

NORTH HERTFORDSHIRE DISTRICT COUNCIL



4 October 2019

Our Ref Planning Control Committee
17.10.19

Your Ref.

Contact. Matthew Hepburn

Direct Dial. (01462) 474311

Email. matthew.hepburn@north-herts.gov.uk

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, 17TH OCTOBER, 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 in a cursive style.

Jeanette Thompson
Service Director – Legal and Community

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 19 SEPTEMBER 2019 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 19 September 2019.	
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed at the end of either Part I or Part II 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, comments and questions from the public.	
6. 19/00386/RM LAND ADJACENT AND TO THE EAST OF MCDONALDS RESTAURANT, BALDOCK ROAD, ROYSTON, HERTFORDSHIRE SG8 9NT REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Approval for the reserved matters (appearance, landscaping, layout and scale) for 279 dwellings and associated works, (permission in outline granted under 16/00378/1). As amended by drawings received 16.09.2019.	(Pages 5 - 32)
7. 19/00950/FP BLACKETT ORD COURT, STAMFORD AVENUE, ROYSTON, HERTFORDSHIRE SG8 7EB REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Extension to an existing sheltered housing/retirement apartment block and construction of a new sheltered housing/retirement apartment block to provide a total of 17 number new apartments.	(Pages 33 - 50)

THIS APPLICATION HAS BEEN WITHDRAWN BY THE APPLICANT.

8. **19/01379/FPH 80 ASHWELL STREET, ASHWELL, BALDOCK, HERTFORDSHIRE SG7 5QU** (Pages 51 - 58)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Two storey side extension, single storey rear extension, demolition of existing garage and front porch extension, with ancillary works.

9. **19/01244/FP ODYSSEY HEALTH CLUB, OLD KNEBORTH LANE, KNEBORTH, HERTFORDSHIRE SG2 8DU** (Pages 59 - 86)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Redevelopment of the site to provide 86 dwellings, (12 x 2 bedroom houses, 12 x 3 bedroom houses, 18 x 4 bedroom houses, 25 x one bedroom apartments, and 19 x 2 bedroom apartments), associated landscaping, car-parking, the provision of a large new public open space and the creation of a new vehicular access off the B197 Stevenage Road following demolition of the former indoor bowling building and several ancillary buildings. Rearrangement of the EXISTING car parking provision for existing Odyssey Health and Racquet Club to provide 141 car parking spaces and alterations to existing vehicular access to Odyssey Health Club from Old Knebworth Lane.

10. **PLANNING APPEALS** (Pages 87 - 116)

This page is intentionally left blank

ITEM NO:	
<u>Location:</u>	Land Adjacent And To The East Of McDonalds Restaurant Baldock Road Royston Hertfordshire SG8 9NT
<u>Applicant:</u>	Redrow
<u>Proposal:</u>	Approval for the reserved matters (appearance, landscaping, layout and scale) for 279 dwellings and associated works (permission in outline granted under 16/00378/1). As amended by drawings received 16.09.2019
<u>Ref. No:</u>	19/00386/RM
<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 21st May 2019

Reason for Delay

Committee cycle, negotiations and amended proposals

1.0 Reason for Referral to Committee

- 1.1 Members will recall that this application was deferred from consideration at the meeting of the Committee on 22nd August 2019 (the original report is attached at **Appendix A**) in order that the applicant be invited to re-design the proposed three storey block at the western end of the site. Failing an agreement on the part of the applicant to re-visit the design, officers were given delegated authority to refuse permission.

2.0 Relevant History

- 2.1 See **Appendix A**

3.0 Policies

- 3.1 See **Appendix A**

4.0 Representations

- 4.1 All representations received in response to the planning application as presented to the Committee on 22nd August are set out in **Appendix A**.
- 4.2 A new site notice was posted on site on the 20th September. No further representations have been received.

5.0 Discussion

- 5.1 The key issues for consideration with the revised proposals centre on whether the amended design of the large flatted apartment building at the western end of the site near the McDonalds restaurant is now acceptable.
- 5.2 As Members will be aware, the originally specified building comprised a large three storey building which the Committee deemed would be incongruous in this 'gateway' location. The applicant has addressed this concern by replacing the one large building previously specified with two smaller units, thus breaking up the massing at this relatively prominent end of the site. The applicant's design rationale in addressing the Committee's concerns is attached as **Appendix B**.
- 5.3 I consider that the move away from one monolithic building mass in favour of two smaller units would acceptably address the expressed concerns of Members

6.0 Conclusion

- 6.1 The applicant has made significant changes to the design which Members will now consider. At the time of writing this report the internal road layout issues were still being finalised and this being the case the recommendation remains as set out in the last report (**Appendix A**).

7.0 Legal Implications

- 7.1 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.

8.0 Recommendation

- 8.1 Members **resolve** to **GRANT** permission subject to the following conditions and to the satisfactory resolution of the minor layout issues identified by the Highway Authority. I would also recommend that this Committee further **resolve** that officers be able to **REFUSE** planning permission (under delegated powers) if these highway issues are not satisfactorily resolved before the currently agreed extension date of the 30th October 2019 or any such extension date that may be otherwise agreed with your officers by the applicant.

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

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

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

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

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

4. The Tree Management Plan (ref TEP ref 6869.002) shall be implemented in full prior to first occupation of the development hereby approved unless otherwise agreed in writing by the local planning authority. The trees subject of the Management Plan and the wider site landscape will be managed in accordance with the plan and approved landscape details in perpetuity.

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

5. Notwithstanding the agreed boundary treatments,, details of enclosures around the proposed SuDS features and along the sites boundary with the railway line shall be submitted to and approved by the planning authority. These details shall be accompanied by evidence that the applicant has agreed the details with Network Rail and that any fencing around SuDS features is specified in accordance with best practice and supported by a safety assessment.

Reason: To safeguard residents of the new dwellings and the operation of the railway.

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

Reason: To facilitate refuse and recycling collections.

7. Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting shall be submitted to and approved by the Local Planning Authority in conjunction with Network rail prior to the installation of any lighting associated with construction or the final development.

Reason: To safeguard the safe operation of the railway.

8. Prior to occupation, each of the residential properties 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.

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:

Waste

Flats:

Doors to bin stores should be sufficient in widths to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available.

Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.

Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor.

Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.

For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.

General:

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy. The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

It is noted that in many areas residents are expected to pull bins past parking bays.

This is not recommended and often leads to bins being left out on the pavements or grassed areas.

Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited. For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

Network Rail

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict

those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

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

Asset Protection Project Manager

Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees/Shrubs/Landscaping

We note the content of the planting plans submitted and it appears that the species proposed along the railway boundary meet with our requirements. Should plans be changed at any point, we would advise the developer of our landscaping requirements as follows;

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for

details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"
Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

This page is intentionally left blank

Reason for Delay

Negotiation.

Reason for Referral to Committee

Site area.

1.0 Relevant History

- 1.1 The proposal subject of this application and the preceding outline application was subject to pre-application advice.
- 1.2 Planning permission was granted in outline under ref 16/00378/1 on the 6th Feb 2019 with all matters reserved save access points onto the Baldock Road.

2.0 Policies

2.1 North Hertfordshire District Local Plan No. 2 with Alterations 1996 (Saved) :

Policy 6 – Rural Areas beyond the Green Belt
Policy 26 – Housing Proposals
Policy 55 – Car Parking
Policy 57 – Residential Guidelines and Standards

Three supplementary planning documents are applicable. These are **Design, Vehicle Parking Provision at New Developments.**

2.2 North Hertfordshire District Local Plan 2011-2031 Proposed Submission Local Plan and Proposals Map:

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 T1 Assessment of Transport Matters
Policy T2 Parking
Policy HDS2 Affordable Housing
Policy HS3 Housing Mix
Policy HS5 Accessible and Adaptable Housing
Policy D1 Sustainable Design
Policy D4 Air Quality
Policy HC1 Community Facilities
Policy NE1 Landscape

Policy NE5 New and improved public open space and biodiversity
Policy NE6 Designated biodiversity and geological sites
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable Drainage Systems
Policy NE9 Water Quality and Environment
Policy NE10 Water Framework Directive and Wastewater Infrastructure
Policy HE4 Archaeology

The site is identified in the Submission Plan as a housing site - **RY1** Land West of Ivy Farm, Baldock Road.

2.3 **NPPF:** Generally and specifically:

- 6. Delivering a wide choice of quality homes;
- 7. Design;
- 11. Conserving and enhancing the natural environment.
- 12. Conserving and Enhancing the Historic Environment.

3.0 Representations

3.1 **Local Residents - Local Residents** – One local resident has written in raising the following concern:

“As there are numerous ponds planned for the development, and as a train track runs immediately adjacent to the whole of the north side of the development, please could I request that suitable consideration be given, in the design requirements of the plan, to the safety and security of residents and visitors (especially children) in relation to these aspects. On the previous phase of the Ivy Farm development (the Kier Rosecomb estate) there is easy access to the balancing pond for children through an incomplete wooden fence which incorporates an unsecured gate. In addition there is easy access straight onto the train track from the road, with only a low wire mesh as a deterrent. The residents remain surprised that the estate was allowed to be left like this and would be keen to make sure that the new development does not also have these security and safety issues.”

3.2 **Royston Town Council** - Has objected as follows:

- ***Traffic calming measures must be implemented both on the site and on the A505 and a stage 3 safety audit should be carried out***
- ***Sewerage – a satisfactory plan must be put into place before the development starts***
- ***It is an overdevelopment of the site and the number of houses is too large and should be reduced. The site is overcrowded.***

- ***The density of houses is too great, especially for a site that borders the SSSI of the Heath***
- ***The attenuation ponds must be made safe and a strong solid fence is needed to prevent access***
- ***The crossing over the railway is dangerous and needs to be made safe***
- ***Landscaping is lacking on the Northern side of the site***
- ***Lack of sustainability on the site; cycling and walking routes***
- ***Lack of cycle parking within the smaller units on site***
- ***The Parish Council understand the Natural England will also oppose this development along with the Conservators***

3.3 **Local Lead Flood Authority (LLFA)** - No objection subject to condition 13 imposed on the outline application (16/00378/RM).

3.4 **Highway Authority** – Holding objection re layout

3.5 **Historic England** – Does not wish to make any further comments.

3.6 **Environmental Health**

Noise/Vibration:

On the outline application it was previously recommended:

“Recommend that a condition be imposed to require details of noise and vibration mitigation including for the proposed primary school prior to first occupation. I would suggest this condition be imposed to require such details with any reserved matters application.”

Contamination:

Recommend a standard contamination condition on outline no comments on reserved matters application.

Air Quality:

Recommend imposition of condition to require EV charging and travel plan.

3.7 **Herts CC Archaeology** – No comments on reserved matters application.

3.8 **Anglian Water (AW)** – Had no objection to the outline application (16/00378/1) subject to a condition requiring a foul water strategy being drawn up and agreed by the LPA. Condition 15 of the outline reads:

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.

- 3.9 **Network Rail** – No objection subject to informative.
- 3.10 **Herts County Rights of Way** – No objection subject to the adjustment of the layout such that there is no building in the way of FP17.
- 3.11 **Herts Constabulary** – No objection
- 3.12 **Waste and Recycling** - No objection subject to a condition requiring the submission of collection details.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site occupies a broad swathe of land between the current urban limit of Royston to the west (as represented by the new Kier scheme) and the relatively new McDonalds restaurant on the A505 roundabout. The application site is shielded from the Baldock Road by a mature tree belt opposite Therfield Heath. The railway forms the northern boundary of the site.

4.2 Proposal

- 4.2.1 The proposal is seeking approval of all reserved matters save access points pursuant to the outline planning permission for up to 279 dwellings which has already been granted under ref 16/00378/1. The reserved matters in this case are appearance, landscaping, layout and scale.
- 4.2.2 The scheme in detail proposes 279 new homes (the exact amount estimated in the allocation) with associated parking as follows:

Social Housing

15 x 1bed
39 x 2bed
38 x 3bed
6 x 4bed

Total 98 units 206 parking spaces (2.1 spaces per units)

Market Housing

35 x 2bed
61 x 3bed
85 x 4bed

Total 181 units 448.25 parking spaces (2.5 spaces per unit)

There are 3 apartment blocks on the scheme at the western end of the site (near the McDonalds restaurant). These will house 15 x 1 bed and 15 x 2 bed apartments (included in the above schedules).

Following discussions, the overall car parking figure has increased from 613 to 654 based on the need to accommodate car parking on the site.

4.3 Key Issues

4.3.1 As this is a reserved matters application relating to an already approved outline permission complete with legal agreement the discussion relates more narrowly to those matters of detail which have been reserved namely :

- Layout
- Landscaping
- Appearance
- Scale

Accordingly the report will be structured around these headings with an added section dealing with 'other matters' such as housing mix, parking etc. following a short introduction.

Introduction

4.3.2 The application site has been identified in the emerging submission plan as a housing site (RY1). This site has a dwelling estimate of 279 units and the following considerations for development are set out in the plan:

Appropriate solution for primary education requirements having regard to up-to-date assessments of need and geographical distribution of existing provision;

Retention of Public Right of Way Royston 017 as a green corridor through the site;

Appropriate mitigation measures for noise associated with the adjoining railway to potentially include insulation and appropriate orientation of living spaces;

Design to minimise visual impact of the development from Therfield Heath;

☐ Proposals to be informed by a site-specific landscape assessment and to retain trees as a buffer to the railway line;

☐ Consider and mitigate against potential adverse impacts upon Therfield Heath SSSI including provision of green infrastructure within the development to reduce recreational pressure;

☐ Address potential surface water flood risk through SuDS or other appropriate solution;

☐ Archaeological survey to be completed prior to development.

☐ Sensitive design and mitigation measures to address any impact on the setting of the Scheduled Ancient Monuments (pre-historic barrows).

- 4.33 Following the grant of permission in outline earlier this year under reference 16/003781 (see attached report at appendix A) the new owner of the site, Redrow Homes, has engaged with the Council in order to develop an acceptable scheme in detail (reserved matters - appearance, scale, layout and landscaping). At the time of writing this report there are still some matters which require finalising. However, given the pressing need to deliver homes and the relatively minor nature of these outstanding items, it has been agreed to prepare this report on the understanding that if the outstanding matters have not been satisfactorily resolved before an agreed expiry date of the 30th August, the Committee, should it be minded to support the recommendation overall, further resolve to allow officers to refuse planning permission under delegated powers (in the event that the applicant does not agree a further extension of time). See recommendation below.

Layout.

- 4.3.4 The proposed development of 279 homes has been presented in a layout described by the applicant as follows:

“... it was concluded that due to the sensitive nature of the landscaping around the perimeter of site, it is a much better solution to keep the main traffic and bus route away from these areas. In running the spine road through the centre of the site the access to the houses fronting the landscaping. Pedestrian movement and vehicular traffic will be more appropriate for the location and setting, whilst avoiding any adverse impact upon the existing landscape.”

4.3.5 The linear nature of the site is such that any scheme which preserved the established tree belt along the Baldock Road would necessarily feature a central spine road distributing traffic to discrete residential areas. The initial layouts presented specified a very straight central boulevard style spine road which it was felt was overly urban and moreover would encourage higher traffic speeds. Consequently the developer was encouraged to consider incorporating alignment changes in the main estate road with suitable visual termination in the form of open spaces.

4.3.6 The application before members does not fully reflect the encouragement of your officers in that there is only one significant terminating open space and the spine road is only very gently curved from east to west approaching this open space. There is also a small chicane feature at the school end of the site. The developers reason for this design is clearly that any more significant curvature in the central road, coupled with the introduction of further open spaces, would reduce housing numbers to well below the 279 indicated in the allocation. With the significant area of the site fronting Baldock Road shown as safeguarded from development the developer considers the compromise layout to be acceptable. In discussions your officers considered that more had to be done to differentiate what would be an overly long and somewhat undifferentiated road. In this regard the idea to create visual character areas was progressed – the idea being that the house types / styles are varied in blocks to create the sense of moving from one area to another along the spine road. This, it was considered, would work with the curved road to mitigate the sense of an overly straight boulevard. The areas to be created are defined and described by the developer as below:

- ***Character Area A - This includes the land nearest the school and existing development.***

- ***Character Area B - This includes the land in between, again ranging from the railway frontage to the existing trees.***

- ***Character Area C - This includes the LEAP which terminates the spine road and one of the entrances.***

Character Area A

- ***This area is near the existing development to the east. It includes one of the entrances.***

- ***Key buildings in this area will be clad with location specific materials such as render and flint to create a sense of place when travelling though the development.***

- ***Tree lined verges on the spine road will reflect the boulevards found in the centre of Royston.***

- ***Green spaces will be located off the main road in a similar arrangement to that found at the previously mentioned Crest Nicholson development in Fairfield Gardens.***

Character Area B

- *The spine road contains tree lined verges.*
- *Dwellings address both the spine road and the side roads to create links to the green spaces on the perimeter of the site.*
- *Density is higher on the railway frontage to reflect the recommendation in the acoustic report that built form should be used as an acoustic buffer. Helping to provide private amenity space*
- *The footpaths around the perimeter of the site encourage recreational use on site.*
- *Key buildings will be clad in render or flint knapping.*

Character Area C

- *The LEAP terminates the spine road and provides an area of green space.*
- *Key buildings in this area will be clad with location specific materials such as weatherboarding to create a sense of place when the development is viewed from the A505.*
- *Shared surfaces and private driveways create a more pedestrian feel.*
- *This area includes one of the site entrances.*

4.3.7 It is not an entirely convincing design feature in my view and I remain somewhat doubtful that the ambition expressed in the design statement will translate effectively to a 'village by village' feel as one moves through the scheme. Suffice to say, that allied with the curved road and the internal open spaces, the idea of creating separate character areas at street level does have some merit in my view. This issue will be discussed further under appearance but I might suggest a materials condition be imposed to ensure that the areas are adequately differentiated at implementation.

4.3.8 Summary.

It is accepted that the layout of the scheme is to some degree limited by the sites linear form and the need to safeguard the well established and important tree belt running the entire length of Baldock Road. The developer has been encouraged to avoid an overly straight central spine road and consider terminating vistas along this road. Their solution is not entirely convincing in my view. This said, it is accepted that this site does exhibit some unusual constraints and this being the reality I am minded to conclude that the presented solution is acceptable subject to a condition allowing careful control of materials.

It should be noted that at the time of writing this report the highway authority was considering some minor alignment changes to the layout (see suggested resolution above at 4.3.3).

Landscaping

4.3.9 The landscaping of this scheme is central to its success. On this scheme all landscaping not in the ownership of individual properties will be managed by a private management company as secured by the section 106 agreement. The site is relatively exposed and stands opposite the Heath – a resource of significant natural, recreational and historic value. In the applicant's landscape appraisal the architect identifies the aims of the landscaped infrastructure on this site:

- ***Establishment early on of onsite green infrastructure; Interpretation within the SSSI;***
- ***Provision of dog waste bins and waste bags on site;***
- ***Interpretation to home buyers of on site green infrastructure, PRow and SSSI access;***
- ***Provision of circular walks around the site and links to existing walking routes and provision of attractive focal points within the development;***
- ***Retention of the mature wooded buffer along Baldock Road; and***
- ***Encouraging residents to use the PRow north of the application site rather than heading south across Baldock Road into the SSSI.***

4.3.10 The applicant's landscape strategy seeks to achieve the above stated objectives and includes measures for the comprehensive management of the established tree belt along the Baldock Road frontage and the younger plantation belt behind. This management activity will both serve to will both serve to buffer the development visually from the Heath and provide for an attractive recreational resource for residents.

4.3.11 The scheme specifies a series of flood attenuation basins (SuDS) which form an integral part of the overall landscape scheme. These features are dynamic in that they may not contain water for most of the year but are important when rainfall levels and the consequent runoff from the new built areas is high. These areas can be hazardous and the only neighbour representation received raises this point. Accordingly, I would be minded to recommend a condition that requires the scheme to be implemented in accordance with the submitted landscape and management plans and that measures for the protection of SuDS features and the railway are also implemented in accordance with a RoSPA guidance and the informative requested by Network Rail.

4.3.12 The scheme includes a LEAP (Local Equipped Area for Play) or pocket park and other smaller informal spaces. These spaces will be planted and managed to provide an attractive alternative to the Heath for residents. The applicant describes the newly devised walks as such:

“The interconnected open space throughout the site includes a series of circular walks of differing lengths to provide ‘heath’/‘recreation’ trails to cater for local residents for dog walking, running and cycling with children. These routes aim to encourage short distance recreation to be undertaken on site rather than crossing Baldock Road and using the adjacent Therfield Heath. By providing these routes on site the aim is that pressure on the Heath from new residents moving in and using it will be mitigated by providing green infrastructure services as part of the SANGS (Suitable Alternative Natural Greenspace) on site.”

4.3.13 The associated planting strategy is characterised by the applicant as follows:

“The planting strategy for the site is described in the following pages. The planting strategy proposes a range of native species within the open spaces around the perimeter of the site. Native species will be supplemented in appropriate locations with non-native species with known wildlife value to enhance biodiversity.”

The planting scheme also includes hedgerow to define front boundaries. Open spaces will be seeded with both amenity and meadow grass including wildflower meadow mix in some areas. Boundary treatments for individual properties have been specified as mostly 1.8m close boarded. However, 1.8m walls are specified at strategic points where their appearance would be more widely appreciated.

4.3.14 **Summary**

The proposed landscape scheme has been designed to keep residents on the site as much as possible by providing an attractive and useable series of walks and interlinked open spaces. If well executed and appropriately managed, I consider this to be a considered strategy. The care and maintenance of this ‘green infrastructure’ will be the responsibility of a private management company as secured by the 106 agreement attached to the outline permission. It is considered prudent to recommend conditions which ensure the implementation of the landscape scheme and provide for the replacement of any trees or shrubs which die in the first 5 years. It is also considered prudent to impose a condition in order that the railway line and SuDS features are protected in accordance with the advice of Network Rail and an appropriate safety assessment (RoSPA).

Appearance

- 4.3.15 This reserved matter relates more to the appearance of dwellings and the use of materials. It is undoubtedly the case that a volume house builder like Redrow is going to be somewhat constrained by a limited palate of materials and building forms. This said the applicant has endeavoured to manipulate the standard fare available to best reflect the locality. This approach relies ostensibly on the specification of buff (cream and yellow) facing bricks to pick up on the widespread use of Cambridge and Arlesey whites in the area. The use of weatherboarding, render, tile hanging and flint knapping are strategically specified in prominent positions to reinforce local connection. Most notably, the use of a single slate style roof material is specified across the entire site in order to minimise visual impact, particularly from the Heath.
- 4.3.16 Other than the traditional two storey houses, this scheme specifies a single 3 storey apartment block at the western end of the site near the McDonalds restaurant. Some concern has been expressed by officers over the appearance of this non-domestic scale building in what is an exposed and prominent location. In order to alleviate these concerns the developer has been encouraged to ground the appearance of these buildings in local rural buildings of a similar scale. The idea behind this approach is predicated on producing structures which do not appear as overly urban, rather they strike the observer a redolent of commercial or agricultural buildings already well established in the local landscape. The building now specified is large but has been designed to pick up on commercial buildings in the area particularly the maltings building in nearby Ashwell. There are two smaller three storey blocks towards the new school (eastern) end of the site and these have been appropriately detailed with dark stained timber boarding.

4.3.17 Summary

This site has proved difficult to detail at a density of 279 dwellings due mainly to its elongated shape and relative narrowness. This said the applicant has, within the accepted limits of a volume housebuilder, considered materials and design features which reflect some local influences. This is particularly true of the large landmark building near the McDonalds which, after some length negotiations, has been designed with some eye to local buildings of this scale notably the Maltings building in nearby Ashwell.

Other matters

- 4.3.18 The Emerging Local Plan (ELP) Policy HS3 requires that housing schemes comprise a specified housing mix of 60/40% 3bed plus and 1 or 2 bed. The originally offered mix was 73/27%. However, following negotiations this was amended to 68/32% which given the emerging status of the ELP is acceptable in my view.

4.3.19 Car parking was considered an important issue on this site as there are no realistic opportunities to park outside the confines of the site. The scheme was originally specified with 613 spaces which was compliant with the SPD. However, following discussions around the need to provide a more comfortable parking buffer, given the sites relative isolation, the number of spaces was raised to 650 spaces comprising 539 allocated spaces and 111 visitors. This is considered to be a more appropriate level of car parking without compromising the amount of soft landscaping.

Discussion of planning balance.

4.3.20 RY1 is an allocation in the submission plan and its development will make a significant contribution toward the Council's planned supply of housing – an imperative lent further weight in light of the Local Plan Inspector's most recent letter. Further, it will make a valuable and much needed contribution to the supply of affordable housing and a site for a new primary school for Royston. The scheme will assist in the mitigation of existing recreational pressures on the Heath as well as bring forward much needed improvements to the areas foul water infrastructure.

4.3.21 The grant of outline permission earlier this year has established the overall acceptability of a housing scheme on this site and the detail of two points of access to the site, one at either end of the Baldock Road.

4.3.22 There is some minor conflict with policies in the emerging plan (mix) but the applicant's willingness to move toward a more compliant mix and the relative weight that can be attributed to the ELP render this concern neutral in the planning balance in my view.

4.4 Summary and Conclusions.

4.4.1 The site will deliver much needed housing, including a significant proportion of affordable stock, as well as a site for a new first school. These are significant **social** and **economic** benefits. Obligations will help to offset harm further. At a point in time when the NPPF requires planning authorities to grant permission for housing unless the harm (social, environmental and economic) **significantly and demonstrably** outweighs the benefits (paragraph 11). Given the considered design of buildings (appearance), layout and landscape and despite some minor reservations set out above, the detailed scheme before the Council is considered acceptable subject to conditions and the resolution of the minor layout issues identified by the Highway Authority yet to be resolved at time of writing (see recommendation) below.

4.5 Alternative Options

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

5.0 **Recommendation**

5.1 Members **resolve** to **GRANT** permission subject to the following conditions and to the satisfactory resolution of the minor layout issues identified by the Highway Authority. I would also recommend that this Committee further **resolve** that officers be able to **REFUSE** planning permission (under delegated powers) if these highway issues are not satisfactorily resolved before the currently agreed extension date of the 30th August 2019 or any such extension date that may be otherwise agreed with your officers by the applicant.

This page is intentionally left blank

Ivy Farm, Phase 3 – Royston

Apartment Design & Justification Statement

25/09/2019

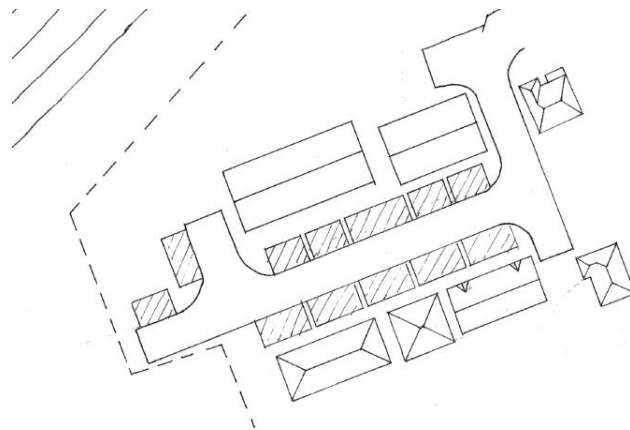
Introduction

Following feedback from committee members the apartment scheme for plots 49-54, 55-60, 252-257 & 258-269 have been re-designed to address the comments made at the committee meeting dated 22nd August 2019. This document seeks to demonstrate how we have absorbed the feedback received and amended the design to address the key issues.

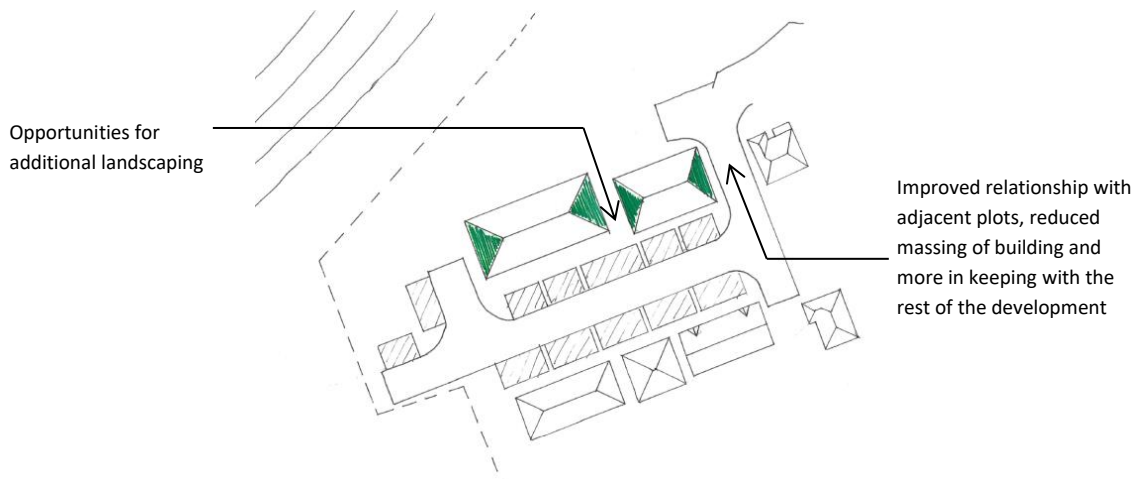
Design, Scale & Massing

A key concern raised by members at committee related to the overall size and massing of the apartment scheme, sited closest to the A505 boundary. The general consensus was that the amalgamation of two apartment blocks created an unsightly eye sore at this important end of the site, and that the size of the apartment block needed to be reviewed.

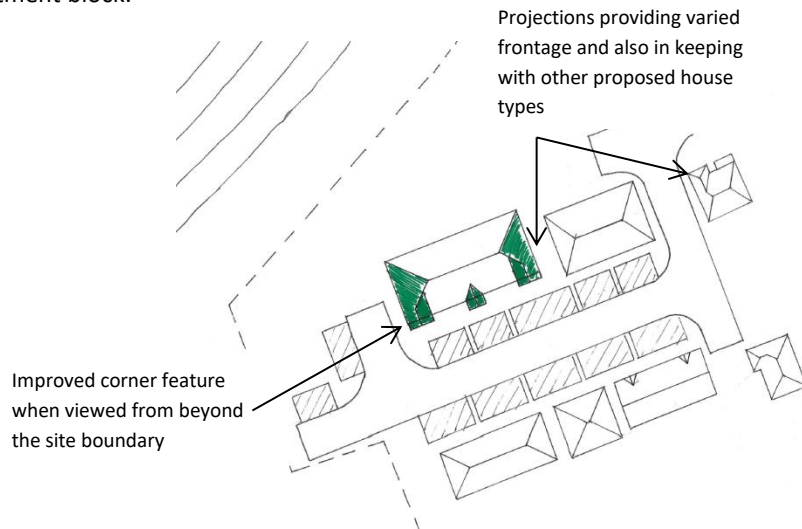
In response to this Redrow Homes have split the apartments back into 2 much smaller blocks, with opportunities for landscaping to be introduced between, and around the 2 blocks.



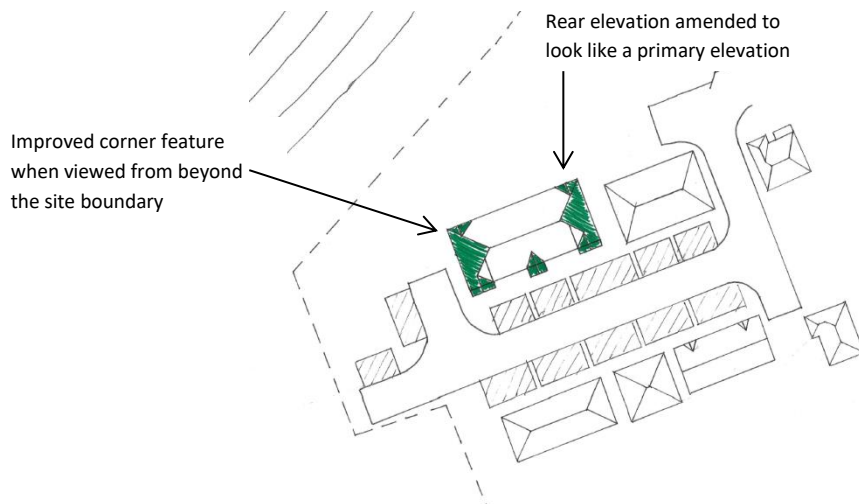
The gable roof designs have also been amended so that they are now hipped. This change helps to reduce the overall massing of the buildings and is also in keeping with all of the other house types on the development.



In order to break up the flat façade of brickwork, gable ended projections have been incorporated into the design. These projections add variety to the front elevation, and create features on the corners of the apartment block.

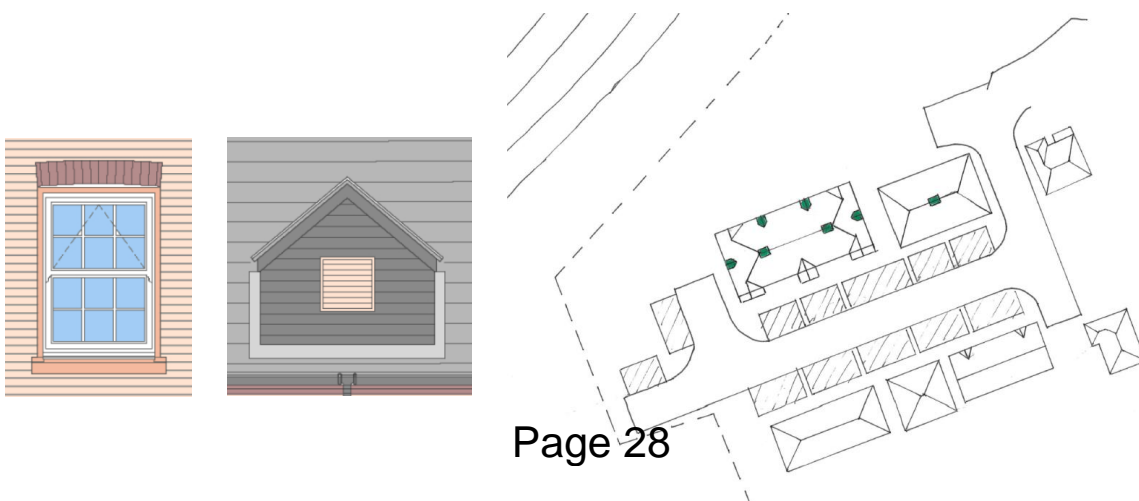


Views into the site from the A505 were raised as a concern and it was suggested that the design needed to address this. In response to this comment the roof design has been amended so that the rear elevation mirrors the front elevation and now incorporates gable fronted projections.



Detailing

The previous apartment scheme was designed to reflect local vernacular and a number of detailed elements were introduced to reference converted maltings buildings found in the surrounding area. Detailed elements such as sash windows, brick piers, brick plinths brick arches, stone banding courses, stone cills and chimney stacks are proposed to ensure that the apartments provide a sense of local character.



Materials

The apartments will be built in the same buff brick and grey roof tile as the adjacent dwellings to ensure that the blocks blend into the rest of residential development. A contrasting brick is proposed to emphasise the additional detailing to windows and plinths, and to reflect details found on local maltings buildings. Black weatherboarding is proposed to the first and second floor of the front and rear projections. This change in material will assist in breaking up the massing of the brickwork and will also ensure that the areas where the apartments are present have a distinct character.



This page is intentionally left blank



architecture
planning
project management
interior design
graphics
 www.colesarchitects.co.uk

NOTE: NO DIMENSIONS TO BE SCALED FOR CONSTRUCTION. DRAWINGS MAY BE SCALED FOR PLANNING PURPOSES ONLY. ALL DIMENSIONS TO BE CHECKED ON SITE. COPYRIGHT RESERVED.

1 Cobbs Court, High Street, Olney, Buckinghamshire MK46 5QN
 t:01234 241758 f:01234 711459 e:proactive@colesarchitects.co.uk

REV: BY: DATE: DETAILS:

PROJECT: **Ivy Farm, Royston**

CLIENT:

ISSUE STATUS:

DESIGN B of Q CONSTRUCTION RECORD

DRAWING TITLE: **Location Plan**

SCALE: **1:2500 (A3)** DATE: **Feb 2019** BY: **CL**

DRAWING NO.: **17181 (D) 003** REVISION:

This page is intentionally left blank

ITEM NO:	
<u>Location:</u>	Blackett Ord Court Stamford Avenue Royston Hertfordshire SG8 7EB
<u>Applicant:</u>	Mr Steve Hogben
<u>Proposal:</u>	Extension to an existing sheltered housing/retirement apartment block and construction of a new sheltered housing/retirement apartment block to provide a total of 17 number new apartments.
<u>Ref. No:</u>	19/00950/FP
<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 23.07.2019

Reason for referral to Committee

Cllr Green called the application as she considers that there would too many apartments for the site and this would exacerbate problems with car parking.

1.0 Relevant History

- 1.1 An application similar to this was submitted in 2018 under ref 18/01026/FP. This specified 18 new apartments as an extension to the existing Blackett Ord Court retirement/sheltered housing establishment. Following advice from officers around scale and impact on neighbours this scheme was withdrawn.
- 1.2 A second scheme was submitted and further amended during consideration by officers. This scheme has been subject to two rounds of neighbour and Town Council consultations. These are set out below.

- 2.2 **Highway Authority -**
- 2.3 **Environmental Health (noise and contamination) -** No objection subject to an informative regarding noise during construction.
- 2.4 **Archaeology -** No objection
- 2.5 **Local Lead Flood Authority-** No objection subject to conditions
- 2.6 **Environment Agency –** No objection subject to conditions
- 2.7 **Anglian Water –** No objection subject to informative
- 2.8 **Affinity Water –** No objection
- 2.9 **Local Residents (1st and second consultation) –** The occupiers of properties in the vicinity of the development have raised the following concerns by way of objection:
- Complete overdevelopment of the site
 - Poor design adverse impact on street scene, particularly at 3 storey element fronting Mill Road.
 - Adverse impact on street parking as this is permit controlled already.
 - Increase congestion in the street.
 - Loss of trees and historic wall fronting Mill Road
 - Overlooking
 - Loss of natural light to 15 Stamford Avenue and 45 Mill Road
 - Concerns over construction disturbance
- 2.10 **Herts Ecology –** No objection subject to informative
- 3.0 **Planning Considerations**
- 3.1 **Site & Surroundings**
- 3.1.1 The application site is currently occupied by the existing sheltered housing scheme known as Blakett Ord Court. The proposed site is approximately 0.9 acres / 0.38ha and extends from Stamford Avenue to Mill Road. The site is currently occupied by a Retirement/Sheltered Housing Scheme containing 22 flats and operated by the provider Housing & Care 21.
- 3.2 **Proposal**
- 3.2.1 The application proposes two new blocks of accommodation. A two storey block fronting Stamford Avenue (Block B) would provide 2 x 1bed and 4 x 2 bed units making total **of 6** new units. A 3 storey block fronting Mill Road (Block A) would provide 3 x 1 bed and 8 x 2 bed units making a **total of 11** new units. Of these 17 new units 11 would be let at affordable rents and the remaining 6 would be shared ownership.

3.2.2 Block A is specified as a 2.5 storey structure fronting Mill Road employing the use of a crown roof to reduce the impact of a full three storey design. Within the site, and in particular adjacent to the garden boundary with 45 Mill Road, the design specifies a two storey element immediately opposite the garden boundary of 45 to reduce impact. A flat roof is specified to link this element to a partial three storey element along the western elevation. Windows in this two storey element are angled away from No 45 and high level lights are specified to avoid overlooking. The building is specified in a buff brick with slate roof to reflect the Victorian terraces in Mill Road. The existing old boundary wall to Mill Road is proposed to be replaced with a new retaining wall with native hedging atop.

3.2.3 Block B is specified at two storey only and is conventionally designed with a pitched roof. This element is set back from the boundary with No 15 Stamford Avenue and there are no first floor windows on the elevation facing this property. Block B would extend rearward of No 15 Stamford Avenue by some 9m set in from the boundary by 5m. Landscaping is specified in this space.

3.2.4 Car parking provision is set out below:

<u>Existing units</u>	<u>Spaces</u>	
22	9	
 <u>Proposed units</u>	 <u>Spaces</u>	
17	17	
 Total units	 Total spaces	 Space to unit ratio
39	26	0.66

3.3 **Key Issues**

3.3.1 The key issues in considering this amended scheme centre on the following:

- Principle of development
- Impact on reasonable living conditions of neighbours
- Design and street scene
- Parking provision, highway safety and convenience.
- Planning balance.
- Other matters

Principle of development

- 3.3.2 In terms of principle, the application site lies within the urban boundary of Royston and as such Saved Policy 8 (Development in Towns) of the adopted Local Plan and Policy SP2 (Settlement Hierarchy) of the emerging local plan (ELP) allow for general development subject to compliance with other relevant policies, supplementary guidance and the National Planning Policy Framework (NPPF).
- 3.3.3 At the time of writing this report the ELP is well advanced. Accordingly, and given this advanced status, significant weight can be attributed to the ELP in determining planning applications. This acknowledged, the Council can not currently demonstrate a five year supply of housing land and this being the case the provisions of paragraph 11 of the NPPF require that permission be granted unless the harm of doing so would **significantly and demonstrably** outweigh the benefits of development. This tilted balance must be applied in the planning balance when assessing the relative weight of harm and benefit (see below).

Impact on the reasonable living condition of neighbours

- 3.3.4 One of the key concerns in this case is the impact the proposal would have on the reasonable living condition of neighbouring residential properties. A development of this scale has the potential to occasion harm in terms of the restriction of natural light, both direct (sun path) and indirect (skylight). Further, the scale of the proposal has the potential to dominate adjoining properties such that neighbouring residents may feel oppressed or dominated by the scale of development on their boundary. Further, the ill considered placement of windows may give rise to overlooking. These are matters which need to be carefully evaluated. Other issues such as the adequacy of car parking and the impact the design might have in the street scene generally, may also adversely affect living conditions. However, these issues are considered separately below.
- 3.3.5 In terms of daylight and sunlight, the applicant was asked to commission a study based on the BRE industry recognised publication *Daylight and Sunlight a Guide to Good Practice (Littlefair, P 1991)*. The applicant commissioned a study using this guidance in respect of the original application (withdrawn). As this withdrawn scheme was greater in scale than that now being considered it is reasonable to assume that the results of the study would still be valid for the truncated proposal (on a worst case basis). The study considered daylight and sunlight at the following neighbouring properties:

41 Mill Road
45-51 Mill Road
44-46 Mill Road
48 Mill Road
10 Stamford Avenue
12 Stamford Avenue
12a Stamford Avenue
15 Stamford Avenue
27-31 Stamford Avenue
68 Queens Road
70 Queens Road

72 Queens Road
74 Queens Road
95 Queens Road

- 3.3.6 The study is comprehensive and concludes that the originally submitted scheme would not occasion a material degradation in either daylight or sunlight levels. Given that the scheme now before the Council is substantially smaller than that tested, I have no concerns that the amended proposal would occasion a material loss of daylight or sunlight to adjacent residential properties as defined by the BRE guidance.
- 3.3.7 The application proposal would introduce additional built mass into the rear aspect of both 15 Stamford Avenue and 45 Mill Road. Both properties have been visited and the proposals assessed from the rear gardens with the occupiers present. In terms of 45 Mill Road, the presence of the proposed two storey element of Block B would be some 8m from the boundary with the three storey element some 14m to 16m distant. The architect has re-designed the block such that the two storey element of the scheme would not present first floor windows overlooking the rear garden of the No 45. This is achieved by specifying angled windows with high level openings only facing the adjacent property. The presence of some mature boundary landscaping would also assist in reducing overall impact. In my view this renders the impact on No 45 acceptable in terms of perceived dominance and overlooking. The three storey element of the building which fronts Mill Road itself, while level with the No 45, would intrude somewhat into the aspect of that property by the specification of a second floor side window in the crown roof. The architect has been asked to amend this detail (remove the window) and this being the case I can see no material grounds for objection in relation to No 45.
- 3.3.8 In terms of the impact of the scheme (Block B) on 15 Stamford Avenue, the revised scheme is much improved over the original submission in that its depth has been reduced and it contains no first floor windows facing that dwelling. The removal of an entire block from the original scheme and its replacement with a car park, would act to retain the current open feel of the land which runs along the boundary with No 15. The specification of mature trees in the gap between Block B and No 15 would assist further in softening the impact of the new building. However, following discussions with the occupier of No 15 it is clear that what they value most is light. In this regard, I am of the view that two of the three specified trees can be omitted in favour of just one substantial tree at the northern end of the block.
- 3.3.9 Overall I am of the view that, subject to the agreed minor changes, the re-designed scheme would not adversely impact on the reasonable living conditions of either No 45 Mill Lane or No 15 Stamford Avenue.

Design and Street Scene

- 3.3.10 There are two principal street scene elevations associated with this proposal – that fronting Mill Road and that addressing Stamford Avenue. In the terms of the latter, the proposed two storey design would not in my view strike a discordant note. The scale of the proposal is not out of kilter with the domestic scale of existing buildings. Moreover, the varied nature of the Stamford Avenue street scene allows for a wider range of building styles and the proposal's well mannered proportions and the specification of vernacular materials would sit comfortably within this range of aesthetic tolerance in my view.

- 3.3.11 This concluded, I consider the range of acceptable design solutions to be narrower in Mill Road. I reach this conclusion because the Mill Road street scene in the area of the application site is less varied, comprised as it is of modest Victorian terraces and buildings of a similar scale and type. This said, it is not a wholly homogenous street scene and some interpretation is possible in my view without compromising sense of place. The proposal fronting Mill Road is three storey and while this scale of building is somewhat at variance with existing properties, especially the adjacent terrace of modest Victorian dwellings, the specified slate crown roof and the considered specification of window form does act to link new with old in my opinion. Eaves heights between the existing terrace commencing No 45 and the proposed building are broadly similar and this equivalence, coupled with the pastiche design approach, renders the proposal acceptable in the wider street scene in my estimation.
- 3.3.12 The Mill Road frontage at the application site is currently defined by a wall of some age behind which a small but prominent area of self sown trees undoubtedly adds something to the general quality of the street scene. The implementation of the proposal would involve the loss of both wall and the self set area beyond. In its place the scheme specifies a new wall, hedge and the planting of a specimen tree to compensate for the loss of exiting established landscaping. While the replacement landscaping would in no way compensate for the loss of the existing vegetation I am of the view that the proposal would retain a sufficiently verdant frontage in what is clearly an urban street scene. This acknowledged I would recommend a condition requiring further landscaping detail such that would enhance that specified in the application and better address the issues raised above in relation to boundary treatments adjacent No 45 Mill Road and 15 Stamford Avenue. In summary and subject to such a condition I conclude that the amended scheme is now acceptable in design terms and will deliver

Parking provision, highway safety and convenience.

- 3.3.13 The submitted transport statement accurately summarises the Council's parking SPD requirement as follows:

Provision for 39 retirement units at 1 space per unit = 39 spaces
Provision for visitors at 0.25 spaces per unit = 10 spaces

TOTAL: 49 spaces

The revised scheme proposes an additional 17 spaces to current provision making a total of 26 spaces overall, somewhat short of the number required by the standard. This said the SPD qualifies this requirement by advising that a reduction may be possible:

(For the above two standards reduction considered where)

- 1. Alternative publicly available off-street parking is available within 2 minutes walk of site***
- 2. Where visitor parking arising from small scale (i.e. infill) development can be accommodated on street without compromising highway safety, the amenity of existing residents or the ability for businesses to operate.***
- 3. Relevant evidence is submitted by the applicant that supports a reduction in standard which considers existing and future car ownership and likely visitor demand).***

3.3.14 In this case the applicant has commissioned a transport assessment. This assessment acknowledges the shortfall against the standard:

“It is apparent, therefore that the proposed level of overall provision (26 spaces) would be below the level required by the standards. However, it should be noted that this level of provision would provide a parking space: residential unit ratio of 0.66 spaces per unit, compared to the existing situation whereby there are 0.4 spaces: unit. Furthermore, in terms of the additional development proposed, this will be provided with the equivalent of 1 space per unit. 2 of the spaces will be allocated for people with disabilities and 1 an electric car charging point. Nonetheless, as summarised in Section 3 of this report, at Page 17 of the District Council’s Parking SPD it is noted that a reduction in provision would be considered in situations where, among others:

Alternative publicly available off-street parking is available within 2 minutes’ walk of the site;

Relevant evidence is submitted by the applicant that supports a reduction in standard which considers existing and future car ownership and likely visitor demand.

It is therefore appropriate to assess the location of the site and the current demand for parking, when considering the suitability of the site and proposed car parking provision to serve the additional accommodation.”

3.3.15 The applicant operates a similar facility at another site in Cornwall and they site this by way of comparison with the post – development situation here:

“As stated above, a study of a similar type of senior living accommodation operated by the applicant, Housing & Care 21, at Trennick Villas in Cornwall, determined that for a development of 26 ‘assisted living’ units, equivalent to that available and proposed at Blakett-Ord Court, served by a 12-space car park, the maximum demand in that car park was 9 cars between 07:00 – 10:00 and thereafter demand peaked at 8 cars at noon and thereafter trailed off to only 2 cars by late afternoon before increasing again to 8 cars overnight. On this basis, the maximum demand for parking was only some 0.35 spaces per unit.”

On this issue, in a recently determined appeal for retirement living accommodation in Mill Road, Royston the inspector accept the applicant’s expert analysis on car parking demand and provision:

“The development would provide 20 parking spaces within the site, which would fail to comply with the requirements of the North Hertfordshire District Council Vehicle Parking at New Development Supplementary Planning Document 2011 (the SPD) which requires a minimum of “1 space per dwelling” to be provided. The appellant, however, is an experienced provider of retirement accommodation and within its Transport Statement (TS), sought to demonstrate that such accommodation generates an average parking demand of some 0.28 spaces per residential unit. Thus, as the development would provide some 0.49 spaces per unit, there wouldn’t be a requirement to provide one space per unit as it would not generate a demand for such levels of parking provision.”

3.3.16 Notwithstanding the assurance of the applicant's comparison site in Cornwall, the transport assessment addresses the requirement of the Council's parking SPD:

“Nonetheless, and with due regards to, for example, the supporting notes in the North Hertfordshire District Local Plan 1996 which state that a reduction in provision would be considered in situations where, among others:

Alternative publicly available off-street parking is available within 2 minutes' walk of the site;

Relevant evidence is submitted by the applicant that supports a reduction in standard which considers existing and future car ownership and likely visitor demand.

It is determined that the current parking demand by local residents within a 2-minute walking distance of the site leaves capacity for at least a further 40 cars to be legally parked on-street within the area. The evidence provided by the operator as set out above concludes that the proposed on-site provision is totally appropriate to cater for the forecast use, but any additional demand from, for example, family visitors, can easily, legally and appropriately be accommodated on-street nearby without any highway safety issues arising. On this basis, the proposed on-site car parking is forecast to be totally adequate to accommodate the general needs of the over Blackett-Ord Court site, and any additional parking occasionally required can legally and safely be accommodated on-street without affecting the amenities of local residents.”

3.3.17 I have no reason to doubt this analysis and it is at least clear that the ratio of accommodation to car parking would increase post development over that currently available. Moreover, I am mindful of the NPPF advice at paragraph 109:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

While some residents who have objected may take issue with the applicant's assessment of the amount of publicly available parking locally, there is clearly on-road parking available in the vicinity. Further, this is a reasonably well located site in terms of access to facilities, including the town centre and the railway station. Moreover, it is clear that the demand for car parking is undoubtedly much lower than would be for a conventional housing scheme and in this regard the proposal is specified on the basis of one car parking space per every additional unit of accommodation. In the round therefore and in light of the evidence available, I can see little basis for concluding that the proposal would be likely to exacerbate highway problems in the area to such a degree as to warrant a refusal of planning permission. A condition should be imposed which requires the submission of travel plan which is available for inspection on request by the Planning Authority once approved. This plan should be monitored and updated by the operator of the scheme going forward.

Planning Balance

- 3.3.18 The Council is currently unable to demonstrate a 5 year supply of housing land and in these circumstance permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits of the development.
- 3.3.19 This scheme would provide 17 units of needs housing in a sustainable location. The type of housing being proposed would cater of older people at a time we know the population generally to ageing. This type of accommodation is likely free up dwellings which could then become available for younger families. These are social and economic benefits of some significance in the planning balance.
- 3.3.20 The scheme would underprovide car parking against standard. However, the available evidence suggests that this under-provision would be unlikely to occasion significant environmental harm. The scheme would also introduce building mass and form into the aspects of adjacent properties and occasion the loss of self sown areas fronting both Mill Road and Stamford Avenue. This accepted, I am now satisfied that re-designed scheme has acceptably addressed these concerns and would occasion little or no material harm.
- 3.3.21 In sum therefore, I am of the view that the changes to this scheme have moved it to a point whereby the harm would not significantly and demonstrably outweigh the benefits of approval.

Other Matters

- 3.3.22 The Council's ecological advisor....
- 3.3.23 The proposal is for 17 additional units. This exceeds the threshold for affordable housing in the ELP but below the threshold in the Saved Local Plan. This said, the proposal represents an extension to an existing affordable sheltered housing scheme and would provide 11 affordable rented units and 6 units for shared ownership. In the circumstance no affordable housing requirement exists to be secure by legal agreement.
- 3.3.24 The Highway Authority has asked for a contribution of £36k toward sustainable transport (bus stops and pedestrian crossings). This would secured by unilateral undertaking.

4.0 Conclusion

- 4.1 That permission be granted subject to conditions

4.2 Alternative Options

None applicable

4.3 Pre-Commencement Conditions

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

4.4 **Environmental Implications**

4.5 The proposal would not have any adverse environmental impacts such that would warrant that permission be refused.

5.0 **Legal Implications**

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

6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions and receipt of a satisfactory unilateral undertaking such that will deliver sustainable transport measures.

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 development permitted by this planning permission shall be carried out in accordance with the approved Drainage Statement carried out by GH Bullard and Associates LLP reference 264/2017/DS Rev P dated April 2019, submitted and the following mitigation measures:

1. Limiting the surface water run-off 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.
2. Undertaking appropriate drainage strategy based on infiltration or attenuation and discharge into Anglian surface water sewer restricted at 8l/s for all events up to and including the 1 in 100 year + climate change event.
3. Undertake the drainage to include permeable paving as indicated on drawing 264/2017/01 P3.

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

4. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Statement carried out by GH Bullard and Associates LLP reference 264/2017/DS Rev P dated April 2019

1. Undertaking appropriate drainage strategy based on infiltration or attenuation and discharge into Anglian surface water sewer restricted at 8l/s for all events up to and including the 1 in 100 year + climate change event.

2. Full detailed engineering drawings of all SuDS features including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. 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.

3. All calculations/modelling and drain down times for all storage features.

4. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.

5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

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

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

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.

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

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

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

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

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

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

8. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

9. Prior to the first occupation of the residential units hereby approved, details of a scheme Travel Plan shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be operated in accordance with the approved Travel Plan in perpetuity and shall be made available for inspection in the future by the local planning authority upon receipt of a written request to do so.

Reason: To ensure the scheme is operated in accordance with an agreed travel plan in the interests of promoting sustainable travel.

10. Notwithstanding the information submitted, full details of landscaping shall be submitted to and approved in writing by the local planning authority prior to works commencing to implement this permission. The landscaping details shall include:

Details of all hard landscape surfaces
Details of all new trees and shrubs including species, size and planting densities
Details of all trees and shrubs to be removed
Landscape maintenance arrangements

Reason: To safeguard the appearance of the completed scheme

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

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

12. The scheme shall be carried out in accordance with the recommendations specified in the submitted Preliminary Ecological Appraisal dated Jan 2018 and carried out by MKA Ecology except recommendation 9 (badgers).

Reason: To protect and enhance site ecology

13. The affordable housing element of the scheme hereby approved shall remain as defined by the NPPF (as amended) in perpetuity

Reason: To retain housing stock as affordable as promoted by the Emerging Local Plan and the NPPF.

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:

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx> Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

Development size

Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)

Connecting manhole discharge location (No connections can be made into a public rising main)

Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)

Feasible mitigation strategy in agreement with Anglian Water (if required)

Surface water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

Development hectare size

Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1

year greenfield run off rate on the following HR Wallingford website -

<http://www.uksuds.com/drainage-calculationtools/>

greenfield-runoff-rate-estimation. For Brownfield sites being demolished, the site should be treated as

Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site

and subject to capacity, permit the 1 in 1 year calculated rate)

Connecting manhole discharge location

Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface

water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

Planning

Ecology

Any vegetation clearance or removal/repositioning of nest boxes, should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

It is an offence to take or disturb the breeding or resting location of protected species, which include: all Bats, Badger, Otter, Hazel dormouse, Water vole, Reptiles (Common lizard, Slow-worm, Grass snake), Great crested newt, wild birds and Roman snail. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from an appropriately qualified and experienced Ecologist or Natural England.

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. Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

This page is intentionally left blank



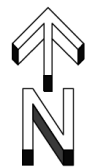
Application Validation Sheet

19/00950/FP Blackett Ord Court, Stamford Ave, Royston, Herts, SG8 7EB

- Acolaid Land Parcel
Property.shp
- Acolaid Address Point
sp.shp
- Planning Application (1999)
Prapps99.shp
- Area of Outstanding Natural Beauty
Pranob.shp
- Listed Buildings
Prlistbld.shp
- Tree Preservation Order (Single)
ORACLE
- Tree Preservation Order (Group)
ORACLE
- Parish Boundary
Prparish.shp
- Conservation Area
Prconrea.shp
- District Local Plan Boundary
Prdlp2.shp
- Green Belt
Prgrnblt.shp
- Health & Safety Consultation Zone
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: 24/09/2019



This page is intentionally left blank

ITEM NO:	
<u>Location:</u>	80 Ashwell Street Ashwell Baldock Hertfordshire SG7 5QU
<u>Applicant:</u>	Mr & Mrs Dan Huggins
<u>Proposal:</u>	Two storey side extension, single storey rear extension, demolition of existing garage and front porch extension, with ancillary works
<u>Ref. No:</u>	19/01379/FPH
<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period: 05.08.2019

Reason for referral to Committee

The Ward Councillor has 'called in' the application for the following reasons: *"I would like to call this in to the Committee for the reason that the steep gradient of the site means that the planned rear extension would have an unacceptable impact on the neighbour. The parish council feels that the applicant's objective could still be met if the rear extension were stepped down to take account of the slope."*

1.0 **Site History**

1.1 None

2.0 **Representations**

2.1 **Ashwell Parish Council**

"Please see the extract from the planning meeting minutes on 3rd July 2019 below in which the Parish Council recommend that permission be REFUSED. Item 02.

Consultation no.2019/02 NHDC Case Ref. 19/01379/FPH. 80 Ashwell Street Full permission Householder: Two storey side extension, single storey rear extension, demolition of existing garage and front porch extension, with ancillary works.

Members of the public present: One.

Parish councillors expressed the following concerns:

- Increase in size. The proposals would increase the house from 2 to 4 bedrooms.*
- Height and mass. The increase in size would result in over-development of the site and have a significant impact on neighbours. Whilst the extension to the side was deemed to be acceptable the dimensions of the*

rear extension were felt to be too great. The height and length of the rear extension would impact the adjoining house adversely particularly when taking into account the aspect and the slope of the land.

- *Parking. Whilst the proposals included two parking spaces, one was a garage and concern was expressed that this would be used for storage not parking.*

It was resolved that a recommendation be made to the NHDC Planning Officer that permission be refused on the grounds of the concerns expressed (vote - all in favour)."

2.2 **Neighbours/site publicity** – No comments received

2.3 **Access Officer, Countryside & Rights of Way Service, Hertfordshire County Council** – No objections on condition that we have advance detail on drainage and a Construction Phase Plan.

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

The property is an end of terrace house on the north side of Ashwell Street. There is a public footpath running alongside the west boundary of the site

3.2 **Proposal**

The proposal is for a two storey side extension, single storey rear extension the full width of the existing house and the two storey side extension, and front porch extension with ancillary works. The proposed works would involve the demolition of the existing garage.

3.3 **Key Issues**

3.3.1 The key issues for consideration are as follows:

- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact the proposal would have on the adjacent public footpath.

3.3.2 The proposed extensions would be acceptable in design in relation to the host dwelling and would not have an adverse impact on the character and appearance of the area. Whilst the proposed extensions would represent a substantial increase in the size of the property, in my view this would not be a sustainable reason to withhold planning permission. The proposed two storey side extension and single storey extension to the rear would extend up to the public footpath and would have a slightly angled side wall to take into account the boundary; however the proposal is considered to be acceptable in visual terms. Given that the application site is separated from the neighbouring property, no. 82 Ashwell Street, by the footpath and no. 82 is set considerably further back from the road, there is no risk of a terracing effect. Therefore, there is no objection to not retaining a 1m gap to the side boundary at first floor level in this instance. The proposed porch would be acceptable in design in the

street scene and would not have any adverse impact on neighbouring properties. Matching materials are proposed and given the property is not within a Conservation Area, I have not recommended a condition that samples of materials be submitted and approved.

- 3.3.3 I note the concern raised by the Parish Council and Ward Councillor with regard to the impact on the adjoining neighbouring property, no. 78 Ashwell Street. The properties have steep rear gardens and the neighbouring property has a small single storey rear extension on the far side of the property, which is stepped down from the floor level of the main house. As such the proposed rear extension would have some built impact on the neighbouring property. However, it is considered that the proposal would not result in a material loss of daylight or sunlight to the adjoining property and would not be unduly dominant in the outlook they currently enjoy. It is necessary to be mindful of the fall back position of what could be built as 'permitted development'. The proposed single storey element of the development would be approximately 3.28m in depth by 4.2m in height at its highest point. A single storey rear extension 3m in depth and 4m in height could be built without planning permission (to the rear of the existing house). It is considered that it would not be reasonable to request that the extension be stepped down, as this would create a split level internal space. Amended plans were requested and submitted, which show screening approximately 1.8m in height from the floor level of the deck on the boundary to protect the privacy of the adjoining property. A condition is recommended to ensure that this screen is implemented and retained. The rear windows and deck area would then only afford angled views down the rear garden and it is concluded would not result in a material loss of privacy to the adjoining property.
- 3.3.4 As the properties are staggered, the proposed two storey side and single storey rear extension would be sited in front of the front wall of no. 82 Ashwell Street. However, it is considered that the proposal would be sufficient distance from no. 82 not to be unduly dominant in the outlook they currently enjoy. It is concluded that the proposal would not result in a material loss of privacy to no. 82.
- 3.3.5 As such it is considered that the proposed extensions would comply with Saved Local Plan Policies 28 and 57 and Emerging Local Plan Policies D1, D2 and D3.
- 3.3.6 The proposed extensions would increase the number of bedrooms from two to four. The Supplementary Planning Document: Vehicle Parking at New Developments requires two parking spaces for a property with two or more bedrooms. The proposed development would provide a garage and one parking space on the drive. Therefore the proposal would comply with these standards. Whilst I note the Parish Council's concern that the garage may not be used for parking; it is considered that lack of parking would not be a sustainable reason for refusal in this location.
- 3.3.7 Ashwell Public Footpath 9 runs adjacent to the western boundary of the site. As such the Access Officer, Hertfordshire County Council, was consulted and her comments were sent to the agent for the application. Following discussions drainage details were shown on the plan which provide the necessary assurance that drainage would not be directed onto the footpath and the Access Officer has recommended the condition and informative set out below. Subject to these the proposal should not have an adverse impact on the public footpath. It is understood that the hedge is to be removed and that the intention is that the side extension would be built from the footpath. The Access Officer has made the agent for the application aware that with regard to undertaking building works from the Public Footpath, the Countryside and Rights of Way Service would require further details and it is likely that the contractor or owner

would need to apply to Hertfordshire County Council, Highways for a Scaffolding licence and the Countryside and Rights of Way Service, for a TTRO, (Temporary Traffic Regulation Order,) which would if accepted temporarily close the footpath. This would be required if the route cannot be kept open, available and safe for footpath users.

4.0 **Conclusion**

4.1 It is concluded that the proposed development would not have an adverse impact on the character of the area or the living conditions of neighbouring properties. The proposed development would provide sufficient off-road parking and would not have an adverse impact on the public footpath. As such there are no sustainable reasons to refuse planning permission.

4.2 **Alternative Options**

None applicable

4.3 **Pre-Commencement Conditions**

The applicant is in agreement with the pre-commencement conditions that are proposed.

4.4 **Environmental Implications**

The proposal would not have any adverse environmental impacts.

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. Prior to the commencement of development a Construction Phase Plan (CDM Regulations 2015) showing how the building work would be undertaken, with regard to keeping those using the footpath, safe from construction activity shall be submitted and approved in writing by the Local Planning Authority in consultation with the Countryside and Rights of Way Team, Hertfordshire County Council. The building work shall be carried out in compliance with the Construction Phase Plan.

Reason: To ensure that the public right of way is not adversely affected by the proposed works.

4. The proposed 1.8m high screen on the east side of the deck area (as shown on the approved plans P002D) shall be erected prior to first use of the deck area and shall be permanently maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the privacy of the neighbouring property.

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:

It is expected that all building work takes place from the development plot. If this is not the case Hertfordshire County Council need proposals of any "off plot" access to the footpath that the developer may wish to apply for, for their consideration. The extent of the footpath would be considered to be the middle of the existing hedge. The development would need to be, within the hedge or if the hedge is to be removed then to location of the middle of the hedge. No part of the extension should overhang this footpath boundary.

This page is intentionally left blank

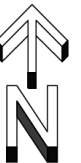
Application Validation Sheet

19/01379/FPH 80 Ashwell Street, Ashwell, Baldock, Herts, SG7 5QU

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistbd.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prconca.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
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: 24/09/2019



This page is intentionally left blank

ITEM NO:	
<u>Location:</u>	Odyssey Health Club Old Knebworth Lane Knebworth Hertfordshire SG2 8DU
<u>Applicant:</u>	Odyssey Group Holdings Ltd
<u>Proposal:</u>	Redevelopment of the site to provide 86 dwellings (12 x 2 bedroom houses, 12 x 3 bedroom houses, 18 x 4 bedroom houses, 25 x one bedroom apartments, and 19 x 2 bedroom apartments), associated landscaping, car-parking, the provision of a large new public open space and the creation of a new vehicular access off the B197 Stevenage Road following demolition of the former indoor bowling building and several ancillary buildings. Rearrangement of the existing car parking provision for existing Odyssey Health and Racquet Club to provide 141 car parking spaces and alterations to existing vehicular access to Odyssey Health Club from Old Knebworth Lane.
<u>Ref. No:</u>	19/01244/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 25th October 2019

Reason for Delay

Negotiations regarding the economic viability of the scheme, delivery of affordable housing and agreement on other infrastructure matters.

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 16/00813/1: Residential redevelopment of the site to provide 70 dwellings (14 x 2 bedroom houses; 19 x 3 bedroom houses and 9 x 4 bedroom houses; 16 x one bedroom apartments; 12 x 2 bedroom apartments), associated landscaping, car parking and the creation of a new vehicular access off the B197 Stevenage Road following demolition of the former indoor bowling building and several ancillary buildings. Re-arrangement of the existing car parking provision for existing Odyssey Health and Racquet Club to provide 141 car parking spaces and alterations to existing vehicular access to Odyssey Health Club from Old Knebworth Lane.

Granted 12.05.17

- 1.2 15/02518/1: Residential redevelopment of site to provide 80 dwellings comprising 16 x 1 bedroom apartments, 12 x 2 bedroom apartments and 16 x 2 bedroom dwellings, 29 x 3 bedroom dwellings and 7 x 4 bedroom dwellings, associated car parking spaces, new vehicular access onto the B197 Stevenage Road, landscaping and ancillary works following demolition of the former indoor bowling building and several ancillary buildings. Rearrangement of existing car parking provision for existing Odyssey Health and Racquet Club to provide 144 car parking spaces and alterations to existing vehicular access to Odyssey Health Club from Old Knebworth Lane. Withdrawn 10.02.16

2.0 Policies

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

- Policy 2: Green Belt
- Policy 14: Nature Conservation
- Policy 16: Areas of archaeological significance and other archaeological areas
- Policy 26: Housing proposals
- Policy 29A: Affordable Housing for Urban Local Needs
- Policy 51: Development effects and planning gain
- Policy 55: Car Parking Standards
- Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD (2011)

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 T1: Assessment of transport matters
- Policy T2: Parking
- Policy HS2: Affordable Housing

Policy HS3: Housing Mix
Policy HS5: Accessible and Adaptable Housing
Policy D1: Sustainable design
Policy 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 HE4: Archaeology

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 Knebworth Neighbourhood Plan

The Knebworth Neighbourhood Plan Area was designated by North Hertfordshire District Council on 14th June 2016. The NP Area includes the application site.

3.0 Representations

3.1 Knebworth Parish Council:

The Parish Council objects to this application on the following grounds:

1. The affordable housing provision at 25% does not meet the emerging Local Plan requirement of 40%.
2. The parking provision for dwelling (128) and visitor (15) parking falls well below the requirement of NHDC SPD Vehicle Parking at New Development of 150 and a minimum 22 visitor spaces.
Car ownership in Knebworth is higher than average across the district and therefore there should be no reduction in parking provision. The development has narrow roads which will result in vehicles, unable to find a space, parking on footpaths and verges to allow access for other vehicles. This can be seen at Knebworth Gate, a development of 24 dwellings within 250m of the site.
3. The proposed parking barns are too small to accommodate vehicles and leave sufficient room for people to get out of their vehicles.

On Section 106 Obligations the PC seeks contributions towards the following:

Provision of all-weather football pitch (£50,000)
Sustainable Transport contribution (£160,000)
Contribution towards new car park (£20,000)
Contribution towards Play facilities (£35,000)
Allotments contribution (£35,000)
Transfer of open space to Knebworth Parish Council

3.2 Stevenage Borough Council:

Acknowledges that the site is previously developed land, therefore, NHDC, in conjunction with Hertfordshire County Council, (HCC) as the Highways Authority need to consider that the proposed development does not significantly affect the operation of the highway network and/or generate highway safety issues.

3.3 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.

3.4 Hertfordshire Highways

Raises no objections subject to conditions, informatives and Section 106 contributions in respect of bus stop upgrades and travel plan management costs.

3.5 Hertfordshire Ecology

Recommends an Outline Great crested newt Mitigation and Compensation Strategy is prepared and conditions.

3.6 Network Rail

Advises no objection in principle subject to a number of requirements in order to ensure the safety, operational needs and integrity of the railway. Recommends conditions in respect of drainage, boundary fencing, safety barriers, method statements / contact with NR asset protection manager, soundproofing, lighting and landscaping.

3.7 Environment Agency

Advise that the Agency are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals. Recommends that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are still followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be in addition to the risk to human health that NHDC Environmental Health Department will be looking at. Reiterate their comments provided in response to the previous application (18/01622/FP).

3.8 NHDC Environmental Health officer (Environmental Protection/Contamination)

Advises that a land contamination condition (Phase II Environmental Risk Assessment) will be required. Requires Electric Vehicle (EV) Recharging Infrastructure conditions for houses and flats. Recommends contaminated land informatives in view of Environment Agency advice.

3.9 NHDC Environmental Health officer (Noise)

Requires various assurances over glazing and ventilation mitigation measures. Requests a further information of earth bunds and boundary screenings.

3.10 NHDC Housing Supply Officer

Concern at level of affordable housing and whether the proposals meet housing need. Viability assessment will need to be independently assessed.

- 3.11 **NHDC Waste Services Manager**
Provides technical guidance on various aspects of waste storage / collection requirements. Queries the refuse freighter dimensions used in the Transport Assessment.
- 3.12 **Hertfordshire County Council (Growth & Infrastructure team)**
Requests financial contributions toward primary and secondary education, library and youth services.
- 3.13 **Hertfordshire County Council (Fire & Rescue Service)**
Advises that public adoptable fire hydrant provision will be required in accordance with Planning Obligations Guidance.
- 3.14 **NHS East & North Hertfordshire Commissioning Group**
Requests contributions towards GP Primary Care services, Acute, Community and Mental health care provision. Raise an objection if the requested health care contributions are not secured via a Section 106 Legal Agreement.
- 3.15 **NHDC Urban Design and Landscape officer**
No objections to scheme in terms of layout and building design. Some concerns re open space and landscaping that should be addressed through conditions or additional plans.
- 3.16 **Site Notice / Neighbour consultation:**
No comments have been received from Members of the public regarding this planning application.
- 3.17 **Other correspondence**
- CPRE Hertfordshire**
Note that the development is enabling development for the refurbishment of the Odyssey Health Club. NHDC will need to determine the validity of the quantum of housing proposed before determining the planning balance.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site consists of part of Odyssey Health Club located to the west of the B197, south of the Hertford Loop railway and east of the East Coast Main Line railway. The site is just south of Stevenage and south east of the GSK pharmaceutical site. The application site comprises 3.94 hectares of land.
- 4.1.2 The planning application site consists of most of the Health Club grounds, including the disused bowls club, five-a-side football area, car parks and disused land and buildings. The site excludes the existing main health club building and outdoor tennis courts which remain in full operation.
- 4.1.3 The whole of the application site is within the Green Belt.

4.2 **Proposal**

- 4.2.1 Full planning permission is sought for the complete redevelopment of the application site (excluding the main health club building and outdoor tennis courts) to provide 86 no. dwellings, associated infrastructure, open space and a new vehicle access to the site from the B197.
- 4.2.2 The key elements of the development scheme include:
- A new replacement car park for the remaining Health Club facility which would be located in the position of the former lawn bowls club, this would involve the creation of new hard standing and provision of a 141 space car park.
 - Residential development comprising 44 one and two bedroom flats in two four storey blocks adjacent to the Health Club building and its replacement car park in addition to 42 two, three and four bedroom houses on the eastern part of the site.
 - The proposal also involves the provision of a new access road off Stevenage Road to serve the new residential development only.
 - Provision of public open space and an equipped children's play area

4.3 **Key Issues**

- 4.3.1 The key issues are the principle of the development, design and layout, living conditions, highway and parking considerations, affordable housing, environmental matters and planning obligations.

The report will now address these key issues in turn.

4.3.2 **The Principle of Development**

The planning history of this site shows that the principle of a residential redevelopment of part of this site, on the basis of its previously developed status, has been accepted by the previous grant of planning permission under ref: 16/00813/1. This permission is still extant.

The current proposal seeks permission for a variation in the form and appearance of residential development on a similar area of the site and served by a similar means of access from Stevenage Road, albeit increasing the number of units from 70 to 86 dwellings.

The development now proposed does not expand beyond the area of previously developed land that was used to achieve the previous planning permission. The application is presented as a more intensive residential scheme that will deliver the funds needed to maintain and upgrade the existing health club facilities and to secure its longer term future as well as providing an enhanced form of residential layout and design than the consented scheme.

Since the grant of planning permission for the earlier application in 2017 there has been some changes to the NPPF (a revised version was published in February 2019) and the Emerging Local Plan (ELP) has been progressing through its Examination in Public stage. It is therefore necessary to take account of the updated national policy guidance and ELP in assessing this revised application.

4.3.3 Paragraph 145 of the NPPF states that a local planning authority must regard the construction of new buildings as inappropriate development in the Green Belt. It then lists a series of exceptions to inappropriate development including the following:

'Limited in-filling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority'

4.3.4 The definition of 'previously development land' is set out in Annex 2 of the NPPF which states the following:

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

4.3.5 As was concluded with the previous application, it is considered that the application site (excluding the green space to the south of the existing five-a-side football pitches) can be classified as previously developed land. The majority of the area proposed for built development and hardsurfacing is already covered in permanent buildings, artificial pitches, parking areas, roads and footpaths. I am satisfied that the site meets the definition of PDL as set out in Annex 2 above.

4.3.6 Having established that the site is PDL the next question is whether the proposed development would have a materially greater impact on the openness of the Green Belt than the existing development or cause substantial harm to the openness of the Green Belt if affordable housing forms part of the scheme. As was concluded previously openness relates to the extent of built development on land rather than the visual impact of height and mass of buildings. In this case, as with the previous application, there would be a considerable increase in volume (primarily through the provision of the blocks of flats) however there would be virtually no encroachment onto current open, undeveloped land. Therefore it is my opinion that there would be both no materially greater impact on the openness of the Green Belt nor any substantial harm to the openness of the Green Belt.

- 4.3.7 The main additional intervention as a result of this development proposal is the proposed new vehicle access and associated junction changes to access the site off the B197. This would extend the extent of development beyond the confines of the site and lead to the loss of hedgerows close to the new junction. Moreover, this stretch of road would arguably become more urban, although the main housing development would remain behind the hedgerow and would not have a new street frontage onto the B197.
- 4.3.8 To consider why it is necessary to create a new vehicular access off the main road it is necessary to assess the suitability of the existing and only vehicular access to the site at present. This access off Knebworth Lane to the north of application site has a very steep gradient and would continue to be the main vehicular access to the Health Club. In my view the access would not be safe to be used as the main access to the Health Club and the proposed housing development. On this basis if the principle of new housing is accepted on this previously developed site it becomes apparent that a new and separate vehicular access to the existing Health Club access is required.
- 4.3.9 To conclude therefore on whether the development proposal amounts to inappropriate development; I consider that on balance, and even with the greater volume of development proposed in this current application, the proposal is not inappropriate development in the Green Belt.
- 4.3.10 I do however consider that the proposed new access onto the B197 is inappropriate development in the Green Belt which is harmful to the purposes of the Green Belt by reason of inappropriateness. Inappropriate development can only be permitted where there are 'very special circumstances'. I consider that the necessity to provide a safe and convenient new vehicular access to this housing development amounts to very special circumstances in respect of the access. Very special circumstances must be unique to the development and not repeatable. It is in my view the particular circumstances of poor existing access to the site that make this argument unique to this development proposal. These very special circumstances are not needed to justify the housing development itself in my view which as I conclude above is not inappropriate development. However, it is clear to me that if housing is to be permitted anywhere on this site it is necessary to create a new, separate and safe vehicular access rather than relying on the existing access. This in my view justifies the new access which is inappropriate development in itself. This conclusion was agreed by the Local Planning Authority in determining the previous scheme and maintains relevant to this application.
- 4.3.11 On this basis I conclude that the proposed development is acceptable in principle and in compliance with national Green Belt policy. In terms of the ELP, Policy SP5 ('Countryside and Green Belt') explains that proposals within the Green Belt will be judged against the policies of the NPPF to determine whether they are acceptable in principle. In this regard it has been found that the proposals do not conflict with paragraph 145 of the NPPF.

4.3.12 **Design and Layout**

- 4.3.13 There are two distinct elements to this proposal as they were with the approved scheme – i.e. two blocks of flats adjacent to the Heath Club facilities and to the south east a lower density housing layout. It was considered appropriate with the extant scheme to locate the higher density part of the development close to the retained Health Club building and this is repeated in this application. The main differences are that the two apartment blocks have a greater footprint and an additional storey height and this is where the additional residential units are achieved. Although more bulkier than the approved flatted blocks the additional storey is provided for both new apartment blocks within a mansard roof set back from all elevations. The mansard roof material would be in grey metal finish and the elevations of a buff coloured brickwork. Although approximately 3 metres taller than the approved apartment buildings the set back of the roof accommodation minimises the perceived increase in height in my opinion and this together with the use of balconies and well proportioned brick to window elevations results in a form of development that fits contextually well into this part of the site. Car parking is provided at ground floor level in the rear block and also between the two blocks and therefore the impact of car parking on the wider appearance of the site is limited.
- 4.3.14 The proposed 42 dwelling houses making up the remainder of the development on the south eastern part of the site together with the vehicular access are sited on a similar footprint as the approved scheme and the houses are of a similar scale of two and two and half storey development. The main differences are the more spacious character of the development as it faces the open space, less hard surfacing through a reduction in access road and a range of house types that are more reflective of local vernacular. A mixture of gabled and hipped roof designs and the use of a limited palette of external materials provides for a high quality of design. Furthermore, car parking spaces are discreetly located in side driveways, rear garages and car parking courts that again limit the visual impact of parked vehicles on the development as viewed from the main access drive and the public open space.
- 4.3.15 The access road serving the development is on a similar alignment as the approved access road. The road is provided through a cutting as it enters the site then levels out to a similar level as the adjacent open space. A footpath is provided off Stevenage Road along the access road into the centre of the site and thereby achieves good pedestrian connectivity both into and out of the site.
- 4.3.16 A significant feature of the development is the provision of the open space with equipped play area opposite the new development. Whilst all of the new houses have private gardens and the flats have balconies the open space complements the private amenity space, provides an attractive setting for the development and delivers additional recreational space for the benefit of the wider community.
- 4.3.17 The submitted landscape masterplan envisages new tree planting around the site including tree planting along the access road adjacent to the open space which will filter views of the new development over time. Buffer planting is proposed along the railway boundary. The open space will contain a walkway through a new orchard and wildflower meadow. New tree planting will be provided adjacent the access point onto Stevenage Road and garden trees and shrub planting is proposed around the parking areas. The hard surfacing will contain a variation of materials including permeable paving and asphalt. Boundaries between plots and the rear of the site with the Stevenage Road / railway will be delineated by timber fencing and brick walls.

4.3.18 In conclusion I consider that the overall design and layout of the scheme is of a sufficiently high standard that takes account of the context of the site and the surrounding pattern of development. The site is well connected to the surrounding highway and footway network and the provision of new landscaping and public open space will achieve a quality environment. Overall the development has the potential to enhance the character and appearance of the locality.

4.3.19 **Living Conditions**

4.3.20 In my view the proposal would provide sufficient private, semi-private and public open space for future residents. The layout and spacing of buildings is such that reasonable standards of privacy and outlook would be maintained within the development scheme. The submitted Noise assessment concludes that with the inclusion of standard external building envelope treatment (e.g. cavity walls, double glazing and roof insulation) and boundary fencing adequate mitigation can be made against background noise levels. The Council's Environmental Health officer raises no objections on noise grounds and suitably worded conditions can be attached to ensure compliance with noise mitigation measures. The site is not at risk to flooding or contamination and appropriate conditions are proposed in respect of these matters. In conclusion it is considered that the proposed development can deliver a safe and suitable living environment for future residents.

4.3.21 **Highway and parking considerations**

4.3.22 Access

The principle of a new access road and roundabout junction on Stevenage Road was approved with the previous application. The submitted Transport Assessment advises that the new roundabout will serve to reduce traffic speeds on Stevenage Road but not affect traffic flows or have any other adverse impact on the highway network. There will be a slight increase in peak time traffic in and out of the development site (36 – 37 vehicles in peak hour) compared to the approved scheme (31 – 33 in peak hour) therefore the additional traffic impact will be negligible. Overall the Assessment says that there will only be a nominal proportional increase in traffic on the network (around 2%). A significant benefit of the roundabout junction apart from its speed reduction effect will be to provide safe and convenient access for future residents and users of the Health Club.

A swept path analysis undertaken by the applicants transport consultants has confirmed that all vehicles (including refuse and servicing) can move efficiently within the internal road system controlled by two turning heads at the north of the site.

Transport improvements

Two new bus stops are proposed adjacent to the new roundabout access on Stevenage Road. Improvements are proposed to the Old Knebworth Lane access but with no increase in traffic via that route. Pedestrians and cyclists travelling to the Health Club from Knebworth will be able to gain access to the club via the new access road and footway rather than using Old Knebworth Lane.

Parking

A total of 128 allocated car parking spaces are provided for the residential units within the development which will be provided in the form of integral garages, car barns, undercroft parking and on-street parking bays. This provision allows for 2 car parking spaces for each of the larger 3 and 4-bedroom dwellings, 1.5 car parking spaces for each of the 2 bedroom houses, 1.25 spaces for each of the 2 bed apartments and 1 space for each of the 1-bed apartments.

In acknowledging the concerns of Knebworth Parish Council it is accepted that this level of provision falls 22 spaces short of the Council's adopted SPD on car parking standards however it is a similar level of provision applied to the consented scheme. The Council's SPD does allow for reductions on these standards where it can be demonstrated that the accessibility, type, scale, mix and use of the development, the availability of and opportunities for public transport, local car ownership and on-street conditions justify such variations. The applicant has referred to census data which indicates low levels of car ownership for apartment occupiers. In addition there are opportunities for alternative modes of transport with the site immediately adjacent to the cycle network and footpaths, bus services and two major railway stations within short distances from the site. The approach to parking taking here reflects the site's relatively sustainable location close to a range of facilities and the emphasis in the Hertfordshire County Council's Local Transport Plan (LTP4) which encourages new developments to support the use of more sustainable modes of travel. As an indication of this commitment secure cycle parking is provided to all dwellings either in garages, storage sheds or internal storage areas within the apartment blocks.

In addition, the proposed development seeks to provide 15 visitor car parking spaces, which equates to 1 additional space for every 6 dwellings. This provision is much improved from the approved scheme which provided 1 additional space for every 10 dwellings (7 visitor spaces in total).

There would also remain a 141 space car park for the proposed health club.

No objections are raised by the Highway Authority and together with the package of measures to encourage alternative modes of transport I consider that the level of allocated and visitor parking is acceptable.

4.3.23 **Affordable Housing**

As with the previous application this application is accompanied by a Viability assessment which supports the applicant's case that the development costs associated with this enabling development prevent the provision of a level of affordable housing required by Policy HS2 of the ELP – i.e. 40% of all units to be affordable. The viability assessment has been reviewed by the Council's consultants and this has resulted in some of the assumptions over build costs, profit levels, sales values, rental income etc. being queried. Negotiations have been on-going between the applicant's consultants, the Council's viability consultants and officers to establish an agreed level of affordable housing provision. Having carefully and independently interrogated the applicant's evidence on viability the Council's consultants have concluded that by and large the maximum proportion of affordable housing that can reasonably be delivered on site from this scheme is 25%.

4.3.24 Following further discussions over viability the applicants have agreed to provide a higher percentage of affordable rented accommodation (16 units or 72.7% of the overall total) than would normally be required (i.e. a 65% rented and 35% shared ownership / equity split). The affordable housing breakdown is as follows:

- 6 x 1 bed flats for affordable rent
- 10 x 2 bed flats for affordable rent
- 5 x 1 bed flats intermediate tenure
- 1 x 2 bed flat intermediate tenure

22 affordable flats in total out of 86 units overall, equivalent to 25%

This level of affordable housing has been agreed by the applicant and accepted by the Council's viability consultants as the most that can be expected given the viability of the scheme. Furthermore, the affordable housing will be provided in one block as opposed to the approved scheme which involved some mixed tenure accommodation. The current proposal will be easier to administer by a registered provider in terms of management and services charges etc.

4.3.25 Policy HS2 of the ELP would require 40% affordable housing. The ELP is still however subject to the Examination in Public process and therefore full weight cannot be attached to the policies in the Plan at this stage. The supporting text of the policy does however state that:

'On most sites, targets to provide up to 40% affordable housing can be supported. Policy SP7 sets out our approach where developers consider that the policy requirements of our plan will adversely affect viability. We will robustly examine any schemes which seek to make affordable housing provision at below target levels.'

4.3.26 Through extensive dialogue and detailed advice I have received from the Council's independently appointed viability consultants I consider that the applicant's viability evidence has been robustly examined. Moreover, the eventual offer does actually comply with the saved Local Plan affordable housing policy. On this basis and giving some weight to the emerging affordable housing policy I am satisfied that the affordable housing proposal which has been negotiated is the best that can be achieved for this development scheme.

4.3.27 Planning Obligations

4.3.28 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) (as amended 2019) coincides with the above requirements of the Framework.

4.3.29 In this case the applicants are aware of a number of infrastructure requirements that will need to be secured by way of a Section 106 Agreement to mitigate the impact of the development as was the case with the previous application that was granted following the completion of a legal agreement. The submitted viability assessment has taken into account that the current application will be subject to infrastructure requirements and associated contributions however the economics of the development are such that each obligation sought by NHDC and the District Council needs to ensure that they are fully justified and meet the tests.

4.3.30 As stated in paragraph 3.1 above Knebworth Parish Council have requested contributions towards a number of projects and to take over management of the open space. These matters have been considered in consultation with the applicants. The applicant has agreed to provide contributions towards play space and open space enhancements in Knebworth. The applicant intends to maintain control over the open space in perpetuity for the benefit of residents and the wider community. The sustainable transport contribution has been agreed with the highway authority who have not requested improvements to the cycleway network towards Knebworth station. It is not considered that the sum of £20,000 towards a car park at Knebworth Station has been justified with evidence or how the land will be assembled to create the car park. This contribution was not included in the previous S106 Agreement. A contribution towards allotments is considered excessive and not a critical consideration in mitigating the impact of the development. Such a contribution was not requested previously or included in the previous S106. Lastly the request for a contribution towards an all weather pitch in lieu of the loss of playing pitches does not recognise that the playing pitches on site have not been used for a number of years and that their loss would have little if any impact on the current usage of playing pitches in the area. Such a contribution was also not deemed necessary on the previous application. Several of the requests for contributions by the Parish Council would, in the light of the above, not meet the tests set out in paragraph 56 of the NPPF.

4.3.31 Including the affordable housing element detailed above I set out below for ease of reference a table incorporating the complete elements of the agreed heads of terms between the applicant and officers for a proposed S106 Obligation should Members be minded to grant planning permission for this scheme:

Element	Detail and Justification	Condition/Section 106
Affordable Housing	Provision on site of affordable housing units comprising 25% of the total number of units to include 16 units for affordable rent and 6 units for shared ownership. All 22 dwellings in one block (Plots 65 – 86) NHDC Planning Obligations Supplementary Planning Document Emerging Local Plan Policy HS2 'Affordable Housing'	S106
Primary Education	Contribution towards the expansion of Shephalbury Park Primary from 1fe to 2fe (£131,550.00) NHDC Planning Obligations SPD and HCC Toolkit	S106

Secondary Education	Contribution towards the expansion of The Barclay School from 6.5fe to 7fe (£129,110.00) NHDC Planning Obligations SPD and HCC Toolkit	S106
Youth Services	Contribution towards the increased capacity of Bowes Lyon Young People's Centre by reconfiguring the kitchen to include a group work area (£2,552.00) NHDC Planning Obligations SPD and HCC Toolkit	S106
Library Services	Contribution towards the improvements to the ICT provision to meet increased demand at the Knebworth Library Amount before index linking: £12,400.00 NHDC Planning Obligations SPD and HCC Toolkit	S106
Waste Collection & Recycling	Full contribution based on NHDC Planning Obligations SPD. Amount total before index linking: £4126.00 Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD	S106
Sustainable Transport	Contribution towards bus stop enhancements : £25,000.00 HCC – LTP4 NHDC – Policy T1 of Emerging Local Plan	S106
Open Space	Contribution towards open space enhancements in Knebworth in accordance with NHDC Planning Obligations SPD document: £21,056.95	S106
Play Space	Contribution towards playspace and equipment improvements in Knebworth in accordance with NHDC Planning Obligations SPD document : £31,408.44	S106
Health Care	Contribution towards General Medical Services GP provision : £60,871.07 NHDC - Policy SP10 in the Emerging	S106

	Local Plan NHS East & North Herts Clinical Commissioning Group formula for meeting the impact of new development on local health care provision	
Fire Hydrants	Provision within the site in accordance with standard wording Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit	S106
On site Management of Open Space / Play Area / SUD's	Management agreement clause Private management company to secure timing, delivery and maintenance arrangements within an agreed scheme for entire open space on site including field adjacent to housing development. Include provision of public open space in perpetuity Policy 51 of North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD	S106

4.3.32 The secure delivery of these elements of a comprehensive S106 Obligation between the applicant, North Hertfordshire District Council and Hertfordshire County Council would in my view ensure that the impacts of this development scheme on local infrastructure would be mitigated. On this basis the development scheme would be sustainable.

4.3.33 Environmental **Implications**

4.3.34 There are a number of environmental aspects to this development.

4.3.35 Previously developed land

The development involves PDL the re-use of which is encouraged in the NPPF particularly in terms of making effective use of land including brownfield land and ensuring that developments make the optimum use of available land avoiding homes being built at low densities.

Sustainability

In accessibility terms the site is in a sustainable location close to transport corridors including the Stevenage Road which is served by buses and two mainline railway stations. A number of facilities and services are within relatively short walking and cycling distances from the site.

The application is supported by Sustainability statement and Energy Assessment reports which recognises the Council's sustainable aims, sets out the relevant policies in the ELP (e.g. SP9, SP11 and D1) and sets out a number of objectives to enhance the environmental performance of the development with the aim of minimising carbon emissions. The measures proposed to achieve the sustainable design include the following aspects:

Site layout: minimising hard surfacing e.g. undercroft parking areas and maximising undeveloped land e.g. over 50% of the site will be public open space including play areas and open grassland, wildflower meadows and an orchard.

Renewable energy and building design: use of roof mounted solar panels, temperature controls, draft-proofing and orientation of buildings, low energy lighting, passive solar design, super insulated and air tight building fabric and ground source heat pumps

Water conservation: dual flush and flow restricted toilets and low water consumption appliances

Biodiversity and landscaping: timing of construction to minimise impact on breeding birds, specifying native, species rich plants and shrubs to enhance biodiversity, provision of bat and bird boxes and invertebrate habitat features

Flood mitigation and drainage: a detailed drainage design to incorporate SUD's features will be required

Green infrastructure and transport: residents green travel pack, regular travel pack updating and secure, covered, cycle storage

Building materials: selected in accordance with Building Research Green guide, use of recycled materials and green, FSC approved timber and British Standard accredited materials

Construction site waste management plan: on site separation, storage, collection and recycling of waste

Biodiversity

The development has potential to significantly enhance biodiversity with the new orchard and wildflower meadow planting, individual tree planting and creating of wildlife corridors along the railway boundary.

Electric vehicle (EV) re-charging infrastructure

All 42 dwelling houses will be required to have installed an EV charging point and each apartment block will have a dual EV charging point.

Taking into account the application site's accessibility and connections to the transport network, together with the package of measures outlined in the submitted sustainability and energy statements, it is considered that the development will help to reduce greenhouse gas emissions through its location, orientation and design in accordance with the climate change objectives set out in the NPPF. The development would therefore be consistent with this authority's Climate Change Strategy.

4.4 **Planning balance and conclusion**

- 4.4.1 Following careful negotiations between the applicant, officers, external consultees and appointed independent consultants over a prolonged period I consider that this development proposal is acceptable in principle, on the basis that it represents a redevelopment of previously developed land in the Green Belt, which is not inappropriate. The element of the scheme that is inappropriate is necessary on the basis of very special circumstances. The scheme in of itself is of a sufficiently high standard of design and layout and agreed affordable housing deliver is the most that can be achieved following a robust examination of the applicant's viability evidence by the Council's appointed consultants. On this basis, on balance, I recommend that planning permission be granted for this important residential scheme that can deliver 86 much needed dwellings in this sustainable, edge of urban location.

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; to the applicant entering the necessary S106 Obligation with the Council to secure the delivery of additional services and infrastructure set out in the table above and to the applicant agreeing any necessary extensions to the Statutory determination period to allow the completion of the S106 Obligation:
- 6.2 In the event that the applicant fails to agree any necessary extensions to the statutory determination that powers are delegated to the Development and Conservation Manager to refuse planning permission on the basis of absence of 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 roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

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

4. Prior to the commencement of the development hereby permitted full details of hard and soft landscaping associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the following:

- 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

- 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

All associated hard landscaping shall be laid out in accordance with the approved details or particulars prior to the first occupation of the development hereby permitted and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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

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

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

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

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class (es) A-F of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

9. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage strategy. The surface water drainage scheme should include;
 1. Implementing the appropriate drainage strategy based on attenuation and discharge into the ordinary watercourse.
 2. Limiting surface water discharge to a maximum of 14.75l/s for the 1 in 100 year event plus 40% for climate change.
 3. 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.
 4. Undertake the drainage to include filter trenches, swales/ditches, porous paving and attenuation basins.

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

10. No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall also include:
 1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. 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. Providing the appropriate levels of treatment train
 3. All calculations/modelling and drain down times for all storage features.
 4. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
 5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event

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 prevent flooding by ensuring the satisfactory storage of surface water from the site.

11. Upon completion of each phase of the drainage works, a complete set of as built drawings for the site drainage management should 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 and overland flow route management.
 3. Details of any inspection and sign-off requirements for completed elements of the drainage system.

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

12. Prior to the commencement of the development, the developer shall submit a scheme of sound insulation and noise control measures for the Council's written approval based on the findings of the Entran Limited report dated 7th May 2019 (Odyssey Group Holdings Ltd, Old Knebworth Lane, Stevenage, SG2 8DU- Noise Assessment). The approved scheme shall be fully implemented prior to first occupation and once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the amenities of future residents.

13. A detailed lighting scheme shall be undertaken and submitted to the Local Planning Authority for approval with details of all external lighting required for the re-arranged car park serving the Odyssey Health and Racquet Club and there shall be no external illumination erected, installed or operated on any part of this area other than in accordance with these approved details.

Reason: To protect the amenities of future residents.

14. The following limits shall not be exceeded by the exterior light installations for the re-arranged car park serving the Odyssey Health and Racquet Club:

Sky Glow ULR (Max%) 5.0

Max light into windows Ev (lux)

07.00- 23.00hrs 10

23.00- 07.00hrs 2

Source Intensity I (kcd)

07.00- 23.00hrs 10

23.00- 07.00hs 1

Building Luminance 07.00- 23.00hrs

Average, L (cd/m²) 10

Reason: To protect the amenities of future residents.

15. The development hereby permitted shall not commence until the proposed roundabout access works have been provided as identified on the 'in principle' roundabout access arrangement drawing numbered SK 13 revision A which shall include proposed additional bus stops that are to be placed along the Stevenage Road as part of the application. These will need to be connected to the development's footways with easy access kerbs and shelters are provided as appropriate. The exact location of the bus stops and accommodating works such as additional footways, crossing points, white lining and directional signing will need to be agreed in conjunction with appropriate parties these facilities shall meet appropriate accessibility standards and be constructed as in accordance with the details as contained on the Herts Direct web site. These works shall be secured and undertaken as part of the S278 works with the ultimate design being technically approved prior to commencement on site to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for New Developments.(section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport. In accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018)

16. 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 and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018)

17. The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course as identified on drawing number P101 revision K and connected to the proposed roundabout and the existing carriageway has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

18. No development shall commence until a Construction Management Plan (or Construction Method Statement) 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.

The Construction Management Plan / Statement shall include details of:

1. Construction vehicle numbers, type, routing;
2. Access arrangements to the site;
3. Traffic management requirements
4. Construction and storage compounds (including areas designated for car parking,

- loading / unloading and turning areas);
- 5. Siting and details of wheel washing facilities;
- 6. Cleaning of site entrances, site tracks and the adjacent public highway;
- 7. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- 8. Provision of sufficient on-site parking prior to commencement of construction activities;
- 9. Post construction restoration/reinstatement of the working areas and temporary access to the public highway and:
- 10. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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).

19. The development hereby approved shall be carried out in accordance with the sustainability, energy efficiency and carbon reduction measures set out in the submitted Sustainability Statement and Energy Assessment reports by Sol Environmental, May 2019.

Reason: To ensure compliance with Section 14 of the NPPF and the District Council's Climate Change strategy.

20. Prior to the commencement of development, a Reptile Mitigation Strategy should be submitted to and approved in writing by the Local Planning Authority. It should include measures which will be undertaken to safeguard reptiles including the identification of a suitable receptor site if required.

Reason: In the interest of biodiversity and species protection.

21. (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

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

22. Prior to the commencement of the development hereby permitted, full details of measures to achieve Secure By Design accreditation shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests minimising crime associated with the development.

23. No development shall take place until an ecological design strategy (EDS) addressing the implementation of the recommendations in the submitted ecological report (Greengage Environmental Limited, April 2019) has been submitted to and approved in writing by the local planning authority.
The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance.
 - i) Details for monitoring and remedial measures.
 - j) Nesting bird mitigation strategy
 - k) Details of a bat sensitive lighting scheme
 - l) Native species and habitats landscaping scheme with establishment and management protocols
 - m) Integrated bat and bird box strategy to include model and location of boxes. All buildings bordering open space will require a box.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.'

Reason: To conserve and enhance biodiversity in accordance with NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

24. (a) Prior to occupation, each house within the development (42 in total) shall incorporate an Electric Vehicle (EV) ready domestic charging point.
- (b) Prior to occupation, 1 dual plug post or wall mounted electric vehicle charging point shall be installed per parcel (2) of apartments to serve the residents of those apartment blocks. There shall be dedicated, marked up and signed parking bays, positioned adjacent to those charging points and a process will be put in place to ensure the ongoing maintenance and management of the charging points.
- (c) A minimum of 2 dual plug post or wall mounted electric vehicle charging points shall be installed to serve the users of the Health Club. There shall be dedicated, marked up and signed parking bays, positioned adjacent to those charging points and a process will be put in place to ensure the ongoing maintenance and management of the 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.

25. Prior to the removal of any habitat identified to have potential to support Great crested newts (ref: Preliminary Ecological Appraisal by Greengage, April 2019) an assessment of the pond adjacent to the southern boundary should be undertaken (access permitting) during the optimal survey season to determine whether Great crested newts are present and, should this be the case, the outline mitigation measures (ref: Outline Mitigation and Compensation Strategy by Greengage 2019) should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details (and under the constraints of a mitigation licence, if required).

Reason: To ensure the continued ecological functionality of Great crested newts is maintained in accordance with European and national legislation.

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.

Informative/s:

Environmental Health Informatives:

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)

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

Contaminated Land Informatives

In order to protect groundwater quality from further deterioration:

- o No infiltration-based sustainable drainage systems should be constructed on land affected by contamination, as contaminants can remobilise and cause groundwater pollution.
- o Piling, or any other foundation designs using penetrative methods, should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- o Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies, in line with paragraph 170 of the National Planning Policy Framework.

Noise informatives:

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

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

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

Highway 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. 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

hertsdirect@hertscc.gov.uk or for information use the HCC website www.hertsdirect.org. or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Reason:

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

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.

Ecology Informative(s)

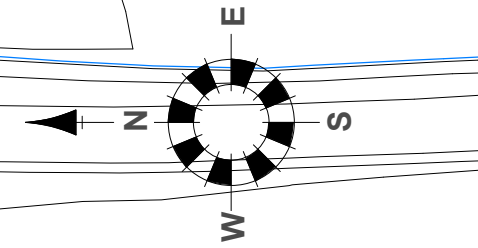
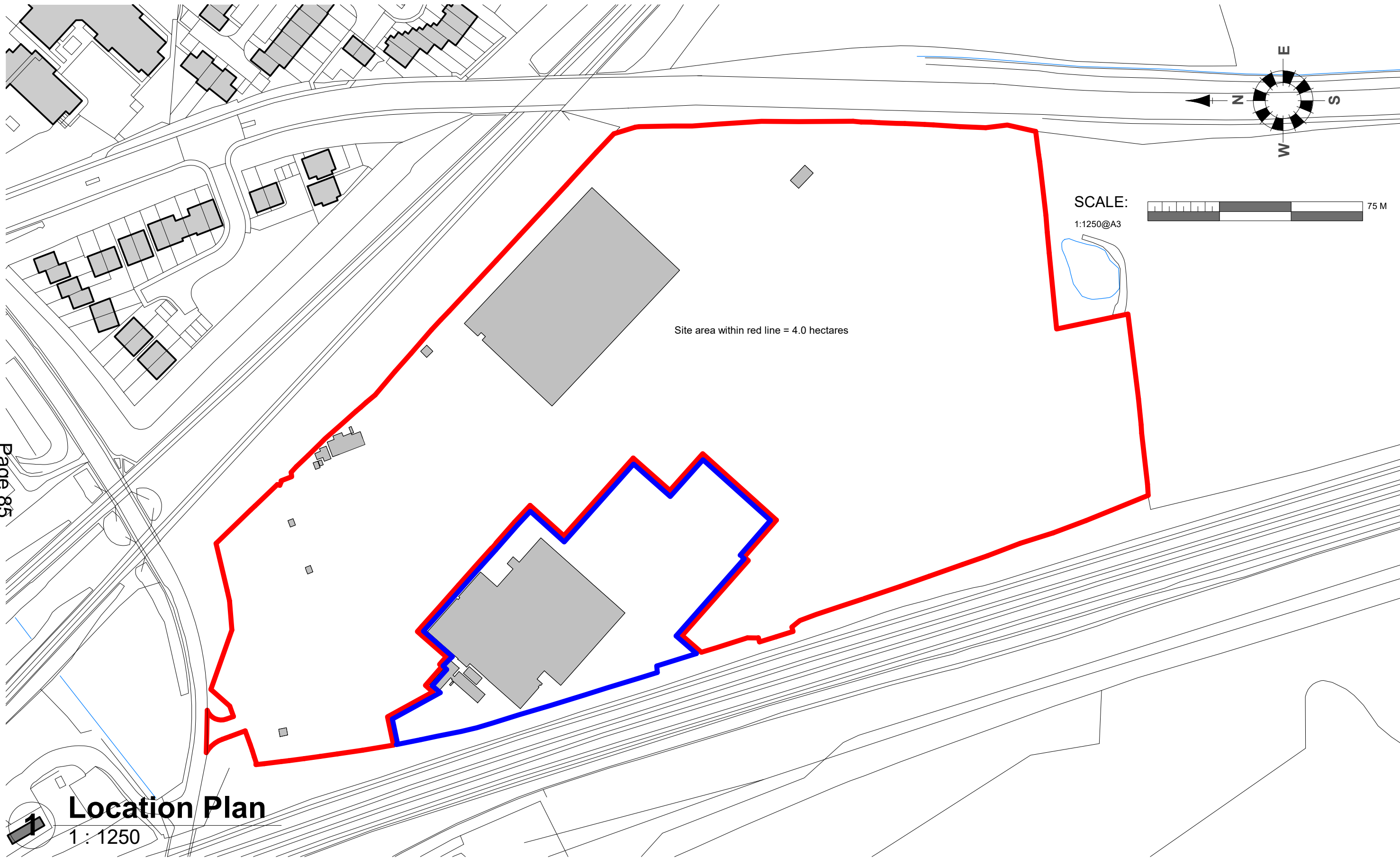
The removal of trees & shrubs should be avoided during the bird breeding season (March to September inclusive.) If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged."

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites."

New trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

Environment Agency Informatives:

The developer's attention is drawn to the comments of the Environment Agency in their letter dated 20th June 2019 particularly in relation to infiltration based sustainable drainage systems, piling or other foundation designs using penetrative methods and decommissioning of investigative bore holes. A copy of the letter is placed on the Council's web site and a copy is available on request from the LPA.



SCALE:
1:1250@A3

Page 85

1 Location Plan
1 : 1250

REV: DATE:	REVISIONS:	REV: DATE:	REVISIONS:	CLIENT	Odyssey Group Holdings	PROJECT	Old Knebworth Lane
				SCALE	1 : 1250 (A3 ORIGINAL)	DRAWING	Location Plan
				DRAWN	NL	18282	S101
				DATE	04.04.19		



architecture planning masterplanning
Broadmead House, Farnham Business Park,
Weydon Lane, Farnham, Surrey, GU9 8QT.
info@osparchitecture.com www.osparchitecture.com
Tel: 01252 267878
OSpace Scotland Limited. Company Registration No. 2878091

© COPYRIGHT EXISTS ON THE DESIGNS AND INFORMATION SHOWN ON THIS DRAWING
THE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE MAKING SHOP DRAWINGS OR COMMENCING WORK OF ANY KIND.

This page is intentionally left blank

Appeal Decision

Site visit made on 3 September 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2019

Appeal Ref: APP/X1925/W/19/3231769

Land at Green Drift, Royston SG8 5BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs R & M Edgson against the decision of North Hertfordshire District Council.
 - The application Ref 19/00667/FP, dated 20 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is a single-storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

Reasons

3. The site relates to a rectangular plot a land which previously formed part of the rear garden of No 42 Heathfield. No 42 is a new five bedroom dwelling¹ which was built to replace the pre-existing bungalow and garage. The new house has been built but the rear part of the rear garden has been fenced off to create the appeal site. The Council explain that the approved plans for this new dwelling show that planning permission was granted on the basis that the dwelling would have the appeal site as part of its rear garden in keeping with the established character of the Heathfield. This section of Heathfield is largely characterised by detached properties occupying relatively large plots with long rear gardens. I also observed during my site visit that the existing openness of the rear gardens on Heathfield combined with the existing trees and vegetation along the rear boundary with Green Drift, adds to the overall verdant quality of the area, adjacent to Green Drift.
4. The character of properties to the north² of the appeal site comprise semi-detached and terraced houses on Green Drift, built on smaller plots, in contrast to the larger plots and detached dwellings on Heathfield. The proposed dwelling with new vehicular access from Green Drift, built within the former rear garden of No 42, would contrast unfavourably with the existing pattern of development

¹ Approved in Council Ref: 15/01048/1

² Compass point taken from the appellant's Planning Statement

in the area. In particular, this section of Green Drift (between the public footpath which provides access to Baldock Road, and the three dwellings to the rear of no 46 Heathfield), is largely characterised by the landscaped spacious rear gardens of Heathfield with established trees and vegetation along its rear boundaries, adjacent to Green Drift. Furthermore, there are no similar vehicular access points on this section and side of Green Drift. In this respect the proposed development would erode the spatial qualities of the area and would not respect the existing pattern of development in the locality.

5. Whilst the adjacent plot at No 40 Heathfield Road, has been subdivided with a dwelling built within its rear garden, I do not consider that this form of development is characteristic of the prevailing pattern of development in Heathfield and therefore, does not provide support for the appeal proposal. Nor do the three dwellings, with a single point of access, to the rear of 46 Heathfield, since these are located at the end of Green Drift adjacent to the turning area in the road. As such these dwellings, to the rear of No 46 are materially different and in any case, I have determined the appeal on its own merits.
6. The architectural design of the proposal would be similar to those found elsewhere in the area. Furthermore, the overall height of the development would be lower than those of neighbouring properties. The appellants also seek to retain and replace existing landscaping and trees. However, these positive aspects of the proposal would not outweigh the harm I have identified to street scene as the position of new dwelling and vehicular access in this part of Green Drift would be particularly incongruous.
7. The proposal would create a visually discordant form of development, which would reduce the openness of the land to the rear of No 42 which would be harmful to the character and appearance of the area. Having regard to the above, I therefore conclude that the proposed development would be contrary to policies 21, 26 and 57 of the North Hertfordshire District Local Plan No 2 with Alterations, 1996, which amongst other things, requires proposals to maintain the general pattern of landscape features, and of public and private open spaces, and relate to the character of the surroundings.
8. The proposal would also conflict with Policy D1 of the emerging North Hertfordshire Local Plan 2011-2031 Proposed Submission, 2016 (ELP), which requires development proposals to respond positively to the site's local context.
9. The proposal would also conflict with paragraph 127 c) of the National Planning Policy Framework (Framework) which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and paragraph 130 of the Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other matters

10. I have considered the Council's argument that the current proposal would set a precedent for similar developments in the area. Whilst each application/appeal must be considered on its own merits, I can appreciate that the Council's concern that approval of this proposal could be used in support if such similar

schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern, just as the appellants have cited the existence of the dwelling at No 40 Heathfield to support their scheme. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would exacerbate the harm to the character and appearance of the area which I have described above.

11. The appellants have referred to a number of other developments in support of their case. However, I do not know the full circumstances of those cases and therefore cannot be sure that they represent a direct comparison to the appeal proposal. As such, I have dealt with the proposal before me on its merits, and in accordance with its site specific circumstances, and relevant national and local policy.

Planning balance and conclusion

12. The proposed development would provide a net gain of one additional dwelling and would make a modest contribution to the Council's housing requirements. Furthermore, the site is in an existing residential location with access to local shops, services and public transport and the proposal would contribute towards provision of dwellings suitable for occupation by the elderly and adaptable for wheelchair users. I give limited weight to these social benefits. There would also be limited economic benefit to the area, in terms of construction jobs, and an equally limited increase in investment in the area following the occupation of the development.
13. The appellants also contend that the development would provide acceptable living conditions for future and existing occupiers and that adequate visibility splays, access and parking for the development would be provided. However, a lack of harm in these respects is a neutral consideration that does not weigh in favour of the proposal.
14. There is dispute between the parties as to whether the Council is able to demonstrate a five year housing land supply (HLS). However, even if I were to accept the appellants' view that the Council is unable to demonstrate a five year HLS, the identified harm to the character and appearance of the area, would significantly and demonstrably outweigh the limited benefits provided by the scheme when considered against development plan policies and the Framework when taken as a whole.
15. For the reasons given, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 4 September 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2019

Appeal Ref: APP/X1925/W/19/3228265

The Gables, High Street, Barley, Hertfordshire SG8 8HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Winstanley against the decision of North Hertfordshire District Council.
 - The application Ref 18/02299/FP, dated 22 August 2018, was refused by notice dated 14 December 2018.
 - The development proposed is described as the "construction of 10 no. residential units within existing paddock/garden".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice refers to Policies from the emerging North Hertfordshire Local Plan Proposed Submission Document 2016. However, as this plan may be the subject of future amendment, I have attributed the Policies within the plan limited weight in my determination of this appeal.

Main Issue

3. The main issue is whether the development would conserve or enhance the character or appearance of the Barley Conservation Area (BCA) and the setting, and therefore the significance, of the listed building known as White Posts.

Reasons

4. The appeal site forms the rear garden and paddock land associated with the property known as The Gables. The site lies within the BCA which extends to agricultural land to the west. The area is rural in character and contains a variety in style and size of dwellings, along with other buildings such as a garage and petrol filling station opposite the site and the doctor's surgery (the surgery) to the north of The Gables.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to pay special attention to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. In addition, Section 72 (1) of the Act requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability

of preserving or enhancing the character and appearance of the area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.

6. The appeal site provides a largely undeveloped buffer to the adjacent rural land. I find the BCA to display an open and loose knit character that is reinforced by the open layout of development along High Street which is complemented and softened by the presence of mature landscaping. Although development towards the centre of the village is more closely knit, it nonetheless displays a degree of openness as a result of spacing about and between dwellings. I find the openness to be a defining part of the significance of the BCA.
7. The proposal would introduce built development to the rear of The Gables and other properties that face onto High Street. The development would be served through the access to the north of the surgery with additional land and an extended garage gifted to the property known as Chadwick. Additional parking spaces for the surgery would also be provided within the appeal site. Properties within the proposed development would be provided with parking areas and/or garages and private garden areas to the rear. Five of the properties would be detached dwellings with the remaining five properties set as a pair of semi-detached dwellings and a further terrace of three dwellings. The semi-detached dwellings would be designated as affordable homes.
8. The level of built development proposed would suburbanise the site resulting in an enclave of dwellings that would fail to provide a sense of openness that would enable the development to assimilate into the wider context of the BCA. The majority of the site would be given over to built development, which would include the proposed dwellings, parking areas and access roads. Furthermore, the proposed shared green space to be located behind plots 9 and 10 appears constrained, rather than an area that would be of any beneficial use for the occupiers of the proposed dwellings. Thus, the level of development at the site would seek to compete with, rather than complement, the open and spacious character of this part of the village which in turn would fail to preserve or enhance the BCA. Although this harm would not be readily visible from the sunken footpath to the north of the appeal site, it would nonetheless be clearly visible from the proposed surgery car park and to some degree, from surrounding properties.
9. Having regard to the design of the proposed dwellings, the Council argue that the development would be at odds with the semi-rural edge of the village. While I do not find the layout and the level of development proposed to be in keeping with this part of the village, I nonetheless do not find that the particular design of the dwellings would in themselves be harmful to the character or appearance of the BCA. Furthermore, turning to the setting of White Posts, which is a Grade II Listed building and lies to the east of the appeal site, given the separation distance and the intervening landscaping that would be retained, I am satisfied that the development would have a neutral impact on the setting of the designated heritage asset.
10. As the proposed development would only result in harm to part of the significance of the heritage asset, I find it to be less than substantial. Accordingly, the National Planning Policy Framework (the Framework) requires

at paragraph 196 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

11. In this case the development would make a modest contribution to housing provision. The surgery would also benefit from the relocation of the electricity sub-station to assist in its potential expansion, along with the provision of additional parking for customers. However, none of these amount to more than moderate weight either individually or collectively. I attach significant weight to the provision of affordable dwellings which would result in social and economic benefits from the proposal.
12. Nevertheless, given the harm I have identified to the setting of the BCA as a designated heritage asset, the benefits do not outweigh the great weight that the Framework requires at paragraph 193 to be given to the conservation of heritage assets. Thus, the proposal would be in conflict with Policies 6 and 57 of the North Hertfordshire District Council Local Plan No. 2 with Alterations 2007 and the Framework which seek, amongst other things, to ensure that special account is taken of a site's location within conservation areas and that the siting of a development should enhance the character of an area.

Other Matters

13. I am aware that the site benefits from an extant permission¹ for eight dwellings. In the absence of any substantive evidence that this permission would not be implemented should this appeal fail, it is a fallback position to which I afford significant weight. Nevertheless, I find the level and layout of the development that is the subject of this appeal to be markedly different to that approved in 2018, where a greater area of open space, as well as distances between properties, was afforded the development. Thus, I do not consider that the extant permission sets an irresistible precedent to find in favour of the development before me.
14. I also acknowledge that paragraph 122 of the Framework states that decisions should support development that makes efficient use of land. Nevertheless, this should take into account the desirability of maintaining an area's prevailing character and setting.
15. I accept that the development would assist in supporting the existing facilities and services that are provided within the village. I also accept that no technical objections were received regarding the development and that the living conditions of adjoining occupiers would not be harmed. However, neither this nor any other material consideration that has been raised outweighs the harm that I have identified.
16. Both parties have referred to a decision at Barkway², with the appellant citing paragraph 40 whereby the Inspector attributed moderate weight to the benefits of housing provision. I have also attributed moderate weight to the housing provision proposed as part of this appeal. Nevertheless, I have found that the harm to the BCA outweighs the benefits of the development for the reasons as set out.

¹ 17/02316/1 dated 30 May 2018 (and subsequent variations)

² APP/X1925/W/18/3194048

17. Furthermore, having regard to footnote 6 of the Framework, as the development would affect the setting of a designated heritage asset and I have found that the policies within the Framework provide a clear reason to dismiss the appeal, even if the Council is unable to demonstrate a five year supply of deliverable housing sites and the policies which are the most important for determining the appeal are out-of-date, the 'tilted balance' would not be engaged and the presumption in favour of sustainable development anticipated in paragraph 11 of the Framework does not apply.

Conclusion

18. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR



Appeal Decision

Site visit made on 10 September 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/X1925/W/19/3230264

Rose Farm, Codicote Road, Whitwell SG4 8AB

- 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 Marcus Powell against the decision of North Hertfordshire District Council.
 - The application Ref 18/03152/FP dated 30 November 2018, was refused by notice dated 15 March 2019.
 - The development proposed is Erection of Stables, loose box, tack room and food store.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the area and on the setting of the farmhouse at Rose Farm which is a grade II listed building.

Reasons

3. Rose Farm contains a grade II listed building, which is the original farmhouse to the southeast of the appeal site. The farmhouse has been extended at various times, which limits the extent to which views of it can be obtained. Nonetheless, the setting of Rose Farmhouse is not limited simply to those areas from which it can be seen, but also to those areas which have a functional and historical relationship with the listed building, including the appeal site.
4. Rose Farmhouse is clearly separated from the settlement by virtue of verdant fields, which are generally devoid of development. This spatial characteristic provides the farmhouse with a rural context, reflective of its former agricultural use. The appeal site constitutes one of these open fields and has landscaped qualities that complement the spacious character and appearance of the area. The fields and paddocks surrounding the farmhouse clearly form part of its immediate historic setting, being important to the way in which the building is experienced. They also contribute significantly to the character and appearance of the area in general, on account of their contribution to the historic context of the site but also on account of the fact that their attractive and verdant character which contributes to the intrinsic value of the countryside.
5. The proposal would introduce a building with proportions and architectural features that would make it clearly recognisable as a stable. The building would

- be a sizeable structure of substantial stature. It would have a formal appearance, drawing the eye and exerting a commanding presence within the landscape.
6. The proposal would interrupt the spacious and open qualities of the area, urbanising this part of the landscape. Whilst stables are synonymous with the countryside, the proposal in this case would have a relatively formal design, including the cupola, and would introduce substantial built development into a generally open field that surrounds the designated heritage asset. The combination of the scale, formality and the reduction in the open character would erode the attractive qualities of the field. That reduction in openness and the presence of buildings in a previously undeveloped location would also cause harm to the setting of Rose Farm. Whilst attention has been paid to the building's design, the overall effect would be harmful to the setting of Rose Farm.
 7. Notwithstanding that the harm would be less than substantial in the context of the listed building as a whole, paragraph 193 directs that great weight must be given to any harm to any harm to a heritage asset. I must therefore weigh that harm against the public benefits of the proposal. The appellant states the proposal would support the leisure and tourism facilities at the appeal site. In the absence of detail as to how significant the contribution would be to the rural economy, I apportion limited weight to these benefits. Consequently, no evidence has been put forward that would outweigh the great weight that the Framework requires to be given to the conservation of heritage assets.
 8. I note that planning permission for a comparable building was granted on the site in 1989. However, this permission was granted 3 decades ago, during which time the local and national planning context has changed.
 9. My attention is drawn to another building, a barn, that has been de-listed at the appeal site. This does not however have a bearing upon the assessment or definition of the setting or historic significance of Rose Farm.
 10. I therefore conclude that the proposal fails to preserve or enhance the setting of a designated heritage asset. It would also cause harm to the character and appearance of the local historic landscape. This would be contrary to Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031, which seeks to ensure proposals justify and detail the impacts of any proposal upon the significance of the designated heritage asset. It would also be contrary to Policy 6 of the North Hertfordshire District Local Plan No 2 with alterations, which seeks to maintain the character of the existing countryside.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

David Wallis

INSPECTOR



Appeal Decision

Site visit made on 4 September 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/X1925/W/18/3213068

11-17 Mill Road, Royston, Hertfordshire 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 Churchill Retirement Living against the decision of North Hertfordshire District Council.
 - The application Ref 18/00492/FP, dated 16 February 2018, was refused by notice dated 4 September 2018.
 - The development proposed is described as the “demolition of existing buildings and erection of 41 no. retirement living apartments, together with communal facilities, car parking and landscaping”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council’s decision notice refers to the North Hertfordshire District Council Local Plan 2011-2031 Proposed Submission October 2016, which is the subject of further examinations. As such, I only afford it limited weight in my determination of this appeal.
3. The appellant has provided planning obligations by way of a unilateral undertaking (UU) pursuant to section 106 of the Town and Country Planning Act, which I consider later in this decision letter.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers with particular regard to the standard of accommodation and private amenity space and the living conditions of adjoining occupiers with particular regard to privacy and outlook; and
 - parking provision.

Reasons

Character and Appearance

5. The appeal site lies within a predominantly residential area and is occupied by two pairs of semi-detached dwellings. The area contains a variety of style and size of properties with bungalows and two storey dwellings in the vicinity.

- Flatted development in the area, such as Oakley Court opposite the site, is also evident. The area has a pleasant suburban quality that is reinforced by the spaciousness about and between the dwellings and notwithstanding the range of properties, there is a degree of uniformity that is created by the linear pattern of development along Mill Road and the surrounding street network.
6. The proposal seeks to demolish the existing dwellings and replace them with a development of 41 retirement apartments, which would be provided with private parking and amenity areas. The development would create 29, one bed flats and a further 12, two bed flats.
 7. The existing properties at this part of Mill Lane are staggered so that the properties at 5-7A are set back from the appeal site. This allows views of the end elevations of 11 and 15 Mill Lane when travelling eastwards. The staggering of the development also provides a visual gap between the properties so that any in-depth development would be clearly visible from Mill Lane and surrounding properties.
 8. The proposal would create a very large mass of development that would be spread across the four plots, extending into the rear of the site and to its eastern and western boundaries. Although I acknowledge that the proposal seeks to replicate the height of the existing buildings that flank the site, as a result of the sheer scale of the three storey development facing onto Mill lane and which would also cover the majority of the site with built development, it would result in a building that would dominate the site, giving it a constrained and cramped appearance.
 9. Moreover, although I accept that in-depth development exists to the east of the site, on the whole, the gardens to the rear of dwellings in the area are undeveloped which gives the area an open character. Notwithstanding that the development seeks to make optimal use of the site, the layout of the proposal with a large expanse of building across the width and depth of the site would also result in a discordant form of development, eroding and failing to respond to the more open and spacious character of the area.
 10. Furthermore, notwithstanding the 12 design characteristics identified within the "Retirement Living Explained" document¹, the development proposes a mixture of pitched and flat roof elements, along with varying heights and differing elevational treatments which gives the development a somewhat bulky and awkward appearance. While I accept that there are differing styles of properties in the area, the development is a somewhat contrived design response, which further contributes to the harm I have identified above.
 11. The proposal would result in harm to the character and appearance of the area. It would be in conflict with Policy 57 of the North Hertfordshire District Local Plan No.2 with Alterations 1996 (the Local Plan) and the National Planning Policy Framework (the Framework) which seek, amongst other things, that developments achieve the highest standard of design and should relate to and enhance their site and surroundings.

Living Conditions – Future Occupiers

12. The Council has raised additional concerns regarding the standard of accommodation to be provided and the level of private garden area. In

¹ Retirement Living Explained: A Guide for Planning and Design Professionals, April 2017

particular, the concerns stem from the orientation of the building and access to sunlight and the size of the proposed garden area.

13. The accommodation to the front of the site would face onto Mill Lane. While the flats on either end of the front elevation would contain windows in their east and west elevations, flats 05, 19 and 34 would only have windows that face northwards. The orientation northwards would result in sunlight reaching the kitchens, living rooms and bedrooms served by the windows being diminished or non-existent. This would result in gloomy and dark rooms that would be principal areas for occupiers of the flats to enjoy. I therefore find that this would result in material harm to the future occupiers living conditions.
14. With regard to the corridors, I accept that these would potentially also be dark areas as a result of them being internally within the building. Nevertheless, corridors are typical features within large flatted developments and these areas are not part of any living area and are provided purely as circulation areas. Consequently, I do not find the corridor areas to have a negative impact on the living conditions of future occupiers in that regard.
15. Turning to the proposed garden amenity area, Guideline 8 of Policy 57 of the Local Plan requires 18 sq. m per one bedroom flat and a further 10 sq. m for each additional bedroom, equating to 858 sq. m of amenity space to be provided. The Council calculate the garden area to be provided to be some 546 sq. m with a further 65 sq. m of amenity space provided in the owner's lounge within the building, resulting in a total of 601 sq. m of overall amenity space. This falls far short of the amenity space required under Policy 57 of the Local Plan. Furthermore, the space would be overshadowed by the proposed building during the afternoon and evening, reducing the attractiveness of the area. Therefore, notwithstanding the typical age of a resident that may reside within the development, an acceptable level of amenity space needs to be provided to ensure that there is a suitable area for sitting out or indeed exercising. The development would not provide this.
16. Thus, the proposal would result in material harm to the living conditions of future occupiers. It would be in conflict with Policy 57 of the Local Plan and the Framework which seek, amongst other things, to ensure that development relates to the site and its surroundings, enhances the character of the area and provides a high standard of design.

Living Conditions – Adjoining Occupiers

17. The Council has raised several concerns relating to the position of the proposed development in relation to surrounding properties, notably those at King James Way and Queen Anne Court to the south and east of the site respectively. In response, the appellant has provided a 'Distance Drawing'² which is annotated with the distances to the properties that surround it. Given the separation distances proposed and the intervening landscaping along Butchers Baulk between the appeal site and properties along King James Way, I am satisfied that the living conditions of those occupiers would not be significantly affected by the development through loss of privacy or outlook.
18. Turning to those properties at Queen Anne Court, again there is sufficient separation between the appeal building and those that have recently been

² 40030RS/PL20

constructed and those yet to be developed along the court to ensure that, in this urban setting, the living conditions of occupiers is not significantly affected by the development through overlooking or outlook.

19. Thus, the development would not result in material harm to the living conditions of adjoining occupiers. It would not be in conflict with Policy 57 of the Local Plan and the Framework, which seek, amongst other things, to ensure that development relates to the site and its surroundings, enhances the character of the area and provides a high standard of design.

Parking Provision

20. The development would provide 20 parking spaces within the site, which would fail to comply with the requirements of the North Hertfordshire District Council Vehicle Parking at New Development Supplementary Planning Document 2011 (the SPD) which requires a minimum of "1 space per dwelling" to be provided. The appellant, however, is an experienced provider of retirement accommodation and within its Transport Statement (TS)³, sought to demonstrate that such accommodation generates an average parking demand of some 0.28 spaces per residential unit. Thus, as the development would provide some 0.49 spaces per unit, there wouldn't be a requirement to provide one space per unit as it would not generate a demand for such levels of parking provision.
21. I am mindful that paragraph 4.6 of the SPD states that there is room for negotiation to reduce parking levels which would be dependent upon robust evidence being put forward by the developer. In this instance, I find the TS to be such evidence that lower levels of parking would be acceptable at the site. Thus, the development would not be in conflict with Policy 55 of the Local Plan, the SPD and the Framework, which seek, amongst other things, to ensure that developments provide adequate levels of parking.

Other Matters

22. A signed UU has been provided by the appellant, which would satisfy development plan policies seeking to secure the provision of contributions towards affordable housing provision and libraries. The contributions for infrastructure provision would only be necessary to make the development acceptable in planning terms and thus, this aspect of the UU is a neutral factor in the case rather than a benefit. Given that I am dismissing the appeal on the substantive issues, I need not consider this matter in any further detail.
23. I have carefully considered the appellant's suggestion that a condition could be imposed to ensure that only those aged 60 and older can reside at the site. Furthermore, I acknowledge that the principle of the development on a windfall site is acceptable and that it would meet a genuine need for retirement accommodation, reducing loneliness and isolation for those that would reside within the development. This could also result in additional dwellings being released within the District. I also accept that the development would utilise low carbon technology and that the site lies close to the services, amenities and transport links that Royston has to offer. While these matters are material considerations that weigh in favour of the proposal, I do not consider that either individually or cumulatively they outweigh the harm identified above.

³ Retirement Living Development for the Elderly: Transport Statement, Mott Macdonald February 2018

24. I acknowledge that a flatted development exists at Oakley Court opposite the site. However, this particular development does not have the same massing or appearance to the development proposed. Consequently, I do not find Oakley Court to be directly comparable to the development before me. Furthermore, I have no substantive evidence before me that the existing dwellings at the site represent poor quality housing.
25. The appellant suggests that the site would make efficient use of brownfield, or previously developed land (PDL). However, Annex 2 of the Framework specifically excludes land in built-up areas such as residential gardens from the definition of PDL. Thus, as the appeal site contains such land, it cannot wholly be considered as PDL.
26. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

The Planning Balance and Conclusion

27. The Council accept that it cannot demonstrate a five year supply of deliverable housing sites. As such, the tilted balance at paragraph 11 of the Framework is engaged and the policies which are the most important for determining the appeal are out-of-date. I recognise that the proposal would boost the supply of housing for older people in the District which would result in support for the local economy both during the construction and when the development is occupied. As such, the proposal would have both social and economic benefits which weigh in favour of the development.
28. Nevertheless, I have found that the proposal would be contrary to the Development Plan for the reasons as set out above. Thus, the harm I have found is serious and this significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.
29. Thus, for the reasons given above, and having regard to the Development Plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 13 August 2019

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th September 2019

Appeal Ref: APP/X1925/W/19/3230030

Land to the rear of 13 Eldefield, Letchworth Garden City SG6 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by North Herts Property Services Ltd against the decision of North Hertfordshire District Council.
 - The application Ref 18/03309/OP, dated 25 January 2019, was refused by notice dated 25 March 2019.
 - The development proposed is the erection of a detached chalet-style dwelling-house.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been made in outline with all matters reserved.

Main Issues

3. The main issues are (i) the effect of the proposal on the character of the area, and (ii) the effect of the proposal on the living conditions of residents of neighbouring properties with specific regard to outlook and privacy.

Reasons

Character of the area

4. The appeal site is a fenced off part of the rear garden of 13 Eldefield. Eldefield is characterised by relatively large, semi-detached houses, typical of the garden city and set in large, deep plots with generally long rear gardens and generous front gardens. The street and the houses on it, viewed from the front and the rear exhibit a form, regularity and rhythm showing a strong character typical of the garden city movement.
5. Bedford Road, from where the dwelling would be accessed is somewhat different in character. One side has regular groupings of more modern dwellings, but still generally exhibits the garden-city principles of deep plots with front and rear gardens. The other side features grass-verges and trees, providing a green setting to the rear boundaries of Eldefield whilst still allowing an appreciation of their plot-depth.

6. There are some outbuildings and a garage court, accessed from Bedford Road, to the rear of Eldefield, but due to their scale, form and ancillary nature they do not alter the overall character of the area. The general impression of this part of Bedford Road is of a boundary between two distinct, but coherent areas of low density, generously landscaped housing.
7. The erection of a dwelling to the rear of 13 Eldefield would introduce development of scale, form and use which would be markedly different from the existing established character of the immediate area. The plot length would also be significantly shorter than others in the area. The proposal would not respect the existing, established character of the immediate area nor would it respect the garden city principles set out in the adopted policy. As a result, I consider that the proposal would cause significant harm to the character of the area.
8. The proposal would therefore conflict with saved Policies 57 and 58 of the North Hertfordshire District Local Plan No 2 with Alterations, April 1996 (the Local Plan) and Policy D1 of the 2016 Proposed Submission Local Plan 2011-2031 (the Proposed Submission Local Plan). These policies seek to ensure that development responds positively to its context, reflects surrounding layout and design principles and is in sympathy with the existing character of the area.
9. The proposal would also conflict with the aim of the National Planning Policy Framework (the Framework) to achieve well-designed places which respect the character and quality of an area.

Living Conditions

10. The appeal site is formed from the garden of an existing dwelling. As such, the host property already has a relatively short rear garden. As discussed above, the appeal site is atypical for the area in terms of its overall size and particularly its depth. As a result, a dwelling within this plot would have an unusually close back-to-back relationship with the host property and the neighbouring properties.
11. I note the comments of the appellant regarding the ridge-height and intended position of the dwelling within the plot. However, as the proposal is in outline with all matters reserved, I give these suggestions little weight. The positioning of the dwelling as far forwards as possible within the plot would in itself be harmful to the character of the area as both sides of Bedford Road are typified by houses set back from their front and rear plot-boundaries. This adds to my other concerns regarding the issue of character and appearance.
12. I also note the comments of the appellant with regard to the likely form and fenestration of the proposal and how he considers this would address any concerns over living conditions. However, as the proposal is in outline, these comments are of limited weight. I have addressed the position of the dwelling within the plot in my comments above.
13. In light of the arrangement of the existing and proposed dwellings, I consider that the appeal proposal would, on balance, be likely to be harmful to the living conditions of residents of neighbouring properties through the introduction of a level of overlooking and perceived overlooking, resulting in a loss of privacy which would be significantly greater than that which currently exists.

14. As a result, I consider that the proposal would conflict with Policy 57 of the Local Plan and Policy D3 of the Proposed Submission Local Plan, which aim to protect privacy and ensure that development does not cause unacceptable harm to living conditions. The proposal would also conflict with the overarching aim of the Framework to deliver well designed places that deliver a high standard of amenity for existing and future occupiers.

Planning Balance

15. I note that the appellant and the council agree that the council cannot currently demonstrate a five year supply of deliverable housing sites. As such, the provisions of the Framework apply.
16. Notwithstanding the benefits of the proposal suggested by the appellant, I have found that there is significant conflict with the development plan in terms of the harm which the proposal would cause to the character of the area and to the living conditions of residents of neighbouring properties. The development plan is consistent with the Framework in these regards, so I find that the proposal also conflicts with the Framework.
17. Therefore, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of a single dwelling, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development in the Framework does not therefore apply in this case and there are no other material considerations that indicate a decision should be taken other than in accordance with the development plan.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR

This page is intentionally left blank

PLANNING CONTROL COMMITTEE

DATE: 17 October 2019

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
North Herts Property Services Ltd	Erection of a detached 'chalet-style' dwelling-house with associated landscaping and ancillary works (all matters reserved).	Land To Rear Of 13 Eldefield Letchworth	18/03309/OP	Appeal Dismissed on 11 September 2019	Delegated	<p>The Inspector concluded that the proposal would conflict with saved Policies 57 (Residential Guidelines and Standards) and 58 (Letchworth Garden City Design Principles) of the North Hertfordshire District Local Plan No 2 with Alterations, April 1996 (the Local Plan) and Policy D1 (Sustainable Design) of the 2016 Proposed Submission Local Plan 2011-2031 (the Proposed Submission Local Plan), which seek to ensure that development responds positively to its context, reflects surrounding layout and design principles and is in sympathy with the existing character of the area.</p> <p>In addition the Inspector considered that the proposal would conflict with Policy 57 of the Local Plan and Policy D3 (Protecting Living Conditions) of the Proposed Submission Local Plan, which aim to protect privacy and ensure that development does not cause unacceptable harm to living conditions. The proposal would also conflict with the overarching aim of</p>

						the Framework to deliver well designed places that deliver a high standard of amenity for existing and future occupiers.
Mr M Mile	Erection of two storey, two bedroom semi detached dwelling and two parking spaces, with all associated landscaping and ancillary works.	28 Ermine Close Royston SG8 5EE	19/00750/FP	Appeal Dismissed on 19 September 2019	Delegated	The Inspector concluded that the proposal would cause harm to the character and appearance of the street scene and the wider area, contrary to the Development Plan. Whilst it would provide a new dwelling contributing to housing supply within the District, the adverse impact would significantly and demonstrably outweigh the benefits.
Churchill Retirement Living	Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings.	Land At 11 To 17 Mill Road Royston	18/00492/FP	Appeal Dismissed on 20 September 2019	Delegated	The Inspector concluded that the proposal would result in harm to the character and appearance of the area. It would be in conflict with Policy 57 (Residential Guidelines and Standards) of the North Hertfordshire District Local Plan No.2 with Alterations 1996 (the Local Plan) and the National Planning Policy Framework (the Framework) which seek, amongst other things, that developments achieve the highest standard of design and should relate to and enhance their site and surroundings. The Inspector also stated that the proposal would result in material harm to the living conditions of

						future occupiers. It would be in conflict with Policy 57 of the Local Plan and the Framework which seek, amongst other things, to ensure that development relates to the site and its surrounding.
Marcus Powell	Erection of Stables, loose box, tack room and food store.	Rose Farm Codicote Road Whitwell SG4 8AB	18/03152/FP	Appeal Dismissed on 23 September 2019	Delegated	The Inspector concluded that the proposal fails to preserve or enhance the setting of a designated heritage asset. It would also cause harm to the character and appearance of the local historic landscape.
Mr & Mrs Winstanley	Erection of 10no. residential dwellings and provision of car parking area with all associated landscaping and ancillary works (as a revision to application 17/02316/1 approved on 30/05/18) (as amended by drawings received 8th November 2018).	The Gables High Street Barley Royston Hertfordshire SG8 8HY	18/02299/FP	Appeal Dismissed on 24 September 2019	Committee	The Inspector concluded that the proposal would be in conflict with Policies 6 (Rural Area Beyond the Green Belt) and 57 ((Residential Guidelines and Standards) of the North Hertfordshire District Council Local Plan No. 2 with Alterations 2007 and the Framework which seek, amongst other things, to ensure that special account is taken of a site's location within conservation areas and that the siting of a development should enhance the character of an area.
Mr & Mrs R & M Edgson	Erection of single storey three bedroom dwelling with all associated ancillary and landscaping works.	Land At Green Drift Royston	19/00667/FP	Appeal Dismissed on 27 September 2019	Delegated	The Inspector stated that The proposal would create a visually discordant form of development, which would reduce the openness of the land to the rear of No 42 which would be harmful to the character and appearance of the area.

PLANNING CONTROL COMMITTEE**DATE: 17 October 2019****PLANNING APPEALS LODGED**

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Luton Borough Council	27 September 2019	Development A: fencing around pond and Development B: retention of cricket wicket and bunding along boundary as a variation to the approved use and landscaping (LPA refs: 08/02926/1, 12/00359/1DOC and 12/00532/1DOC).	Putteridge High School, Putteridge Road, LUTON, LU2 8HJ	18/02320/FP	Written Representations

This page is intentionally left blank



Appeal Decision

Site visit made on 13 August 2019

by David Wallis Bsc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/X1925/W/19/3230072

28 Ermine Close, Royston SG8 5EE

- 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 Milano Mile against the decision of North Hertfordshire District Council.
 - The application Ref 19/00750/FP, dated 29 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is the erection of two storey, two-bedroom semi-detached dwelling and two parking spaces, with all associated landscaping and ancillary works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue for the appeal is the effect of the development upon the character and appearance of the area.

Reasons

3. Ermine Close is of estate design. The layout generally comprises rows of terraces receded from the highway, with modest front gardens and landscaping providing a green margin between the facades and the public realm. The dwellings on the southern side of Ermine Close, albeit at an angle to the highway, maintain these spatial qualities. Although not subject to any designation or protection for its characteristics, the estate pattern and rhythm of properties together with the prominence of vegetation are key features providing a pleasant environment and a sense of place typical of the era.
4. The appeal site is central to this context. It sits on the junction between Ermine Close and Kingsway, and features in numerous viewpoints around said junction. It defines the entrance to Ermine Close and contributes to the wider setting of the estate.
5. The appeal development would fill the gap between the flank of No 28 Ermine Close and its southern boundary, leaving only a small amount of space to the edge of the public highway. The result would be a two-storey principal elevation in much closer proximity to the highway than nearby dwellings. This would conflict with the spatial characteristics of the estate.

6. When passing the proposed dwelling on its southern side, the prominence of the elevation would be stark and overbearing. This is not assisted by the erection of a fence along the length of the southern boundary. Whilst I note from the plans an intention to retain existing hedgerows and trees, I observed no such retention on my visit. There is little room between the fence and the edge of the highway for any landscaping to take place. The result is an urban form of development completely at odds with the spacious green character of the area.
7. Whilst not directly impacting upon a single individual, the dwelling would appear conspicuous in its many public views, drawing attention for its incongruous nature. The dwelling would be dominant as a result. Rather than add to the visual diversity and interest of the street scene, the proposal would be harmful to and incompatible with the character of the area.
8. I acknowledge that modifications have been made to the appeal proposals following concerns raised in a previously withdrawn appeal. These alterations may enable the proposals to emulate the architectural design of nearby dwellings but have not addressed the spatial discordance of the proposals to any significant degree. I give very little weight is given to the benefits of these reductions.
9. I conclude that the proposals would be harmful to the character and appearance of the area. This is contrary to policies 26 and 57 of the North Hertfordshire District Local Plan No 2 with Alterations 1996. These policies, amongst other things, require development to take the opportunity available for improving the character and quality of an area. The proposal is also contrary to emerging policy D1 of the Local Plan 2011 – 2031, which seeks similar design objectives. I attach moderate weight to this policy given the advanced preparation of the emerging Local Plan.

Other Matters

10. The Local Planning Authority acknowledge that a five-year housing land supply cannot be demonstrated. Thus, the tilted balance is invoked Paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged.
11. The site is within an urban area that is accessible to shops and services. Whilst windfall sites are important to boost the supply of housing, the benefits of one additional dwelling to the housing stock and local economy are modest. Consequently, the support generated from the development towards social infrastructure is also modest. However, the proposal would cause environmental harm to the qualities of the locality.
12. My attention is drawn to a development within a different Local Authority, as an example of an acceptable, yet highly visible, scheme. I am not aware of the circumstances or considerations related to the scheme. Nonetheless, the setting and context for that development is not directly comparable with the current appeal site and I give very little weight accordingly.

Conclusion

13. The proposal would cause harm to the character and appearance of the street scene and the wider area, contrary to the Development Plan. Whilst it would provide a new dwelling contributing to housing supply within the District, the adverse impact would significantly and demonstrably outweigh the benefits.

14. I dismiss the appeal accordingly.

David Wallis

INSPECTOR

This page is intentionally left blank