from ROL. There is, we understand, sufficient space on both plots for vehicles to turn (on plot) so as to exit in forward motion. Also, access from/to footpath along to Cromwell Road and in to High Street, provides safe pedestrian access to the new build.

PNP13:

13.1 The parking arrangements meet PNP13

Pirton Village Character Assessment: The new build does not meet all of the detailed design features within the CA, because this is an innovative design/concept unlike anything in Pirton, and as such should be encouraged. It is also environmentally sound in design. Overall, this would be a welcome relief from the somewhat bland and predictable architecture of much new development including that at the Cala Homes site.”

3.6 **Local Residents** – letters of objection have been received from the occupiers of 6 and 8 Bunyan Close and a letter of support from 10 Cromwell Way. The reasons for objection are as follows:

- Disagree with a statement made that “Building in the garden is not novel to ROL or indeed, to many places in Pirton”;
- Concern expressed about the height of an existing hedge to the rear garden;
- Concern at possible loss of privacy, particularly from proposed terrace;
- Inappropriate back garden development;

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

11 Royal Oak Lane is a detached bungalow with roof lights to provide some first floor accommodation. It is located in the southern half of the street, approximately 110 metres from the junction with the High Street. Much of the southern half of Royal Oak Lane lies within Pirton Conservation Area, but this property is one of a group of 6 properties not within its boundary. The Conservation Area does, however, cover the grass verge that lies between 11 Royal Oak Lane and the carriageway, and runs along the front of several properties. There is no footway here. Royal Oak Lane has a wide variety of housing types and styles, although most at this end of the street are detached, many on good sized plots.

4.2 Proposal

4.2.1 The proposal is to build a bungalow in the rear garden of 11 Royal Oak Lane. The existing property boundary would be divided to provide two separate curtilages. In order to provide a vehicular access to the new plot, part of the existing bungalow would be demolished to create a gap large enough for an additional driveway leading to the rear of the site. The dwelling would appear single storey, although an additional half level would be accommodated partly at basement level and partly beneath a raised garden terrace. It would measure just over 4 metres high to the ridge. It would provide two bedrooms and a bathroom at basement level, with stairs and a lift up to ground level, which would accommodate a further bedroom/study, shower room, utility room, kitchen/dining room and a living room. It would be a timber framed building clad in Larch with a slate roof.

4.3 Key Issues

4.3.1 The key planning considerations relate to:

- The principle of the development;
- The effect on the character of the locality including adjacent Conservation Area;
- Living conditions of neighbours and future occupiers;
- Any highway/parking matters.

4.3.2 Principle of the Development

Pirton is a Selected Village in the rural area beyond the Green Belt in the current local plan, NHDLP No.2 with Alterations. In the Emerging Local Plan 2011 - 2031 it is a Category A settlement where general development will be allowed within the defined settlement boundary. The site does fall within the settlement boundary. I can, therefore, see no objections in the general principle to such development.

4.3.3 Character of the Locality

Pirton is described in the Neighbourhood Plan as having a rural character and a diversity of dwellings. Royal Oak Lane runs northeast from the High Street and is without a footway. The layout of dwellings in the lane is described in the Pirton Neighbourhood Development Plan – character assessment as;

“Mostly well set back, open front garden, save for a few older houses that more closely cling to side of the road.”

Houses here are mostly of a brick or render finish.

4.3.4 11 Royal Oak Lane is set well back from the road and is one of a small group of houses that has a wide grass verge between the front property boundary and the carriageway – no footway here. Whilst No. 11 and the other dwellings in this group, do not lie within Pirton Conservation Area, this grass verge and houses on the opposite side of the lane do. The Conservation Area boundary, therefore, extends up to the front boundary of the application site. I, therefore, consider it relevant to take into account any effect the development may have on the character and appearance of the Conservation Area.

4.3.5 The new building itself, due to its low height and back-land position, would have little impact on the street scene of Royal Oak Lane. However, the most immediately obvious impact of the development on the appearance of the lane would be the creation of a new vehicular access across the grass verge. I consider the grass verge to have a positive effect on the Conservation Area and that the introduction of a further, hard surfaced

driveway across it would be harmful to the appearance of this part of the Conservation Area.

4.3.6 Pattern of Development

Royal Oak Lane has a variety of dwelling types and designs, although most are detached. There is some variation of plot size, although large plots are more typical. The applicant has referred to other similar development in the street, but has not specified where. I note that there has been a residential development of three detached houses – 36, 38 and 40 Royal Oak Lane, granted permission under LPA reference No. 03/01278/1. However this is a much larger site and I would not consider the proposed development to be comparable. There is also new dwelling on land to the rear of Nos. 18 and 20, formerly occupied by chicken sheds. Again, I do not consider the circumstances of this case to be comparable to the current application.

4.3.7 The proposed development is back- land development and this is discouraged in the NPPF, para 70 *“Plans should consider the case of setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”*

4.3.8 Policy PNP 2 – Design and Character of the Pirton Neighbourhood Plan requires residential development to *“Recognise, respect and reinforce the distinct local, rural character of both Pirton Village and Parish (as set out in the Character Assessment at Evidence Base 1) in relation to height, scale, spacing, layout, orientation, design detail, and building materials, with particular consideration given to these elements reflected in dwellings in the immediate vicinity of the proposed development. This should be particularly reflected in areas of high heritage value. Proposals for development that fail to respect this Policy will be refused unless there are special circumstances of an architectural nature that demonstrate innovation in design without impacting adversely on the character and appearance of the area.”* Also, the policy requires the density of any scheme to be consistent and compatible with the existing.

4.3.9 The applicant acknowledges that the density of the site would be greater than the existing average in the street. The partly underground basement level with planted terrace, whilst of some architectural interest, seems to me to be designed to mitigate the small garden space that would otherwise be provided.

4.3.10 The fact that part of the existing bungalow has to be demolished to allow for an access to the proposed dwelling makes this a contrived layout and I feel that this is how it is likely to be read in the street scene. Also, the design of the dwelling is arrived at in an attempt to minimise its impact on the area. With its low height, timber cladding and slate roof, it suggests that this would have a subordinate roll to the existing bungalow, such as an annex or ancillary building, rather than being a dwelling in its own right. This in my view leads to a contrived scheme in an attempt to address an overdevelopment of a plot.

4.3.11 The applicant makes reference to the proposed boundary dividing the existing bungalow from the proposed bungalow, as continuing an existing boundary line between properties in Royal Oak Lane and Bunyan Close. Bunyan Close and Cromwell Way is a planned residential estate to the rear of the High Street and Royal Oak Lane. The application site would be sandwiched between the rear gardens of properties in Bunyan Close and 11

Royal Oak Lane, without any road frontage. It is noted that there is a footpath running between the application site and the rear boundaries of properties in Bunyan Close. The application site would also lie to the side of 12 Bunyan Close. However, 12 Bunyan Close has a site frontage to Bunyan Close, where as the application site does not. I consider that the proposed development would not follow the pattern of development in Bunyan Close either.

4.3.12 Overall, whilst the bungalow itself is not without some architectural interest, in this particular location the development would be contrary to the pattern of development in Royal Oak Lane, due to the small size of the site, the rear garden location, the design and external materials and the introduction of an additional driveway resulting in the loss of the pleasant swath of grass to the front of properties in this part of the lane. Furthermore, the development may set an undesirable precedent for similar such back land development, particularly as 7 and 9 Royal Oak Lane have similar plots, with the deep green verge running across the front. The architectural design of the dwelling is not of sufficient outstanding quality to overcome these objections to the scheme.

4.3.13 Living Conditions

The proposed property would essentially be single storey and there is unlikely to be a significant loss of privacy to neighbouring properties resulting from the windows or roof lights. The proposed terrace above the partially sunken basement would allow views over the 1.8 metre fence to the rear garden of 9 Royal Oak Lane. However, the dwelling would be over 40 metres to the rear elevation of that property and I consider a significant loss of privacy would not be caused.

4.3.14 It is noted that the new driveway would abut the side boundary of the altered existing property. This would result in some general noise and disturbance being caused to the existing occupiers. However, taking into account that this is just one dwelling, I feel that the loss of residential amenity would not be such as to justify a reason for refusal.

4.3.15 There is an existing high Yew hedge to the rear boundary of 11 and 9 Royal Oak Lane, which, together with the angle of properties, would prevent a significant loss of privacy to properties in Bunyan Close. The distance to properties in Cromwell Way are such that no significant loss of privacy would be caused to these properties.

4.3.16 Highway/Parking Matters

The new vehicular access would meet visibility standards and the highway authority raises no objections. 3 car parking spaces are proposed within the site to serve the new dwelling, which meets current parking standards. Sufficient parking facilities would remain at the existing bungalow.

4.3.17 Sustainability

The proposed development lies within the village development boundary of Pirton in both the existing and emerging local plans. The development would support and be supported by existing services and facilities within the village. I can see no sustainable objection in terms of social, economic and environmental sustainability.

4.4 **Conclusion**

The proposed development, due to its back garden location and the additional driveway over a grass amenity verge, would be contrary to the pattern of development in the area and cause harm to the historic asset of Pirton Conservation Area.

4.5 **Alternative Options**

None applicable, as amendments to the scheme would not overcome the objections.

4.6 **Pre-Commencement Conditions**

Not applicable.

5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

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

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ITEM NO:	
<u>Location:</u>	East Lodge Lilley Bottom Lilley Luton Hertfordshire LU2 8NH
<u>Applicant:</u>	Mrs Tracy Bengougam
<u>Proposal:</u>	Variation of Condition 4 (Opening times) as attached to Planning application 17/04255/FP granted on 29/05/2018.
<u>Ref. No:</u>	18/02132/S73
<u>Officer:</u>	Kate Poyser

Date of expiry of statutory period - 4 October 2018

Reason for referral to committee – original application was determined at the Planning Control Committee (see **appendix 1** for copy of the officer report).

1.0 **Site History**

1.1 17/04255/FP Planning permission granted for the change of use of agricultural land to provide dog training/exercise facilities at the meeting of the Planning Control Committee held on 24 May 2018. This is subject to 6 conditions, including the following.

4. The dog training business, hereby approved, shall only take place on Mondays, Tuesdays, Wednesdays between the hours of 9.00 and 17.00 and Saturday mornings between the hours of 09.00 and 13.00.

Reason: The site, due to its location along Offley BOAT 020, limited parking space and proximity to residential properties, is not a suitable location for a larger scale activity.

1.2 03/00384/1 Replacement 4 bedroom dwelling, incorporating games room in basement area and attached single garage following demolition of existing bungalow and outbuilding (as variation to application No. 02/01043/1).

1.3 04/00914/1HH 1.35m high front boundary wall and 1.6m high hit and miss wooden gates.

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

Policy 55 – Car Parking Standards

2.2 **Supplementary Planning Documents**

Vehicle Parking Provision at New Development SPD.
North Hertfordshire and Stevenage Landscape Character Assessment

2.3 **National Planning Policy Framework**

Section 2 – Supporting a prosperous rural economy
Section 4 – Promoting sustainable transport
Section 8 – Promoting healthy communities
Section 9 – Protecting Green Belt land
Section 11 – Conserving and enhancing the natural environment
Section 12 – Conserving and enhancing the historic environment

2.4 **North Hertfordshire District Local Plan 2011-2031 (awaiting Inspector's final report)**

Policy SP5 – Countryside and Green Belt
Policy T1 – Assessment of transport matters
Policy T2 – Parking
Policy HC1 – Community facilities
Policy NE1 – Landscape
Policy HE1 – Designated heritage assets

3.0 **Representations**

3.1 Highway Authority – no comments relating to the variation of Condition 4.

3.2 Countryside and Rights of Way Officer – “Any additional private use of the track is likely to be detrimental to the condition of the track surface, thus increasing the amount of maintenance required. Whilst the applicant has informally offered to contribute towards future maintenance of the track surface, no agreement has yet been reached on a formal agreement in order to satisfy condition 1 of the previous application 17/04255/FP.”

3.2 The Gardens Trust – no comments received

3.3 Environmental Health (noise) – no comments received

3.4 CPRE – no comments received,

3.5 Offley Parish Council – comment on the initial application to vary the condition for an extra 20 hours.

“The Parish Council wishes to make the following observations regarding this variation. When the original application was presented the applicant stated that the field was to be used just to train and exercise their own dogs.

The original application was granted with conditions and permitted usage times were agreed along with a contribution for the upkeep of BOAT 20 which leads up to their property and paddock.

As far as I am aware the upkeep aspect of the original granted permission has not been finalised and placed into an agreement with HCC ROW.

I cannot see how any changes can be permitted or agreed upon until the conditions of the original approved application have been met.

The paddock is being used as a commercial enterprise which was not part of the original request for planning.

We assume therefore that the paddock is leased to the owner of the dog training company

and any change would be coming from the owner of the dog training company.

Are rates being collected from this business?

Do they have public liability insurance in place?

If there was only going to be small usage (not many dogs) as stated in the original application why do they now need additional hours?

The application to increase the working days will in effect allow an additional 20 hours a week which is a 42% increase on the original conditions set.

This would then become a full commercial operation and not a rural enterprise.

The Parish Council therefore requests that you refuse this application.”

3.6 Lilley Parish Council – no comments received

3.7 Local Residents – comments from the occupiers of ‘Lodge Cottage’ and ‘Glebefield’ have been received. The occupiers of ‘Lodge Cottage’ make the following observations

- Inappropriate to discard the planning conditions and ignore reasons for them;
- The applicant consistently ignores the planning conditions;
- The speed and nature of the applicant’s driving is distressing and a danger to children and pets;
- The applicant has not entered into an Agreement with HCC, contrary to their advice.

The occupier of Glebefield objects for the following reasons:

- The applicant has regularly breached nearly all of the conditions;
- The applicant has indicated that they will not comply with Condition 1 of the planning permission;
- The applicant refuses to improve the surface outside the neighbour’s houses.
- The applicant breaches Condition 4 restricting hours of operation on a weekly basis.
- It is unlikely that the applicant will abide by any new conditions;
- The speed of vehicles along BOAT 020 is dangerous to children and pets;
- The applicant harasses the neighbours.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

East Lodge is a residential property in a relatively isolated location between Lilley Bottom Road and Putteridge Bury. Access is gained via an unmade track from Lilley Bottom Road. The track is a Byway Open to All Traffic (Offley BOAT 020). The site lies adjacent to East Lodge and Glebefield, separated by the track. It is within the Green Belt and on the edge of the Historic Park and Garden of Putteridge Bury.

4.2 **Proposal**

4.2.1 The application site is used for the training and exercising of dogs and was granted planning permission on 29th May 2018, following the resolution to grant planning permission passed by the Planning Control Committee on 24 May 2018. Permission

was granted subject to 6 conditions. The applicant now seeks to vary Condition 4, which is copied below.

“4. The dog training business, hereby approved, shall only take place on Mondays, Tuesdays, Wednesdays between the hours of 9.00 and 17.00 and Saturday mornings between the hours of 09.00 and 13.00.

Reason: The site, due to its location along Offley BOAT 020, limited parking space and proximity to residential properties, is not a suitable location for a larger scale activity.”

4.2.2 Initially, the applicant wanted to operate until 5pm 6 days a week, but following negotiations the application has been amended. The applicant now wishes to extend operational hours on Saturday only, until 5pm. This is an increase of 4 hours.

4.3 Key Issues

4.3.1 The key planning consideration relates to the reason for the time restrictive condition. The reason for the conditions is to stop a large scale activity on this particular site, due to:

- its location on a Byway Open to All Traffic;
- the limited amount of parking space and
- its proximity to residential properties.

4.3.2 The Byway Open to All Traffic (Offley BOAT 020) is an unmade track leading from Lilley Bottom Road to East Lodge and some farm buildings beyond. Whilst the track does lead into Putteridge Bury Park the route has been stopped just beyond the farm buildings. The track is not in particularly good order and Condition 1 of the planning permission requires the applicant to enter into a legal agreement with Hertfordshire County Council to secure the implementation of a surface improvement scheme, within 6 months of permission being granted for the dog training use. Whilst the applicant had failed to meet the requirements of the condition within 6 months, such an agreement has now been signed. The future maintenance of the BOAT has therefore, been secured. The applicant has agreed to reconstruct and maintain the track surface between East Lodge and Glebefield, to the satisfaction of HCC, for as long as the dog training use continues.

4.3.3 The applicant has not agreed to repair the part of the byway in front of Glebefield or Lodge Cottages. Hertfordshire County Council have agreed though to contribute 10% of the cost of repair and intend to spend that in repairing the track in front of these neighbouring properties, to complete the distance from East Lodge to Lilley Bottom Road.

4.3.4 Condition 6 of the planning permission restricts the number of dogs on the site to no more than 4 at any one time. I consider the proposed increase in 4 hours on Saturday afternoons would not result in such a large increase in activity, in this relatively remote location, to justify withholding permission on the grounds of environmental sustainability.

4.3.5 The Highway Authority has raised no objections to the variation of hours, but then it raised no objection to the initial application, without the restrictive conditions. The improved surfacing and repair of the BOAT would reduce any mud brought onto the highway.

- 4.3.6 There are no proposals to alter the parking arrangements. I do not consider the proposed increase in hours would have a significant effect on the demand for parking here. I can see no sustainable planning objection on these grounds.
- 4.3.7 The additional 4 hours of operation would increase the number of vehicular trips that pass Lodge Cottage and Glebefield. The occupiers have raised concern about the effect of the additional traffic on the safety of their children and pets. The Countryside and Rights of Way Officer has not raised any objections relating to the safety of pedestrians using the track. I do not consider that the proposed small increase in the scale of activity would amount to demonstrable harm to the living conditions of the occupiers of these two properties.
- 4.3.8 It is noted that the occupier of Glebefield has advised of breaches of the planning conditions and these are matters for the Councils Compliance Officer to investigate.

4.4 **Conclusion**

- 4.4.1 Negotiations have led to a significant reduction in the extension of hours being proposed. The addition of 4 hours from 1p to 5pm on Saturday afternoons is considered a small increase in activity on the site and along the BOAT; as such it would not cause any significant harm to the openness of the Green Belt and environmental sustainability, highway safety, nearby living conditions or the parking needs of the use. No objections are therefore raised.

4.5 **Alternative Options**

None applicable

4.6 **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

1. The use of land hereby permitted shall cease before 29th May 2020 unless the works secured by the legal Agreement with Hertfordshire County Council has been implemented to the satisfaction of Hertfordshire County Council and the Local Planning Authority.

Reason: In the interests of highway safety and amenity and the appearance of the locality.

2. The dog training business, hereby approved, shall only take place on Mondays, Tuesdays, Wednesdays and Saturdays between the hours of 09.00 and 17.00.

Reason: The site, due to its location along Offley BOAT 020, limited parking space and proximity to residential properties, is not a suitable location for a larger scale activity.

3. There shall be no outdoor lighting associated with the dog training use, unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the countryside here.

4. There shall be no more than 4 dogs on the application site at any one time.

Reason: The site, due to its location along Offley BOAT 020, limited parking space and proximity to residential properties, is not a suitable location for a larger scale activity.

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.

7.0 **Appendices**

- 7.1 Committee report for 17/04255/FP.

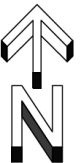
Application Validation Sheet

18/02132/S73 East Lodge, Lilley Bottom, Lilley, Luton, LU2 8NH

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



Scale 1:2,500
Date: 26/06/2019



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ITEM NO: 4	<u>Location:</u>	East Lodge Lilley Bottom Lilley Luton Hertfordshire LU2 8NH
	<u>Applicant:</u>	Mrs Tracey Bengougam
	<u>Proposal:</u>	Change of Use of agricultural land to provide dog training/exercise facilities
	<u>Ref.No:</u>	17/04255/FP
	<u>Officer:</u>	Kate Poyser

Date of expiry of statutory period : 31.01.2018

Reason for Delay (if applicable)

Reason for Referral to Committee (if applicable)

Submitted Plan Nos

1911 02A

1.0 Policies

Reason for referral to Committee

Frost, to The application has been called to the Planning Control Committee by Cllr Faye consider the concerns raised by Offley Parish Council.

1.0 Site History

1.1 03/00384/1 Replacement 4 bedroom dwelling, incorporating games room in basement area and attached single garage following demolition of existing bungalow and outbuilding (as variation to application No. 02/01043/1).

1.2 04/00914/1HH 1.35m high front boundary wall and 1.6m high hit and miss wooden gates.

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
Policy 55 – Car Parking Standards

2.2 Supplementary Planning Documents

Vehicle Parking Provision at New Development SPD.
North Hertfordshire and Stevenage Landscape Character Assessment

2.3 National Planning Policy Framework

Section 2 – Supporting a prosperous rural economy
Section 4 – Promoting sustainable transport
Section 8 – Promoting healthy communities
Section 9 – Protecting Green Belt land
Section 11 – Conserving and enhancing the natural environment
Section 12 – Conserving and enhancing the historic environment

2.4 North Hertfordshire District Local Plan 2011-2031 Proposed Submission

Policy SP5 – Countryside and Green Belt
Policy T1 – Assessment of transport matters
Policy T2 – Parking
Policy HC1 – Community facilities
Policy NE1 – Landscape
Policy HE1 – Designated heritage assets

3.0 Representations

3.1 County Highway Authority – no objections are raised and no conditions requested.

3.2 Environmental Health – no comments

3.3 Offley Parish Council – “The Parish Council wish to make the following observations.

The plot of land is a garden and not a field.
The plot contains trees.

20 The plot of land is opposite the house and not adjacent and is separated by BOAT
day. There is no mention of hours of use or number of vehicles visiting the site each
No mention of car parking or waste management provisions.
BOAT 20 now has restricted access and is closed by the form of a gate just passed the
field limiting the parking off road for visitors
The Parish Council wish to oppose this application.”

3.4 Lilley Parish Council – no comments received

3.5 Campaign for the Protection of Rural England –
“ CPRE Hertfordshire has concerns regarding this proposal for a change of use to a sui
generis non-agricultural business use in the Green Belt.
There are no Planning or Design and Access Statements accompanying the
application, consequently it is not possible to assess the full extent of the proposals. It
would appear from the application form that this is a retrospective application, and that
the site is currently being used for the purposes of dog training and exercising.
It is a grey area as to whether this can be considered an appropriate use or not. The
only comprehensive document on dog exercising planning policy of which we are
aware is the practice guidance produced by Hampshire County Council. That raises
some issues which are not adequately addressed by this application.
While, in theory, it is inarguable that dog owners need safe places where they can take
their dogs to run freely, such areas need to be properly supervised, with strict policies
and rules of use and a comprehensive plan for running the park effectively. None of
these are referred to in the application. Again the Council should satisfy itself on such
points.
There are no stated times when the facility will be in use. If it is beyond dusk it
therefore follows that during the winter months lighting will be necessary to ensure safe
use of the area. The application makes no mention of any lighting. This point needs to
be clarified before approval is considered as the provision of lighting would have a
detrimental impact on the Green Belt.
There is no detail as to the arrangements being made for the storage of equipment.
This is another point on which the Council must satisfy itself before granting approval.
Consequently we would be concerned if the Council were to grant approval on the
basis of the information provided with the application.”

3.6 The Gardens Trust – no comments

3.7 Countryside Access Officer – “We would like repairs to Offley BOAT 020 imposed
as a condition to this permission. Is that possible?”

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 East Lodge is a residential property in a relatively isolated location between Lilley
Bottom Road and Putteridge Bury. Access is gain via an unmade track from Lilley
Bottom Road. The track is a Byway Open to All Traffic (Offley BOAT 020). The site lies
adjacent to East Lodge, separated by the track. It is within the Green Belt and on the
edge of the Historic Park and Garden of Putteridge Bury.

4.1.2 The land is opposite the house and forms part of the freehold property. It is partly contained within a brick wall. Whilst it has been described as agricultural land, it has not been farmed for many years. Due to the small size of the land the applicant considers it would only be suitable for temporary grazing, but has no wish to use it for such.

4.2 **Proposal**

4.2.1 The applicant has 2 Doberman dogs and is currently using the land for the training of these dogs by an experienced dog trainer. In addition to this, other owners bring their dogs here to be trained. At present, this takes place on Mondays, Tuesdays, Wednesdays and Saturday mornings. Much of the time the training is on a one to one basis, but can be up to a total of 5 people. This is, therefore, a retrospective application.

4.2.2 The land is triangular in shape, laid to grass with a couple of trees near the boundary, a brick wall runs along one side and open fencing to the others. The training equipment is in the form of jumps and plastic tunnels etc.

4.3 **Key Issues**

4.3.1 The key planning considerations relate to the following matters:

- Principle of the use in the Green Belt
- Highway and parking considerations
- Effect on the historic park and garden
- Any effect on nearby residential amenity
- Sustainability

4.3.2 Principle of the use in the Green Belt

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is considered to be inappropriate. However, the dog training equipment would not meet the definition of a building. It is the use of the land which is being considered.

4.3.3 Paragraph 89 of the NPPF lists exceptions which are not considered to be inappropriate.

Included in this is the following:

“provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.”

I consider the use of the land for dog training would amount to outdoor sport or recreation. It is, therefore, allowed providing it preserves the openness of the Green Belt.

4.3.4 The application site lies within a landscape that is primarily open agricultural land. The small size of the land and its partial enclosure by a brick wall gives the impression that the land belongs to East Lodge, even though it is separated from the residential curtilage by BOAT 20. To the other side of the wall runs a public footpath.

4.3.5 The training equipment does not exceed the height of the wall. I therefore consider that as seen from the agricultural land to the east, the use of the land has no significant impact on the openness of the Green Belt. The fencing is open on the other two sides. On one side is agricultural land and on the other lies the BOAT and the residential property of East Lodge. I consider this small scale activity located opposite East Lodge would not have a significant impact on the openness of the Green Belt from these directions either.

4.3.6 The openness of the site is also affected by the presence of cars in the adjacent parking area. I consider that this would be sufficient to park 4 cars. The wall extends to the east of the parking area and restricts views from the open countryside. Taking this into account, that only a small amount of parking is involved and its location close to East Lodge, I consider the parking is such that it does not have a significant impact on the openness of the Green Belt or cause any harm to the purposes of including the land within the Green Belt. **I can, therefore, see no objection in principle to this use within the Green Belt.**

4.3.7 Highway and parking considerations

4.3.8 The application site is approximately 550 metres from Lilley Bottom Road. Hertfordshire Highway Authority considers the proposal would not have an unreasonable impact on the safety and operation of the highway. The Countryside Officer advises that whilst there is a restriction on this byway preventing use by cars, there is an exception for the occupiers of East Lodge and their visitors. The visitors for dog training are, therefore, permitted to use it. The Countryside Officer queries whether the applicant could be required by condition to carry out repairs to the byway, particularly as the occupiers of East Lodge and their visitors are the main users of this part of the byway. The byway is on land owned by Crown Estates and responsibility for its maintenance falls both on the crown estate and the highway authority. However, a condition cannot be imposed relating to this land as it is beyond the applicant's control and not owned by the highway authority.

4.3.9 There is parking within the curtilage of East Lodge to serve that property. In addition to that is an existing hardstanding at the north end of the site which could accommodate 4 cars. Given the scale of the dog training business, this is sufficient to prevent parked cars from obstructing the byway. I consider that a condition restricting the scale of the activity could be considered to ensure the parking facilities remain adequate.

4.3.10 Effect on the historic park and garden

The application site lies on the edge of Putteridge Bury Historic Park and Garden. The Gardens Trust has been consulted and no objections have been received. The site is over half a kilometre from Putteridge Bury itself. The land around the site is primarily agricultural. I consider the use of the land for the training of dogs would not have a significant effect on the appearance and setting of the historic park and garden.

4.3.11 Any effect on nearby residential amenity

There are no nearby residential properties. The nearest are the three cottages at the junction of Lilley Bottom Road and BOAT 20. Any effect upon living conditions would be in the form of disturbance by passing vehicles traveling to the site. This is currently a small scale activity, but, again, I consider a condition restricting the scale of activity would be appropriate for this reason too.

4.3.12 Sustainability

The NPPF supports economic growth in rural areas. It promotes the development and diversification of land-based rural businesses, including leisure developments. This is subject to the development being sustainable. There are three strands to sustainability. The dog training business has a positive effect on **economic** sustainability. It also plays a **social** role for dog owners. The **environmental** negative relates to the necessary use of visitor's cars. If the scale of activity is controlled to remain as existing, I consider this would be outweighed by the other two strands of sustainability.

4.4 **Conclusion**

4.4.1 There are no sustainable planning objections to the use of the land for dog training, subject to the scale of the activity being restricted by condition.

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. Within 6 months of the date of this planning permission, the applicant shall have entered into a legal agreement with Hertfordshire County Council to secure the implementation of a surface improvement scheme for BOAT Offley 20 which accesses the application site.

Reason: To ensure a maintenance programme for upgrading the condition of the BOAT from additional traffic caused by this development, in the interests of highway safety and amenity.

2. The use of land hereby permitted shall cease within 2 years of the date of this decision notice unless the works secured through Condition 1 above have been implemented in full.

Reason: If the maintenance programme required under Condition 1 cannot be secured within a reasonable timeframe this use of land must cease, in the interests of highway safety and amenity.

3. 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.

4. The dog training business, hereby approved, shall only take place on Mondays, Tuesdays, Wednesdays between the hours of 09.00 and 17.00 and Saturday mornings between the hours of 09.00 and 13.00.

Reason: The site, due to its location along Offley BOAT 020, limited parking space and proximity to residential properties, is not a suitable location for a larger scale activity.

5. There shall be no outdoor lighting associated with the dog training use, unless otherwise agree to in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the countryside here.

6. There shall be no more than 4 dogs on the application site at any one time.

Reason: The site, due to its location along Offley BOAT 020, limited parking space and proximity to residential properties, is not a suitable location for a larger scale activity

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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ITEM NO:	
<u>Location:</u>	8 Gun Meadow Avenue Knebworth Hertfordshire SG3 6BS
<u>Applicant:</u>	Mr Martin Frost
<u>Proposal:</u>	Insertion of front and rear pitched roof dormer windows and rooflights to side elevations of roof to facilitate loft conversion (as amended by plans received on 11 March 2019).
<u>Ref.No:</u>	19/00201/FPH
<u>Officer:</u>	Heather Lai

1. Reason for Referral to Committee

1.1.1. This planning application was reported to the meeting of the Planning Control Committee held on 30 May 2019. At that meeting Members resolved to grant planning permission. However the report of the Development and Conservation Manager stated that the front and rear dormers would be of flat roof design as was stated in paragraphs 4.2.2. and 4.4.2 of the original report attached as appendix 1. Following further clarification from the applicant they confirmed that the plans were showing dormer windows with pitched roofs, but no higher than the existing ridge line of the principal roof.

1.2. Neighbour Representations

1.2.1. A re-consultation period was undertaken to ensure neighbouring residents were fully informed of the correct detailed design of the scheme.

1.2.2. One further objection was received following the re-consultation period:

- No objection to the front and rear dormer, however consider roof lights will cause a loss of privacy and should be positioned higher on the roof and obscured glazed.

2. Planning Considerations

2.1.1. The plans presented to committee are the same as those previously presented; no new plans have been received since 11 March 2019 when plans reflecting the amendments to the design of the rear dormer were submitted to the Council. These plans have been available to view on the Council's website since they were submitted on 11 March 2019.

2.2. **Key Issues**

2.2.1. I have appended the **previous report for this application as appendix 1**, which was presented to the meeting of the Planning Control Committee held on 30 May 2019. At that meeting Members resolved to grant planning permission. The only matter to consider at this time is the impact in design and amenity terms of pitched roof dormers.

2.3. **Design:**

2.3.1. The existing bungalow has a hipped roof. As stated above, both the front and rear dormers are to be of a pitched roof design. They will be set in from the sides and eaves and at the highest point will project to the ridge of the roof, but not above. They will measure 2.7m in width and 1.65m in height.

2.3.2. While the proposed dormers will have a more dominant presence on the roof than flat roof dormers would, they are still of an appropriate scale and design and will remain subservient to the existing roof form by virtue of being set in and not projecting above the host roof.

2.3.3. The rear dormer will be visible only from limited private views and I note that no's 2 and 6 Gun Meadow Avenue have previously been granted planning permission for pitched roof dormers and as such the erection of pitched roof dormers on the street is established. Therefore the proposed roof extensions will not cause harm to the character and appearance of the street scene in my judgement.

2.4. **Amenity:**

2.4.1. The scale and position of the fenestration to the dormers is as previously reported to committee and is still considered acceptable, this will not be discussed further.

2.4.2. The dormers, at their maximum height will be 2.63m. They are set in from the front and rear eaves of the roof and are set in to the sides of the roof, with a maximum width of 2.77m.

2.4.3. Regarding the front dormer, there is to be a distance of 10m between the side wall of adjacent no. 7 and the mid point of the dormer roof. The two dwellings are on an angle to each other, and no. 7 is located to the west. The dormer roof does not project higher than the host roof and therefore will not result in a material loss of light or increased sense of enclosure to occupants of this dwelling.

2.5. No. 9 is located to the east of the host building, and there is a distance of 12m between the side wall of this dwelling and the middle of the dormer roof. Given the set back between the dormer and the adjacent dwelling, there will not be a material loss of light or increased sense of enclosure.

2.5.1. Owing to the shape of the cul-de-sac, the application site is at a slight angle to the two adjacent dwellings (7 and 9). Therefore the rear elevation of the application dwelling is positioned further from the adjacent dwellings than it is at the front. As such, there is sufficient distance between the adjacent dwellings and the rear dormer, and as the dormer does not project above the ridge of the host roof, it will not result in a material loss of light or increased sense of enclosure.

2.5.2. The only additional objection to the application following re-consultation came from the occupants of adjacent no. 7. They consider that the roof lights will result in a loss of privacy. This has been addressed in depth in my previous report, see appendix 1.

2.6. Conclusion

- 2.6.1. The relevant planning considerations for committee to consider are the design and amenity of the proposal with pitched roof dormers. The proposal is acceptable in planning terms and is therefore recommended for approval.

3.0 Recommendation

That planning permission be GRANTED subject to the following conditions:

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

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

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

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

3. The dormer window at first floor level on the rear elevation of the development hereby permitted shall be permanently glazed with obscure glass.

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

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.

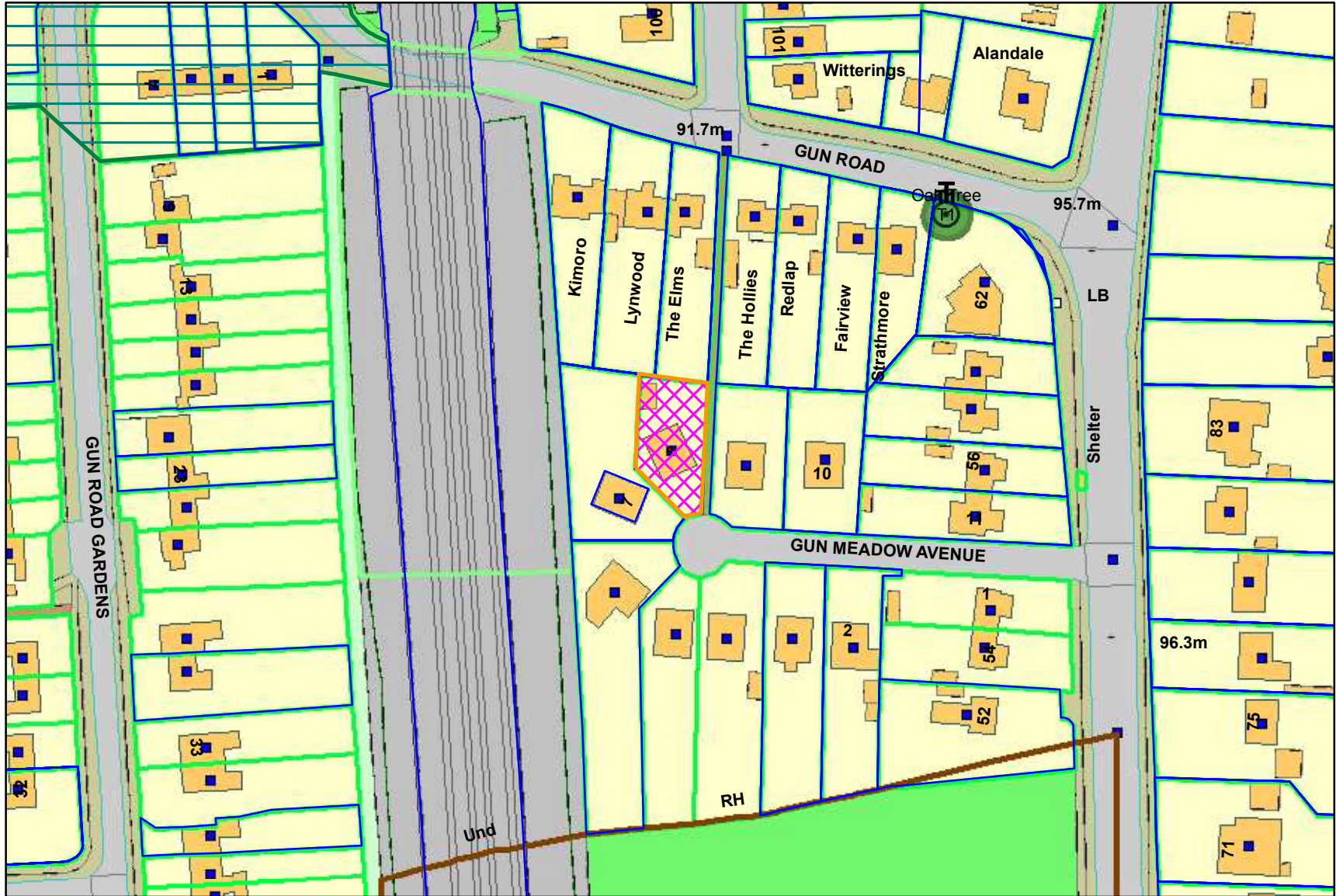
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Application Validation Sheet

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Scale 1:1,250
Date: 21/02/2019



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ITEM NO:		
	<u>Location:</u>	8 Gun Meadow Avenue Knebworth Hertfordshire SG3 6BS
	<u>Applicant:</u>	Mr Martin Frost
	<u>Proposal:</u>	Insertion of front and rear dormer windows to facilitate loft conversion
	<u>Ref. No:</u>	19/00201/FPH
	<u>Officer:</u>	Heather Lai

Date of expiry of statutory period: 25.03.2019

Reason for Delay

April committee cancelled; presentation to committee delayed due to further negotiations undertaken.

Reason for Referral to Committee

Cllr Nash called this application in (as well as the concurrent application, 19/00151/FPH), in the wider public interest and considers the proposed extensions are out of keeping with the local area.

1. Policies

1.1. District Council Local Plan No. 2 with alterations

Policy 28: Housing Extensions
Policy 55: Car Parking Standards
Policy 57: Residential Guidelines and standards

1.2. National Planning Policy Framework

Section 12: Achieving well designed places

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

D1: Sustainable Design
D2: House extensions and replacement dwellings
D3: Protecting living conditions
T2: Parking

1.4. Supplementary Planning Document

Vehicle Parking at New Development September 2011

2. Site History

18/01317/FPH: Erection of pre-fabricated annexe for ancillary residential use associated with main dwelling. Approved.

18/03154/FPH: Erection of pre-fabricated annexe for ancillary residential use associated with main dwelling. Approved.

19/00151/FPH: Single storey side extension following demolition of existing conservatory. To be considered by committee (recommendation approval)

3. Representations

3.1. Statutory Consultees

Parish Council:

No objection to this application.

Ward Councillors:

As stated above Cllr Nash called in this application and concurrent 19/00151/FPH, in the wider public interest.

3.2. Neighbour Representations

9 objections received.

- Fourth application at site; 3 applications put in at separate times, feels like an attempt to distract from the overall level of development
- Is overdevelopment; not much remaining garden space
- Concurrent application proposal (for single storey side extension) not shown on block plan
- Annex does not appear on block plans
- Dormers will overlook windows to surrounding properties including to the other side of Gun Meadow Avenue and to the rear where it will overlook neighbour's garden; dormer windows should be obscure glazed and fixed shut
- No site notice displayed for any of the four applications
- Annex is very visible from surrounding dwellings and has impacted views, it has a bright red roof which is out of keeping with the area. Concerned this development could be the same and will be very dominant and out of keeping with the character of the area.
- Together with annex, dormer and side extension, will appear very dominant to rear boundary, resulting in an increased sense of enclosure to properties to the rear. This is not clearly shown on plans.
- Will result in a loss of outlook (views) from surrounding dwellings
- Out of character with the rest of the street
- Will result in a loss of wildlife including bats
- If the amount of development proposed is necessary, why did the applicants not buy a different property
- Gun Meadow Avenue is a private road, the current development is having an impact on the character of the area in terms of the disruption. Concerned about access and parking arrangements at the site during construction period – Gun Meadow Avenue is a small, private, gravelled road. Also who is responsible for paying to damage done to the road?
- Large annex has already been built, and was not built according to the original permission, concerned these ones will not be either

4. Planning Considerations

4.1. Site and Surroundings

4.1.1. The application site is a mid-20th Century bungalow which is located at the end of a private cul-de-sac. It is unlisted and located outside a conservation area.

4.2. Proposal

4.2.1. The application seeks planning permission for the erection of front and rear dormer roof extensions, and a roof light to both side elevations to facilitate a loft conversion. These

dormers will not project above the existing pitch of the roof, and will sit inside the existing eaves of the roof. The rear dormer and the roof lights would constitute permitted development; it is solely due to the inclusion of the front dormer that the entire proposal requires planning permission. If the applicant chose to split the scheme both the side roof lights and the rear dormer extensions could be constructed immediately without the need for planning permission from the local planning authority. The front dormer would then require planning permission at a later date.

- 4.2.2. Notwithstanding this in a spirit of improving the overall design of the scheme during the course of the application, negotiations were undertaken to amend the design of the rear dormer from a pitched roof dormer (resembling a gable end), to a flat roofed dormer to result in a design more in keeping with the dwelling and the overall proposal. The applicant has also confirmed that this window will be obscure glazed as it is to serve a bathroom.

4.3. **Key Issues**

4.4. **Design:**

- 4.4.1. Policy D2 of the emerging Local Plan states that planning permission for house extensions will be granted where the extension is sympathetic to the existing house in height, form, proportions, roof type, window details, materials and the orientation of the main dwelling...and spacing between buildings ensures there is no harm to the character and appearance of the streetscene.
- 4.4.2. The existing bungalow dwelling has a hipped roof. The proposed dormer windows will sit within the context of the existing roof form, they will not extend above the existing roof pitch, and are set in by approximately 30cm to the front and to the rear. Following amendments, both the front and rear dormers are to be of a flat roof design, set in from the sides, eaves and ridge of the roof and measuring 2.7m in width and 1.65m in height. The materiality of the proposed dormers is to be clay tiles with uPVC windows, which will match the host building.
- 4.4.3. I consider that the proposed scale of the roof extensions, and the detailed design are acceptable as they relate well to the existing roof form and will remain subservient. The rear dormer will be visible only from limited private views, and the roof lights to both sides of the dwelling will have limited visibility owing to their positioning on the roof-slope. Therefore the proposed roof extensions will not cause harm to the character and appearance of the streetscene in my judgement.
- 4.4.4. Furthermore, as stated above, all but the front dormer would constitute development permitted under Class B and C of the General Permitted Development Order (2015, as amended) and could therefore be carried out without requiring planning permission from the local planning authority.
- 4.4.5. I note the objections on the grounds of overdevelopment of the site, including that the annex has recently been granted permission and built, and the size of the garden/plot. The extensions proposed here would not add to the overall spread of development on the plot as they are extensions and alterations to the existing roof of the dwelling. Moreover, given the scale of the proposed loft level alterations, which would largely fall within permitted development, the proposal does not constitute overdevelopment of the site in my view.
- 4.4.6. I have assessed the previously approved annex to the rear garden, and the proposed single storey side extension together with this proposal in relation to its potential cumulative impact on the overall plot. Having carried out this assessment I do consider that the proposed developments (individually and cumulatively) would constitute an overdevelopment of the site either.

- 4.4.7. I note the objections received in response to this planning application regarding the design and planning history to the annex. However, apart from considering the annex in the context of further development, e.g. the overall design and level of development on site, these objections to a development that has planning permission and has been constructed cannot be considered further as part of the current application. The annex has already been considered, and given permission twice and therefore any objections to that are not relevant to the current application(s).
- 4.4.8. In my view the proposal is acceptable in design terms; it is of an appropriate scale and detailed design and does not constitute overdevelopment, individually or cumulatively. In this respect it accords with Policy 28 of the saved Local Plan, and D2 of the emerging Local Plan.

4.5. **Amenity:**

- 4.5.1. The application site is on a private road, and is set back from its front boundary by 4.2m. Owing to the shape of the cul-de-sac, the application site is at a slight angle to the two adjacent dwellings (7 and 9). The closest dwellings to the opposite side of the cul-de-sac are nos. 4 and 5 which are at a distance of 30m from the front elevation of the application site. The proposed front facing dormer will not directly face towards nos. 7 and 9 and will be at a distance of 30m, above the 20m recommended to protect privacy. As such, this front dormer will not result in a material loss of privacy. It is generally accepted that windows which face the front of properties into the public space should not be restricted in terms of obscure glass. Moreover, this window serves a bedroom which would need to have a clear glass window in order to ensure suitable living conditions within the bedroom.
- 4.5.2. The two side roof lights will be to the existing roof pitch and will be on an acute angle and will measure 30mm in length and 25mm in width. Given their small size and relationship to neighbouring dwellings they will not result in a material loss of privacy in my judgement. Roof-lights do not afford significant overlooking opportunities due to their position on the roof slope and height above the internal floor level, so in my view it would be unreasonable to insist that roof-lights should be fitted with obscure glass.
- 4.5.3. The rear dormer will face the rear garden of the host dwelling. There is a distance of 30m from the rear wall of the closest property (The Elms) and the boundary wall between the two dwellings, and a distance of 39m between the rear wall of The Elms and the rear wall of the application dwelling. The rear facing dormer will therefore be more than 40m from The Elms. Rear gardens are not given the same level of privacy protection as dwellings, however the applicants have confirmed that the rear dormer will serve a bathroom and the window will be obscure glazed. Therefore the rear dormer will not result in a material loss of privacy for dwellings to the rear and is acceptable in amenity terms. I however recommend a condition to ensure that this bathroom window is fitted with obscure glass.
- 4.5.4. To conclude I consider the proposal to be acceptable in amenity terms, it will maintain a neighbourly relationship with the closest surrounding dwellings and accords with Policy D3 of the emerging Local Plan.

4.6. **Car parking:**

- 4.6.1. The application is for an extension to an existing dwelling house which has sufficient off street parking at the application site. Policy T2 and Appendix 4 of the emerging Local Plan, as well as the Vehicle Parking SPD require at least 2 off street parking spaces for new residential developments. The application relates to an existing residential dwelling with in excess of 2 spaces therefore the proposal does not trigger the requirement for additional parking

4.6.2. Gun Meadow Avenue is a private road and therefore any impacts to the road are a private matter, and cannot be considered as part of the planning application. This includes transport and parking arrangements for development works and placement of skips and materials.

4.7. **Wildlife:**

4.7.1. One objector stated that the proposal would result in a loss of wildlife including bats. No evidence to demonstrate the presence of protected species at the site (in the roof-space) has been submitted. However, for the purposes of a loft extension to a domestic dwelling (most of which is permitted development) I would not expect the applicants to submit an ecological survey, and wildlife mitigation measures for a residential extension would not be required.

4.8. **Conclusion**

4.8.1. The relevant planning considerations for this application are design, amenity and vehicle parking arrangements. As demonstrated above, the proposal accords in policy terms on these grounds. The proposal-individually or cumulatively-will not result in overdevelopment of the site. The proposal is acceptable in planning terms and is therefore recommended for approval.

4.9. **Pre-Commencement Conditions**

4.9.1. None required.

5. **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. **Recommendation**

6.1. That planning permission be **GRANTED** subject to the following conditions:

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

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

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

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

3. The dormer window at first floor level on the rear elevation of the development hereby permitted shall be permanently glazed with obscure glass.

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

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Appeal Decision

Site visit made on 26 April 2019

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2019

Appeal Ref: APP/X1925/D/19/3222448

44 Mill Road, Royston SG8 7AE

- 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 Daniel Nicholas against the decision of North Hertfordshire District Council.
 - The application Ref 18/02681/FPH dated 7 October 2018 was refused by notice dated 20 November 2018.
 - The development proposed is kerb drop for access to concrete hardstanding.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity, I have omitted the extra wording from the description of the development on the application form.

Main Issue

3. The main issue is the effect of the appeal proposal on highway safety for pedestrians and vehicle users.

Reasons

4. 44 Mill Road is an end of terrace dwelling which is near to the T-junction with Stamford Avenue. It has an area of hardstanding next to the side wall of the dwelling with a gate leading to further space to the rear. Beyond the hardstanding, there is a row of garages with areas of hardstanding for properties that have rear access off Mill Road. Opposite the garages, there is restricted road parking. There are double yellow lines to both sides of Mill Road by the appeal proposal and the speed limit is 30mph.
5. The appeal proposal is to provide a crossover to access the area to the side and rear of the dwelling and would result in lowering a portion of the kerb at the front. However, visibility would be restricted by the side elevation wall of the appeal dwelling for both vehicles using the appeal proposal and users of the pavement.
6. The appeal proposal would be less than 15 metres from the highway junction of Mill Road and Stamford Avenue. The appellant has referred to the Hertfordshire County Council dropped kerb policy which allows for a distance of 10 metres rather than 15 metres in a cul de sac or a minor estate road provided that the Council considers it to be safe. The appellant accepts that Mill Road is neither a

cul de sac or a minor estate road but considers the lesser distance to be appropriate. However, having regard to the location and the visibility, I do not consider that the lesser distance of 10 metres is applicable in this instance.

7. The width of the area to the side of the dwelling at approximately 2.7 metres falls slightly short of the standards set out in the Hertfordshire County Council dropped kerb policy. Photographs supplied do show a vehicle filling the width to the area to the side. The lack of space for getting in and out of the car does not secure safe and suitable access arrangements. The appellant has indicated that the area to the side would only be used to access the wider space at the rear beyond the gates. However, even if the width of the area to the side was the only area of highway concern, there is no means to prevent parking at the side.
8. I therefore conclude that the appeal proposal would be detrimental to highway safety with particular regard to visibility, proximity to a junction and width of the side access. It would therefore not comply with Policy 57 of the North Hertfordshire District Local Plan No.2 with Alterations Originally Adopted April 1996 which, amongst other things, refers to road and footpath layouts creating safe routes for vehicular movements and providing safe pedestrian routes. It would also be contrary to the principles of the National Planning Policy Framework with regard to highway safety.

Other matters

9. The appellant has referred to existing dropped kerbs in the vicinity of the appeal site although I have no details of the standards in place when any permissions were granted. He also considers that the presence of double yellow lines on the road outside the appeal site to be preferable in terms of manoeuvrability to the nearby garages and hardstanding which have restricted on-street parking behind them. However, the appeal proposal has to be considered on its own merits and location and other examples and locations do not alter my findings.
10. I note that new housing development is planned within the vicinity of the appeal site and the appellant considers that promoting parking on private property would reduce on street parking. However, the traffic impact from the new development is unknown and the issues that I have identified would still exist. Similarly, the appeal site having being accessed for parking for some time, or the suggestion of a traffic safety mirror do not alter my findings.
11. The appellant has referred to the proposed dropped kerb being used for residential use only with one car using it on average twice a day. However, the extent of the use could alter with a change of occupier of No 44 and is also likely to be dependent on personal circumstances.

Conclusion

12. For the reasons set out and having regard to all the matters raised, I conclude that the appeal is dismissed.

E Griffin

INSPECTOR



Appeal Decision

Site visit made on 24 April 2019

by **I A Dyer BSc (Eng) MIHT**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2019

Appeal Ref: APP/X1925/W/18/3211920

39 Kimberley, Letchworth Garden City SG6 4RB

- 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 Ioannis Kyriacos David against the decision of North Hertfordshire District Council.
 - The application Ref 17/02548/1, dated 5 October 2017, was refused by notice dated 16 March 2018.
 - The development proposed is a two storey rear extension to facilitate conversion of existing 2 bedroom house into 2 No. 1 bedroom houses.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Further revisions have been made to the National Planning Policy Framework (the Framework) and a revised version was published in February 2019. The Decision Notice issued by the Council refers to Sections 6 and 7 of the Framework. The provisions of Sections 6 and 7 of the National Planning Policy Framework 2014 now appear in Sections 5 and 12 of the current Framework.
3. There is some discrepancy in the addresses of the adjacent properties in the parties' statements. In my decision I have referred to the end of terrace property as 39a Kimberley, and the other neighbouring property as 41 Kimberley and I have made my decision on this basis.

Main Issues

4. The main issues are the effect of the proposed development on:-
 - the character and appearance of the area,
 - the living conditions of occupiers of neighbouring properties, with particular reference to outlook, and;
 - the living conditions of future occupiers with particular reference to garden space.

Reasons

Character and Appearance

5. Kimberley is a predominantly residential street fronted by two storey dwellings of varying design, mostly forming short terraces, but with occasional semi-detached and detached houses. Many of the dwellings have added, or modified front porches, but, generally, the built form of the front facades remain without major alteration with a single, offset door and a comparatively wide frontage to the street. 39 Kimberley forms part of one of the terraces. An additional dwelling, 39a Kimberley, has been added to the terrace of which the appeal site forms a part, extending it to the side of No 39.
6. The subdivision of the property would result in the addition of a door and the enlargement of a window at ground floor level in the front elevation of the property. This would result in the frontages of the proposed houses being significantly narrower than is typical in this and neighbouring terraces and a rhythm of door openings that would be out of keeping and incongruous with the prevalent form of frontages in the area, which retain their single access point and wider frontages.
7. The dwellings in the immediate vicinity generally have sizeable back gardens, the garden at No 39a being an exception to the general pattern, resultant from the sub-division of the garden for No 39. No 39, however, currently retains a garden of similar size to other mid-terraced houses in the immediate vicinity. The sub-division of No 39 would result in the garden being divided longitudinally, resulting in two narrow gardens. This would introduce a discordant feature in the overall pattern of private space in the area.
8. The overall impression that would result from the subdivision would be of two narrow, cramped dwellings introduced into the more generously proportioned pattern of development. Given the importance that I have placed on rhythm of the street frontages to the character and appearance of the area, the break in this rhythm would be out of character and incongruous with the form of existing development when viewed from the street. Further, the sub-division of the rear garden would noticeably alter the character of the area to the rear of the dwellings when viewed from nearby properties. In this particular context that lack of conformity would be so significant as to amount to harm, regardless of whether internal National Space Standards were satisfied.
9. I therefore conclude that the development would result in significant harm to the character and appearance of the area, contrary to Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations – 1996 - (the Local Plan) in that the proposal fails to reflect and improve upon the character of the locality. Similarly, the development would be contrary to the aims of Section 12 of the Framework in as much as the proposal is not sympathetic to local character, including the surrounding built environment.
10. Section 5 of the current Framework relates to delivering a sufficient supply of homes and the development would contribute an additional dwelling to the housing supply. The appellant cites the need for the creation of smaller dwellings for single occupants in support of his subdivision of the house. However, there is little evidence before me to establish a need in this locality for such dwellings that would outweigh the harm that I have identified above.

Living conditions of neighbouring properties

11. The rear face of the neighbouring dwelling, 41 Kimberley, lies flush with the rear of No. 39 and contains windows at both ground and first floor level, close to the boundary wall between the two properties. The first floor window is obscure glazed.
12. The proposed rear extension would be two storeys in height and present a featureless wall projecting about 4 metres behind the existing dwelling on the boundary with No 41, dominating and overbearing the part of the garden of No 41 closest to the house. Anyone in the garden of No 41 close to the rear door or at the ground floor window closest to the boundary would experience an increased sense of enclosure from the new structure.
13. It has been identified that the proposed extension would have a similar impact on the occupiers of No 41 as the existing projection of No 39a has on No 39. During my site visit I thus had the benefit of seeing the existing structure and its impact and, notwithstanding the absence of any objection from No 41, my observations do not alter my findings above.
14. I therefore conclude that the development would result in significant harm to the living conditions of the occupiers of neighbouring properties in terms of a loss of outlook, contrary to Policy 28 of the Local Plan which, amongst other things, seeks to ensure that house extensions do not dominate adjoining properties and Policy 57 of the Local Plan which amongst other things requires that development should relate to and enhance their site and surroundings. For similar reasons the proposed development would be contrary to the aims of Section 12 of the Framework which requires that developments are designed to function well and add to the overall quality of the area.

Living conditions of future occupants

15. Policy 57 of the Local Plan suggests that a minimum total area of 75 square metres of private amenity space should be provided for a dwelling. The subdivision of the existing garden would provide two gardens of areas less than the suggested area, in the form of a long, narrow space for each dwelling. I note that the rear garden of 39a which is a larger dwelling than either of those proposed, being a three bedroom house, provides a roughly similar area of rear garden for that dwelling as is proposed for each of the one-bedroom houses.
16. Apart from overall size, consideration needs to be given to the quality and practicality of use of the space. The gardens proposed for the dwellings would be very narrow and if, for example, a rotary washing line were erected, the remaining width would make accessing the rest of the garden problematic, reducing the practicality of use by residents and reducing the value of the garden as an amenity area. The garden to 39a, in comparison, has a wider section close to the house, providing a more usable area.
17. Whilst compact, the amenity space to the front of the properties is sufficient to accommodate a car for each dwelling and bin space. On my site visit I noted that the kerb fronting the site had already been dropped to form a vehicle crossover so that the space could be used for parking and I consider that little change would result to the front area as a result of the proposal.
18. I conclude that the development would not provide good quality living conditions for future occupants, contrary to Policy 57 of the Local Plan which,

amongst other things, seeks to ensure that development provides suitable play and amenity space. For similar reasons the development would be contrary to the aims of Paragraph 70 of the Framework, which seeks to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Other Matters

19. My attention has been drawn to other developments in the wider area that also sub-divide an existing property. From the limited information available to me regarding these sites I do not consider that they are contextually comparable to the case in question. The plot sizes, frontages and position in the terrace vary considerably from that of 39 Kimberley and I have little information regarding the configuration of rear gardens.
20. Similarly, my attention has been drawn to other rear extensions, seemingly of a similar scale and roof form in the wider area. The impact that I have identified results from the scale of the wall on the boundary and is not related to the form of the roof. Again, the plot sizes, and, where relevant, position of the extension within the terrace vary widely from that of 39 Kimberley, nor have I had access to adjoining properties to assess the impact of development upon neighbours. In any case, I have considered the proposal before me on its own merits.
21. The appellant has expressed frustration with the way in which the Local Planning Authority handled the application. However, this is a matter between the parties involved and is not something that would affect the outcome of this appeal.
22. I note that the appellant has stated an intent, should this appeal be dismissed, to convert the loft of No. 39 to living accommodation and erect a single storey rear extension under permitted development rights. Whilst there is no certainty of such a development occurring, the extension would not result in the creation of the two storey blank side-wall nor sub-divide the property, and so would not be comparable to the proposal before me.

Conclusion

23. For the reasons given above, and having taken into account all other matters raised, the appeal is dismissed.

I Dyer

INSPECTOR



Appeal Decision

Site visit made on 2 May 2019

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th May 2019

Appeal Ref: APP/X1925/D/19/3225744

Oakfields Farm, Stevenage Road, Hitchin SG4 7JX

- 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 S Foster against the decision of North Hertfordshire District Council.
 - The application Ref 18/03312/FPH, dated 19 December 2018, was refused by notice dated 1 March 2019.
 - The development proposed is the erection of a cartlodge.
-

Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt;
 - (c) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy

3. The proposed development includes the erection of a single storey cartlodge which comprises a carport and store. The appeal scheme would be sited on an area of open and unkempt land which, although facing towards Oakfields Farm, would be separated from this host dwelling by a vehicular turning head. This turning head forms part of a private access road extending from Kingshott School to serve the host dwelling and a recent residential development of 8 dwellings and garages.
4. Although in the same ownership, no details about the historic association between the host dwelling and the use of the land comprising the appeal site have been provided. However, the Planning Officer's report refers to the site of the proposed development being within the curtilage of a residential building.

5. The appeal site is located within the Green Belt and the Framework refers to the construction of new buildings in the Green Belt as inappropriate development unless they accord with the identified exceptions. Policy 2 of the North Hertfordshire Local Plan 1996 with Alterations (LP) echoes national policy concerning inappropriate development in the Green Belt.
6. Neither national or local policy, including Policy SP5 in the North Hertfordshire Local Plan (2011-2031) (eLP) which has reached Main Modifications stage, make any specific reference to outbuildings or other ancillary domestic buildings as not being inappropriate development within the Green Belt. However, the appellant claims that the appeal scheme would comprise the erection of a domestic outbuilding within the curtilage of a dwelling house. Reflecting the approach identified in *Sevenoaks District Council v SSE and Dawe [1997]*, the appellant claims that the proposed cartlodge would not be inappropriate development within the Green Belt because it should be regarded as a normal domestic adjunct, or extension, to the host dwelling.
7. As identified in the appeal decisions provided by the appellant¹, whether the erection of a proposed cartlodge should be considered a normal domestic adjunct to Oakfields Farm is a matter of fact and degree for the decision maker to assess. How close the garage was to the dwelling in the *Sevenoaks* case has not been known. In my judgement, because of the physical and visual separation of the host dwelling from the appeal site by the turning head, this is not a case where the proposed development can be considered a normal domestic adjunct. Although the site is acknowledged by the Council to comprise residential curtilage, the appeal scheme would not be closely associated with the host dwelling. Instead, rather than being an extension to Oakfields Farm, the proposed development would comprise the erection of a freestanding building.
8. In reaching this judgement account has been taken of the appeal decision at Iver² where, in that case, a detached garage was assessed to be within a forecourt and, therefore, clearly part of a domestic curtilage. Again, although the detailed planning circumstances of appeal have not been provided, the garage approved by the Council at St Ippolyts (Ref 16/01854/1HH) was assessed to be closely associated with the dwelling which is different to the judgement reached for this appeal scheme.
9. Accordingly, it is concluded that the proposed development would involve the construction of a new building and, as such, it would be inappropriate development in the Green Belt thereby conflicting with the Framework and LP Policy 2. There would also be a conflict with eLP Policy SP5 but this is given only moderate weight in the determination of this appeal. Paragraphs 143 and 144 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The question of any other harm and the other matters in this case are now considered.

¹ Refs APP/W0530/A/12/2188281 and APP/C3620/D/13/2191786

² Ref APP/N0410/D/17/3183471

The effect of the proposal on the openness of the Green Belt

10. The Framework identifies that the essential characteristics of Green Belts are their openness and their permanence. When viewed from the access road because of its siting the appeal scheme would be neither physically nor visually well related to the host dwelling and the recent residential development. The separation of the proposed cartlodge from the dwellings and their associated gardens would be accentuated by the turning head and an intervening area of open land.
11. For these reasons, and when taken together with its bulk and size, it is concluded that the appeal scheme would have a detrimental effect on the openness of the Green Belt and, as such, it would conflict with LP Policy 2 and the Framework. However, the degree of harm would be moderate because the principally be limited to views from the access road.

Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

12. The Council has not objected to the design and choice of external materials for the proposed cartlodge. However, and acknowledging the unkempt nature of the site, the size and siting of the proposed garage would detrimentally affect the open character of the immediate land around the site. For this reason, in determining this appeal only moderate weight is given to this matter.
13. Reference has been made by the appellant to the potential fallback position associated with the permitted development right to erect an outbuilding to provide alternative vehicle garaging elsewhere within the residential curtilage of Oakfields Farm. It is the appellant's claim that this fallback position could result in a more visually intrusive form of development when compared to the appeal scheme. However, although a general siting has been indicated, no details of such an outbuilding have been provided to enable a comparison to be made with the proposed cartlodge. For this reason, the fallback position has only been given limited weight in the determination of this appeal.
14. No details have been provided concerning the planning circumstances of the residential development adjacent to the appeal site. It is, therefore, unclear the basis upon which the Council assessed this other scheme against Green Belt policies. For this reason, limited weight has been given to this adjacent development in the determination of this appeal.

Conclusion

15. These other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, the moderate harm to the openness of the Green Belt and the conflict with local and national policy. Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and this appeal should be dismissed.

D J Barnes

INSPECTOR

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Appeal Decision

Site visit made on 30 April 2019

by **T A Wheeler BSc (Hons) T&RP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2019

Appeal Ref: APP/X1925/W/19/3220117

Clovertop Farm, Nup End, Old Knebworth SG3 6QJ

- 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 R Deards against the decision of North Hertfordshire District Council.
 - The application Ref 18/02771/FP, dated 17 October 2018, was refused by notice dated 13 December 2018.
 - The development proposed is: extension and conversion of an agricultural building to a 2 bedroom dwelling and external alterations involving the installation/replacement of windows, doors, roofs and exterior walls.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt therefore the main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt;
 - ii) if the proposal is inappropriate development, the effect on openness;
 - iii) whether the proposal would give rise to any other harm, including the effect on the character and appearance of the countryside;
 - iv) and whether any harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal property is an open sided timber building use for storing agricultural machinery, the appellant owning the fields adjacent to the site. The site also abuts a business park, through which access is gained from Park Lane. There is a large Oak tree immediately next to the existing building, and a tall coniferous hedge on the boundary with the business park. There is some housing near to the site at Nup End Green and Nup End Farmhouse. The site lies approximately 0.5km outside the village of Old Knebworth.
4. The proposal is to convert and extend the existing building to provide a 2 bedroom dwelling. The dwelling would have the same footprint as the existing building, with bedroom accommodation provided within a new pitched roof containing dormer windows to front and rear.

Inappropriate development

5. Paragraph 145 of the Framework¹ sets out the exceptions under which a new building in the Green Belt should be regarded as not comprising inappropriate development. The appellant suggests that the creation of the roof storey would not add a disproportionate amount of floorspace to the 'original dwelling'. There is no such dwelling at the present time, however since the Framework exception applies to buildings, not only dwellings, there might be an exception to inappropriate development on that basis. The appellant does not otherwise argue that any of the exceptions listed in paragraph 145 should apply to the proposal but bases his case on the view that there would be no unacceptable impact on the openness of the Green Belt should the proposal proceed.
6. The principle of converting the existing structure to residential use has been established by virtue of the prior approval granted in July 2018². The works at ground floor level will be very similar under both proposals. The Council does not dispute this point, and therefore consideration of the impact of the development on the openness of the Green Belt should be limited to the effect of the roof addition. In this regard the appellant accepts that the proposal would have a slightly larger impact than the approved conversion works.
7. The Council argues that the addition of the roof would increase both the height and width of the structure and would, with the proposed dormer windows, be a more substantial building than the approved scheme and domestic in character. No floorspace figures have been presented to me in either of the parties' statements however a comparison of the existing plan, and the proposed ground floor and first floor plans, show that the roof accommodation would comprise a substantial extension.
8. Whilst the proposal would not result in a significant increase in building footprint at the site, it would increase the floorspace of the building to a degree which would be disproportionate.
9. For the reasons outlined above, I conclude that the proposal would not meet any of the exceptions as laid out in paragraph 145. Therefore, the development would amount to inappropriate development in the Green Belt.

The effect on openness

10. The building as proposed would be significantly more visible from localised and public viewpoints than that which exists presently due to the addition of the roof storey. In comparison with the prior approval scheme there would also be a significant increase in the obtrusiveness of the building due to its increased height and the inclusion of the dormer windows, in particular those in the front elevation. I viewed the site from Slip Lane, approximately to the east, and was able to gain a good understanding of the appearance of the site at present when viewed in the wider landscape and judge the visual effects which would arise under the appeal proposal. I consider that there would be greater bulk to the building as proposed, leading to increased visual intrusiveness and harm to openness.
11. The appellant suggests that the addition of the pitched roof would be beneficial in design terms, and that this outweighs any effects on openness. I disagree

¹ National Planning Policy Framework February 2019

² Local Planning Authority Ref. 17/04267/PNQ

because the pitched roof and dormers would make the dwelling more obtrusive in comparison with the approved flat roof design. It is of note that paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Any other harm – the character and appearance of the countryside

12. I have found that the proposal would be more obtrusive than either the existing building or the prior approval conversion and therefore would cause harm in terms of the impact of the development on the character and appearance of the area.
13. In the broad sense that the proposal fails to respond to the local context, it can be considered to conflict with Policy D1 of the Hertfordshire Local Plan 2011-2031³ (the emerging plan). The Framework also sees good design as a key aspect of sustainable development.
14. The Council's policies in relation to the protection of the countryside are largely expressed through its policies relating to the Green Belt. Although not referred to in the decision notice, in its statement the Council has drawn my attention to Saved Policy 25 of the North Hertfordshire District Local Plan No 2⁴ (the NHDLP) which refers to the re-use of buildings in the Green Belt and requires that they should not have a materially greater impact on openness than the present use. Likewise, the Council has referred me to Policy CGB4 of the emerging plan, which covers very similar points to the saved policy. The appellant has had the opportunity to comment on these additional policies.
15. The Council also refers to Saved Policy 30 of the NHDLP. The Policy relates to proposals for the replacement or extension of existing dwellings in the countryside. Given that there is no existing dwelling at the appeal site it cannot be relevant to the case, and the Council acknowledges that it is the 'spirit' of the policy that is applicable.

Other Considerations

16. The appellant has suggested that the proposed addition of a pitched roof would represent an improvement in design terms over the prior approval scheme, and that this would far outweigh any negative impact on the Green Belt. Whilst I accept the appellant's point that flat roofed buildings are not typical of the area, in the context of the appeal site such an approach would help to limit the visual impact of the building. Therefore, the appellant's argument that the fallback position of the prior approval scheme would be inferior to the proposed pitched roofed dwelling does not reflect the local context and does not weigh in favour of the proposal.
17. The appellant also argues that were the prior approval scheme to be implemented, there could be little objection to a future proposal to extend the property via a roof extension. That would be matter for the local planning authority, however I have already concluded that I consider the addition of the roof accommodation as currently proposed to be disproportionate in terms of the size of the building.

³ incorporating proposed modifications November 2018

⁴ Adopted 1996

18. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I can see no considerations which outweigh the harm to the Green Belt and therefore do not conclude that very special circumstances exist to justify the inappropriate development.

Planning Balance and Conclusion

19. I have found that the proposal would be inappropriate development in the Green Belt. In reaching this conclusion, I acknowledge that the prior approval scheme could proceed. This alone could result in some change in the character of the site and its surroundings. However, the addition of the roof storey would cause harm to the openness of the Green Belt, over and above any harm which might otherwise arise, in conflict with the Framework.

20. The proposal would also conflict with Saved Policies 2 and 25 of the NHDLP and Policies SP5 and CGB4 of the emerging plan. In addition, I have found conflict with the aims of Policy D1 of the emerging plan and the Framework which seek to achieve well designed developments which are sympathetic to local character and landscape setting.

21. The appeal is therefore dismissed.

Tim Wheeler

INSPECTOR

PLANNING CONTROL COMMITTEE

DATE: 18 July 2019

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr Foster	Erection of detached double carport and store	Oakfield Stevenage Road Hitchin Hertfordshire SG4 7JX	18/03312/FPH	Appeal Dismissed on 15 May 2019	DELEGATED	The Inspector concluded that the proposed development would involve the construction of a new building and, as such, it would be inappropriate development in the Green Belt thereby conflicting with the Framework and of the North Hertfordshire Local Plan No. 2 with Alterations Policy 2 (Green Belt).
Mr Daniel Nicholas	Dropped kerb.	44 Mill Road Royston Hertfordshire SG8 7AE	18/02681/FPH	Appeal Dismissed on 21 May 2019	DELEGATED	The Inspector concluded that the proposal would be detrimental to highway safety with particular regard to visibility, proximity to a junction and width of the side access. It would therefore not comply with Policy 57 (Residential Guidelines and standards) of the North Hertfordshire District Local Plan No.2 with Alterations. It would also be contrary to the principles of the National Planning Policy Framework with regard to highway safety.
Ioannis Kyriacos David	Two storey rear extension to existing house to create 2 x one bedroom dwellings	39 Kimberley Letchworth Garden City SG6 4RB	17/02548/1	Appeal Dismissed on 18 June 2019	DELEGATED	The Inspector concluded that the development would result in significant harm to the living conditions of the occupiers of neighbouring properties in terms of a loss of outlook. The Inspector also concluded that the development would not provide good quality living conditions for future occupiers.

Mr R Deards	Change of use of existing agricultural building to one 2-bed dwelling including new pitch roof with front and rear dormer windows to provide accommodation at first floor level. External alterations involving the installation/replacement of windows, doors and exterior walls.	Barn At Clovertop Nup End Old Knebworth Hertfordshire	18/02771/FP	Appeal Dismissed on 20 June 2019	DELEGATED	The Inspector concluded that the proposal would be inappropriate development in the Green Belt. In reaching this conclusion, the Inspector acknowledged that the prior approval scheme could proceed. This alone could result in some change in the character of the site and its surroundings. However, the addition of the roof storey would cause harm to the openness of the Green Belt, over and above any harm which might otherwise arise, in conflict with the Framework.
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PLANNING CONTROL COMMITTEE

DATE: 18 July 2019

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr L Papworth	03 June 2019	Increase in height of garage/workshop/feed store building to provide tack room at first floor level (as variation of Condition 2 of application number 17/04137/S73 granted on appeal reference APP/X/1925/W/18/3198084 dated 28/09/2018)	Friends Green Farm Friends Green Damask Green Road Weston Hitchin Hertfordshire SG4 7BU	18/02911/S73	Written Representations
Mr P Wilbor	10 June 2019	Single storey side extension	The Annexe Pinchgut Hall Bedford Road Ickleford Hertfordshire SG5 3RS	19/00104/FPH	Householder Appeal Service
Mr M Mile	11 June 2019	Erection of two storey, two bedroom semi detached dwelling and two parking spaces, with all associated landscaping and ancillary works.	28 Ermine Close Royston Hertfordshire SG8 5EE	19/00750/FP	Written Representations
North Herts Property Services Ltd	17 June 2019	Erection of a detached 'chalet-style' dwelling-house with associated landscaping and ancillary works (all matters reserved).	Land To Rear Of 13 Eldefield Letchworth Garden City Hertfordshire	18/03309/OP	Written Representations
Marcus Powell	17 June 2019	Erection of Stables, loose box, tack room and food store.	Rose Farm Codicote Road Whitwell	18/03152/FP	Written Representations

			Hitchin Hertfordshire SG4 8AB		
Mr & Mrs R & M Edgson	01 July 2019	Erection of single storey three bedroom dwelling with all associated ancillary and landscaping works.	Land At Green Drift Royston Hertfordshire	19/00667/FP	Written Representations