

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



30 November 2022

Our Ref Planning Control Committee/13 October 2022  
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To: Members of the Committee: Val Bryant (Chair), Tom Tyson (Vice-Chair), Alistair Willoughby, Daniel Allen, David Levett, Ian Moody, Morgan Derbyshire, Sean Nolan, Simon Bloxham, Terry Tyler, Tony Hunter and Phil Weeder

Substitutes: Councillors Adam Compton, Amy Allen, Carol Stanier, George Davies, Michael Muir, Nigel Mason and Steve Jarvis

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY**

On

**THURSDAY, 13TH OCTOBER, 2022 AT 7.30 PM**

Yours sincerely,

Jeanette Thompson  
Service Director – Legal and Community

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

## **Agenda**

### **Part I**

<b>Item</b>		<b>Page</b>
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b> Members are required to notify any substitutions by midday on the day of the meeting.  Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
<b>2.</b>	<b>MINUTES - 15 SEPTEMBER 2022</b> To take as read and approve as a true record the minutes of the meeting of the Committee held on the 15 September 2022.	(Pages 5 - 14)
<b>3.</b>	<b>NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chair 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 Chair will decide whether any item(s) raised will be considered.	
<b>4.</b>	<b>CHAIR'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair 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.	
<b>5.</b>	<b>PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	
<b>6.</b>	<b>22/00910/FP LAND BETWEEN BUSH WOOD AND ROKEY WOOD, HIGH STREET, REED, HERTFORDSHIRE</b> <b>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</b>  Retention of 5,500 cubic metres of inert soils for an engineering operation to create an agricultural reservoir	(Pages 15 - 32)

- |     |   |                    |
|-----|---|--------------------|
| 7.  | <b>22/01657/FP THE ROSE GARDENS, CAMBRIDGE ROAD, HITCHIN,<br/>HERTFORDSHIRE, SG4 0JX</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  | (Pages<br>33 - 40) |
|     | Erection of external canopy following removal of existing marquee.  |                    |
| 8.  | <b>22/01448/FP LAND AT TURNPIKE LANE AND ADJACENT TO 4 MANOR<br/>CLOSE, TURNPIKE LANE, ICKLEFORD, HERTFORDSHIRE</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER   | (Pages<br>41 - 66) |
|     | Erection of five dwelling houses in association with a new access spur from the Lodge Court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space. Revised application following approvals of 20/00891/FP and 21/03464/S73 (Amended plans received 05.09.2022). |                    |
| 9.  | <b>22/01173/FP 131 LONDON ROAD, KNEBWORTH, HERTFORDSHIRE,<br/>SG3 6EX</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER   | (Pages<br>67 - 76) |
|     | Change of use and conversion of existing first floor retail unit to one 2-bed flat  |                    |
| 10. | <b>PLANNING APPEALS</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER   | (Pages<br>77 - 92) |

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# Public Document Pack Agenda Item 2

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY

ON THURSDAY, 15TH SEPTEMBER, 2022 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Councillor Val Bryant (Chair), Councillor Tom Tyson (Vice-Chair), Alistair Willoughby, David Levett, Ian Moody, Morgan Derbyshire, Sean Nolan, Simon Bloxham, Terry Tyler and Tony Hunter*

**In Attendance:** *Tom Allington (Principal Planning Officer), Tom Rea (Principal Planning Officer), Naomi Reynard (Senior Planning Officer) Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), William Edwards (Committee, Member and Scrutiny Manager)*

**Also Present:** *At the commencement of the meeting approximately 8 members of the public, including registered speakers.*

#### 14 APOLOGIES FOR ABSENCE

*Audio recording – 0:30*

The Chair announced that North Herts Council joined the whole nation and The Royal Family in mourning the death of Her Majesty the Queen.

On behalf of our residents the Committee expressed our deepest sympathies The Royal Family. As the longest serving monarch in British history, Her Majesty the Queen devoted her life to the country as a symbol of unity, strength, and hope for all.

Members joined the Chair in a minutes' silence.

Apologies for absence were received from Councillor Daniel Allen.

Having given due notice Councillor Nigel Mason advised he would be substituting for Councillor Daniel Allen.

The Chair advised that Councillor Nigel Mason had sent his apologies for late-running and would join the meeting soon.

#### 15 MINUTES - 31 MARCH, 23 JUNE 2022

*Audio Recording – 3:02*

The Chair advised that there were two sets of minutes for consideration and that these would be taken separately.

The Chair proposed, Councillor Tom Tyson seconded and on the vote it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 31 March be approved as a true record of the proceedings and be signed by the Chair.

The Chair advised that an amendment was to be made to the minutes of the meeting on 23 June 2022 as follows: that at minute 7 resolution (1) was meant to include a section from the officer's report omitted by error, the words to be included being "That the applicant agrees all necessary extensions to the statutory determination period to enable the completion of the deed of variation S106 agreement. In the event that agreement is not secured to extend the statutory determination that the members allow the Development and Conservation Manager to refuse planning permission based on absence of the requisite legal agreement"

The Chair proposed that this amendment be made. Councillor Tom Tyson seconded.

Councillor Nigel Mason joined the meeting at 19:36. The Chair advised that Councillor Mason was not able to vote on the motion currently tabled as he was not present for its full duration.

On the vote it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 23 June 2022 be amended as follows:

At minute 7, resolution (1) to read:

- (1) That application 21/03533/FP be **GRANTED** planning permission subject to the conditions and reasons as set out in the report and with the following additional condition:

"That the applicant agrees all necessary extensions to the statutory determination period to enable the completion of the deed of variation S106 agreement. In the event that agreement is not secured to extend the statutory determination that the members allow the Development and Conservation Manager to refuse planning permission based on absence of the requisite legal agreement"

The Chair proposed, Councillor Tom Tyson seconded and on the vote it was:

**RESOLVED:** that the Minutes (as amended) of the Meeting of the Committee of the Committee held on 23 June 2022 be approved as a true record of the proceedings and be signed by the Chair.

## 16 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 6:26*

There was no other business notified.

## 17 CHAIR'S ANNOUNCEMENTS

*Audio recording – 6:27*

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio and video recorded and recordings would be available to view on the Council's YouTube channel and via mod.gov;
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question

- (4) The Chair clarified matters for members of the public regarding times to speak.

**18 PUBLIC PARTICIPATION**

*Audio recording – 7:35*

The Chair confirmed that the three registered speakers were in attendance.

**19 17/01464/1 - LAND ADJACENT TO OAKLEA AND SOUTH OF, COWARDS LANE, CODICOTE**

*Audio Recording – 7:48*

The Senior Planning Officer presented the report in respect of application 17/01464/1 - LAND ADJACENT TO OAKLEA AND SOUTH OF, COWARDS LANE, CODICOTE supported by a visual presentation consisting of plans and photographs and provided the following additional updates:

- The supplementary agenda pack published with this item included an update on the implications of the Inspectors Report on the emerging Local Plan which had been returned; the main point included was that subject to a number of main modifications set out in the appendix to the report the emerging Local Plan was sound, legally compliant, and capable of adoption;
- This meant that the policies and site allocations made under the emerging Local Plan could be given very significant weight when determining planning applications;
- Two additional representations had been received since the report was written which were uploaded to the Planning Portal and which reiterated objections already included in the report;
- A representation from Herts and Middlesex Wildlife Trust had also been received which made comments regarding the 12m buffer to hedgerows and objections to the interpretation of the emerging local plan's policy by Herts Ecology;
- The front page of the report omitted the applicant's name in error; the applicant was Warden Developments Limited;
- There was an error in paragraph 4.3.1 of the report where it refers to "full" application it should instead refer to "outline" application;
- There was an error in informative 2 which related to off-site highways works where the numbers of the conditions to which it relates were missed which should read "The off-site highways works referred to in conditions 17 and 18 above shall include:"

The following Members asked questions:

- Councillor Ian Moody
- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Nigel Mason
- Councillor Alistair Willoughby
- Councillor Tony Hunter

In response to questions the Senior Planning Officer advised:

- The changes to the hedgerow buffer such that only the wildlife site would have 12m were consulted on during the course of the application and Herts Ecology raised no objections to the proposed amendment;
- Insisting on a 12m buffer around all sites could impact the deliverability of developments on smaller sites such as this;

- The extension of time was requested prior to receipt of the inspector's final report; officers considered that the application was in a position to be determined hence its inclusion on the agenda and it was not felt that prematurity would be a viable reason for refusal;
- 40% of the development would be affordable housing as secured in the S106 agreement. This was a percentage figure as at this stage the total number of dwellings was not determined but as the outline application was for up to 83 dwellings figures had been proposed to illustrate the housing mix as follows – 33 affordable dwellings, 65% of which would be social affordable rented units and 35% shared ownership units in line with the mix set out in the local plan;
- Details of the methods used to assess the levels of harm generated by this proposal, including references to the Greenbelt Review that was part of the background to the submission of the local plan, were included in detail in the report;
- The First Homes policy was introduced during the life of this application. The applicant was asked to consider including First Homes in the housing mix and going forward the inclusion of First Homes in a development could be a material planning consideration but in this instance the applicant preferred to keep the housing mix as outlined in the report which it was felt was appropriate to meet local housing need
- The issues of access were discussed in detail in the report. Officers rely heavily on the advice of the Highways Authority who have considered the application, delivered a detailed response, and not raised any objections and it was therefore the officers' view that objection on highways grounds would not be a sustainable reason to refuse permission.

The Chair invited Mr Chris Watts to speak in objection to the application.

Mr Chris Watts delivered a presentation including:

- The proposed scheme would constitute inappropriate development in the Greenbelt and thus, by definition, cause harm to the Greenbelt to which significant weight should be given.
- There would be harm to the openness of the Greenbelt, to the rural setting of Codicote, harm to its landscape setting, harm to the heritage significance of various listed buildings in the High Street and hedgerows;
- The proposed development would inevitably result in an increase in traffic, adding to congestion already on the High Street, particularly at peak times.
- There would also be significant harm to the adjacent wildlife site;
- Officers had consistently underweighted the harm caused to the greenbelt when considering applications of this sort, in the greenbelt review process, and during the local plan process;
- The development would completely destroy the rural and landscape setting the village at that end of Codicote and result in a complete loss of openness and rural character on the site;
- Development on this site would harm the greenbelt barrier that exists between Codicote and Welwyn;
- The report held that infrastructure works associated with the development would be neutral in the planning balance which further reinforced the argument that officers had underweighted the harms resulting to the greenbelt;
- The site was not suitable for as many as 83 dwellings and if the number was significantly reduced the amount of social housing included was likely to be down rated, mitigating the supposed benefits of the proposal, on viability grounds;
- Plans to expand the local school to accommodate the development did not take into account development on brownfields sites nearby and this new proposal would overburden the capacity for school places being provided;
- The application should be deferred until the local plan is settled following Council in October and if not, refused on the basis of the harms identified above.



The Chair invited Mr Paul Watson to speak in support of the application.

Mr Paul Watson delivered a presentation including:

- The site was marked for residential development in allocation CD1 in the Emerging Local Plan;
- The section 106 agreement secured a quota of 40% social housing and significant financial contributions to local infrastructure including local highway schemes, bus services, local nursery provision, primary and secondary education, health services, and sports and open space;
- The inspectors report published subsequent to the application endorsed the allocation and related plans;
- Housing supply was a continual issue for the District as identified by the inspector and this site would contribute up to 83 dwellings to address pressing housing need;
- The greenbelt reviews conducted were considered to be high quality and their findings were sound;
- All of the criteria in the emerging local plan attached to allocation CD1 were met by the terms of this application;
- There were no technical objections from the statutory consultees;
- Whilst current master plan is indicative, it did demonstrate how a soft edge the site so as to be a sensitive interface with the nearby village could be created along with the 12 meter buffer with the adjacent wildlife site.
- Members would have the opportunity to review proposals for the site as part of future reserved matters application;
- It was clear that the site occupied a sustainable location and that development here would deliver a high quality environment for future occupiers, including the full policy compliant level of affordable housing.

The Senior Planning Officer advised the following in respect of points raised during the presentations:

- Harm to the greenbelt had been assessed by officers in line with comments from the Inspector and was considered to be moderate at best, and the impact of the Heath Lane decisions (concerning a larger site in more open setting) was a material planning consideration;
- No harm to the heritage value of listed buildings had been identified and the harm to the heritage asset of the hedgerows was considered to be less than significant.
- This harm would be weighed against the significant public benefit of the provision of up to 83 dwellings that represented much needed market and affordable housing;
- There would be no requirement incumbent on adjacent landowners to supplement the proposed 6m hedgerow boundary on their own land and Herts Ecology had raised no objections to the proposed boundary scheme;
- The impact to infrastructure had been considered moderate in view of the secured Section 106 funding to provide mitigations and the assessment of school capacity and the uplift required resulting from developments relied heavily on the view taken by Hertfordshire County Council officers.

The following Members took part in debate:

- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Ian Moody
- Councillor Tony Hunter
- Councillor Alistair Willoughby

Points raised in the debate included:

- The pedestrian access outlined in the application was not sustainable or appropriate in view of the walking distances proposed to the nearest bus stops;
- The only unreserved matter on this application was road access to the site and the provision made looked particularly poor; the road was small and frequently congested and there was no safe footpath beside it and the addition of this development would exacerbate these problems;

In response to points raised the Senior Planning Officer advised:

- The scheme included pedestrian access directly to Codicote high street and the scheme had secured by S106 agreement contributions to the South and Central Growth Transport Plan and expansion of the bus service through Codicote which would improve bus stop provision and accessibility;
- The access scheme proposed was the result of a series of consultations and negotiations with the Highways Authority and was considered to be an improvement on the current problems described at the junction and would include the addition of a public footpath set back from the road;
- Officers relied on advice from the Highways Authority as statutory consultee and no objections to the scheme had been raised.

Councillor Alistair Willoughby proposed, Councillor Tom Tyson seconded and on the vote it was:

**RESOLVED:** That planning permission is resolved to be **GRANTED** subject to referral to the Secretary of State for Levelling Up, Housing and Communities, subject to the completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required and the conditions and informatives as set out in the report, and the following amendment:

Informative 2 relating to off-site Highway Works to read:

"Off-site highways work Informative

The off-site highways works referred to in conditions 17 and 18 above shall include:

- Pedestrian dropped kerbs and tactile paving either side of the Cowards Lane / spine road junction, with a suitable level of visibility from the tactile crossing points.
- Pedestrian dropped kerbs and tactile paving either side of the B656 / spine road junction.
- Measures to prohibit the parking of vehicles (e.g. double yellow lines) at the roadside of the B656 to ensure the necessary level of visibility from the site access, and from the pedestrian crossing points on the B656, are maintained in perpetuity.
- The upgrading of the two existing bus stops closest to the site along the B656, including raised Kassel kerbing.
- The details of these off-site highways works need to be completed in accordance with an approved S278 Agreement with the Highway Authority, prior to the occupation of any dwelling forming part of the development."

20      **21/02957/FP LAND ON THE SOUTH WEST SIDE OF, BARKWAY ROAD, ROYSTON, HERTFORDSHIRE**

Audio Recording: 1:17:41

The Principal Planning Officer presented the report in respect of application 21/02957/FP supported by a visual presentation consisting of photographs and plans, along with the following updates:

- The supplementary agenda pack published with this item included an update on the implications of the Inspectors Report on the emerging Local Plan which had been returned; the main point included was that subject to a number of main modifications set out in the appendix to the report the emerging Local Plan was sound, legally compliant, and capable of adoption;
- This meant that the policies and site allocations made under the emerging Local Plan could be given very significant weight when determining planning applications;
- Late representations had been received which reiterated points already considered by the report including concerns around; design, height and proximity of the houses and the loss of privacy to Shepherd's Close residents; concerns that an archaeological survey should be carried out; increase in traffic; additional burden on the town's infrastructure; concerns of damage to existing properties that might occur through construction; health and safety issues; and concerns around surveys including the bat survey conducted and the design codes used by the Council in assessing the development;
- There was an amendment to be made to the S106 table at page 129 of the agenda pack to reflect the monitoring fee of £340 charged at each trigger point in the legal agreement;
- There was additional wording to be added to condition 9 as follows: "The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out in the submitted Bat Survey Report by Three Counties Ecology, the Preliminary Ecological Assessment and Potential Roost Assessment (August 2021)."

The following Members asked questions:

- Councillor David Levett
- Councillor Tom Tyson

In response to questions the Principal Planning Officer advised:

- The power line ran directly above the access road;
- The bridleway/footpath headed northwards towards central Royston.

The Chair invited Mr Roger Mead to speak in objection to the application.

Mr Roger Mead gave a presentation including:

- Plots 7 and 8 on the plan were intrusive and would sit close to his property resulting in a loss of light and overlooking;
- A light survey he had conducted from October to March between the hours of 8:15-14:15 suggested he could lose up to 88% of the light to his property and to his neighbours;
- The view from his property would be interrupted by the new development;
- The height of the proposed dwellings was such that it would lead to overlooking and a loss of privacy and there were first floor windows looking directly on to his property;
- There would only be 1.5m distance between the boundaries of his property and the plots at 7 and 8;
- He was supportive of development in Royston but concerned about the position and height of this part of the proposed development.

The Chair invited the Principal Planning Officer to respond to points raised in the presentation.

The Principal Planning Officer advised that:

- The applicant had been asked to obtain a daylight and sunlight assessment and a report had been produced by consultants which accompanies the application based on the industry standard;
- The numerical results of that study confirm that the impact of the proposed development on the light receivable by the nine existing dwellings is in full accordance with good practice and therefore the proposed development design satisfies all of the requirements set out in the BRE Guide Site Layout Planning for Daylight and Sunlight;
- Regarding overlooking, condition 135 required any windows looking towards Shepherds Close (the neighbouring properties) have obscure glazing;
- Plot 8 would be near 5 meters away at the nearest point from the boundary and Plot 7 would be 4, and additional landscaping was proposed along the boundary.

Councillor Simon Bloxham asked a question of clarification and in response the Principal Planning Officer confirmed the plots being discussed by himself and Mr Roger Mead were corresponding.

The following Members asked questions and took part in debate:

- Councillor Tony Hunter
- Councillor David Levett
- Councillor Terry Tyler

In response to questions the Principal Planning Officer advised:

- Conditions were proposed that meant all details of hard and soft landscaping be approved by the Council, that trees be retained, and any loss of soft landscaping measures in the first few years of the development be replaced by the developer;
- Officers relied on the advice of the Health and Safety Executive when considering issues like power lines;
- The Energy Networks Association produced guidance on construction and development near power lines and based on that information and the fact that the power line was of the lowest voltage in use the minimum suggested safe distance between the line and development was 3m; the proposed plan had a distance of 6 meters.

Councillor David Levett proposed, Councillor Alistair Willoughby seconded and on the vote it was:

**RESOLVED:** That planning permission be **GRANTED** subject to the completion of a satisfactory S106 Legal Agreement and the reasons and conditions set out in the report, subject to the following amendment to condition 9 to read:

“The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out in the submitted Bat Survey Report by Three Counties Ecology, the Preliminary Ecological Assessment and Potential Roost Assessment (August 2021).”

## 21 PLANNING APPEALS

*Audio Recording: 1:44*

The Principal Planning Officer presented the report entitled Planning Appeals and highlighted that there were seven appeal decisions received to report on and of those seven two were withdrawn leaving us with five; of those five are all delegated decisions. In his view none of them were contentious or significant appeal decisions.

By assent of the meeting it was:

***RESOLVED:*** That the report entitled Planning Appeals be noted.

The meeting closed at 9.17 pm

Chair

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<u>Location:</u>	<b>Land Between Bush Wood And Rokey Wood High Street Reed Hertfordshire</b>
<u>Applicant:</u>	<b>K.D Duke &amp; Partners C/O Agent</b>
<u>Proposal:</u>	<b>Retention of 5,500 cubic metres of inert soils for an engineering operation to create an agricultural reservoir</b>
<u>Ref. No:</u>	<b>22/00910/FP</b>
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period :** 29.06.2022

## **Reason for Delay**

The application has had the statutory date extended to 30<sup>th</sup> October 2022. The delay has been due to the wait for a committee meeting.

## **Reason for Referral to Committee**

The application is being presented to Planning Control Committee due to the requirements of the scheme of delegation which requires for applications for 'operational development' with a site area larger than 1 ha to be presented to PCC for determination. This application has a site area of 2.7 ha thus making this a committee decision.

Furthermore the application has been 'called in' to committee by Cllr Morris on the basis the Reed PC has raised several objections.

## **List of Plans**

Location Plan;  
Existing site plan – C545/4;  
Proposed plan – C545/3.

### **1.0 Policies**

#### **1.1 National Planning Policy Framework February 2019:**

#### **1.2 In general and with regard to:**

Section 2 – Achieving sustainable development;  
Section 6 – Building a strong, competitive economy;  
Section 15 – Conserving and enhancing the natural environment.  
Section 16 – Conserving and enhancing the historic environment.

### 1.3 North Hertfordshire District Local Plan No.2 with Alterations

Policy 6 – Rural Areas beyond the Green Belt.

Policy 16 – Areas Archaeological Significance and other Archaeological Areas.

### 1.4 North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Proposals Map

Policy SP5 – Countryside and Green Belt

Policy CGB1 – Rural Areas beyond the Green Belt;

Policy HE4 – Archaeology.

### 2.0 Site History

2.1 Application 18/02235/AG proposed the creation of a 2.5 ha reservoir to store water for irrigation. The report sets out that surface area of the reservoir is to be 2.5ha with bund of 4 – 5m around it. This application concluded that prior approval was not required.

2.2 Application 19/010955/LDCP was for 'Engineering operation to create an agricultural reservoir'. This was granted on the basis that the works were considered to comply with Part 6, Class A of the GPDO. This proposal was for the importation of 45,000 cubic metres of materials forming a reservoir with a capacity of 24,000 cubic metres. This application showed that the reservoir would be filled by surface water runoff alone.

2.3 Applications 12/02365/1, 13/00840/1 and 13/01257/1 were all for the solar farm which is opposite one end of the application site area for the reservoir.

### 3.0 Representations

3.1 **NHDC Environmental Health** – there is low likelihood of environmental risk from ground contamination. No objection.

3.2 **HCC Archaeology** – no objection subject to a condition which is recommended. HCC Archaeology comment:

*"The proposed development site is in an Area of Archaeological Significance identified in the Local Plan. This denotes the historic village of Reed and a large number of medieval moated sites. These include a well-preserved medieval moat and hollow way, located immediately to the west of the site, in Bush Wood [Scheduled Monument - List Entry 1017608, Historic Environment Record No 1924]. The site of a possible medieval motte and bailey known from cropmarks/earthworks lies immediately north of Rokey Wood [HER 855]. In 1743 a hoard of Roman bronze and silver objects, comprising seven silver tablets or thin plates, a bronze figure of Mars and a bronze knife was found in Rockley or Rokey Wood [HER 2233]. In 2009 two cross-sections of a ring ditch, about 30cm deep and 70cm wide, containing flint-gritted probably Bronze Age pottery were recorded when a modern drainage ditch was cut along the farm track on the northern boundary of the site [HER 17747].*

*The proposed development site therefore has a high potential for archaeological remains dating to the prehistoric and medieval periods, in particular. The same conclusion is also reached in the archaeological desk-based assessment (DBA) submitted with the application (Archaeological Solutions Ltd, Proposed Solar Farm [sic], Wisbridge Farm, Reed, Hertfordshire. An Archaeological Desk-based Assessment & Walkover Survey, May 2019).*



*I note that a substantial quantity of inert material has already been spread over the northern part of the development site. The DBA states that the site 'is stripped bare in its southern section and overlain with imported material within its northern section'. It is likely that the importation of this material may have already had some impact upon any below ground archaeological remains present. It is unclear exactly what further impacts would be involved in the construction of the reservoir, but the DBA (7.5) states 'The proposed construction of the reservoir will comprise the stripping of the existing topsoil and the importation of material to build up the reservoir rather than excavation and truncation of the site. The banks of the proposed reservoir will be built along all four boundaries, rising by approximately 4m above the existing ground level. The proposed stripping of the existing topsoil and the importation of material to build up the reservoir could impact archaeological remains, if present, but this impact could be mitigated for example by not tracking on exposed soils. Furthermore, should the application for the retention of the inert soils not gain planning consent, leading to the removal of the material, this could also cause disturbance to the site'.*

- 3.3 **Environment Agency** – no objection. The applicant should note that an abstraction licence will most likely be required.
- 3.4 **Anglian Water** – no comment as the development does not meet their threshold requirements of being either a development for 10 or more dwellings or a commercial or industrial development with a floorspace of 500 sqm or greater.
- 3.5 **Reed Parish Council** - object to the application and have provided detailed comments. These are attached at Appendix 1. The chairman of Reed PC has provided a historical background to this application which is included in this report for information purposes. This background is:
- *An application was made to NHDC as PA back in the summer of 2019 for a Certificate of Lawfulness. It was retrospective in that lorryloads of soil were being imported to the site from 2018.*
  - *A COL was to confirm that importing soil for agricultural engineering works was legitimate permitted development. The said engineering works were construction of an agricultural reservoir. The supporting statement presented by Savills for the COL application detailed the need to import 45,000 cu m of material to construct a 25,000 cu m capacity reservoir. The justification given for the reservoir was identical to that offered in the present application (22/00910/FP).*
  - *Despite being lobbied for an immediate decision by the agent and the solicitor for Searo (the contractor involved) Richard Tiffin as case officer acted with due diligence and insisted on evidence that a reservoir on the site was viable - ie that it could be supplied with water. This assurance he received in the form of an expert water report. Accepting expert advice he duly and quite properly issued the COL in September 2019.*
  - *Importation of soil thereafter continued and then throughout the first lockdown. By autumn of 2020 the site had been transformed into one resembling a first world war battlefield. The overall level of the field had been raised and disordered and unconnected banks were distributed about the site to absorb the 45,000 cu m of imported soil. All work then stopped.*
  - *It became apparent that the expert water report submitted in 2019 was made by the applicant without consultation with the Environment Agency.*
  - *Through copious correspondence between Barkway and Reed Councils and the EA, the latter made clear that they would not licence water extraction from boreholes in*

surrounding ditches as proposed in the 2019 Water report. This meant that the proposed reservoir of 25000 cu m capacity could not be filled by extraction. Given that rainwater could never fill it, it became unviable as a reservoir, which amongst other things effectively rendered void the COL for the enterprise - which was predicated on it being an agricultural permitted development. A reservoir is an agricultural permitted development but an unfilled reservoir is presumably not. EA required the Agents and the Owners to present alternative proposals on water. No such proposals were, to my knowledge, presented to EA. However, this planning application has now emerged.

- The inactivity on the site for the last year and a half has allowed the site to re-wild naturally. That in turn has motivated Reed PC (and possibly also Barkway) to desist from lobbying EA, the developer and indeed North Herts about the reservoir and the importation of soil. Even if the effect of the imported soil being present (without a reservoir) was that it was effectively a waste transfer, it was felt that the site was being naturally rehabilitated and no longer quite a disfigurement of a beautiful landscape. Parishioners could live with it especially as no water was being siphoned from runs that fed the River Quinn and other water courses.

3.6 Further to this background, the PC raised 5 queries. These were put to the agent and responses received. This information is set out below under the proposal section of this report.

3.7 **Barkway Parish Council** – objects to the application for the following reason:

*“This seems to be a significantly flawed application in that the claimed supply to fill and refill the “reservoir”, from precipitation, would be wholly insufficient to do that. We understand that rain would barely cover the bottom, let alone fill the whole on a continuing basis. We also understand that the exterior might not even hold the water in, by virtue of the permeability of the materials. Extraction of water to fill this “reservoir” has not been proposed but we know from the previous application that it would not be licenced for this site by the Environment Agency (being a designated area of water shortage). It brings into question – what this application is really for, as there is no rationality for it when it is surrounded by a Solar Farm and woods. In the opinion of Barkway Parish Council, this application lacks critical information for North Herts Council to be able to make an informed determination.*

*The impact on Barkway should also be taken into account. If the flow of water is interrupted or reduced by going into this “reservoir”, that will inevitably reduce the flow of water into the water features in the village. These include the ancient Wagon Wash, which is a historical feature and also home to protected wildlife. It is also part of a natural water course which ends up in the protected historic ancient chalk stream of the river Quin.*

*We would also ask what is the plan for the existing materials moved onto the site since 2018 to build the previously planned “reservoir”. Is this to be removed? Currently this dumped material is marring what had previously been a beautiful landscape”.*

3.8 The application has been advertised with a site notice. Replies have been received from one neighbour, Cllr Morris and the Friends of the Rib and Quinn.

3.9 Friends of the Rib and Quinn – we are concerned as to how such a reservoir would be filled and how that might impact the aquifer and thereby the rivers / ponds / streams in this part of the catchment.

3.10 Neighbour comments:

- There has been no obvious attempt to create an agricultural reservoir since the materials was dumped there resulting in the site being an eyesore for several years.
- It is now being used by scrambler bikes which are a hazard to the adjacent footpaths.
- If the site granted permission then the site should be levelled or securely fenced.

3.11 Cllr Morris:

- There is local confusion why someone would want to create a reservoir which can only be filled by rainwater when this will never fill.
- There is a local concern that this reservoir is to be filled with liquid from an anaerobic digester and then used as a fertiliser.
- Whilst the production of home grown fertilizer is supported due to the cost rise of fertilizer and it can be regarded as being more sustainable due to it having a small carbon footprint, there is a concern that this could leach into the locality and be a source of pollution.
- In the event this application is recommended for approval, conditions needs to be imposed preventing any more material from being imported on to the site and ensuring the surplus material is landscaped.
- The existing site material is primarily chalk and would retain water. The reservoir would need to be lined in clay or with a waterproof membrane. This is not explained in the proposal nor is there any explanation or detail of the infrastructure that will be needed to irrigate the fields.
- Page 4 of the statement says that the reservoir can be filled by rainwater and would not require abstraction. I assume that by rainwater it is suggesting that there will be no other method of filling the reservoir. Whatever its depth with evaporation it is obvious that the reservoir will never be filled. Any body of water needs a method of filling it in addition to direct precipitation. A river, stream, borehole or adjacent land sloping towards it. This reservoir has none of these.
- Clearly the method of filling the reservoir by rainfall is unrealistic. Whilst abstraction is not being requested. You will see from the Environment Agency correspondence that abstraction would be permitted for the original larger reservoir at a volume of 20 m<sup>3</sup> or less of water per day. The current retrospective application says that this reservoir will have a water volume of 5500 m<sup>3</sup>. Therefore it would take 275 days to fill the new reservoir. That is without using the water or any evaporation. Very clearly unrealistic by whatever method.
- The supporting statement makes much of the environmental benefit of this structure. I would suggest that the reverse will be the case, in that it will become an unnecessary eyesore, potentially dangerous and add nothing to any biodiversity in the area. Certainly never become a useful method of irrigation.
- This good agricultural land was taken out of use and the imported material left in situ. The site has now grown over and is now probably better left as it is.
- It would appear the imported material is primarily chalk without topsoil, although as I have said nature has attempted to reclaim the area. A better solution may be to level

the land, albeit it would for higher than the surrounding area and then seed it with a mixture of native plants and grasses.

#### 4.0 **Planning Considerations**

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

- 4.1.1 The application site is an area of open land laying north of the existing solar farm, south of Periwinkle Hill and in between Bush Wood and Rokey Wood. There is an existing farm track running along the north, down the east and past the south side of the application site area. The area has previously had soil imported on to it, which is banked in a rough 'U' shape down the east and west side and along the north side of the area. This has largely grassed over and has a fairly natural appearance in the locality.

##### 4.2 **Proposal**

- 4.2.1 The description of development is 'agricultural reservoir and associated works'. Submitted in support of the application is a Planning Statement. This states:

- *This is a retrospective application for the retention of 5,500 CUm3 cubic metres of inert soils for an engineering operation to create an agricultural reservoir at Wisbridge Farm.*
- *The site comprises land which was formerly cultivated arable land directly between Bush Wood and Rokey Wood. An access track runs directly past the north and south of the site. The site is located to the north of the Wisbridge Solar Farm. It is due west of the village of Barkway and due east of the village of Reed. Views into the site are limited from the north and south, with Rush and Rokey Wood providing extensive screening from the east and west. Inert material (soil) was moved onto the site in 2018 following an application for prior approval for an agricultural reservoir (reference: 18/02235/AG).*
- *The site lies adjacent to 'Bush Wood moated site and hollow-way' scheduled monument.*
- *The site is located in an area designated as Flood Zone 1 and therefore has a low probability of flooding.*
- *The proposed development would comprise the creation of a hectare reservoir to store water for the irrigation of arable crops grown by the farming business. It is anticipated that the reservoir would be approximately 5,500 CUm3 in capacity, with the works involved including excavation, with moved material already on site being used in part to create the banks of the scheme. In recent years the effect of climate change has been seen on the farm, with very dry springs which effect spring crop establishment and winter crop development, all of which lead to seriously reduced crop yields by as much as 40-50%. Furthermore in order to reduce risk caused by imposed trade tariffs following the UK exiting Europe, the farming policy is being reconsidered. Apart from the traditional arable crops which benefit from small quantities of irrigation, the farm is considering high value crops such as strawberries, market garden vegetables and small seed production. The UK government, through DEFRA, are promoting the more sustainable storage and use of water on farms for the purpose of crop irrigation and therefore the creation of a small reservoir falls within these Government plans, but would be self-funding rather than being grant aided through a competitive tendering process.*
- *Further to the planning history, it was the view of NHDC that the works on site went beyond what was allowed under permitted development rights and as the applicant was advised to submit a retrospective application.*
- *The proposed development is necessary for the purposes of agriculture, storing water for use by the farming enterprise.*

*Local Plan and is further supported by the NPPF. The reservoir can be filled by rainwater and would not require abstraction*

- 4.2.2 The ecological survey confirms that the proposed development presents an opportunity to create new beneficial habitats at the Site. The report recommends measures to benefit the biodiversity of the area, including:
- Buffer zones to Rokey Wood and Bush Wood to be fenced off following completion of works allowing natural woodland regeneration in the buffer zones.
  - A line of native trees should also be planted to create a green corridor linking the two woodlands.
  - The outer banks of the new reservoir to be seeded with species-rich neutral grassland mix.
- 4.2.3 The design of the proposed development has been informed by the practical considerations of the site and the agricultural needs of the farming enterprise. The proposed reservoir would not only enable water storage, but would also improve the biodiversity of the site.
- 4.2.4 As set above, following the receipt of the Reed PC objection, further clarification was sought from the agent. Five questions were asked and a response was provided. These are:

1. *Is this figure of 5500 cu m of soil correct?*

*Response: For clarification, it is the capacity of the reservoir that would be 5,500 cu m of water. The amount of soil required to create the reservoir is 11,936 cu m, all of which is already on site. The existing material would be reprofiled to create the proposed reservoir.*

2. *This is a considerable reduction on the 25,000 cu m capacity originally proposed in 2019. But can even a 5500cu m reservoir served only by rainwater ever be viably supplied with water on this site - in what is an EA designated area of water shortage? Would the supply of water be a material consideration for the PA in this application?*

*Response: It is envisaged that the reservoir can be filled via*

- *rainwater;*
- *from the adjoining fields' land drains running into the two main adjacent carrier ditches; and*
- *through rainwater catchment from the farm's main grain store.*

*It is proposed that abstracted water would only amount to 20 cu m per day , the amount allowed under the Environment Agency's legislation.*

3. *Taking the information offered in the application at face value, how can 5500 cu m of imported inert material be enough material to construct a reservoir of 5500cu m capacity*

*Response: Following the previous consents, 11,936 cu m of soil was brought onto the site. No further material will be imported and it has been calculated that this quantity of material will be sufficient to construct a reservoir of 5,500cu m.*

4. *What then happens to the rest of the 45000 cu m of material already imported to the site? Does the status of 35,500 cu m become 'waste'? Will it be removed?*

*Response: The contractor involved in the movement of the inert material has confirmed that there is 11,936 cu m on site. There is no intention to bring further*

*material onto the site as there is sufficient to create a well-constructed reservoir which will enhance the security of crops in a dry spring/summer season. Therefore, there is no additional material to remove.*

5. *Taking into account the natural rewilding currently rehabilitating the appearance of the site, what guarantees would the PA have that the landscaping measures proposed in the present application would be implemented? And over what timescale?*

*Response: The proposed reservoir would have the banks grassed down and the area surrounding will have flower mixes established to enhance the environmental features complementing the new reservoir. As soon as the reservoir has been constructed, the grassing down and seeding will take place providing that there is sufficient soil moisture to ensure a good take. A planning condition to control the timing of the landscaping works would provide comfort to the LPA that these would take place at the appropriate time.*

- 4.2.5 A Preliminary Ecological Appraisal has also been submitted with the application. This concludes that the development presents an opportunity to plant a green corridor of native trees linking Rokey wood and Bush Wood with the outer banks of the reservoir being planted with a species rich neutral grassland mix.

### **4.3 Key Issues**

- 4.3.1 The key issues in this instance are whether these type of works in the rural area acceptable, and whether there would be an adverse impact in the locality from the works.

#### Principle

- 4.3.2 Saved Policy 6 of the Local Plan 1996 states that in the rural area beyond the Green Belt the Council will maintain the existing countryside and a development proposal (outside of the selected villages) will normally be allowed only if:

*it is strictly necessary for the needs to agriculture, forestry or any proven need for local community services, provided that:*

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

- 4.3.3 This policy is carried through to the emerging Local Plan with Policy CGB1. This policy states:

*In the Rural Areas beyond the Green Belt, as shown on the Proposals Policies Map, planning permission will be granted where provided that the development:*

- a. is infilling development which does not extend within the built core of a Category B village;*
- b. meets a proven local need for community facilities, and services or rural*

*affordable housing in an appropriate location;*  
*c. is strictly necessary for the needs of agriculture or forestry;*  
*d. relates to an existing rural building;*  
*e. is a modest proposal for rural economic development or diversification; or*  
*f. would provide land or facilities for outdoor sport, outdoor recreation and*  
*cemeteries that respect the generally open nature of the rural area.*

- 4.3.4 As set out above, this proposal is for agricultural purposes to provide water for irrigation for the farm for both existing crops and due to the farm wishing to increase the production of market gardening type produce. As a result, this proposal is considered to comply with the requirements of both Saved Policy 6 and emerging Policy CGB1 and there is no objection raised to the principle of this application.

#### Detailing considerations

- 4.3.5 The plans show that the reservoir is to be positioned within the northern half of the land area, and is an area (from the outside of the mounds) approximately 105m by 105m. The rest of the land area is to be levelled with ground level in this area raising from the natural ground level of 149 in the area along the access track on the south side to 150.8 just to the south of the southside mound edge. The reservoir banks are to be a maximum of 155 with an anticipated maximum water level of 154.

- 4.3.6 Whilst the application sets that the works are to be done using the existing material on site and that no new material will be needed to be imported. The agent has been contacted seeking clarification on how the reservoir would hold the water and how it would be filled. The response by email dated 27/09/22 states:

*"I can confirm that the reservoir would be lined with clay which is already on site (included within the imported material). No artificial material would be used to line the reservoir.*

*In relation to the water, in addition to rainfall, this would come into the reservoir via the network of connecting ditches that cross the agricultural land. Runoff from the roof of the farm's grain store would also be collected and piped into the reservoir. Water would be pumped out into a sprayer for use on the surrounding agricultural land".*

- 4.3.7 I consider that this clarifies this issue and a condition is recommended covering this issue in the event that other materials are needed.

- 4.3.8 In my view it cannot be denied that this proposal will have a high degree of visual impact in the locality. Especially initially when the works are undertaken, and the soil is visible before planting has become established on the side of the banks. The high point of the banks is stated (on the proposed plans) to be datum point 155.00. The ground level of the footpath on the northern side is stated to be 151.35 – 152.29 and the high point of the bank is set 16m – 22m in from the footpath / farm access track edge with the land graduating upwards to the high point. On the east side, a similar relationship is proposed. The footpath / farm access on the east side on the proposed plans is stated to be between 150.63 - 151.21 and the 155.00 high point of the reservoir bank walls are set in 16m – 20m from the edge of the east side footpath / access track with the land banking upwards to the high point. Therefore, for those passing by the reservoir, seeing the land increase in height by between 1m – 4m over a distance of 16m – 22m, these earthwork will be visually apparent when passing by.

- 4.3.9 However, just because the works will be noticeable, I do not consider that this a reason to refuse the application for. This is due to the works being contained in a small area

that those in the area will pass by quite quickly and due to the set back of the high point from the footpath / farm access track edge, the works, in my view, will not be visually over bearing or over dominating but more will appear as a grassy hill. Furthermore, due to the location of the reservoir with it being substantially screened by existing trees on two and half sides, there will be no outward / long range harm extending into the countryside. Whilst the lane will be open leading down to the south edge boundary, due to the distance involved the side banks will just appear as a small hill in the landscape. Given the benefit of the application providing water for farming purposes, I cannot conclude that the visual impact in the locality will be so harmful to justify the refusal of the application for this reason. Furthermore, the planning history sets out that banks between 4m – 5m were agricultural permitted development.

- 4.3.10 The ecology report sets out that the banks of the reservoir will be planted with mixed grasses and wildflowers which is supported and will help to reduce any visual impact in the locality. The ecology report also makes reference to additional tree planting, but this is not shown on the plans and a condition is recommended regarding landscaping details to be submitted and approved and implemented on site.

#### Other matters

- 4.3.11 I note the concern stated above that the reservoir either will not fill or that it will prevent water from filtering into the local aquifer which will in turn reduce flows into local ponds and streams in the area. The issue of water abstraction and water flows is controlled by the Environment Agency who have advised the applicant that they will need to apply for a licence for these works thus making this a matter that is outside of this application.

#### Conclusion

- 4.3.12 The application is recommended for condition permission on the basis that the work will result in the site area having a different but acceptable visual appearance in the locality whilst providing a function that is needed for the purposes of agriculture which is development in accordance with the provisions of Saved Policy 6 and emerging Policy CGB1 of the Local Plans 1996 and 2011 – 2031.

### **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 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 11 of the Planning and Compulsory Purchase Act 2004.



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

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

3. Before any development commences on site the landscape details are to be submitted to and approved in writing by the Local Planning Authority and the details shall include the following :

a) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

b) the location and type of any new fences or other means of enclosure.

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

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

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

5. Before any works commence on site full details are the following are to be submitted to and approved in writing by the Local Planning Authority:

a ) a cross-section plan showing the construction of the reservoir with the clay lining to hold the water in the reservoir.

b) the details of any equipment or machinery that will be used in association with either filling or using the water to be stored in the reservoir and how often this will be used.

Only the approved details can be implemented on site.

Reason: Full details of the proposal have not been provided at the application stage.

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

1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording

[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)

4. Provision to be made for publication and dissemination of the analysis and records

of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

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

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

Reason: To protect any archaeological finds on site.

7. For the avoidance of doubt, this planning permission is hereby permitted on the basis that water only is stored in the reservoir and it is used for no other purpose, such as for the storage of any fertiliser based substances.

Reason: To prevent the reservoir from being used for other purposes.

8. No additional material is to be brought on to the site for the construction of this reservoir. Only the imported material already on the site can be used.

Reason: As stated within the application there is already sufficient material on the site for the construction of this reservoir.

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

#### **Proactive Statement**

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

Informative/s:

The applicant is advised that the drainage works to ensure the collection and transportation of water from the grain store building roof to the reservoir may require planning permission.

#### **7.0 Appendices**

- 7.1 Appendix 1 – Reed Parish Council objection response.



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Reed Parish Council:

Re. Application 22/00910/FP:

Retention of 5500 cubic metres of Inert Material For Engineering Operations To Build An Agricultural Reservoir, Land Between Rokey Wood & Bush Wood

Reed Parish Council objects to this application and requests it be refused on the grounds detailed below. The Parish Council believes the application is lacking in essential information needed for the Authority to make a determination.

1. The information presented in the application is inadequate. Specifically, the inert material proposed for retention appears to be insufficient for the engineering works proposed. It is hard to comprehend how only 5500 cu.m. of material is sufficient to erect the reservoir banking to contain 5,500 cu.m. of water. It behoves the applicant to provide accurate and complete information about the amount of material to be used for the proposed reservoir. And to explain also what happens to additional material already imported to the site. See 2 below.

2. The application makes no reference to what should happen to 39,500 cubic metres of inert material imported to the site since 2018 along with the 5500cu.m. of material referred to in this application. This total of 45,000 cu.m. of material was imported to putatively construct a much larger reservoir (of 24,000 cu. m. capacity). It is now established that such a reservoir cannot be supplied with water in the manner proposed in 2019 (ref. application 19/01955/LDCP). It is therefore material to the present application that the Planning Authority be able satisfy itself about what should happen to the already imported soil not required to build a much smaller reservoir of 5500 cu m. capacity. That inert material is currently deposited on the site where it has had for the last four years a deleterious effect on a beautiful landscape. It is a crucial omission in this application that no proposals are included for the use or disposal of this additional imported material. Such an omission requires a decision to refuse.

3. The retention of the imported material proposed is to make a reservoir of 5500 cu.m. capacity. This is to be supplied solely by means of rainwater. Extraction is not proposed and has, anyway, been ruled out for this site by the Environment Agency. That being the case, it is not evident that the reservoir presently proposed is a viable engineering project. If it is not then retention of imported material is not justified and the application should be refused. Planning history is relevant here. In August 2019 the applicant applied to the Planning Authority for a Certificate of Lawfulness. This was to legitimise imports made to the site as being for an agricultural permitted development under Part 6, Class A GPDO of 2015 planning legislation. Before granting the Certificate of Lawfulness in September 2019, the North Herts. case officer insisted on receiving expert evidence that the reservoir then proposed (which was of of 24,000 cu.m. capacity) could be viably supplied with water. This evidence was given by the agents in the form of a water report from Peter Campbell Bennet. The Campbell Bennet report included extraction from boreholes in water courses adjacent to the site. It seems that neither the author or agents had consulted the Environment Agency. It has become clear since that EA will not licence extraction of water in this area and for this site. This has rendered the proposed reservoir of 24,000 cu.m. capacity (which was to be built using the 45,000 cu.m. of imported material) unviable. Given this history, it is a material consideration that with the present application there are serious doubts about the degree to which rainwater alone (in an EA designated area of water shortage) can viably supply the presently proposed smaller reservoir of 5500 cu.m. capacity.

### Further Comment

The supporting statement to the application makes reference to landscaping measures and ecological benefits, for example the planting of a line of native trees. However none of these landscape mitigations are shown on any of the submitted plans. This must call into question their credibility. This is especially so given the precedent of past failure to present and carry through measures proposed for the site (as detailed in relation to water supply at 3 above). Since 2018 the importation of 45,000 cu.m. of material by the applicant has disordered and defaced a site in a beautiful and environmentally sensitive landscape between Bush Wood and Rokey Wood. There has been no activity on the site over the last 18 months. As a result, the adverse environmental and aesthetic impact has been mitigated by a natural process of re-wilding. Despite the applicant's references to landscaping as a concomitant of the new works proposed, people in this area deprecate further earthmoving and engineering works on the site. The fear is it would once more disorder the landscape and do so without producing a viable reservoir or an alleviation - within a predictable timescale - of the visual and environmental disorder attendant on such works.

















### Conclusion

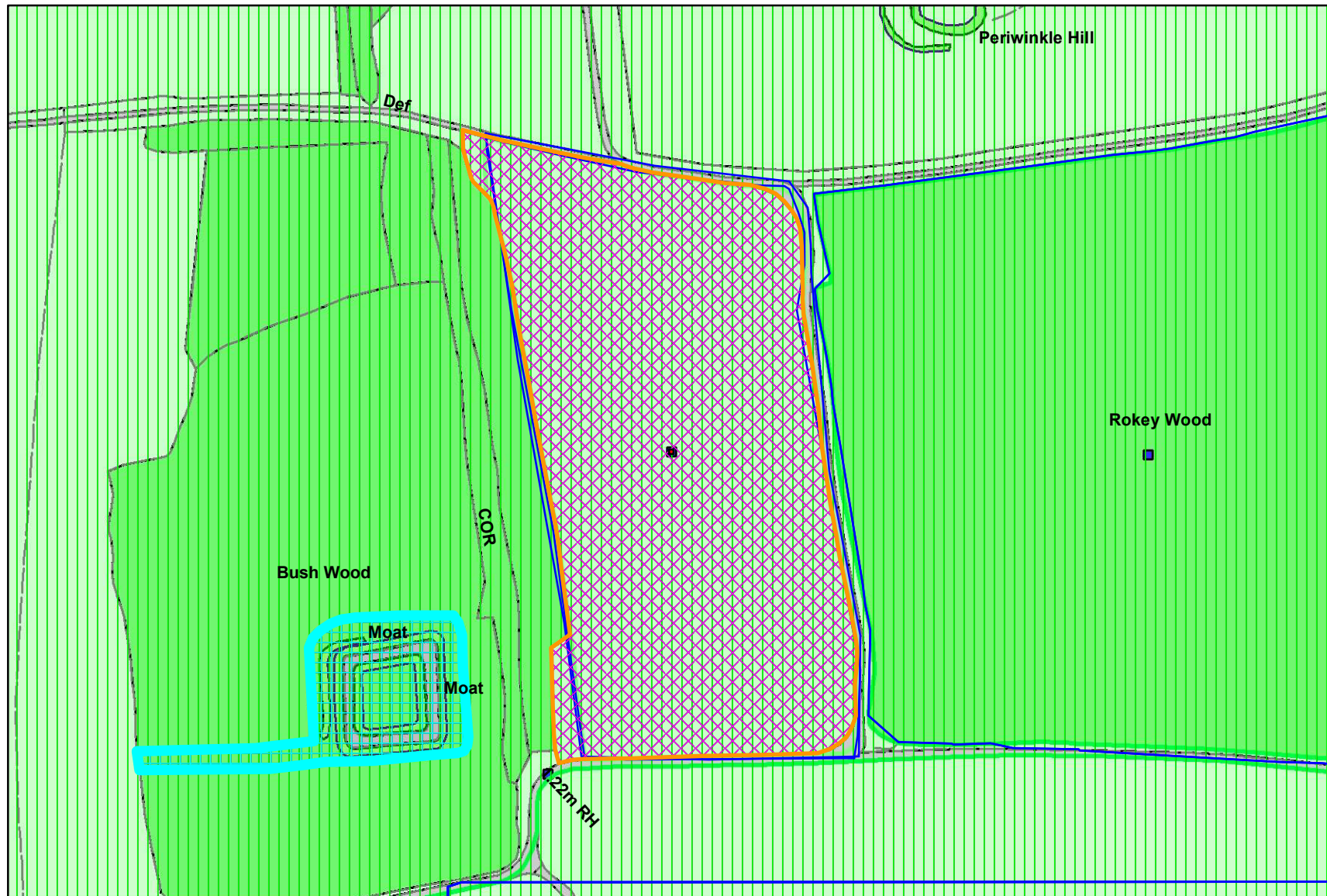
Reed Parish Council asks that this application be refused for the planning reasons detailed here and notably because it is deficient in the information required to enable the Planning Authority to make a properly informed decision on the application.

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## Application Validation Sheet

22/00910/FP Land Between Bush Wood and Rokey Wood, High Street, Reed, Hertfordshire

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



Scale 1:2,500

Date: 27/09/2022

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<u>Location:</u>	<b>The Rose Gardens Cambridge Road Hitchin Hertfordshire SG4 0JX</b>
<u>Applicant:</u>	<b>Mr david Lazenby</b>
<u>Proposal:</u>	<b>Erection of external canopy following removal of existing marquee.</b>
<u>Ref. No:</u>	22/01657/FP
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period :** 15.08.2022

## **Reason for Delay**

The application has had a statutory extension granted until the end of October and the delay is due to officer workload and the committee timetable.

## **Reason for Referral to Committee**

The application has been called into Planning Control Committee by Cllr Dennis-Harburg for the following reasoning:

*“Looking at the plan I have concerns that this is outward expansion, and in addition with the current extension into the car park which has no planning consent or application I would be minded to consider this to do continued harm to the green belt. Although adding a roof to an existing retail area seems at first glance not to cause additional harm the addition of a permanent structure does increase the built site density. There are also concerns, based on past conduct of the business, that the addition of this covered area may change its retail use and the products previously in that space could be migrated into the carpark. The knock-on of this is that the grassed overflow car park will need to be used by more vehicles. Of course the business can run itself as it pleases, but residents have serious concerns about the conduct of this business and what feels to them to be constant expansion. They believe this is causing harm to the natural environment.*

*When I met with residents on site they also expressed concerns that expansion and a transition from traditional plant and organic based garden services to more of a furniture/gift retail business could increase the number of cars attending the site. The entrance and exit is at a difficult angle directly opposite the access road to their homes off Cambridge Road. There are already safety concerns at busy times of day around priority for entering and exiting the road at these junctions. Increased traffic caused by expansion of a popular and successful business increases the risk to the community. Therefore whether as part of this application or one in future consideration to the access and egress of the Garden Centre and its revision must be given.*

*If officers are minded to approve the application I therefore request it be called in to the Planning Committee”.*

**List of Plans:**

A-PL-200/P08 – Location plan;  
A-PL-201/P01 – Existing site plan;  
A-PL-202/P01 – Existing floor plan;  
A-PL-203/P01 – Existing roof plan;  
A-PL-204/P02 – Existing elevations.  
A-PL205/P05 – Proposed site plan;  
A-PL206/P04 – Proposed floor plan;  
A-PL207/P04 – Proposed roof plan;  
A-PL208/P05 – Proposed elevations;

**1.0 Policies**

**1.1 National Planning Policy Framework February 2019:**

**1.2 In general and with regard to:**

Section 2 – Achieving sustainable development;  
Section 6 – Building a strong, competitive economy;  
Section 12 – Achieving well-designed places;  
Section 13 – Protecting Green Belt land.

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

Policy 2 – Green Belt;

**1.4 North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Proposals Map**

SP5 – Countryside and Green Belt;  
SP9 – Design and Sustainability;  
D1 – Sustainable design

**2.0 Site History**

**2.1 There is an extensive planning history for this site. Of relevance to this application is:**

21/00768/FP – Erection of retail building within existing external retail area and additional infill canopies – Conditional Permission.

21/03016/FP – Side extension to provide additional retail building following demolition of existing detached outbuilding – Conditional permission.

22/00911/FP – Erection of external canopies and relocation of 2 existing canopies at existing retail garden centre – Refused.

**2.2 The two conditional permissions listed above to date have not been commenced on site.**

### 3.0 **Representations**

3.1 **HCC Highways** – does not wish to restrict the grant of planning permission.

3.2 The application has been advertised with site and press notices and neighbour notification letters. Replies have been received from / representing six households with one reply submitted on behalf of a group of neighbours. Key reasons for objection are:

- As this proposal is extending out into the open part of the site, I consider this is inappropriate development in the Green Belt.
- Application 22/00911/FP was declined for this reason.
- There is a marquee at the site and there is no planning history for it. Therefore, this structure is inappropriate development in the Green Belt.
- I can understand that some covered areas are needed to protect plants from frost or sun but the new canopies are only required because the garden centre has chosen to use the now enclosed area for the sale of goods some very removed from gardening such as hot tubs and teddy bears. These areas could easily be used for the sale of plants.
- This is the fourth application in just over a year since the site was taken over by the British Garden Centres group and the new owners have significant ambitions. The commercial need must be balanced against the preservation of the openness of the Green Belt.
- Whilst the NPPF is clear that extension to existing buildings in the Green Belt will sometimes be acceptable nowhere is retail identified as a use appropriate in the Green Belt.
- There is no supporting assessment of the applicant's perception of the physical and visual impacts of the proposal or any attempt to explain what might happen in the future.
- We have calculated that the amount of area to be covered is 61.7% which must be considered as substantially reducing the openness of the part of the Green Belt.
- We object to the use of the parking spaces for the storage of goods and the then the need and use of the field as an overflow car park. This creates additional visual clutter that is detrimental to the character and openness of the Green Belt.
- Object to only a site notice being posted to the earlier application as neighbours may well have commented if they has been aware of the applications.

### 4.0 **Planning Considerations**

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

4.1.2 Established garden centre business positioned on the west side of the A505 between the towns of Hitchin and Letchworth Garden Cite. The site is within the Green Belt.

#### 4.2 **Proposal**

4.2.1 This is a full application for the erection of an external canopy area following the removal of the existing marquee.

- 4.2.2 The proposed canopy area in this application is an area 23m long by 8m wide and is positioned adjacent to the main pathway through from the car park to the main building. The proposed canopy has a domed / curved shaped roof, with a maximum height of 3.7m and edge / eaves height of 2.7m and is open sided.

#### 4.3 Key Issues

- 4.3.1 The key issues in this instance are the whether the works are acceptable or not in the Green Belt.

- 4.3.2 Section 13 of the NPPF set out Green Belt policy, which seeks to protect the openness of the Green Belt. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it complies with the exceptions sets out under (a) – (g) of that paragraph. Part (g) states:

*g) limited infilling 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; or*
- 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.*

- 4.3.3 Looking at the planning history, applications 21/00768/FP and 21/03016/FP were both considered to propose works that would be the 'limited infilling' at the garden centre and were approved on that basis. Both of these applications proposed areas of works that were inside of the existing building or canopy line of the garden centre, and yes, whilst new areas of roof will be seen when the development is completed, the roofs will sit within the context of the built form at the site and not have a greater impact on the openness of the Green Belt than the existing garden centre buildings and structures. Application 22/00911/FP proposed a significantly larger area of canopy. This application proposed to erect a roughly 'U' shaped area of canopy around the whole of the open plant sales area. This was considered to extend out into the open part of the site and was refused planning permission on the basis that there would be harm on openness.

- 4.3.4 I acknowledge that there are developments at the site which do not have the benefit of planning permission. These are the use of the field as an over flow car parking area and the erection of the marquee. The Council's Enforcement Team are aware of these issues and these matters are under consideration and are outside of the scope of this application.

- 4.3.5 This application has been submitted to over come the marquee issue as the proposed canopy is in the part of the location where the marquee is. In my view this application needs to ignore the presence or impact of the marquee as it is unauthorised, and assess this proposal on its own merits.

- 4.3.6 Paragraph 147 (g) states that the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, is acceptable in the Green Belt subject to the works not having a greater impact on openness than the existing development. In my view this proposal, due to it being sited adjacent to the existing pathway canopy and in front of the main shop building, is

a minor and subservient development on the land in accordance with paragraph 147 (g) advice. The proposed works being set against / in front of / next to the existing roof form on the site means that the new canopy will be seen within that context and not as the outward extension in to the Green Belt in my view. As a result, I do not conclude that there would be any undue adverse harm on openness as a result of this development.

- 4.3.7 The proposed canopy in real terms will result in the removal of the marque, which is a larger and higher structure on the site and in real terms will result in an increase in openness. However, as the marquee is not an authorised structure no material weight in the application can be given this consideration.
- 4.3.8 As the canopy is to stand over existing retail floorspace at the garden centre there is no change of use proposed by the application and no requirement for any additional car parking.
- 4.3.9 I note the concerns from the neighbours that the products at the garden centre contain garden accessories such as hot tubs and gifts such as teddy bears. How the garden centre operates in terms of the products they sell is outside of the consideration of this application. However, it is common for garden centres to sell a range of garden furniture, accessories, home furnishing items and gifts as well as plants.
- 4.3.10 The application is not proposing any changes to the point of access with the highway and highways raise no objection to this application.

#### Conclusion

- 4.3.11 The proposed canopy is considered to be works that comply with the provisions of paragraph 147 (g) of the NPPF and no objection is raised to the application.

#### **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 GRANTED subject to the following conditions:

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

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

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

listed above.

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

3. The development hereby permitted shall be built in external materials and colour to match the existing canopies unless otherwise agreed in writing by the LPA.

Reason: To protect the visual amenities of the locality.

















### **Proactive Statement**

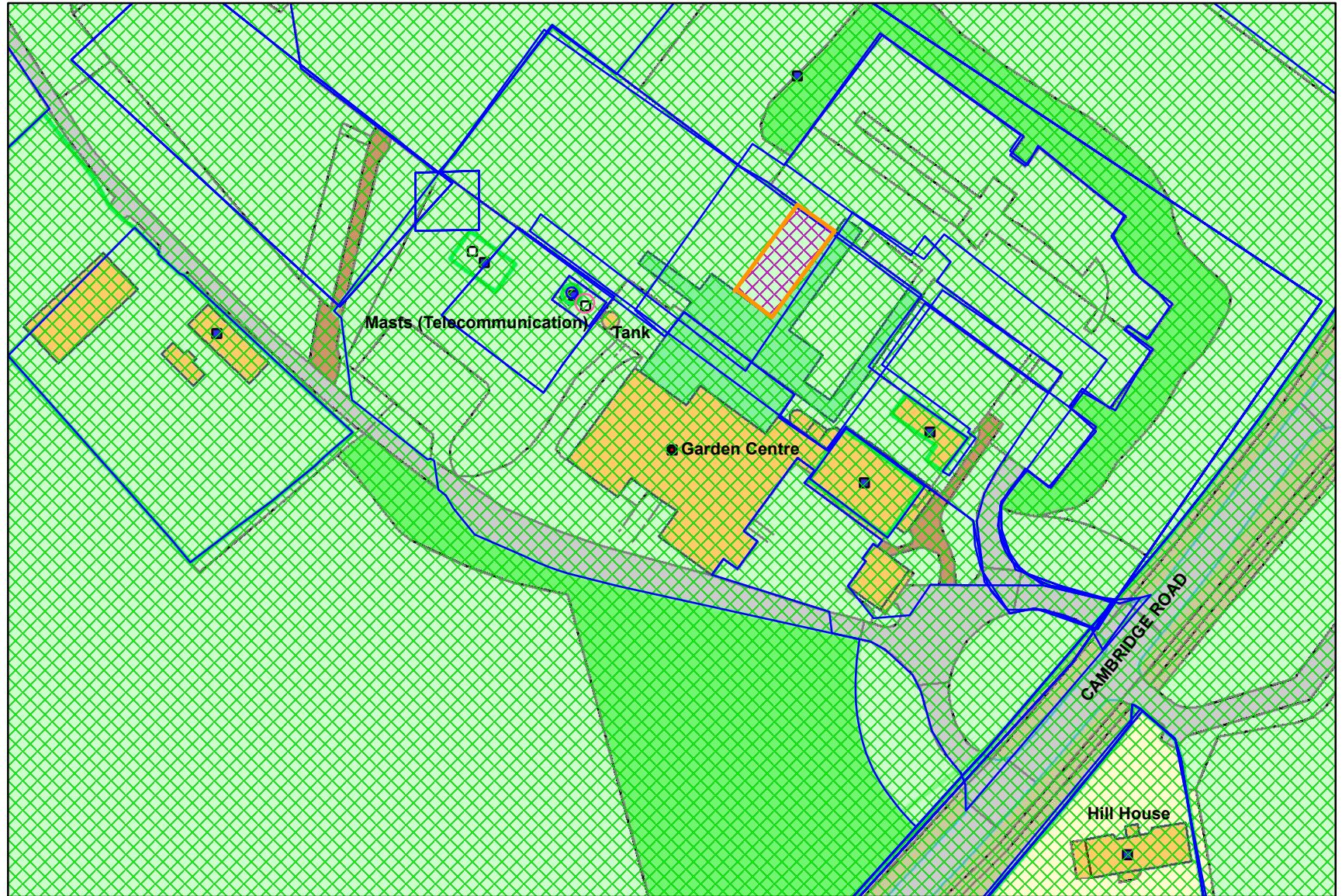
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country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

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## Application Validation Sheet

22/01657/FP The Rose Gardens, Cambridge Road, Hitchin, Hertfordshire, SG4 0JX

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



Scale 1:1,250  
Date: 27/09/2022

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Location: Land At Turnpike Lane And Adjacent To 4 Manor Close  
Turnpike Lane  
Ickleford  
Hertfordshire

Applicant: Mr Saunders

Proposal: Erection of five dwelling houses in association with a new access spur from the Lodge Court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space. Revised application following approvals of 20/00891/FP and 21/03464/S73 (Amended plans received 05.09.2022).

Ref. No: 22/01448/FP

Officer: Anne McDonald

**Date of expiry of statutory period :** 21.07.2022

## **Reason for delay**

Time taken for amended plans to be received and the wait for a committee meeting.

## **Reason for referral to committee**

The application has been called into Planning Control Committee for determination by Cllr Sam North for the following reason:

*"I would be shocked if you were minded to grant permission to this, but in the event you are, I would like this called into committee".*

## **Plan numbers**

22163\_PL03\_A – proposed site plan.  
22163\_PL04\_A\_Plot 1 – proposed floorplans;  
22163\_PL05\_A\_Plot 1 – proposed elevations;  
22163\_PL06\_A\_Plot 2 – proposed floor plans;  
22163-PL07\_A\_Plot 2 – proposed elevations;  
22163\_PL08\_A\_Plot 3 – proposed floor plans;  
22163\_PL09\_A\_Plot 3 – proposed elevations;  
22163\_PL10\_A\_Plot 4 – proposed floor plans;  
22163\_PL11\_A\_Plot 4 – proposed elevations;  
22163\_PL12\_A\_Plot 5 – proposed floor plans;  
22163\_PL13\_A\_Plot 5 – proposed elevations.

## **Supporting documents**

Geo Environmental and Geotechnical desk study and site investigation;  
Transport Statement;  
Arboricultural Impact Assessment;  
Archaeological Written Scheme of Investigation.

### **1.0 Policies**

1.1 The relevant policies in this instance are:

#### **1.2 National Planning Policy Framework February 2019:**

1.3 In general and with regard to:

Section 2 – Achieving sustainable development;  
Section 4 – Decision-making;  
Section 5 – Delivering a sufficient supply of homes;  
Section 6 – Building a strong, competitive economy;  
Section 11 – Making effective use of land;  
Section 12 – Achieving well-designed places;  
Section 13 – Protecting Green Belt land.

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

Policy 2 – Green Belt;  
Policy 14 – Nature Conservation;  
Policy 16 - Areas of Archaeological Significance and other Archaeological Areas;  
Policy 26 - Housing Proposals;  
Policy 55 – Car Parking (SPD Car parking);  
Policy 57 – Residential Guidelines and Standards.

#### **1.5 North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Proposals Map**

SP1 - Sustainable development in North Hertfordshire;  
SP2 - Settlement Hierarchy;  
SP5 – Countryside and Green Belt;  
SP8 - Housing;  
SP9 - Design and Sustainability;  
SP13 - Historic Environment;  
T2 – Parking;  
D1 - Sustainable design;  
D3 - Protecting living conditions;  
D4 - Air quality;  
HE4 - Archaeology.

#### **1.6 Supplementary Planning Document.**

SPD – Vehicle Parking at New Developments.

### **2.0 Site History**

- 2.1 Application 18/02785/FP proposed 7 dwellings on this site and was withdrawn.
- 2.2 Application 20/00891/FP proposed 5 dwellings with a new access spur road off Lodge Court with parking, landscaping, formation of a pedestrian footpath and communal open space. This application was allowed on appeal. The appeal decision letter is attached at Appendix 1.
- 2.3 Application 21/03464/S73 sought to vary the scheme allowed at appeal and approved five dwellings on the site.
- 3.0 **Representations**
- 3.1 **HCC Archaeology** – no objection subject to condition.
- 3.2 **HCC Highways** - no objection subject to conditions and informatives.
- 3.3 **NHDC Air Quality** – no objection subject to an EV parking condition.
- 3.4 **Ickleford Parish Council** – object to the application. This response is attached at Appendix 2 and is submitted with regards to the original plans. Ickleford Parish Council have been consulted on the amended plans but have not responded at the time of writing.
- 3.5 The application has been advertised with a site notice and two rounds of public consultation via neighbour letters. Once when the application was received and again when the amended plans were submitted. 18 objections were received on the original plans, with only one reply received in response to the amended plans. All object to the application. Key points include:
- Strongly object to this proposal. I do not understand the need for this development on greenbelt land, in a village which is already under threat from an aggressive development plan. The original, smaller application was rejected by the community and local council, yet now the plan is being increased further for the benefit of no one other than the developer's bank balance.
  - After being rejected by NHDC the appeal was in my view wrongly applied by the planning inspectorate on the basis that this land would no longer be green belt after the local plan was adopted.
  - This is green belt land which provides a habitat for native wildlife such as badgers, foxes, hedgehogs with valuable trees providing homes to many bird species including woodpeckers. It is also part of the small but important separation of Ickleford and Hitchin which MUST be preserved.
  - This is NOT affordable housing is luxury housing. The fact that the developer is repeating trying to maximise profit by cynically increasing the size of the development shows this clearly.
  - The design of the houses is not in keeping with surrounding housing, and infringes the privacy of the neighbouring housing on Manor Court.
  - It places increased pressure on traffic along Turnpike Lane and means more dangerous crossings for pedestrians. The junction is already problematic with limited visibility.
  - Sewerage pipes in the village are already overloaded and overflowing into our precious chalk streams.
  - There is no established need for these houses. Several other developments are planned in the village which will provide many new homes which are more appropriate

in size and, for example with the development on Bowman's mill, be using brown field land rather than green field.

- We are concerned about the increase in traffic, both vehicular and on foot. This is a dangerous section of road.
- There must be better land / sites than this.
- We object to the balconies and the large floor to ceiling windows. These will cause overlooking and a loss of privacy to our homes.
- These houses are much larger than those approved by the Inspector.
- This is not an allocated housing site and the emerging Local Plan still not approved.
- The village does not have the infrastructure for any more development.
- There should be no more new homes until all the empty homes in the country are in use.

#### **4.0 Planning Considerations**

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

- 4.1.1 The application site is land on the south side of Turnpike Lane to the west of Lodge Court and Manor Close. The land is currently outside of the village boundary for Ickleford, and is part of the Green Belt. The land, formerly, was part of the grounds of Ickleford Manor house which lies to the east of Lodge Court. The neighbouring buildings, Waltham Cottage and numbers 3 – 6 Lodge Court are all listed buildings and Waltham Cottage is within the Ickleford Conservation Area. The vehicle access for Lodge Court cuts through the northern part of this site, although this is set back from the road with a belt of mature trees between the access lane and Turnpike Lane itself which are covered by a blanket TPO, which also extends along Turnpike Lane to the west. The land is fenced but is open paddock land in character.

##### **4.2 Proposal**

- 4.2.1 This is a full application for the erection of five detached houses with an access off the Lodge Court spur road. Each house has private front and rear garden areas, two off street parking spaces and there are four visitor spaces plus an area of open space in the north-west corner of the development.
- 4.2.2 Each dwelling is two storey in height and plots 1 – 4 utilise the loft space for living accommodation while plot 5 does not. Plots 1 – 4 each comprise a garage, generous hallway, living room, utility, kitchen / dining / family room, cloaks and w.c and either a family room or study on the ground floor. At first floor level there are four bedrooms, one or two en-suites and a family bathroom and at second floor level there are either one or two bedrooms (or one bedroom and one home office) and a further shower room. Each of these houses have two on plot parking spaces in addition to the garage space, a good sized rear garden with the smallest rear garden for plot 3 being just over 125 sqm. These houses have a ridge height of 8.2m high. Plots 2 – 4 all have one principle elevation, whilst plot 1 has a principle elevation to the road into the development and an interactive side elevation facing the Lodge Court spur road.
- 4.2.3 Plot 5 is the smallest house. This plot has no garage and does not proposed any habitable accommodation in the roof space. At ground floor it comprises a hallway with a living room, a home office, w.c and utility and a kitchen / dining room and at first floor has four bedrooms, two with an en-suite and a family bathroom. This house has a ridge height of 7.1m and a rear garden that is 18m wide with the majority being 8m deep. The house is set in from the side boundary with the neighbour no.4 Manor Close between 6.2m – 7m depending on the taper of the boundary line.

- 4.2.4 The proposed external materials for all the houses are a traditional tile roof, largely brickwork walls with sections of cladding and large windows.
- 4.2.5 Submitted in support of the application is a Transport Statement, an Arboricultural Impact Assessment, a Geo Environmental and Geotechnical desk study and site investigation and an Archaeological Written Scheme of Investigation. These can all be viewed in full on the Council's website.

### **4.3 Key Issues**

#### Principle

- 4.3.1 There is no objection to the principle of this development. Application 20/00891/FP was recommended for approval on the basis that the site, whilst being in the Green Belt under the provision of the Saved Local Plan 1996, will be land within the settlement boundary under the provisions of the emerging Local Plan 2011 – 2031. Furthermore, with the application of the 'tilted balance', as advocated by the NPPF in areas where the Local Plan is out of date, given the site is on the edge of village, will become part of the village settlement area under the provisions of the emerging Local Plan and the Council has less than 5 years demonstrable supply of housing land, with only a 1.5 years supply, the development of five new homes is considered to be a significant planning gain. Application 20/00891/FP was refused at Planning Control Committee and was allowed at appeal. This appeal decision letter is attached at Appendix 1. This approval establishes the principle of development on the site and no objection is raised to the application on the basis of principle or sustainability grounds.

#### Layout and design

- 4.3.2 The layout of the development is essentially the same as the approved layout under both application 20/00891/FP allowed at appeal and that approved under application 21/03464/S73. The main difference is that the houses have larger footprints, all the houses are detached in comparison to plots 2 and 3 being linked detached in the two earlier schemes, and four instead of three visitor parking spaces are proposed. As with the approved scheme, the lime tree is to be felled to allow the access point in to the site. In the extant S73 permission seven replacement trees are shown whilst in this proposal five new trees are to be planted within the TPO area along the Lodge Court spur road and 11 trees are to be planted within the development part of the site itself.
- 4.3.3 The main difference between the approved and this proposed scheme is the change in the external design of the houses. The application has been amended and the balconies have been removed as well as the apex windows at high roof level. This is to prevent any perceived or actual overlooking of the neighbouring properties. The houses have an attractive and contemporary external appearance and will result in a high quality development and can be regarded as good place making. I note that the contemporary development style will appear visually different to the nearby existing development. However, this in my view is not harmful to the locality. The development is self-contained and will appear as an attractive finished development in local context and views and will have no greater visual impact in the area than the two approved schemes.
- 4.3.4 Even though the proposed houses have a deeper / larger footprint, the height of the houses is the same as the extant scheme. In plots 1 – 4 the approved height is 8.2m and the proposed height of the houses in plots 1 – 4 in this development is the same. The extant permission for plot 5 has a ridge height of 7.8m and accommodation in the roof level. In this proposal, plot 5 has a ridge height of 7.1m and no accommodation in

the loft space. There will therefore be no increase in bulk or dominance in the locality from this proposal.

- 4.3.5 The house in plot 5 is virtually the same distance way from the side boundary with the neighbour no.4 Manor Close. The extant scheme has this house positioned between 6m – 7m away from this side boundary and in this proposal the proposed house in plot 6 is between 6.2m – 7m away from this boundary line. No.4 Manor Close outlooks over the application site so will clearly see this development. The depth of the footprint of the house in plot 5 in this scheme on the side closest to no.4 Manor Close is 8m whereas in the extant S73 scheme is 7.8m. I cannot conclude that the increase in depth of 0.2m on the footprint when the height of the house has been reduced from 7.8m to 7.1m would be harmful. In fact I am of the view that this proposal represent an improvement / less visual bulk when viewed from this immediate neighbour. Furthermore, the side flank wall of plot 5 closest to no.4 Manor Close is a blank elevation with no fenestration so there will be no direct overlooking from this house towards no.4. In addition, three trees are proposed to be planted along the joint boundary line between plot 5 and no.4 Manor Close which will, in time, provide for a degree of screening between these two homes.
- 4.3.6 Therefore the proposed application is considered to be acceptable in planning terms and no objection is raised to the application on the basis of the provision of Policies SP1 and D1 of the emerging Local Plan 2011 – 2031.

#### Parking

- 4.3.7 There is no objection on the basis of car parking. Each house has two on plot parking spaces and plots 1 – 4 also have single garage space. There are four visitor spaces and whilst plots 1 – 4 can store bicycles in the garage, there is space for plot 5 to store bikes in the garden. The proposal is considered to be in excess of the requirements of the SPD Vehicle Parking Provision at New Developments and no objection is raised on the basis of parking.

#### **4.4 Conclusion**

- 4.4.1 For the above reasons, there is no objection raised to the application. Grant conditional permission.

#### **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 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the

decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## 6.0 **Recommendation**

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

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

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

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

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

3. Details 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. 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.

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

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

6. Before any development commences on site landscape details are to be submitted to and approved in writing by the LPA. The details must be implemented on site in the first planting season following the substantial completion of the development hereby

permitted. The details shall include:

- a) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
- c) details of any earthworks proposed

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

7. No gate(s) shall be erected across the access to the site for the life of the development without prior written consent from the Council first being obtained.

Reason: In the interests of highway safety so that vehicles are not forced to wait in the carriageway while the gates are being opened or closed.

8. Prior to the first occupation of the development hereby permitted all internal vehicular access roads (5.5m wide), footways and parking areas shall be provided and thereafter retained at the position as shown on the drawing number P04 included as appendix -A in the Transport Statement (Ref-N02-RF-PS-).Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. Prior to the first occupation of the development hereby permitted the proposed pedestrian's crossing with tactile provision onto Turnpike Lane as shown on the drawing number P04 included as Appendix-A in the Transport Statement (Ref-N02-RF-PS) shall be provide. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and shall be secured and undertaken as part of the s278 works.

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

10. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the highway as shown on drawing number 2020-3940-001 revision B included in the TS (Appendix -B) and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2.0 metres above the level of the adjacent highway carriageway.

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

11. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements



- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. 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).

12. Prior to the first occupation of the development hereby permitted, each dwelling shall have installed one electric vehicle charging point that is ready for use by the occupier, which shall be maintained and retained for the life of the development.

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.

13. Prior to the first occupation of the development hereby permitted, secure cycle storage is to be provided in the rear garden of plot 5.

Reason: To comply with the requirements of the Vehicle Parking SPD.

14. A. This part of the condition shall be carried out in accordance with the details agreed under application ref. no. 22/01124/DOC.

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

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

Reason: To protect / record any remains found on site.

15. The measures set out in the Cherryfield Ecology report, dated 30 November 2020 (submitted with application 20/00891/FP) must be undertaken in full on site, both pre-development and during construction. This includes:

- i. before any other works on site a reptile survey is undertaken between the month of March and October. If any reptiles are found then appropriate trapping / clearing methods must be undertaken prior to any other works commencing;
- ii. no site / tree clearance during the bird nesting season;
- iii. the use of bat and bird boxes in the development;

- iv. the creation of a 'hedgehog highway' across the site; and,
- v. no lighting near to or shining on to any trees, especially those with any bat or bird boxes.

Before any other development commences details and timings of the above measures are to be submitted to, and agreed in writing by, the LPA and the approved measures must be undertaken on site. The results of the survey work are to be submitted to the Council.

Reason: To protect ecology on site.

16. Prior to the first occupation of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA. Before any details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and,
- iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent surface water flooding

Informative/s:

1. HIGHWAYS INFORMATIVES:

1. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorized to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

2. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked

(fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

3. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

4. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

## 2. ENVIRONMENTAL HEALTH INFORMATIVES:

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

2. During the change of use 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.

## 3. EV CHARGING POINT SPECIFICATION:

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

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

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

## 7.0 **Appendices**

- 7.1 Appendix 1 – Appeal decision letter for application 20/00891/FP.
- 7.2 Appendix 2 – Objection letter from Ickleford Parish Council.

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## Appeal Decision

Site visit made on 24 August 2021

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

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

**Decision date: 28 September 2021**

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**Appeal Ref: APP/X1925/W/21/3269884**

**Land at Turnpike Lane/Adjacent to 4 Manor Close, Turnpike Lane, Ickleford, Hertfordshire SG5 3UZ.**

- 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 Mrs T Grainger against the decision of North Hertfordshire District Council.
  - The application Ref 20/00891/FP, dated 21 April 2020, was refused by notice dated 11 February 2021.
  - The development proposed is the erection of five dwelling houses in association with a new access spur from Lodge Court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for the erection of five dwelling houses in association with a new access spur from Lodge Court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space at Land at Turnpike Lane/Adjacent to 4 Manor Close, Turnpike Lane, Ickleford, Hertfordshire in accordance with application Ref: 20/00891/FP, dated 21 April 2020 and the plans submitted with it and subject to conditions in the attached schedule.

### Procedural Matters

2. For clarity, I have taken the name of the appellant from the appeal form as it is more precise. I have also inserted 'Hertfordshire' into the address for precision, as it is listed on the appeal form.
3. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of this appeal. The main parties have had an opportunity to comment on the significance of the changes and have submitted comments. Therefore, I will not prejudice either party by taking the comments received and the Framework into account in reaching my decision.
4. The parties have referred to policies contained within the emerging North Hertfordshire District Council Local Plan 2011-2031 (LP). Given the stage of preparation and the degree of consistency with the Framework, I attach significant weight to the emerging policies. Notwithstanding this, the starting point for determining this appeal remains the North Hertfordshire District Council – District Local Plan No.2 with Alterations 1996 (saved policies 2007) (DLP). The relevant DLP policies are broadly consistent with the Framework.

## Main Issues

5. The main issues of this appeal are:

- i. whether the proposed development would be inappropriate development in the Green Belt;
- ii. the effect of the proposed development on openness of the Green Belt;
- iii. if the proposal is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Inappropriate development*

6. The appeal site is currently located within the Green Belt under the existing DLP, but under the emerging LP, the site is to be removed from the Green Belt and included within the revised settlement boundary for Ickleford. However, although at an advanced stage, the emerging LP has not yet been found sound or adopted. Nonetheless, no issues have been raised surrounding the revised settlement boundary for Ickleford.
7. The Framework establishes, at paragraph 149, that the construction of new buildings is to be regarded as inappropriate in the Green Belt, unless, amongst other things, they represent limited infilling in villages<sup>1</sup>. The Framework does not define a village or what would constitute limited infilling, and a High Court judgment<sup>2</sup> brought to my attention underscores that it is necessary to consider the facts on the ground. Whether or not a proposal represents limited infilling is ultimately a matter of planning judgment, having regard to factors such as the nature and size of the development, the location of the application site and its relationship to other, existing development adjoining and adjacent to it.
8. Whilst the proposed development would have some relationship with the existing pattern of development, with particular regard to the adjacent properties on Lodge Court and Manor Close, the visual connection would be limited due to the open field and woodland to the rear of the site where the dwellings would be located. Additionally, the woodland between Lodge Court and Turnpike Lane would provide additional visual limitations. Therefore, the gap in which the proposed development would take place would not be small and would not fill the gap which currently exists. Taking all of these factors together, I conclude that the proposed development would not constitute limited infilling. Therefore, it would not meet the exception criteria in paragraph 149 e) of the Framework.
9. I conclude that the development would constitute inappropriate development in the Green Belt, which would conflict with the requirements of the Framework. The Framework states that inappropriate development in the Green Belt is by

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<sup>1</sup> Paragraph 149 e)

<sup>2</sup> Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council (2015) EWCA Civ 195

definition harmful and should not be approved except in very special circumstances.

### *Openness*

10. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to prevent urban sprawl by keeping land permanently open. As such, openness is an essential characteristic of the Green Belt. The Planning Practice Guidance (PPG) states that openness is capable of having both spatial and visible aspects.
11. As the proposed development would be constructed on a site which is currently free from built development, the proposal would result in both a spatial and visual reduction in the openness of the Green Belt. Although the proposed development seeks to retain woodland and adjacent mature trees, there would still be significant harm to the openness of the Green Belt through the amount of development proposed. The Framework requires that substantial weight is given to that harm to the Green Belt.

### *Other considerations*

12. Both main parties agree that the Council is not able to demonstrate a 5-year supply of deliverable housing sites<sup>3</sup>. This represents a housing shortfall. In these circumstances, paragraph 11 of the Framework indicates that housing policies should be regarded as out of date and that there is a 'tilted balance' in favour of granting permission. As the site is located in the Green Belt Paragraph 11 of the Framework is not engaged as the Green Belt is listed as a clear reason for refusing the proposed development. However, I give the modest amount of existing deliverable housing sites moderate weight in the overall planning balance.
13. It is agreed that the emerging LP is at an advanced stage and that in all likelihood it would have been adopted by now if it was not for the global pandemic. I note that the emerging LP has been through public examination and has had modifications published. I accept that the application subject of this appeal has been submitted before the adoption of the emerging LP. Nonetheless, there is little before me to indicate that the site will not become part of the settlement boundary for Ickleford, as proposed in the emerging LP. I also acknowledge, the aims and objectives of the Housing Delivery Test Action Plan (HDTAP), which was approved by the Council in June 2020. The stage of preparation of the emerging LP and the HDTAP attract very significant weight in the overall planning balance.

### **Other Matters**

14. A number of interested parties, including local residents have also expressed a wide range of concerns including, but not limited to the following: the Council's housing strategy as proposed in the emerging LP; ecology / biodiversity; security and safety; highway and pedestrian safety; drainage (including foul water); trees and archaeology, amongst other things. Additionally, I note the comments on the planning application from elected members, Ickleford Parish Council and Campaign to Protect Rural England (Hertfordshire). However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have

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<sup>3</sup> 2.2 years

dealt with in the assessment above. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

### **Green Belt Balance**

15. The Framework requires that substantial weight is given to any harm to the Green Belt and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. I have concluded that the proposed development has harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt. I have also carefully considered the benefits of the proposed development, including the resulting economic and social benefits through the construction phase and the subsequent occupation of the dwellings, and the positive contribution to the Council's deliverable housing land supply, albeit modest. There is also an absence of other identified harm, including character and appearance, highway safety and biodiversity.
17. Therefore, the above factors, particularly the advanced stage of the emerging LP and the impending removal of the site from the Green Belt would, in this instance, clearly outweigh the substantial weight given to Green Belt harm. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. Consequently, the proposed development accords with the Green Belt aims of DLP Policy 2 and the requirements of the Framework.

### **Conditions**

18. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and the PPG.
19. In addition to conditions relating to the time limit for implementation, for reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans is necessary. Materials, trees and landscaping conditions are necessary in the interests of the character and appearance of the appeal site and surrounding area.
20. Conditions relating to the access, carriageway and pavements are all reasonable and necessary in the interest of highway / pedestrian safety. A condition is reasonable and necessary for details of cycle parking at Plots 4 and 5, and the installation of an electric vehicle charging point at all dwellings to ensure that alternative methods of travel are available to future occupants of the proposed development.
21. A condition is necessary in relation to contamination in the interests of future occupiers. Additionally, a condition is necessary to restrict the construction and site clearance operations to protect the living conditions of existing neighbouring occupiers. Conditions relating to archaeology and ecology are reasonable and necessary to ensure that no adverse effects would occur in respect of heritage and biodiversity, respectively. Finally, a condition relating to drainage is reasonable and necessary to ensure that the site and / or



neighbouring land does not experience flooding as a consequence of the development.

## **Conclusion**

22. For the reasons given above, I conclude that the appeal should succeed.

*W Johnson*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL.001; P01; P01 Street Elevations; P02; P03; P04 E; TR01 A; SHA 1132LS; TS18-125D\1 and 2020-3940-001 A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified within the Design and Access Statement and on the application form.
- 4) None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed without the prior written agreement of the Local Planning Authority (LPA).
- 5) Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 - Trees in relation to design, demolition and construction – Recommendations. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.
- 6) Prior to the first occupation of the development hereby permitted, the soft landscaping of the development shall be done in accordance with the details contained in the report submitted by Sharon Hosegood in support of the application, unless otherwise agreed in writing with the LPA.
- 7) No gate(s) shall be erected across the access to the site for the life of the development without prior written consent from the Council first being obtained.
- 8) Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided 5.5 metres wide and thereafter retained at the position shown on the approved drawing number P04E in conjunction with drawings number 2020-3940-001 A and swept path analysis detailed drawing number 2020-3940-TR01 A. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

9) Prior to the first occupation of the development hereby permitted, the footway leading from the development shall be provided and extended as shown on the approved drawing number P04E to the west side of the reconfigured access and shall include for pedestrian dropped kerbs and tactile paving and corresponding dropped kerbs and tactile paving opposite on the existing footpath of Turnpike Lane.

10) Prior to the first occupation of the development hereby permitted, visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the highway as shown on drawing number 2020-3940-001 A and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2.0 metres above the level of the adjacent highway carriageway.

11) The gradient of the vehicular access shall not exceed 1:20 for the first 12 metres into the site as measured from the near channel edge of the adjacent carriageway.

12) Prior to the first occupation of the development hereby permitted, each dwelling shall have installed one electric vehicle charging point that is ready for use by the occupier, which shall be maintained and retained for the life of the development.

13) Prior to the first occupation of the development hereby permitted, secure cycle storage is to be provided in the rear gardens of plots 4 and 5.

14) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the LPA. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- i. Construction vehicle numbers, type, routing;
- ii. Access arrangements to the site;
- iii. Traffic management requirements
- iv. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
- v. Siting and details of wheel washing facilities;
- vi. Cleaning of site entrances, site tracks and the adjacent public highway;
- vii. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- viii. Provision of sufficient on-site parking prior to commencement of construction activities;
- ix. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- x. 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.

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

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

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

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

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

- i. All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- ii. A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the LPA.

16) (a) No development (including any demolition works) shall commence, until an Archaeological Written Scheme of Investigation has been submitted to and approved by the LPA in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- i. the programme and methodology of site investigation and recording;
- ii. the programme and methodology of site investigation and recording as required by the evaluation;
- iii. the programme for post investigation assessment;
- iv. provision to be made for analysis of the site investigation and recording;
- v. provision to be made for publication and dissemination of the analysis and records of the site investigation;
- vi. provision to be made for archive deposition of the analysis and records of the site investigation; and,
- vii. nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

(b) The demolition/development shall take place/commence in accordance with

the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (a).

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

17) The measures set out in the Cherryfield Ecology report, dated 30 November 2020, must be undertaken in full on site, both pre-development and during construction. This includes:

- i. before any other works on site a reptile survey is undertaken between the month of March and October. If any reptiles are found then appropriate trapping / clearing methods must be undertaken prior to any other works commencing;
- ii. no site / tree clearance during the bird nesting season;
- iii. the use of bat and bird boxes in the development;
- iv. the creation of a 'hedgehog highway' across the site; and,
- v. no lighting near to or shining on to any trees, especially those with any bat or bird boxes.

Before any other development commences details and timings of the above measures are to be submitted to, and agreed in writing by, the LPA and the approved measures must be undertaken on site. The results of the survey work are to be submitted to the Council.

18) Prior to the first occupation of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA. Before any details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and,
- iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**\*\*End of Schedule\*\***

# ICKLEFORD PARISH COUNCIL

[www.ickleford-pc.gov.uk](http://www.ickleford-pc.gov.uk)



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A. McDonald  
Planning Department  
North Herts Council  
PO Box 10613  
Nottingham  
NG6 6DW

22<sup>nd</sup> June 2022

Dear Mrs McDonald,

**Ref: 22/01448/FP Full Planning Permission: Erection of five dwelling houses in association with a new access spur from the Lodge Court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space. Revised application following approvals of 20/00891/FP and 21/03464/S73. Land at Turnpike Lane and Adjacent to 4 Manor Close, Turnpike Lane, Ickleford, Hertfordshire.**

Further to our previous letters of objection dated 15<sup>th</sup> February 2019, 21<sup>st</sup> May 2020 and 12<sup>th</sup> January 2022, we again write to you, on behalf of the neighbouring residents whose lives will be even more affected by this latest application and on behalf of the village as a whole, to reiterate the Councillors' **STRONG OBJECTIONS** to this latest Planning Application.

Objections are based on the following:

1. It seems that the landowner had always intended in securing the largest houses possible within the bounds of the Government Inspectorate's ruling, regardless of design and the distress it would inevitably bring to the neighbouring residents of this development.
2. The new designs are not within keeping with the nearby Conservation area or neighbouring houses and would strongly detract from the Manor and its surrounding heritage buildings.
3. Our letter dated 12<sup>th</sup> January 2022 argued that the Velux windows would allow the neighbouring houses to be overlooked and their privacy to be compromised. The representative speaker for the development, at the North Herts Council Planning Meeting on the 31<sup>st</sup> March disagreed with this, saying that the small amount that the roof was being raised would not allow this to happen, and yet this new application has now completely changed this claim.

With the new designs now incorporating a forward-facing, floor to ceiling window in the roof space, looking towards the neighbouring properties from Plots 1-4, and with Plot 5 to be situated side-on to neighbouring properties and incorporating a new balcony, privacy will be totally compromised, especially with the development being set higher than Manor

Close. Plot 1 also now includes a north-facing floor to ceiling window in the roof space, which will invade the privacy of properties in Lodge Court, especially with the removal of certain trees.

4. We have previously explained our great concerns with regards to 'run-off' water flowing into Ickleford's existing Victorian sewage system. The representative at the North Herts Council planning meeting spoke about the incorporation of a new rainwater pond which would deal with such run-off water, and yet the new site layout shows that this facility has disappeared and that a new double garage for Plot 4 sits where the pond was originally located. Where does the developer now intend the run-off water to go?
5. The issue of parking once again shows that no consideration has been given to the development's new sized houses and layout.

With Plots 1-4 now having five bedrooms and Plot 5 having four bedrooms, there is the possibility, with the inclusion of teenagers, of there being 24+ vehicles on site. Unfortunately, as has been stated in the past, most modern garages are not designed to accommodate the 4x4s and SUVs favoured today - and in fact Plot 5 only has two parking spaces. Therefore, the possibility that the garages will become extra storage, leaving only two spaces per house is likely. Where does the developer propose that the remaining vehicles will be parked? This issue will be further compounded by the lack of visitor parking spaces; the allocation is only four spaces!

We have tried on many occasions to draw this situation to the attention of North Herts Council. With parking on this development being restricted, it is inevitable that parking will be sought in nearby roads, which are already congested.

6. With the problem of increased parking, our concerns are once again drawn to Emergency Services and their ability to manoeuvre around parked vehicles, especially after midnight when the majority of residents will be home. With the possibility of 24+ cars being in situ, would the Fire Service and Ambulance Service be prepared to say that manoeuvrability would be easy?
7. Visual limitation would now be impaired by the proposed removal of trees and vegetation. Although the planting of new trees has been taken into consideration, this will not afford the nearby residents any privacy for many years.
8. In the Appeal Decision dated 28<sup>th</sup> September 2021 taken by Mr. W. Johnson, the Inspector appointed by the Secretary of State, the 'Schedule of Conditions' states under Item 3 that the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified within the Design and Access Statement and on the Application Form.

Since this decision, which had been accepted, the landowner and developer have now made two more applications, taking this development from an agreed level to an imposing one and now an overbearing and unacceptable level. It has no design harmony with the rest of the village and surroundings, and gives nothing to local residents, as prices will be beyond the reach of the majority. The layout is far from the original application put forward at the Appeal and agreed by the Inspector. Affordable Housing and Housing Needs have not even been considered by the landowner or Developer or stated as a requirement by North Herts Council.

It is the considered opinion of Ickleford Parish Council that the conclusive issues above significantly outweigh this new Planning Application which we continue to **STRONGLY OBJECT** to. It is also our judgement that the landowner and developer should be constrained to the Planning Application 21/03464/S73 dated 20<sup>th</sup> December 2021 which, although objected to by the Parish Council, was accepted by North Herts Council.

Yours sincerely

Judith Crosier  
Clerk to Ickleford Parish Council

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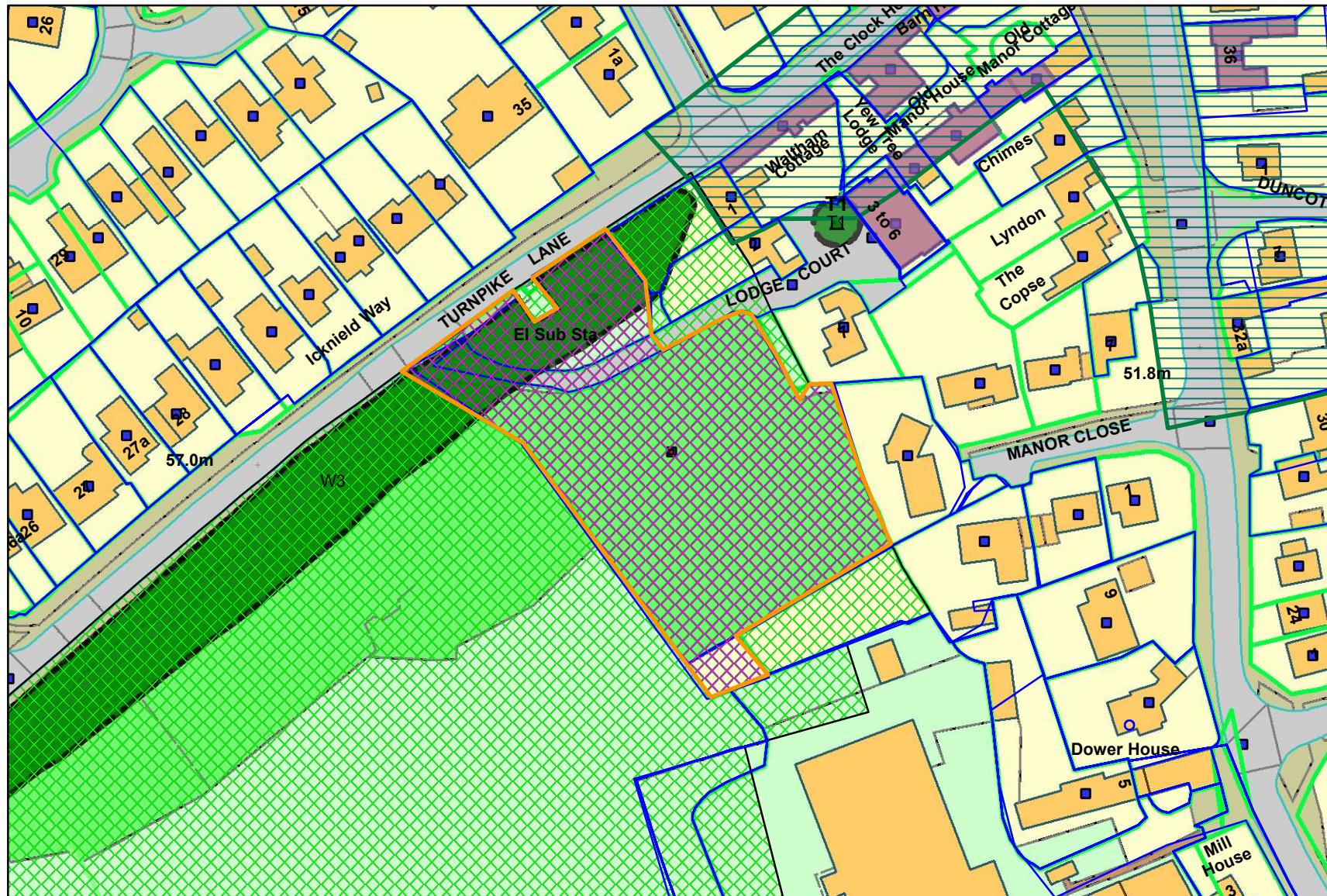


# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## Application Validation Sheet

22/01448/FP Land at Turnpike Lane and Adjacent to 4 Manor Close, Turnpike Lane, Ickleford, Hertfordshire

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



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Date: 27/09/2022

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<u>Location:</u>	<b>131 London Road Knebworth Hertfordshire SG3 6EX</b>
<u>Applicant:</u>	<b>Mr Miah</b>
<u>Proposal:</u>	<b>Change of use and conversion of existing first floor retail unit to one 2-bed flat</b>
<u>Ref. No:</u>	<b>22/01173/FP</b>
<u>Officer:</u>	<b>Thomas Howe</b>

**Date of expiry of statutory period:**

23 June 2022

**Submitted Plan Nos.:**

22176\_PL01  
22176\_PL02  
22176\_PL04

**Extension of statutory period:**

27 October 2022 – Agreed by agent on 26 September 2022.

**Reason for referral to Committee:**

This application is to be determined by Planning Control Committee by reason of a call-in request by Councillor Lisa Nash if the recommendation was to grant. The reasons given for the call-in are:

*We do not have a need for flats in Knebworth but have a clear need for retail units. We have many unoccupied flats in Knebworth, including the following:*

*Ferguson House - at least 2*

*Park Court, Park Lane - all currently vacant with only 1 sold (newly built)*

*Florence Court - several vacant (newly built)*

*Station Approach - At least 5 vacant (newly built)*

*Lowe House - Approximately half of the units here are also vacant (these are homes for the over 75s) and so on,*

*all of these properties are in close proximity to the village centre/railway station and offer car parking etc.*

*It is really important that we address retail units in Knebworth. Several units that were previously retail were taken up with the Lowe House development with no sign of them being opened and some suggestion that they are not big enough to be shops again.*

## 1.0 **Site History**

1.1 22/02194/FP – Pending

1.2 21/01266/FP - Change of Use of existing retail shop (Class F2) to take away (Class Sui Generis R) including installation of steel flue duct (as amended by plans received 15 July 2021) – Conditional Permission

1.3 19/00340/FP - Change of Use of first floor from Tanning and Beauty Salon to Tattoo Artist Studio – Conditional Permission

## 2.0 **Policies**

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

Policy 5 – Excluded villages

Policy 8 – Development in Towns

Policy 42 – Shopping

Policy 43: Shopping areas in town centres

Policy 51: Development effects and planning gain

Policy 55 – Car Parking Standards

Policy 57 – Residential Guidelines

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

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting Sustainable Development

Chapter 12 – Achieving well-designed places

### 2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

ETC6 – Local Centres

D1 – Sustainable Design

D3 - Protecting living conditions

T2 – Parking

SP1 – Sustainable Development

SP2 – Settlement Hierarchy

SP4 – Town and Local Centres

SP6 – Sustainable Transport

SP9 – Design and Sustainability

## 3.0 **Representations**

### 3.1 **Site Notice:**

Start Date: 04/05/2022

Expiry Date: 03/06/2022

### 3.2 **Press Notice:**

Start Date: N/A

Expiry Date: N/A

### 3.3 Neighbour Consultation:

- No neighbour representations received.

### 3.4 Statutory Consultees:

#### 3.4.1 Knebworth Parish Council:

*Knebworth Parish Council objects to this application.*

*The development is in Knebworth 'High Street' and would result in loss of retail space in the village centre.*

*The development proposes a two bed flat with no parking provision.*

*Knebworth has numerous parking issues due to commuter parking and lack of off street parking provision for dwellings, especially near the village centre.*

- *The High Street (London Road) and Station Road have one hour parking restrictions*
- *Pondcroft Road and Milestone Road are controlled parking zones. Residents are paying for permits but are still having problems parking in these roads.*
- *Watton Road has double yellow lines which limits parking. The width of the road only permits parking on one side and some residents park on the road.*
- *Flats on Stevenage Road, near the junction with Station Road, regularly have six vehicles parked on the road/pavement although the flats have parking spaces.*
- *The ongoing development of 137 London Road with four flats and retail space has provision for only three parking spaces. This substandard parking provision and the loss of on street parking spaces to accommodate the vehicular access will result in additional pressure for on-street parking.*
- *St Martins Road Car Park is short stay.*
- *Knebworth has one of the highest levels of car ownership in North Herts.*

*The emerging NHDC Local Plan policy T2 and Appendix 4, requires two bed dwellings to have two parking spaces and one cycle space, neither of which is provided.*

*This application is therefore contrary to this policy and relaxation of the policy should not be considered due to the ongoing parking issues in Knebworth.*

#### 3.4.2 Waste:

*Doors to bin stores should be sufficient in width 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.*

*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.*

*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.*

*Further general advice on waste provision for developments is available on our website: <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>. The bin requirements stated there are specific to North Herts, but the rest of the advice is general.*

#### **4.0 Planning Considerations**

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

- 4.1.1 No. 131 London Road comprises a first-floor single storey unit situated on the eastern side of London Road in Knebworth. The property is not listed and is not within a Conservation Area. The ground floor use appears to be Class E and it appears that the first-floor unit was most recently in use as Sui Generis use as a tattoo studio.

##### **4.2 Proposal**

- 4.2.1 Planning permission is sought for the change of use of the first floor from Sui Generis/office to a single 2-bed flat.

##### **4.3 Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The principle of development
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the Hitchin Conservation 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 the parking provision and highway safety.

#### Principle of Development

4.3.2 The NPPF states that significant weight should be placed on the need to support economic growth and furthermore, the emerging local plan seeks to support new businesses.

4.3.3 This part of Knebworth, along London Road is designated as a Local Centre, under the Emerging Local Plan. Policy ETC6 of the emerging Local Plan states that planning permission will be granted where development is:

*it is for use class A1, A2, A3, A4, A5, D1 or D2 at ground floor level;*

*any change of use from class A1 would maintain the general vitality and viability of the centre*

*the centre would continue to provide a range of uses with a majority of units being retained in A1 use so as to not undermine the provision of local shopping facilities.*

Planning history suggests that the floor area was in Sui Generis use as a tattoo studio and the plans indicate that it was in use as office space. Given that the development would not result in the loss of Class A1 (now Class E) floor space, the first point is therefore met. The second point is not relevant and with regards to the third point, the local area would continue to benefit from a range of uses including retail shops, business uses and eateries and drinking establishments. Access would be maintained by an existing ground floor entrance and stairwell. Given the above, proposed development would comply with the provisions set out in emerging policy and the principle of development is accepted.

#### Character and Appearance and Impact on Surrounding Area:

4.3.4 The application site is not within a Conservation Area and the building that it relates to is not Listed or adjoining any Listed Buildings. There are no external alterations proposed and therefore, the proposed development would not have any detrimental impacts on the character and appearance of London Road or this line of buildings.

#### Impact on Neighbouring Amenity:

4.3.5 No neighbour objections have been received. The proposal is for a single 2 bed, three to four person flat. Given that no external alterations and given that a flat is likely to hold a lower footfall than a Sui Generis or office use, the proposed development is unlikely to be harmful to the amenity of neighbours to the site. Furthermore, given the commercial and residential nature of this part of London Road/Knebworth, the use is considered to sit acceptably within the area.

#### Standard of Amenity for Future Occupiers:

4.3.6 Paragraph 127 (f) of the NPPF states that **“decisions should ensure that developments... create places that are safe, inclusive and accessible and which**



***promote health and wellbeing, with a high standard of amenity of future and existing users***". Paragraph 127 (f) is reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.

- 4.3.7 The proposed flat would benefit from a large internal floor area (approx. 78 sqm) that exceeds the prescribed requirements (70 sqm) as set out in the National Space Standards. The rooms would be well served by windows to allow for sufficient outlook, with the flat benefitting from dual aspect outlook. Built-in storage space is also provided. The flats would be well served by amenities within the locality. Given that some neighbouring units possess residential dwellings I consider that the uses in proximity complement this use as residential dwelling.

#### Parking and Highways

- 4.3.8 The proposed information does not identify the use of car parking facilities that are related to this unit. The area close to the site possesses some on-street parking and is approximately a 4 minute or 0.2 mile walk, with footpaths provided along this route. A bus stop with connections within the district and Stevenage is in close proximity. It is noted that the Parish Council objected to the development on parking grounds, however, given this proximity to transport nodes alongside shopping, leisure and employment opportunities, I would consider the site to be in a sustainable location and that this overcomes the shortfall of parking provision.

#### Environmental Implications:

- 4.3.9 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

#### Other Matters:

- 4.3.10 A pending application is also live at the same address and in the same floor area. This is under a different applicant and is currently still under delegated powers. Given that the nature and application of the proposal is different to this application, both applications can be determined separately.

#### **4.4 Conclusion**

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

#### **4.5 Alternative Options**

- 4.5.1 None applicable

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

- 4.6.1 No pre-commencement conditions are recommended.

#### **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 first occupation of the flat hereby approved, the location and provision of 2 x 660L bins, 1 x 240L Food and 1 x 240L paper bins, shall be submitted to and approved in writing by the Local Planning Authority and the agreed details only shall be implemented on site prior to the first occupation of the flat hereby approved.

Reason: To ensure that Waste and Recycling requirements are met.

4. Prior to first occupation of the flat hereby approved, the location and provision of cycle storage space, shall be submitted to and approved in writing by the Local Planning Authority and the agreed details only shall be implemented on site prior to the first occupation of the flat hereby approved.

Reason: To ensure that Waste and Recycling requirements are met.

## **Proactive Statement**

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

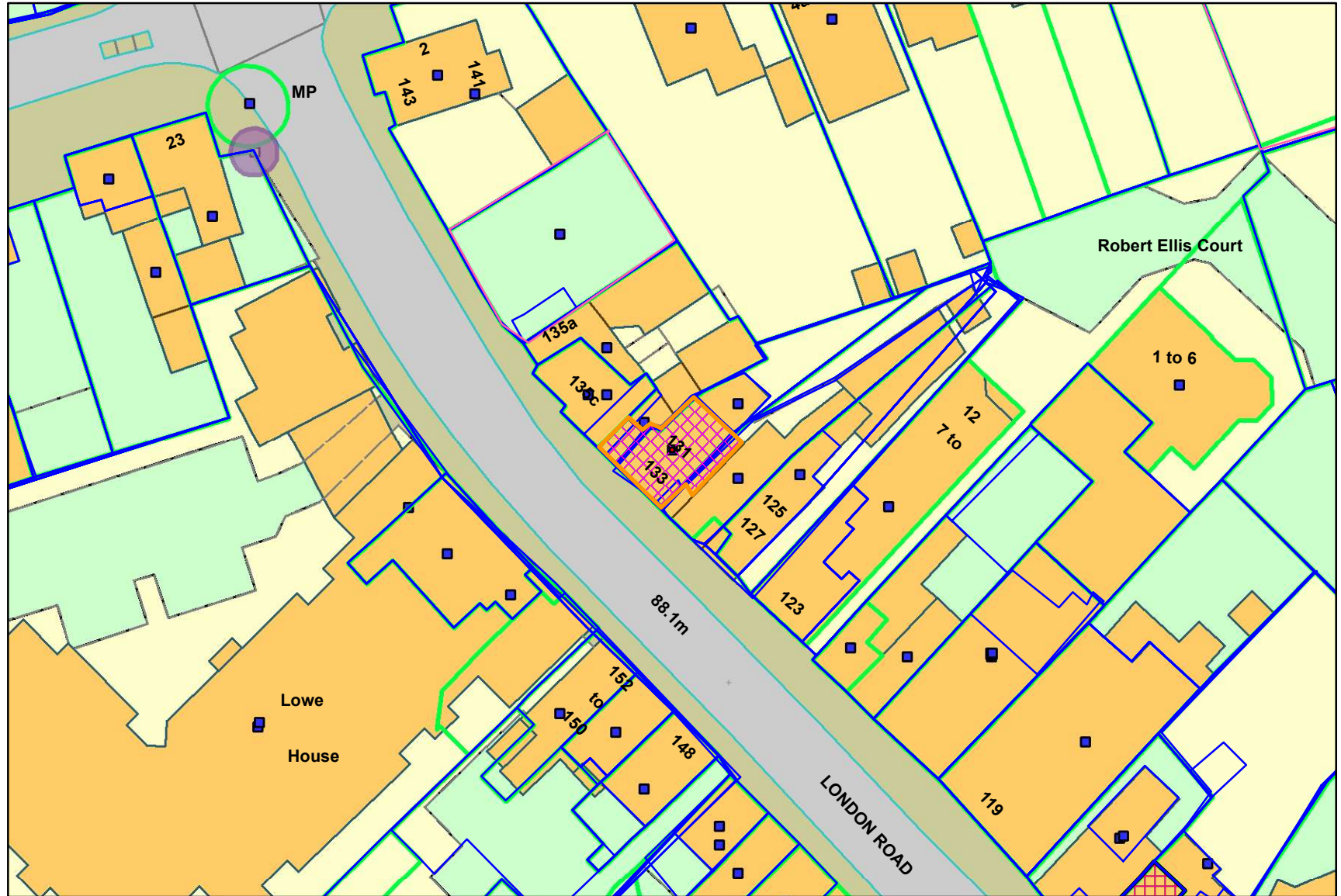
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# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## Application Validation Sheet

22/01173/FP 131 London Road, Knebworth, Hertfordshire, SG3 6EX

-  Acolaid Land Parcel  
Property.shp
-  Acolaid Address Point  
ap.shp
-  Planning Application (1999)  
Prapps99.shp
-  Area of Outstanding Natural Beauty  
Pranob.shp
-  Listed Buildings  
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-  Noise Nuisance Indicators  
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-  Indicative Flood Plain  
Prifpm.shp



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Date: 27/09/2022

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**PLANNING CONTROL COMMITTEE**

**DATE: 13 October 2022**

**PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Mr Chris Hunt	Conversion of existing dwelling into two 1-bed apartments and erection of one 2-bed attached dwelling.	165 Weston Way Baldock SG7 6JG	20/02500/FP	Appeal Dismissed on 5 September 2022	Delegated	The Inspector concluded that there would be harm to the living conditions of the occupiers of the neighbouring property in terms of privacy and outlook. Accordingly, the proposed development would be contrary to North Hertfordshire District Local Plan 2007 saved Policy 57 (Residential Guidelines and Standards) which requires new development to have careful consideration with regards to the size, type and location of windows in order to achieve a high degree of privacy, and emerging North Hertfordshire Local Plan Policy D3 (Protecting living conditions) which states that new development will not be permitted where adequate living conditions cannot be achieved. It would also fail to accord with the design objections of the National Planning Policy Framework. The Inspector also stated the proposed dwelling would fail to provide adequate living conditions for future occupiers of the proposed additional dwelling in terms of internal space. As a result, it would be contrary to North Hertfordshire District Local

						<p>Plan 2007 saved Policy 57 (Residential Guidelines and Standards) and Policy D1 (Sustainable Design) of the emerging North Hertfordshire Local Plan which together require new development to provide internal floorspace sufficient to meet the reasonable requirements of future occupants</p> <p><b>The associated Costs Application was REFUSED.</b></p>
Mr Deo	Erection of one detached 2-bed dwelling including creation of new vehicular access off Loves Lane, landscaping and ancillary works.	Meadow View Loves Lane Ashwell SG7 5HZ	21/01745/FP	Appeal Allowed on 8 September 2022	Delegated	<p>The Inspector found that the proposal would be compatible with the stated objective of North Hertfordshire District Local Plan 2007 Saved Policy 6 (Rural area beyond the Green Belt), which is to maintain the existing countryside and villages and their character. Hence, regardless of the current lack of housing supply, the Inspector found the proposal to be in accordance with the objectives of the currently adopted development plan. In addition, the Inspector stated that future occupants would have opportunities to access facilities and services by sustainable modes of travel in nearby Ashwell. The Inspector therefore found no conflict with those aims of emerging North Hertfordshire Local Plan</p>

						Policies SP1 (Sustainable Development in North Hertfordshire), SP6 (Sustainable Transport), D1 (Sustainable Design) and T1 (assessment of Transport Matters) which seek to maintain the role of key settlements and encourage development in locations which enable sustainable journeys.
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## Appeal Decision

Site visit made on 10 August 2022

**by Nichola Robinson BA (Hons) MA MRTPI**

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

**Decision date: 8th September 2022**

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**Appeal Ref: APP/X1925/W/22/3290692**

**Meadow View, Loves Lane, Ashwell SG7 5HZ**

- 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 Deo against the decision of North Hertfordshire District Council.
  - The application Ref 21/01745/FP, dated 3 June 2021, was refused by notice dated 2 August 2021.
  - The development proposed is the erection of a single dwelling, including access, landscaping and ancillary works.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling, including access, landscaping and ancillary works at Meadow View, Loves Lane, Ashwell, SG7 5HZ in accordance with the terms of the application, Ref 21/01745/FP, dated 3 June 2021, subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. The legal basis for decision making is the North Hertfordshire District Council – District Local Plan No.2 with Alterations 1996 (saved policies 2007) (SLP). The parties have referred to policies contained within the emerging North Hertfordshire District Council Local Plan 2011-2031 (ELP). Given the stage of preparation and the degree of consistency with the Framework, I attach a degree of weight to the emerging policies.
3. I note that the decision notice refers to Policy TP1 of the ELP. The Council has since confirmed that the reference should be Policy T1. I do not consider that any party would be unfairly prejudiced by this and consequently I have had regard to this policy in my decision making.

### Main Issue

4. The main issue is whether the proposal is in a suitable location for housing, with regard to the spatial strategy of the development plan and accessibility.

### Reasons

5. The appeal site comprises amenity space associated with Meadow View, Loves Lane. The property is bordered by a thick screen of vegetation and is well screened from the highway and surrounding area. At my site visit I observed that Loves Lane is a single track lane with no pedestrian footpath. During my early-afternoon site visit there was a very light flow of traffic on Loves Lane. Whilst a snapshot in time, there is nonetheless nothing in the evidence before

me to indicate those observations are atypical of the area. The site lies within the Rural Area beyond the Green Belt, as defined by SLP Policy 6. This policy, and ELP Policy CGB1, control new development in this area, with planning permission for new residential development being limited to a closed list of exceptions. A market residential dwelling would fail to meet any of the exception criteria set out in these policies.

6. The Framework states that policies and decisions should play an active role in guiding development towards sustainable solutions and acknowledges that opportunities to maximise sustainable transport will vary between urban and rural areas, and this should be taken into account in decision-making<sup>1</sup>.
7. The site is approximately 1 mile from the nearest village, Ashwell, which would provide the necessary services for day-to-day living. This is not a significant distance to travel to services within a rural area, although I acknowledge that such journeys are more likely to be undertaken by private vehicle than by walking or cycling. However, it is to be expected, as the Framework indicates, that some travel by private vehicle is likely in rural areas such as this and Ashwell is not so distant that long journeys would occur. Moreover, the distances involved do not preclude some journeys being undertaken on foot or by cycle and the site cannot be considered isolated. Whilst routes to nearby settlements would include single track lanes with no pedestrian facilities, traffic levels along these routes would appear to be low and I have no evidence before me that these routes would be unsuitable for such journeys. Whilst there are no apparent opportunities to use public transport from this location, the addition of a small single dwelling with limited occupation would not significantly add to the journeys that already occur from other nearby dwellings.
8. The proposed dwelling would be well contained within the well screened domestic setting of Meadow View and would not physically encroach into the surrounding countryside. The site would relate well to existing dwellings on Loves Lane. Physical and visual separation between the site and the nearest settlement, Ashwell, is such that the proposed dwelling would not result in the expansion of this nearby village. The scale of the building would be comparable to nearby dwellings and the design would reflect that of the nearby properties and the rural site setting. Thus, any effects on the character and appearance of the countryside and the surrounding area would be limited.
9. I accept that the proposal does not meet the terms of criteria i) to iv) of SLP Policy 6, which controls development within the Rural Area beyond the Green Belt. The policy says that development will 'normally' only be allowed if it meets these criteria. However, I have found in my reasoning above that the proposal would be compatible with the stated objective of SLP Policy 6, which is to maintain the existing countryside and villages and their character. Hence, regardless of the current lack of housing supply, I find the proposal to be in accordance with the objectives of the currently adopted development plan. Although ELP Policy CGB1 does not carry full weight in my decision as it is not formally adopted, it seems to me that the proposal would not undermine the general thrust of that emerging policy, which is essentially similar to SLP Policy 6. I note that the Council also quote SLP Policy 7 in their decision notice.

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<sup>1</sup> Paragraph 105

However, as this relates to housing within villages it is not directly applicable in this case.

10. Furthermore, future occupants would have opportunities to access facilities and services by sustainable modes of travel in nearby Ashwell. In this respect, the location would be suitable for the proposed development and no material harm would result for the reasons given above. I therefore find no conflict with those aims of emerging ELP Policies SP1, SP6, D1 and T1 which seek to maintain the role of key settlements and encourage development in locations which enable sustainable journeys.

### **Other Matters**

11. I have found that the individual characteristics of this particular site would enable the proposal to be accommodated without harm. However, I see no reason to suppose that my decision in this case would set a precedent. Differing circumstances, and the potential for cumulative harm, would represent matters to be considered were other similar proposals to be advanced elsewhere in the future.

### **Conditions**

12. Planning permission is granted subject to the standard three year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. Conditions relating to the construction of the parking and turning areas are necessary in the interests of highway safety.
13. In order to ensure a satisfactory appearance I have included conditions to control the external materials of the development (which need not delay any development) and to secure tree works. A pre-commencement condition (to which the appellant has agreed) relating to a preliminary environmental risk assessment is necessary to ensure that any contamination affecting the site is dealt with appropriately. A condition relating to the provision of bin storage facilities is necessary to ensure the provision of this residential facility. I have imposed the suggested condition relating to the electric car charging point in order to support more sustainable living.
14. A condition has been put to me which would restrict Permitted Development rights for the dwelling. The PPG states that "Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity." I have not been presented with compelling reasons why permitted development rights should be withdrawn in this case. I have amended the trigger point of the condition put to me relating to the approval of materials as I see no reason why such details cannot be submitted prior to development above foundation level.

### **Conclusion**

15. For the above reasons I conclude that the appeal should be allowed subject to the conditions below.

*Nichola Robinson*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: Nos 18876/100, 18876/101, 18876/102, 18876/103, 18876/1000, 18876/1001 and 4226.Loves.WH.TCP.
- 3) No development hereby permitted shall take place above foundation level until full details of all external facing materials have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the details thus approved, which shall thereafter be retained.
- 4) The new dwelling shall not be occupied until a scheme of electric car charging points has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and operated in accordance with the approved scheme.
- 5) The tree works proposed under plan ref 4226.Loves.WH.TCP shall be implemented on site in the first planting season following the completion of the development and shall be maintained thereafter.
- 6) (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a view to determining the presence of contamination likely to be harmful to human health, and the built and natural environment.  
  
(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:  
  
(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;  
  
(ii) The results from the application of an appropriate risk assessment methodology  
  
(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.  
  
(d) This site shall not be occupied, or brought into use, until:  
  
(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.
- 7) The development shall not be first occupied until the properly consolidated and surfaced parking and turning areas have been provided within the curtilage of the site as identified on drawing number 18876/1001. The parking and turning spaces should be free from obstruction and available for use at all times.
- 8) The dwelling shall not be first occupied until the bin storage/collection point has been provided. The bin storage/collection point shall be located within 15 metres of the road and shall thereafter be retained.

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## Costs Decision

**by C Harding BA(Hons) PGDipTRP PGCert MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 5<sup>th</sup> September 2022**

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**Costs application in relation to Appeal Ref: APP/X1925/W/21/3284838  
165 Weston Way, Baldock, SG7 6JG**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Chris Hunt for a full award of costs against North Hertfordshire District Council.
  - The appeal was against the refusal of planning permission for conversion of existing 3-bedroom house into 2no. single level apartments and construction of a new 2-bedroom house adjoined to 165 Weston Road.
- 

### Decision

1. The application of an award of costs is refused.

### Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant submits that the Council has acted unreasonably in how it behaved procedurally during the application process, including inconsistency of advice and the length of time taken to determine the application. The Council has provided some background to the situation including changes to staff, and has highlighted that any advice prior to a decision being issued was informal, and that it was entitled to reach the decision it did following a site visit to a neighbouring property to fully appreciate the effects of the proposed development.
4. Although the frustration of the applicant with regards to the behaviour of the Council is apparent, there is no evidence that this behaviour has resulted in unnecessary or wasted expense in the appeal process. The Council was reasonably entitled to carry out a site visit to the neighbouring property to appreciate the potential effects of the proposed development, as was requested, and was equally entitled to use the information gathered at this site visit to inform its ultimate decision, despite informal advice that might have been provided previously.
5. In terms of the appeal itself, the Council has co-operated in the process, and has substantiated all of the reasons for refusal. I have also found the proposed development to be unacceptable, and therefore the appeal could not otherwise have been reasonably avoided.

6. In addition, any claim of costs can only relate to costs incurred in the appeal process itself, and would not extend to covering the costs of any works that the applicant may have chosen to undertake in advance of the determination of a planning application.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*C Harding*  
INSPECTOR





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## Appeal Decision

Site visit made on 25 July 2022

**by C Harding BA(Hons) PGDipTRP PGCert MRTPI**

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

**Decision date: 5<sup>th</sup> September 2022**

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**Appeal Ref: APP/X1925/W/21/3284838**

**165 Weston Way, Baldock SG7 6JG**

- 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 Chris Hunt against the decision of North Hertfordshire District Council.
  - The application Ref 20/02500/FP, dated 31 October 2020, was refused by notice dated 27 September 2021.
  - The development proposed is conversion of existing 3-bedroom house into 2no. single level apartments and construction of a new 2-bedroom house adjoined to 165 Weston Road.
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs has been made by Mr Chris Hunt against North Hertfordshire District Council. This application is the subject of a separate decision.

### Main Issues

3. The main issues are;
  - the effect of the proposed development upon the living conditions of the occupiers of 2 Willian Way in terms of outlook, daylight and privacy, and
  - whether the proposed development would provide adequate living conditions for future occupiers in terms of internal space.

### Reasons

*The living conditions of occupiers of neighbouring properties in terms of outlook and privacy*

4. The site comprises an existing residential dwelling and associated garden, located on a corner plot, at the end of a terrace of similar properties. A neighbouring dwelling at 2 Willian Way sits perpendicular to the northeast of the appeal site. I saw on my visit that an existing single storey extension at no.2 comprised a living space used by the occupiers of the property, and furthermore that there are windows in the western elevation of this property that serve living areas.
5. The situation of the proposed additional dwelling to the northern side of the existing dwelling on the appeal site would introduce built development into the

side garden, with ground floor rear elevation dual doors, and first floor rooflight windows facing northwards.

6. At present, the relationship between the appeal site and no.2 is close, but the arrangement of the properties means that existing built development on the appeal site lies to the southwest of no.2, leaving a generally open outlook from living areas at no.2 which have west-facing windows, including the existing single storey rear extension at this property.
7. The situation of the proposed dwelling within the currently existing open space to the side of the existing dwelling at the appeal site, would result in substantial built form being situated in close proximity to the shared boundary with no.2. As a result of its position and the scale of the proposed dwelling, it would be prominent in views from internal living areas of this property, as well as from the rear and side gardens, and would appear as overbearing as a result.
8. Although the extension at no.2 William Way is a later addition to the property, it constitutes usable living space, and I afford it the same level of protection in terms of preserving living conditions as other living space within the original dwelling.
9. In terms of privacy, there would be the potential for views between the window contained within the west-facing dormer window at no.2, and the proposed rooflights within the proposed development. A further window at first floor level within the proposed dwelling would have the potential to overlook the side garden of no.2, as well as potentially into ground floor west-facing windows. Although some of these views could be oblique in nature, not all would be, and all would be at close proximity, and would lead to unacceptable levels of privacy being available to both occupiers of no.2 and the proposed new dwelling.
10. As such, there would be harm to the living conditions of the occupiers of the neighbouring property in terms of privacy and outlook. Accordingly, the proposed development would be contrary to North Hertfordshire District Local Plan 2007 (NHDLP) saved Policy 57 which requires new development to have careful consideration with regards to the size, type and location of windows in order to achieve a high degree of privacy, and emerging North Hertfordshire Local Plan Policy D3 which states that new development will not be permitted where adequate living conditions cannot be achieved. It would also fail to accord with the design objections of the National Planning Policy Framework ('the Framework'). Although emerging NHLP Policy D2 has been referred to by the Council, my attention has not been directed to any particular wording within the policy that relates to this issue, so this policy is not determinative in my consideration.

*The living conditions of future occupiers in terms of internal space.*

11. The submitted plans indicate that the proposed dwelling would amount to 70 square metres (sq.m) of internal floor space, and that the two proposed bedrooms would amount to 11sq.m and 10sq.m respectively.
12. The Nationally Described Space Standards (NDSS) set out that two-bedroom, two-storey properties should provide 70sq.m of internal space in the case of 3 persons occupying the property, and 79sq.m in the case of 4 persons

occupation, with a further 2sq.m of storage space provided in both instances. It is also stated that in the case of properties of two or more bedrooms, that at least one bedroom should be large enough to be occupied by two persons.

13. Neither bedroom within the proposed dwelling would achieve the 11.5sq.m required by NDSS for a two person bedroom. It is also the case that at a total of 70sq.m, that the property would fail to meet the minimum standards required for a two-bedroom two-storey dwelling, which would be expected to accommodate at least three occupants and provide at a minimum, a total of 72sq.m inclusive of storage space. The lack of adequate internal living space would be likely to result in an oppressively confined form of living accommodation that could be detrimental to the health and wellbeing of its future occupants.
14. The proposed first floor single bedroom flat includes a bedroom of 9sq.m, sufficient to accommodate a single occupant, but not for occupancy for two persons. The overall floor area of 47sq.m for this flat would meet the NDSS requirements for single occupancy, and on this basis would be acceptable. Equally, the proposed bedroom size and overall size of the ground floor flat would exceed the required minimum standards within NDSS for a single bedroom, two-person flat, and is therefore also acceptable.
15. The appellant argues that the proposed accommodation is comparable to other new build properties. However, I have not been provided with specific details of such instances, or the context within which they may have been approved, so I cannot afford them weight.
16. Having regards to the above, the proposed dwelling would fail to provide adequate living conditions for future occupiers of the proposed additional dwelling in terms of internal space. As a result, it would be contrary to NHLP Policy 57 and Policy D1 of the emerging NHLP which together require new development to provide internal floorspace sufficient to meet the reasonable requirements of future occupants.

### **Other Matters**

17. I note that matters such as the level of parking provision, efficient use of land and design are not in dispute and have been set out in some representations as a basis of support for the application. Even if I were to agree with regards to these issues, they would only be neutral factors and would not weigh in favour of the proposed development.
18. The appellant has highlighted the level of support that the proposed development has received, and I acknowledge that there has been both support and objection to it. Several letters of support contain reference to the proposed development increasing the supply of affordable housing. However, there is no evidence before me to indicate that the proposed development would meet the formal definition of affordable housing contained within Annex 2 of the Framework, and I accordingly I do not afford weight to this. I do however accept that the proposed development would boost the overall supply of housing, as well as contributing to the wider economy.
19. I acknowledge the concerns that the appellant has raised in relation to the procedural approach taken by the Council with regards to the planning

application. However, my decision is based only on the merits of the proposed development.

### **Planning Balance and Conclusion**

20. The Council confirms that it has only a 1.7 year supply of housing. Since it is unable to demonstrate the supply of housing sites as required by the Framework, I consider the most important policies to be out-of-date and I am taken, in regard to the specific circumstances of the case, to the mechanism of Paragraph 11 d) ii) of the Framework.
21. I have found that the proposed development would give rise to unacceptable living conditions, both to the future occupiers of the proposed dwelling in terms of internal space, and also in terms of living conditions for occupiers of a neighbouring property in terms of privacy and outlook. It would be contrary to the aims of the Framework which require new development to create spaces that have a high standard of amenity for existing and future users. I ascribe this harm substantial weight.
22. Given that the Council can only demonstrate a housing supply of 1.7 years, I attribute this shortfall significant weight. The provision of two additional residential properties above and beyond the single dwelling that currently exists at the site would make a positive, albeit very modest, contribution towards boosting housing supply. This would, in turn, provide employment during construction, albeit this would be time limited. There would also be other social and economic benefits to both Baldock and the wider area in terms of supporting local facilities and services. These would however also be limited by the scale of the proposed development. For this reason, I would afford them limited weight.
23. With this in mind, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development for which the presumption in favour applies.
24. For the reasons given above, having regards to the development plan as a whole, and all other relevant considerations, including the Framework, the appeal is dismissed.

*C Harding*

INSPECTOR