

27 February 2026

Our Ref Planning Control Committee 12 March
2026
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To: Members of the Committee: Councillors Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Val Bryant, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson and Dave Winstanley

Substitutes: Councillors Daniel Allen, Tina Bhartwas, Sadie Billing, Jon Clayden, Mick Debenham, Joe Graziano, Steve Jarvis and Claire Strong

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

COUNCIL CHAMBER - DCO

On

THURSDAY, 12TH MARCH, 2026 AT 7.00 PM

Yours sincerely,

Isabelle Alajooz
Director – Governance

****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**

Item		Page
1. APOLOGIES FOR ABSENCE	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.	
2. MINUTES - 12 FEBRUARY 2026	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 12 February 2026.	(Pages 5 - 16)
3. NOTIFICATION OF OTHER BUSINESS	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.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the 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.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 25/02999/HYA REDWOOD, DEARDS END LANE, KNEBWORTH, HERTFORDSHIRE, SG3 6NL	REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Hybrid application for one 5-bed dwelling with detached garage following demolition of existing dwelling and outline application for the erection of 8 dwellings (all matters reserved except for access).	(Pages 17 - 36)

7. **25/02260/FP NORTHWAY FILLING STATION, GREAT NORTH ROAD,
HINXWORTH, BALDOCK, HERTFORDSHIRE, SG7 5EX** (Pages
37 - 50)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Temporary consent allowing for the erection of a detached food-to-go building (Greggs Pod) and other associated minor site alterations including the formation of vehicle parking for a period of two years (development already commenced).

8. **APPEALS** (Pages
51 - 56)
To update Members on appeals lodged and any decisions made.

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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, SG6 3JF
ON THURSDAY, 12TH FEBRUARY, 2026 AT 7.00 PM

MINUTES

Present: *Councillors: Nigel Mason (Chair), Clare Billing, Val Bryant, Ian Mantle, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson, Dave Winstanley, Tina Bhartwas (In place of Bryony May), Jon Clayden (In place of Ruth Brown) and Mick Debenham (In place of Emma Fernandes).*

In Attendance: *Sam Dicocco (Principal Planning Officer), Thomas Howe (Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Nazneen Roy (Locum Planning Lawyer).*

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

122 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 17 seconds

Apologies for absence were received from Councillors Ruth Brown, Bryony May and Emma Fernandes.

Having given due notice, Councillor Tina Bhartwas substituted for Councillor May, Councillor Jon Clayden substituted for Councillor Brown and Councillor Mick Debenham substituted for Councillor Fernandes.

123 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1 minute 42 seconds

There was no other business notified.

124 CHAIR'S ANNOUNCEMENTS

Audio recording – 1 minute 47 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) 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.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair confirmed the procedure for moving to debate on an item.
- (5) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

(6) The Chair confirmed the cut off procedure should the meeting proceed at length.

125 PUBLIC PARTICIPATION

Audio recording – 4 minutes 02 seconds

The Chair confirmed that the registered speakers were in attendance.

126 25/01094/FP LAND TO THE REAR 34, ARLESEY ROAD, ICKLEFORD, HITCHIN, HERTFORDSHIRE, SG5 3UU

Audio recording – 4 minutes 46 seconds

N.B. At the commencement of this Item, Councillor Louise Peace advised that she would be speaking as Member Advocate on both applications on the Agenda. She withdrew from the Committee and moved to the public gallery to speak at Member Advocate Objector.

The Planning Officer provided a verbal update on matters relating to application 25/01094/FP and advised that:

- The Conservation Officer had provided a response and confirmed it was not considered unacceptable in heritage terms.
- Herts Archaeology had provided a response and confirm that the conditions proposed could be removed.
- Updated plans, referenced as 01, 02 and 03, had been provided which detailed the location of the bin storage area and heat pumps.
- The Environment Agency had made a representation, which was available online, and had confirmed they had no objection. They confirmed that the sequential test could apply to this site, but having checked with Planning Policy team, this was applied during the allocation of the site within the adopted Local Plan.
- The applicant was in negotiations with Anglian Water to agree a solution, either on site or through any other connection possible.
- A resident had raised a concern with regards to the contents of their objection and how this would be covered by the Committee report. The matter raised were regarding issues already covered within the report and would not have changed the recommendation to grant.

The Planning Officer then presented the report in respect of application 25/01094/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Jon Clayden
- Councillor Dave Winstanley
- Councillor Nigel Mason
- Councillor Tom Tyson
- Councillor Ian Mantle

In response to questions, the Planning Officer advised that:

- The Environment Agency had not recommended any conditions for inclusion.
- There was an error at 4.3.19 of the report, and references to the impacts of plot size, loss of light and dominance should be 'are considered to be acceptable'.
- The swale was controlled by the landowner.

- There were two conditions requiring a Construction Management Plan, one from Highways to address the deliveries and access routes to the site and one from Environmental Health to address mitigations to construction nuisance.
- The Ecologist had noted that there would be a Biodiversity Net Gain (BNG) shortage on site of 1.57, which was to be secured through off site credits and this was secured through the standards BNG condition.

In response to questions, the Principal Planning Officer advised that:

- Conditions which required works to be completed would not be brought back to the Committee to consider, as details reserved by condition were delegated to Officers to determine.
- The Lead Local Flood Authority (LLFA) had provided conditions for inclusion, therefore they do not believe further information was required at this stage to determine the application.
- When details on these conditions were submitted, the LLFA would be consulted again and, subject to their approval of the details, these would be approved.
- If the LLFA objected to the details provided, then these would be refused.
- Some details regarding surface water drainage were submitted with the application, but this was not always sufficient detail for the LLFA to approve without conditions.
- BNG was required to be provided as close as possible to the site

The Chair invited the first Public Objector, Mr Rowan Skinner to speak against the application. Mr Skinner thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- No consultation had taken place with neighbours prior to the application being submitted.
- Concerns had been raised regarding parking, the felling of existing trees on site, the impact of construction and the flood risk.
- There were major concerns regarding road safety of the site, with access proposed from Duncott's Close, which was a 30MPH residential road with no footpath. The access would be on an existing turning head and therefore would create a blind spot.
- These issues had been identified by the Highways Authority in 2025.
- The increased traffic from this development would increase the probability of issues, with further development expected to the north of the site in the future.
- Safer access routes should be considered, such as access through the property owned by the applicant.
- The proposals for waste water do not consider the impact on the local community.
- Whilst there was capacity at the sewage works, there was not capacity within the pipe network and there was existing evidence of discharge from the sewers during periods of flooding.
- Without a robust strategy to address this, there would be health impacts on existing residents.

The Chair thanked Mr Skinner for their presentation and invited the second Public Objector, Parish Councillor Phillip Crowe to speak against the application. Parish Councillor Crowe thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The sites in Ickleford included in the Local Plan were only agreed after a decision by the government Inspector. Since approval of the Plan, circumstances had changes and windfall sites had been identified which meant not all allocations in the Local Plan were required.
- Ickleford was served by a Victorian sewage system which cannot deal with flood water runoff.

- This proposal had not considered water runoff adequately and proposals to use the River Hiz for runoff would increase risk of contamination.
- Whilst residents on Duncott's Close currently entered at a sensible speed, it would not be appropriate to increase use of this road, but this was the proposed access both during and after construction.
- The houses provided would be aimed at wealthier buyers and would not be readily available for local people.
- The Parish Council requested that all development around Ickleford, not just this application, be deferred until a suitable resolution to the sewage issue could be identified.

The Chair thanked Parish Councillor Crowe for their presentation and Councillor Louise Peace to speak against the application, as Member Advocate. Councillor Peace thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- There were three main reasons to refuse this application, which were sewage and drainage concerns, loss of biodiversity and overdevelopment.
- In relation to sewage issues, there had been an objection previously raised by Anglian Water. The existing system was old and needed investment, with evidence of sewage overflowing into gardens.
- The applicant suggested that infiltration would not be possible and would be required to be directed to the River Purwell, but proposals were to go into the River Hiz, which was an important chalk stream.
- The Ickleford Neighbourhood Plan policy was that developments should enhance the existing surroundings, which this development would not.
- A veteran poplar tree had already been felled on the site prior to the application. The North Herts Ecologist noted that this poplar could return if given sufficient space, not just the 1metre proposed.
- There would be a biodiversity loss of 31.13, which would not be beneficial to the community and was contrary to the Ickleford Neighbourhood Plan. BNG credit should not be purchased off site, when it could be delivered on site.
- The Local Plan outlines that applicants should assume for 60% larger homes and 40% smaller. However, this proposal was for 78% larger dwellings, with just 22% smaller.
- This proposal does not provide sufficient 1, 2 or 3 bedroom houses which was the most needed property, as supported by the Local Plan. This application had 4 dwellings with 4 or more rooms.
- The site had 23.7 dwellings per hectare, above the 20 dwellings per hectare outlined in the Design Code.
- Due to these reasons, the application should be rejected.

The Chair thanked Councillor Peace for their presentation and invited the Agent to the Applicant, Paul Watson to speak in support of the application. Mr Watson thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This application would provide 9 family homes on a site allocated for development within the adopted Local Plan.
- The applicant had twice engaged with Planning Officers, in 2023 and 2024, and the proposal had been developed with their advice.
- The Officer report outlined that the appearance of the dwellings was suitable and took into account the requirements in the Ickleford Neighbourhood Plan.
- Access via Duncott's Close had been proposed in the adopted Local Plan and the Highways Authority had raised no objections.

- A sustainable drainage scheme had been submitted and mitigated for 1 in 100-year weather events, plus an additional 40% capacity. There would be SUDs provided on site, which would control run off, and there would be no increase in water runoff from the site than already existed. This had been assessed by the LLFA who had raised no objections, subject to conditions.
- Discussions were ongoing with Anglian Water regarding sewer connections, and it was considered that a suitable solution could be found. A connection could be provided, at cost to the applicant, south of Duncott's Close, if a solution on site could not be identified.
- No further work had been required following assessment by Herts Archaeology and the Conservation Officer.
- BNG would be delivered on site, where possible, as this was the cheapest and best way of delivery. However, on smaller sites achieving the required BNG was not always possible on site and therefore the conditions had been included to require this to be delivered off site.

The following Members asked points of clarification:

- Councillor Jon Clayden
- Councillor Tom Tyson
- Councillor Martin Prescott

In response to points of clarification, Mr Watson advised that:

- Delivery of BNG onsite had been included following discussions with the Ecology Officer. However, some credits would need to be purchased to deliver the full BNG requirements. These credits had to be for a specific scheme, and this would be identified and outlined to Officers who would consider the appropriateness of this.
- The ongoing maintenance of the swale would be conducted by their clients, subject to planning permission being granted.
- It was likely that a connection to the Anglian Water sewage system would be possible from south of Duncott's Close. However, if this was not possible, an on site solution could be delivered, but this would be agreed with Officers.
- The fallback scheme if a mains sewer connection could not be achieved was a cargester for the site. However, this has not yet been investigated in detail.

In response to points raised during the public presentations, the Planning Officer advised that:

- A condition had been proposed by Anglian Water, and agreed with the agent, which would be included in the final resolution.
- The third condition included by the LLFA was regarding the maintenance of the SUDs structures for the duration of the development.
- In discussions with the Environment Agency, it had been noted that it was the River Hiz, not the River Purwell.

The following Members asked questions:

- Councillor Martin Prescott
- Councillor Jon Clayden
- Councillor Tom Tyson

In response to questions, the Planning Officer advised that:

- The condition proposed by Anglian Water was an additional condition.
- A pre-commencement condition meant that the plans had to be submitted prior to works starting. A pre-occupancy condition meant it had to be delivered in line with these details.

- Details provided in response to conditions would be provided with the experts and consultees, and would only be approved and implemented with their agreement.
- The additional condition, relating to a foul water solution, specifically referenced the need to consult on plans with Anglian Water prior to approval of the condition.

In response to questions, the Principal Planning Officer advised that:

- The Local Planning Authority should consider whether an unsuitable application could be made suitable through conditions.
- In this application, all consultees had confirmed that conditions could be applied to make it suitable. If Officers queried these conditions, it would be contrary to the comments of the consultees and, after 19 February 2026, the applicant could appeal for non-determination.
- It was not clear that the development was unacceptable with the conditions applied.
- The condition included for the Anglian Water connection provided for an on site solution, as well as consideration, if this was not possible, for 'any other solution'. To remove the 'any other solution' from the condition, Members would need to identify that this would cause demonstrable harm.
- Subject to the inclusion of the conditions outlined, with the additional condition, it was felt that the application addressed the requirements of the Local Plan to provide a suitable water plan.

In response to questions, the Local Planning Lawyer advised that:

- Officers had outlined that the development could be made acceptable with the inclusion of conditions, with details on these to be provided for Officer consideration, as outlined under the delegation of authority.
- A delegation to consult with the Chair and Vice-Chair of the Committee could be included.
- The details provided in response to conditions would be discussed with the relevant consultees, including the LLFA.
- Concerns relating to a different connection point to the Anglian Water system could only be assessed once the plans were received.

Councillor Nigel Mason proposed to grant permission subject to the Conditions included in the report of the Development and Conservation Manager, with the removal of Conditions 22 and 23, and new, additional Condition 22 as outlined by the Planning Officer. This was seconded by Councillor Ian Mantle.

The following Members took part in the debate:

- Councillor Jon Clayden
- Councillor Ian Mantle
- Councillor Dave Winstanley
- Councillor Val Bryant
- Councillor Clare Billing
- Councillor Tina Bhartwas
- Councillor Martin Prescott
- Councillor Nigel Mason
- Councillor Tom Tyson

The following points were raised as part of the debate:

- Issues around the sewer connection to the site did not feel satisfactorily resolved.
- Members needed to trust the experts and the discussion did not advance the situation.
- This was an allocated site within the adopted Local Plan and Members would need a strong reason to oppose the scheme.

- The remained concerns about the biodiversity loss, the housing mix and the density of housing, but conditions were included and it was important to trust the experts in these matters.
- This was a delicate site, and a more sensitive approach could have been taken in order to mitigate potential issues with the development.
- There remained concerns regarding the chalk stream in the vicinity of the site and the drainage solution proposed.
- It was not about finding the ideal solution, as it was an allocated site within the Local Plan, but there were issues remaining with density, housing mix and the foul water solution.
- Members needed to consider the application being presented, not the potential for other applications which may come in the area.
- Overall, it was hard to find arguments against the site and the benefits outweighed the negatives. Details would need to be provided and would have to meet policy and legal requirements.

Having been proposed and seconded and, following a vote, it was:

RESOLVED: That application 25/01094/FP be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager, with the removal of Conditions 22 and 23 and a new Condition 22 as follows:

‘Condition 22

No development shall commence until a strategic foul water strategy, or any other solution, has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network, or any other solution. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Reason: To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.’

N.B. Following the conclusion of this item, there was a break in proceedings from 20.25 and the meeting reconvened at 20.32.

127 25/01790/FP LAND KNOWN AS THE ORCHARD, SNAILSWELL LANE, ICKLEFORD, HERTFORDSHIRE, SG5 3TS

Audio recording – 1 hour 30 minutes 24 seconds

The Planning Officer provided a verbal update on matters relating to application 25/01790/FP and advised that:

- A response had been received from the Lead Local Flood Authority (LLFA) and an additional condition had been proposed, as outlined in the supplementary document.
- Herts Archaeology had made representation and advised that they had no comments to make.
- An additional Condition 16 had been proposed by Environmental Health relating to actions to be taken if contamination is identified during works.
- There was a discrepancy identified on the mapping system, which had the neighbouring property labelled in the wrong position and with the incorrect spelling. However, the submitted plans were correct.

The Planning Officer then presented the report in respect of application 25/01790/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Val Bryant
- Councillor Martin Prescott
- Councillor Jon Clayden

In response to questions, the Planning Officer advised that:

- A BOAT was a 'byway open to all traffic' and was the responsibility of Herts County Council Right of Way, rather than Highways.
- The site was originally considered as not being inappropriate development in the greenbelt, but it was subsequently assessed to comprise development on greybelt land, as described in the submitted planning statement. Officers agreed with this assessment and there were no strong reasons for refusal of the application.
- The site was considered as limited infill within an existing village.
- As a greybelt assessment had been made alongside the infill consideration, it was prudent to assess both aspects.

In response to questions, the Principal Planning Officer advised that:

- The BOAT would be maintained by Herts County Council as the relevant authority.
- Whilst the wider parcel of land to the north would be considered greenbelt, the site was considered as greybelt as it did not move the boundary further north than already existing properties.

The Chair invited the first Public Objector, Mr Phillip Laws to speak against the application. Mr Laws thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- There were three main concerns with this application, these were the highways issues, the character of the development and the loss of landscape.
- The site would be accessed by a BOAT, which was essentially a rural track, not up to the standard of normal highways.
- The proposal is to encourage sustainable transport, but cycling to the site was extremely challenging.
- The room sizes on the plans would suggest a fourth bedroom could be created, which would further increase traffic movements and the BOAT was not safe or suitable for access.
- The lane was rural in nature and allowing this infill would suburbanise the character of the lane and would establish a principle of development.
- An apple tree on the site had already been removed and this loss of landscape was contrary to policies of the Local Plan.

The Chair thanked Mr Laws for their presentation and invited the second Public Objector, Ms Linda Eaton to speak against the application. Ms Eaton thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This development would have a lasting impact on the existing family home due to the proximity and scale of the proposed dwelling.
- The site prevents the crawl of properties on the lane and ensures open space.
- It was proposed as a 3-bedroom house, but the size and layout included on the plans could lead to a 4-bedroom home, which would increase movements to and from the site.
- The height and bulk proposed would be imposing to existing surroundings and the first floor window would overlook the existing property, Glenmore.

- There were serious concerns about the access, with the lane already constrained and in poor condition. Construction traffic would make this situation worse and would cause potential obstruction to existing properties for both regular and emergency access.

In response to a point of clarification from Councillor Tom Tyson, Ms Eaton advised that the bungalow opposite the site, Glenmore, was one storey. The proposed first floor windows of the new dwelling would look directly into the bedroom and dining room.

The Chair thanked Ms Eaton for their presentation and invited the third Public Objector, Parish Councillor Phillip Crowe, to speak against the application. Parish Councillor Crowe thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The Parish Council had submitted a concise and detailed report in objection to this application.
- The lane represented one of the last rural parts of Ickleford and was part of the greenbelt.
- The size and character of the proposed development would impact on the existing area, with bungalows along most of the lane, with 4 houses along it, which existed for historic reasons.
- The entry access was not suitable, and the BOAT was primarily focussed on walkers and horse riders.
- Ditches were already filled during rainy periods and this flowed into the River Hiz.
- There were existing drainage issues in the area with the system unable to serve the lane adequately. Anglian Water were aware, as sewage incidents had occurred in this area.
- Natural habitat, including a 35 year old hedgerow, would have to be destroyed.
- There was a requirement on the Planning Authority to ensure no loss of biodiversity and that this should be enhanced through development, but without protections this was not possible.

The Chair thanked Parish Councillor Crowe for their presentation and Councillor Louise Peace to speak against the application, as Member Advocate. Councillor Peace thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This application should be considered as an application for a 4-bedroom house in a rural area, which would make it inappropriate development in the greenbelt and was contrary to policies of the Local Plan and Ickleford Neighbourhood Plan.
- Whilst the proposal was for a 3-bedroom dwelling, the size proposed would allow for 4 bedrooms.
- The site was not within the defined settlement of Ickleford, therefore should not be considered infill.
- The level of development in Ickleford meant that policies of the Local Plan were being contravened.
- The National Planning Policy Framework outlined that safe and sustainable access was required for all users on developments.
- Herts County Council Right of Way team define the lane as a highway, but only for the same level of use as footpaths or bridleways, and it was not in a suitable condition to support higher levels of usage by car.
- There was a 500m walk to the nearest bus stop, with a bus that did not provide access to Letchworth or Hitchin stations.
- The site does not fit the existing street scene, as it was too great in height, and was in conflict with the Ickleford Neighbourhood Plan.
- Existing residents had already suffered from issues with sewerage overflow.
- The application should be refused as the site was not sustainable, the height proposed was too high compared to existing dwellings and it would have an unacceptable impact on neighbours.

- The application was not subject to biodiversity net gain requirements, as it was a self-build property.
- A condition should be included, if permission granted, to require the dwelling be used as the main dwelling for the applicant for 3 years.

In response to a point of clarification from Councillor Val Bryant, Councillor Peace advised that there were busses from nearby the site, but these did not provide access to the closest train stations in Hitchin or Letchworth.

The Chair thanked Councillor Peace for their presentation.

In response to points raised during the public presentations, the Planning Officer advised that:

- An ecological enhancement condition had been recommended by the Ecologist and was the standard condition in line with Local Plan policies.
- The internal space indicated on the plans would meet standards for a fourth bedroom. However, the parking provision requirement would remain as 2 off-street spaces.

In response to points raised during the public presentations, the Principal Planning Officer advised that:

- A condition requiring the applicant to live at the property for 3 years would not meet the test of necessity.
- The application was for the erection of 1 self-build dwelling, therefore there was no requirement to add further conditions on the self-build element. If it was found not to meet the self-build requirements, then it would be liable for enforcement action.

The following Members asked questions:

- Councillor Martin Prescott
- Councillor Nigel Mason
- Councillor Jon Clayden

In response to questions, the Planning Officer advised that:

- The condition of the BOAT was discussed with the Rights of Way team. However, works requiring resurfacing could not be forced on the developer.
- The road would be maintained to a byway standard, but there were currently no plans to increase the level of maintenance of the BOAT.
- It would be for the County Council Rights of Way team to maintain the standard of the BOAT.

In response to questions, the Principal Planning Officer advised that:

- The reference to 3 years of occupation was in relation to Community Infrastructure Levy payments and was therefore not relevant to a self-build.
- A representation had been made on the application by the Right of Way team, not Highways.
- Requiring the developer to complete unspecified works on land managed by the Highways Authority would not be reasonable to condition.
- Condition 5 had been included following consultation with Highways and there had not previously been issues with enforcement of this condition.

In response to questions, the Locum Planning Lawyer advised that:

- The Committee needed to consider the application being presented and the information provided by Officers when coming to a decision.
- Conditions were required to meet six tests, of which necessity and enforceability are two of these, which would not be met with a condition imposed on a potential fourth bedroom.
- Imposing a condition to require the developer to conduct work to bring the BOAT to a higher standard would be unreasonable, as the BOAT was not in control of the applicant, nor was the applicant the sole user of this lane.
- Condition 5 required the applicant to submit a Construction Method Statement for approval by Officers. The works would then have to be carried out in line with this plan, otherwise enforcement action could be taken.

Councillor Nigel Mason proposed to grant permission subject to the Conditions included in the report of the Development and Conservation Manager, with the addition of Condition 15, as outlined in the Supplementary Document, and Condition 16, as outlined by the Planning Officer. This was seconded by Councillor Clare Billing.

Having been proposed and seconded and, following a vote, it was:

RESOLVED: That application 25/01790/FP be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager, with additional Conditions 15 and 16 as follows:

Condition 15

Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. Infiltration testing shall be carried out to inform the detailed drainage design; if infiltration is not viable, a detailed drainage strategy based on discharging to the ordinary watercourse south of Snailswell Lane at the greenfield runoff rate shall be submitted to the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of North Hertfordshire District Council.

Condition 16

In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.'

N.B. Following the conclusion of this item, there was a break in proceedings from 21.30 and the meeting reconvened at 21.33, at which point Councillor Louise Peace returned to the Committee.

128 PLANNING APPEALS

Audio recording – 2 hours 30 minutes 54 seconds

The Principle Planning Officer provided an update on Planning Appeals and highlighted that:

- An appeal had been allowed at Ickleford Primary School for the installation of a bike shed, with the Inspector concluding that there was a neutral impact on the Conservation Area.
- An appeal had been dismissed for a retrospective application for a box dormer extension at a property in Graveley, with the Inspector concluding that there was sufficient harm to the character and appearance of the area.

In response to a question from Councillor Tom Tyson, the Principle Planning Officer advised that it would be for the Enforcement team to consider the next steps relating to the box dormer extension, but action could potentially require restoration to the original condition.

The meeting closed at 9.35 pm

Chair

<u>Location:</u>	Redwood Deards End Lane Knebworth Hertfordshire SG3 6NL
<u>Applicant:</u>	Mr Anthony Sarno
<u>Proposal:</u>	Hybrid application for one 5-bed dwelling with detached garage following demolition of existing dwelling and outline application for the erection of 8 dwellings (all matters reserved except for access).
<u>Ref. No:</u>	25/02999/HYA
<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period: 12/02/2026

Extension of statutory period: 20/03/2026

Reason for Delay: consultation responses

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

1.0 Policies

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 4: Decision making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable development

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

North Herts Local Plan 2011-2031 Local Plan and Proposals Map

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP8: Housing

Policy SP9: Design and Sustainability
Policy SP10 - Healthy Communities
Policy SP11: Natural Resources and Sustainability
Policy SP12: Green Infrastructure, Landscape and Biodiversity
Policy HS3: Housing mix
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy NE1: Landscape
Policy HE4: Archaeology

Supplementary Planning Document.

Design SPD 2011
Sustainability SPD 2024
Vehicle Parking Provision at New Development SPD

Knebworth Neighbourhood Plan 2019 -2031

Policy KBDS2 Density of Housing Development
Policy KBBE1: Housing Mix
Policy KBBE2: Sustainable Buildings
Policy KBBE3 Accessibility and Adaptability
Policy KBBE4 Design
Policy KBBE5 Masterplanning and Placemaking
Policy KBBE6 Site KB1 Land at Deards End
Policy KBEF1: Biodiversity
Policy KBEF2: Energy Conservation
Policy KBEF3: Flooding and Drainage
Policy KBT1: Sustainable Modes of Travel

2.0 Site History

2.1 23/02920/PRE Residential development comprising of 5no two storey dwellings with garages, vehicular access, landscaping and associated works

3.0 Representations

Statutory Consultees

3.1 Knebworth Parish Council – OBJECTION

This is a hybrid application comprising a full application for a replacement dwelling in a conservation area, and an outline-only application for a new road in a conservation area and housing on a site located within the KB1 local plan area. For the avoidance of doubt the Parish Council objects to both applications for the reasons outlined below.

There are issues of compliance with both the Local Plan and Knebworth's Neighbourhood Plan 2019-2031. Plot 1 of the application lies in the conservation area, and the further dwellings form part of the KB1 development already allocated for housing development. The application includes a substantial 6m wide access road to be built in a conservation area, without demonstrating how it is preserving or enhancing the area. The proposed access road, junction and path are detrimental to the Conservation area.

Knebworth Neighbourhood Plan

It would be much better if the part of the site shown for up to 8 homes with the KB1 site allocation area is considered as part of the much larger master planned development of KB1. In this context, the appropriate housing density abutting the conservation area, would be considered. Legibility would be improved and if granted permission in isolation to KB1 could potentially impact the design of KB1.

Neighbourhood Plan Policy KBDS2 Density of Housing Development says that "Housing densities should respect site boundaries, trees and hedgerows in situ, existing properties and the character of surrounding areas." The application does not meet any of these criteria. Showing a crowded site with development potentially right up to the boundaries.

The boundary is a mature hedgerow and there are hedgerows within the site, dividing up the plot, which should be retained.

Density is one aspect of character. The existing homes within the Conservation Area are on large plots. 8 homes on the site would result in greater plot densities than the homes immediately adjacent in the Conservation Area. The rebuilt home on the remainder of the site once the access road to the rear is built would also have a smaller plot.

Knebworth Neighbourhood plan policy KBBE6 (Site KB1 Land at Deards End) is relevant to this site. The policy states that this site should "be developed at densities that respect local character and Knebworth's Garden Village Context" The site could be more sensitive developed as part of KB1.

Although the proposal for 8 homes does not constitute a major development, Policy KBBE5 Master planning and Placemaking says that "...residential development should be legible, safe, accessible, encourage social interaction and provide a choice of walking and/or cycling routes." Eight of the nine homes to be built are within KB1 and developing the application site in isolation would raise safety issues and will not create a legible solution.

NHC Local Plan

NHDC Local Plan HS3 Housing Mix states planning permission for new homes will be granted provided that "The scheme would provide a density, scale and character of a development appropriate to its location and surroundings" The proposal would not be at an appropriate density and thereby would impact on the character of the Conservation Area.

The second bullet point of Policy KB1 has a specific requirement for "Sensitive design and / or lower density housing at east of site to respect the setting of Deards End Lane Conservation Area and listed buildings" This policy is relevant to the application and should be used by North Herts Council the proposed development.

The application has not demonstrated or assessed how it meets the above policy requirements, despite referencing them. The Planning Committee felt that the density exceeds that of the existing Conservation Area properties, and this should be thoroughly examined and challenged.

New Access Road for 9 Homes

There is a safety concern for active travel associated with the creation of the access road. The access road onto Deards End Lane and the accompanying works necessary to make a safe egress point on to the lane would have a major impact on the Conservation Area as follows:

*Providing the access site splay would impact hedging along the front of Trees
The pre-app on a previous proposal for 11 dwellings on the site requested a buildout into Deards End Lane. The plans in the Transport Statement are inconclusive on whether this is being achieved and who owns the gap between the property boundary and the highway boundary.*

Transport Statement (para 2.6) suggests a potential new footpath on the east side of Deards End Lane may be required, along with potential embankment retaining features. This would require extensive works to the existing verge/embankment and put the existing hedge (identified as an important hedge in the Deards End Lane Conservation Area Appraisal at risk. Additionally, drainage would need to be carefully considered given the new kerb line for any footway and footway surface itself would require draining.

If the rear of the site was to be built as part of KB1, vehicular access would be provided to the site without impacting on the Conservation Area. If the whole development was designed to fit with the Masterplan for KB1, there would be the potential to create a pedestrian/cycle access from the site to Deards End Lane, which would not require the extensive works necessary to provide a safe vehicular access.

3.2 Herts Highways -.OBJECTION

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

The proposal fails to provide sufficient improvements to pedestrian connectivity between the site and surrounding infrastructure which will affect the ability to promote walking and use of public transport and reduce the reliance on the private car as represented in national and local policy. Contrary to the National Planning Policy Framework (2024) paragraphs 115 to 117 and Policy 1 of Hertfordshire's 4th Local Transport Plan (2018).

3.3 North Herts Environmental Health -

Noise – condition

The application is not supported by a noise assessment. A noise report for a nearby development (66 Park Lane) resulted in mitigation measures being incorporated into the design due to noise from the nearby A1M. Whilst this development is a little more distant from the carriageway, given the topography I think it would be prudent to have an assessment for this proposal to ensure that satisfactory internal and external noise levels are achieved. Ideally, this would be 'up front' but could be secured via a condition. Given the nature and scale of the development, I also recommend condition

Air Quality – comments

Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.

Land Contamination – Condition

Given the location, nature and scale of the development, I recommend that conditions are placed on any decision notice, should you be minded to grant approval

Consultees:

3.4 Conservation Officer – Objection

The proposal will have an impact upon the setting of nearby listed buildings, the character and appearance of DELCA and the setting to DELCA. The extent of harm would be moderate on the less than substantial harm continuum

3.5 North Herts Ecology – conditions

Having read through the submitted documents there would be no ecological objection to the proposal. The October 2025 Preliminary Ecological Review (PER) does not predict any harm to habitats or species. The Statutory Metric provided with the application indicates a 14.69% gain in habitat units and 10.44% gain in hedgerow units respectively thereby meeting the mandatory requirement for 10% BNG

3.6 Neighbour Representations

Representations received from Neighbours – (All representations are available on the website in full

Summary of Objection representations from 30 neighbours:

1. Highway Safety and Traffic Impact

The predominant concern relates to highway safety on Deards End Lane. Objectors describe the lane as narrow, historic, and in parts single-track, with poor visibility, blind bends, no footways, and limited passing places. It is used by vehicles, pedestrians, cyclists, equestrians, wheelchair users and mobility scooters.

Residents state that traffic levels have increased substantially in recent years, with the lane functioning as a “rat run” to avoid congestion on surrounding roads and the A1(M). It is reported that approximately 7,500 vehicle movements per week already occur. Concerns are raised that the proposed additional dwellings, together with construction traffic and service vehicles, would materially worsen congestion and safety risks.

Particular concern is expressed regarding the proposed 6m-wide T-junction access onto Deards End Lane, located near the existing junction with Park Lane and close to narrow and blind sections of the road. Residents consider the junction to present unacceptable danger due to limited visibility and turning movements.

Many representations also raise concerns that the proposed access could facilitate future vehicular connections to the wider KB1 strategic development (circa 200 dwellings), potentially transforming the lane into a through-route serving a much larger estate. Objectors argue this would fundamentally change the character and function of the lane and exacerbate safety issues.

Concerns are also raised regarding reliance on traffic survey data from February 2020, which residents state may not reflect typical traffic levels.

2. Impact on the Conservation Area and Heritage Assets

Deards End Lane lies within a designated Conservation Area and contains a number of listed buildings. Residents state that the lane is characterised by mature trees and hedgerows, spacious detached dwellings set within large plots, and a rural, leafy character.

- * The demolition of “Redwood,” a building within the Conservation Area, is unjustified and would result in harm to heritage significance.
- * Allowing demolition due to disrepair would set an undesirable precedent.
- * The replacement dwelling’s scale, design and materials are considered unsympathetic to the prevailing architectural character.
- * The introduction of a 6m-wide engineered access road would represent an urbanising intervention, requiring removal of historic hedgerows, embankments and verges.
- * The development would erode the spacious, low-density character of the area by introducing higher-density housing on what is currently garden land.

It is contended that the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would adversely affect the setting of nearby listed buildings.

3. Conflict with Local Plan, Neighbourhood Plan and KB1 Framework

A number of representations cite conflict with policies in the North Herts Local Plan and the Knebworth Neighbourhood Plan, particularly in relation to:

- * Heritage protection (including Policies SP13 and HE1).
- * Design and local character (Policy D1).
- * Transport and highway safety (Policy T1).
- * Natural environment and biodiversity (Policies SP12 and ENV3).

Objectors argue that the proposal represents piecemeal development of the KB1 allocation and does not accord with the published KB1 masterplans, particularly in relation to access strategy. It is suggested that access to the proposed dwellings could instead be achieved via the internal KB1 road network, avoiding impact on the Conservation Area.

Concerns are also expressed that approval could set a precedent for further intensification along the lane.

4. Biodiversity and Green Infrastructure

Residents state that the site currently functions as a wildlife corridor linking to adjacent fields. Objections reference sightings of species including hedgehogs, deer, foxes, grass snakes, slowworms and birds of prey.

It is argued that the submitted ecological information understates wildlife presence and that development would fragment habitat, remove soft verges and boundary treatments, and result in biodiversity loss.

5. Drainage and Surface Water

Concerns are raised regarding the adequacy of drainage provision. Objectors state that the lane already experiences drainage issues and that the application does not demonstrate sufficient Sustainable Drainage Systems (SuDS), discharge rates, or long-term maintenance arrangements. It is contended that the development could increase surface water runoff and flood risk.

3.7 Hertfordshire Swift conservation groups – Comment

This development is suitable for Swift bricks to be integrated into the walls of the new buildings, as set out in the recent updates to the NPPF and NPPG as well as the Hertfordshire Nature Recovery Strategy. Please consider securing Swift bricks by way of a condition, the suggested wording being as follows:

"No development shall take place until written details are approved by the LPA of the model and location of 9 integrated Swift bricks, to be fully installed prior to completion of exterior works to the buildings and retained thereafter", in accordance with Local Plan policy NE4"

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The site includes "Redwood House", a large, detached house located on the western side of Deards End Lane and land to the rear of Redwood House, which currently has tennis courts, stables and menage. The land to the rear is part of a larger site allocation in the North Hertfordshire Local Plan called 'KB1'. The part included in this application is owned by the Applicant with the other part of 'KB1' owned by Countryside Partnership (part of the Vistry Group).

4.2 Proposal

4.2.1 Planning permission is a hybrid application with the following development:

- Demolition of Redwood House replaced by a new 5-bedroom dwelling, its footprint slightly repositioned in the site, bringing the front line forward closer to the road with detached garage;
- New access road constructed along the southern boundary of the site leading to 8 new dwellings on land to the rear of Redwood House;
- Each property would have car parking, and associated landscaping and access;
- The 8 new dwellings to the rear would range between 3-5 bedroom (to note all matters reserved except for access).

4.3 Key Issues

4.3.1 The key issues are:

- Principle of development and Policy compliance
- Sustainability
- Design and layout, visual impact on the character of the area
- Impact on neighbouring properties
- Standard of proposed accommodation for future occupiers
- Highway access and car parking
- Biodiversity net gain, Landscape and Ecology
- Planning Balance

Preliminary Matters

4.3.2 Part of this application is for outline planning permission with all matters reserved apart from access. Therefore, details relating to design, landscaping, layout, and scale are not submitted for detailed consideration at this point, as these matters would be addressed in a subsequent reserved matters application. However, these reserved matters will be considered in a general sense to advise the subsequent application.

Introduction to principle of development and Policy compliance

4.3.3 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The Knebworth Neighbourhood Plan (KNP) was made in May 2022 and forms part of the development plan and therefore full weight is given to policies of the KNP. The National Planning Policy Framework (NPPF) is a material consideration attracting significant weight.

4.3.4 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the focus for housing and to ensure the long-term vitality of villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing population, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure and mitigates the impact on climate change.

4.3.5 Knebworth is defined in Local Plan Policy SP2 as a Category A village where general development will be permitted within the recently defined settlement boundary. The proposed development is within the defined settlement boundary for Knebworth. The Category A villages, normally containing primary schools, also have defined boundaries within which development will be allowed, and sites have been allocated to meet the District's overall housing requirement. These villages are excluded from the policy designation (either Green Belt or Rural Area Beyond the Green Belt – see Policy SP5) which affects the surrounding countryside. Development of the site for housing would therefore be supported in principle under Policy SP2.

Knebworth Neighbourhood Plan (May 2022)

- 4.3.6 The Knebworth Neighbourhood Plan (KNP) forms part of the statutory development plan for North Hertfordshire and must be read alongside the strategic policies of North Hertfordshire District Council and the adopted North Hertfordshire Local Plan (2011–2031).
- 4.3.7 Within the KNP it outlines that new development proposals must:
- Deliver an appropriate housing mix (in line with KBBE1).
 - Respect density expectations (KBDS2).
 - Demonstrate high-quality design (KBBE4).
 - Provide landscaping buffers to protect rural character.
 - Ensure safe access and parking arrangements.
 - Address drainage and infrastructure capacity.

Allocated Site - Policy KB1 – Land at Deards End – 200 homes

- 4.3.8 Policy HS1 – Local Housing Allocations requires proposed residential developments to broadly accord with the Local Housing Allocations with site specific policy considerations successfully addressed. Unless site specific circumstances suggest otherwise, developments should reflect wider housing mix expectations set out in the Local Plan.
- 4.3.9 The site allocation includes: -
- Transport assessment to consider cumulative impacts of sites KB1, KB2 and KB4 on key junctions and rail crossing points for all users, securing the necessary mitigation or improvement measures.
 - Sensitive design and/or lower density housing at east of the site to respect setting of Deards End Conservation Area and listed buildings
 - Transport assessment (or equivalent) to demonstrate highway impacts, including construction traffic, will not significantly affect Deards End Lane railway bridge (SAM) - Preliminary Risk Assessment to identify any contamination associated with previous uses including mitigation
 - Appropriate noise mitigation measure to potentially include insulation and appropriate orientation of living spaces
- 4.3.10 The application site forms an integral part of the wider KB1 housing allocation within the North Hertfordshire Local Plan, which is intended to be delivered comprehensively in accordance with an agreed masterplan. The purpose of this approach is to ensure that development across the allocation is properly coordinated, particularly in relation to access, movement, landscape structure and the timely provision of supporting infrastructure. The current proposal has been brought forward in isolation and in advance of any agreed master planning framework for the KB1 site as a whole. As a result, I am not satisfied that the development would integrate appropriately with the remainder of the allocation or that it would not prejudice the ability to deliver the site comprehensively. Allowing development to proceed in this piecemeal manner would risk undermining the planned spatial strategy for KB1 and could compromise the efficient and sustainable development of the allocation in the long term. On this basis, I consider that the proposal conflicts with the site-specific requirements of the Local Plan and national policy objectives which seek to secure well-planned, coordinated development.

Five-Year Housing Land supply

- 4.3.11 Though the Local Plan is still within its date range of 2011 – 2031, the Council does not have a 5-year supply of deliverable housing land (5YHL). In 'The Five-Year Housing Land Supply Update' dated November 2025 (pages 17-19) it concludes with two options. Both concluding we cannot demonstrate a 5YHL. Table 10 shows that we can demonstrate a five-year land position of 2.6 years against our adopted housing requirement. This figure falls below the five-year requirement. And Table 11 shows that we can demonstrate a five-year land position of 3.3 years using the Governments New Standard Methodology. This figure also falls below the five-year requirement. The tilted balance set out at paragraph 11 (d) of the NPPF would be engaged. Therefore, there is a presumption in favour in terms of harm and benefits should be applied, whereby planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the proposal; or the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 4.3.12 The principal benefit is that the development would approve a net of 8 new dwellings on land that can be relatively easily developed, resulting in an improvement to the District's housing land supply position.
- 4.3.13 Overall, it is considered that the principle of development is acceptable within the settlement boundary of Knebworth. The site is now within the settlement boundary for Knebworth under the Local Plan, where general development will be allowed. Therefore, there is no conflict with Policy SP2 of the Local Plan.

Sustainability

- 4.3.14 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.15 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase and additional spending locally from future occupiers, which is a modest benefit.
- 4.3.16 Secondly, in terms of the social objective, this would add additional dwellings to the districts housing figures, whilst the scheme is modest in size, significant weight is attached as a planning benefit, given that the Council does not have a 5-year supply of housing.
- 4.3.17 In terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for most of their needs. This issue is covered in more detail in the section below on highway matters. The site is within a category 'A' village which has primary school and some local facilities.
- 4.3.18 An Energy Statement has been submitted with the application. The design intentions follow energy saving hierarchy with a fabric-first approach and efficient electric systems (air source heat pumps) and proposed on-site photovoltaics (for the outline development - to be agreed as part of a reserved matters application) to reduce operational carbon. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.

4.3.19 As such, it is considered that the proposal accords with the three strands of sustainability and attributed due weight in the planning balance.

Impact on Heritage Assets – Knebworth Conservation Area

4.3.20 Policy SP13 of the Local Plan states that “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting*”. This reflects paragraph 205 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that “*Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use*”. This is reinforced by paragraph 208 of the NPPF.

4.3.21 The application site lies partially within the Deard’s End Lane Conservation Area. Whilst only part of the site is within the Conservation Area (DELCA), that is the existing dwellinghouse Redwood – which makes no positive contribution to the character and appearance of the conservation area, the remainder of the site is within its setting along the eastern boundary of the Conservation Area.

4.3.22 Following consultation with the Conservation Officer, he states that he raises no objection to the loss of Redwood and there is a good case to suggest that a well-designed dwelling that is sympathetic to local character and history, including the surrounding built environment that would make a positive contribution to local character and distinctiveness, is achievable here but not necessarily when considered alongside the formation of a new access road.

4.3.23 However, the Conservation Officer has raised an objection to the proposed development as follows:

Deards End Lane Conservation Area [DELCA] is a Designated Heritage Asset and was designated on 2 April 1984. The key characteristics of DELCA are that the lane is predominantly bordered by high hedges and mature trees, creating an enclosed ‘garden village’ character. There is no perception of development in depth when viewed from the lane. Whilst Redwood makes no positive contribution to the character or appearance of DELCA, the replacement dwelling by reason of its width on a narrower plot and the amount of glazing and height of the left-hand gable would have a mildly erosive impact on the area failing to adhere with 135 c) and 210 of the NPPF. Further, the proposed access would open up the frontage contrary to the established enclosed verdant character and there is some uncertainty regarding the impact of visibility splays on the planting in front of ‘Trees’ and of the development’s impact on particular G004 and T008. I also consider that if more development at KB1 is ultimately served off the new access as suggested on the submitted layout, that this potentially may have a further erosive and harmful impact upon the character and setting of DELCA and upon the wider setting of listed buildings to the south. The proposal will fail to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of para 135(c) and Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011- 2031. The degree of harm would be moderate on the less than substantial harm continuum. Whilst the delivery of 8 dwellings may well be regarded as a public benefit this would not in my opinion outweigh the harm identified.

- 4.3.24 I would concur with the above reason and conclude that the proposal will have an impact upon the setting of nearby listed buildings, the character and appearance of DELCA and the setting to DELCA. The extent of harm would be moderate on the less than substantial harm continuum.
- 4.3.25 Therefore, the proposed development would conflict with Policy HE1 of the Local Plan and Section 16 of the NPPF, which requires development proposals to conserve or enhance the setting and significance of designated heritage assets. The harm to the setting and significance the Conservation Area, should attract great weight. Under the provisions of Local Plan Policy HE1 and paragraph 208 of the NPPF this harm should be weighed against the public benefits that would arise from this proposal, which is considered towards the end of this report.

Design and layout, visual impact on the character of the area

- 4.3.26 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.

Full plans – replacement dwellinghouse and access

- 4.3.27 The replacement 5 bed dwellinghouse has a much-reduced footprint to the existing and has been moved slightly nearer the northern boundary with No. 1 Deards End Lane but remains a similar building line with the neighbouring properties and the existing dwelling. The access would be located along the southern edge of the site. The dwelling has a height of 9 metres and is marginally taller than the neighbouring properties but has a similar massing. The proposed single garage located at the front of the replacement dwelling house has a low hipped roof, however this is located close to the existing tree on the shared boundary with No. 1. Three car par spaces are located at the front of the garage. There are other examples of low-profile garages on the front boundary but are well screened from the highway behind mature hedgerows and trees. The front boundary at the moment of Redwood is open however a hedgerow did exist here in previous years. It is proposed that a new hedgerow on the front boundary is to be added. This will help screen the garage. However, the proposed sightlines may result with the hedge being positioned more within the site.
- 4.3.28 As stated by the Conservation Officer above, the proposed replacement of Redwood with a well-designed dwelling that is sympathetic to local character and history, including the surrounding built environment and that would make a positive contribution to local character and distinctiveness, raises no objection. Whilst the proposed dwelling on Plot 1 may be seen as a visual improvement on what exists, both Planning Officer and Conservation Officer is unconvinced by the amount of glazing and the height of the left-hand forward projecting gable. Omitting this gable and reducing the width of this dwelling would make a more positive contribution to the area if applying para 135 c) of the NPPF.

Outline - 8 dwellinghouses

- 4.3.29 The submitted Design and Access Statement and plans provide an indication of how the site could be delivered in terms of the layout, appearance and scale of dwellings and the wider site. However, as already stated the application is submitted in outline only and seeks permission at this stage for access only, which leaves the consideration of appearance, layout and scale of the development for a later date under reserved

matters. In any case, it is considered reasonable to provide a basic assessment in this regard. Means of access covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.

4.3.30 Considering that KB1 requires “Sensitive design and / or lower density housing at east of site to respect setting of Deards End Lane Conservation Area and listed buildings”, I am not convinced that this is fully achieved here. The submitted layout (albeit all matters reserved apart from access) raises several issues:

- There is little by way of a soft edge buffer close to listed buildings thereby the development potentially impacting upon their setting and consequently affecting their significance.
- I do not see the necessity for the turning head returning behind no.1 Deards End Lane or indeed for the other aspects of the road layout suggesting that more development within KB1 may be accessed off Deards End Lane rather than from Park Lane.
- I concur with KPC concerns that there is a clear intention to develop part of site KB1 in isolation from the development of the rest of KB1. If this site is considered as part of KB1 then maybe a robust landscape ‘buffer’ could be more readily incorporated into the Masterplan ensuring that the impacts of development west of the DELCA are minimised so as to preserve more fully the established ‘garden village’ aesthetic.

4.3.31 Insufficient information has been provided to show how the proposal would integrate satisfactorily with the remainder of the KB1 allocation in respect of access arrangements, movement and connectivity, layout, scale and form of development, landscape and green infrastructure, and the timely and coordinated delivery of supporting infrastructure.

Impact on neighbouring properties

4.3.32 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. Policy D1 seeks to ensure that residential development will meet or exceed the nationally described space standards.

4.3.33 As this application is a hybrid application full consideration to impacts on neighbouring properties for the 8 new dwellings would be considered at a reserved matters application. However, given the distances between the scheme and nearby dwelling houses, the proposed boundary treatment, flat topography, and the scale and layout, it is considered that this proposal would not give rise to any materially adverse harm upon the reasonable living conditions and well-being of occupiers of neighbouring dwellings.

4.3.34 In terms of terms of the replacement dwelling, the proposed residential use of this site would not result in any materially adverse impacts upon the reasonable living conditions and well-being of occupiers of neighbouring properties and the living conditions of future occupiers would be acceptable. This is in accordance with Section 12 of the NPPF and Policy D3 of the Local Plan.

Highway access and car parking

- 4.3.35 Policy T1 of the Local Plan states that permission will be granted for development that does not lead to highway safety problems or cause unacceptable highway impacts, where necessary sustainable transport measures and improvements to existing highway networks are secured, where schemes are supported by the necessary supporting transport documents and for major developments, how schemes would be served by public transport, pedestrian routes etc.
- 4.3.36 The site is located on an unclassified road, Deards End Lane which is a narrow width highway with a grass verge to the front of the site with no footpaths. A replacement dwelling in such a location would normally be acceptable under full planning permission using the existing access provided as there is no intent to build out onto highways land. However, the proposal includes improvements to the access—widening it to 6 meters to serve the additional development at the rear. Although, it needs to be noted that a replacement dwelling, without a footway, would be acceptable under normal circumstances. It should also be noted that a 6m wide access is too wide for a single dwelling, the max. allowed is 5.4m.
- 4.3.37 Highways have commented in that there appears to be little to no scope in terms of space within Deard's End Lane to provide a min. 2m wide footpath for such a development of 8 dwellings to be successful in highway connectivity terms. Or, 9 dwellings if the replacement dwelling is included, but this is not an existing situation. The applicant cites in the Planning Statement that 23/02946/OP, & 25/01658/RM was successful but it is noted there is a public footpath to the opposite side of Park Lane that provides sufficient pedestrian connectivity to the wider public services.
- 4.3.38 Hertfordshire Highways have made representations and objected to the proposed application for the following reason
- The proposal fails to provide sufficient improvements to pedestrian connectivity between the site and surrounding infrastructure which will affect the ability to promote walking and use of public transport and reduce the reliance on the private car as represented in national and local policy. Contrary to the National Planning Policy Framework (2024) paragraphs 115 to 117 and Policy 1 of Hertfordshire's 4th Local Transport Plan (2018).*
- 4.3.39 This would therefore run contrary to the provisions of Policy T1 of the Local Plan 2011-2031 and Hertfordshire's Local Transport Plan (LTP4).

Parking and bins

- 4.3.40 Local Plan Policy T1 requires that the development should not result in highway safety problems or to cause unacceptable impacts on the highway network, whilst Policy T2 requires that new development meet the car parking requirements. Regarding parking, the parking standards require for each new house of two or more bedrooms to have two parking spaces and between 0.25 – 0.75 visitor parking with the higher number where there are no garages and the lower number where garages are provided. The exact number and location of spaces will be dependent on the final details at the reserved matters stage.

- 4.3.41 Each house must provide bin storage and cycle parking for each plot. The provision of these stores are supported as providing secure cycle parking is in accordance with the parking requirements, and a bin store will prevent the bins from being left cluttering the parking area. These details would be subject to a reserved matters application.

Biodiversity net gain, Landscape and Ecology

- 4.3.42 The North Herts Senior Ecologist was consulted on the application and recommended conditions. The October 2025 Preliminary Ecological Review (PER) does not predict any harm to habitats or species. The Statutory Metric provided with the application indicates a 14.69% gain in habitat units and 10.44% gain in hedgerow units respectively thereby meeting the mandatory requirement for 10% BNG.
- 4.3.43 Policy NE1 of the adopted Local Plan advises that proposals would be granted so long as they do not cause unacceptable harm to the character and appearance of the surrounding area taking account of any suitable mitigation measures necessary to achieve this, are designed and located to ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.
- 4.3.44 Landscaping details are also a reserved matter at this stage, but the illustrative plan does show the broad extent of hard and soft landscaping across the site, including the provision of roads, footways and parking spaces and the provision of private gardens for all dwellings, and retained/enhanced trees and landscape buffers on the boundaries. Further consideration of the proposed removal of current trees and retained landscaping and any perimeter screening planting should be considered in future landscaping reserved matters applications where that planting would benefit the amenity of the occupiers of future and that of adjoining premises.
- 4.3.45 The submitted Arboricultural Report states the following:

Some of the trees such as orchard G004 will occupy a part of the garden of corner plot number 7. Whilst this orchard has been neglected for a number of years, with some careful management, it should continue to provide the property and potentially the whole future community with sustainably produced fruit, for decades to come.

and

Another important, existing, category B tree, T008, will occupy a prominent position in the proposed development by offering good amenity in the grounds of the communally maintained grounds, on the verges of one of the proposed plots. Although the access road will be located somewhat near this tree, it will be far enough away so that it does not interfere with its RPA at all.

- 4.3.46 However, a few queries have arisen when looking at the indicative layout. It would appear that T008, shown to remain, has the garaging and parking spaces for Plot 2 to be located in same place. It would also appear not all the trees would be retained within orchard G004 in regards to plot 3 and it would need to be clarified which trees would be removed in any reserved matters application.

Planning Balance

- 4.3.47 The proposal would deliver moderate economic, social, and environmental benefits through the delivery of 8 dwellings towards the districts housing supply with the ecological enhancements through at least 10% BNG. Overall, the provision of the proposed development in this location within a Category A village, which would contribute towards maintaining the vitality of the village, is a planning benefit to which significant weight is attributed.
- 4.3.48 The site is allocated for residential development in the adopted North Herts Local Plan under Policy KB1. The site is within the settlement boundary of Knebworth, one of the District's five larger villages, within which 13% of new housing will be delivered. There is no objection to the principle of residential development on this site, which is attached significant weight, and the suitability of development is considered against the site-specific policy criteria.
- 4.3.49 The proposed development would conflict with Policy HE1 of the Local Plan and Section 16 of the NPPF, which requires development proposals to conserve or enhance the setting and significance of designated heritage assets. The harm to the setting and significance the Conservation Area, should attract great weight. Under the provisions of Local Plan Policy HE1 and paragraph 208 of the NPPF this harm should be weighed against the public benefits that would arise from this proposal. In accordance with paragraph 208 of the NPPF, the identified extent of harm would be moderate on the less than substantial harm continuum to the heritage significance of the listed buildings and the Deards End Lane Conservation Area and must be weighed against the public benefits of the proposal.
- 4.3.50 In Highways terms the proposal fails to provide sufficient improvements to pedestrian connectivity between the site and surrounding infrastructure which will affect the ability to promote walking and use of public transport and reduce the reliance on the private car as represented in national and local policy. Contrary to the National Planning Policy Framework (2024) paragraphs 115 to 117 and Policy 1 of Hertfordshire's 4th Local Transport Plan (2018). This would therefore run contrary to the provisions of Policy T1 of the Local Plan 2011-2031 and Hertfordshire's Local Transport Plan (LTP4).
- 4.3.51 In terms of whether the tilted balance should apply, as the Council currently cannot demonstrate a 5-year supply of housing for applications, the titled balance as set out at NPPF Paragraph 11 is potentially engaged. However, it is considered that the proposal would cause a moderate level of harm on the 'less than substantial harm' continuum to the significance of nearby listed buildings and the DEL Conservation Area. The NPPF stipulates that great weight should be attributed to this harm. The moderate public benefits that would arise from this proposal does not outweigh that harm. Therefore, the proposal conflicts with policies that protect areas or assets of particular importance (in this case designated heritage assets) and this provides a clear reason for refusal. As such, under the provision of footnote 7 of paragraph 11 of the NPPF, the presumption in favour of granting planning permission under paragraph 11d) becomes disengaged.

4.4 Conclusion

- 4.4.1 It is concluded that the less than substantial harm to the designated heritage asset would not be outweighed by the public benefits of the proposal and the proposal would conflict with policies of the NPPF which set to conserve and enhance the

historic environment. The proposal would fail to provide sufficient pedestrian connectivity onto Deards End Lane.

4.5 Alternative Options

None applicable

4.6 Pre-Commencement Conditions

4.6.1 The agent has confirmed agreement to the pre-commencement conditions.

4.7 Climate Change

4.7.1 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste.

4.7.2 An Energy statement has been submitted and the details would be sort under a reserved matters 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

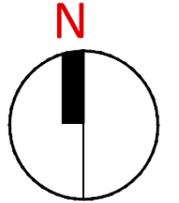
6.1 That planning permission be **REFUSED** following reasons:

1. The application site forms part of the wider residential allocation at KB1 as identified in the North Hertfordshire Local Plan. The proposal has been submitted in advance of a comprehensive and agreed masterplan for the whole of the KB1 allocation. In the absence of such a masterplan, the development fails to demonstrate that it would not prejudice the comprehensive, coordinated and sustainable development of the allocated site as a whole. In particular, insufficient information has been provided to show how the proposal would integrate satisfactorily with the remainder of the KB1 allocation in respect of access arrangements, movement and connectivity, layout, scale and form of development, landscape and green infrastructure, and the timely and coordinated delivery of supporting infrastructure.

The proposal would therefore result in piecemeal development that would undermine the planned approach to the delivery of the KB1 allocation, contrary to the site-specific requirements of the North Hertfordshire Local Plan, the spatial strategy of the Plan, and the objectives of the National Planning Policy Framework which seek to secure well-designed, comprehensive and sustainable development.

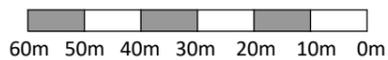
2. The proposal fails to provide sufficient improvements to pedestrian connectivity between the site and surrounding infrastructure which will affect the ability to promote walking and use of public transport and reduce the reliance on the private car as represented in national and local policy. Contrary to the National Planning Policy Framework (2024) paragraphs 115 to 117 and Policy 1 of Hertfordshire's 4th Local Transport Plan (2018).
3. Deards End Lane Conservation Area [DELCA] is a Designated Heritage Asset and was designated on 2 April 1984. The key characteristics of DELCA are that the lane is predominantly bordered by high hedges and mature trees, creating an enclosed 'garden village' character. There is no perception of development in depth when viewed from the lane.

The replacement dwelling by reason of its width on a narrower plot and the amount of glazing and height of the left-hand gable would have a mildly erosive impact on the area failing to adhere with 135 c) and 210 of the NPPF. Further, the proposed access would open up the frontage contrary to the established enclosed verdant character and if more development at KB1 is ultimately served off the new access as suggested on the submitted layout, this potentially may have a further erosive and harmful impact upon the character and setting of DELCA and upon the wider setting of listed buildings to the south. As a result, the proposal fails to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of para 135(c) and Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.



Site Location Plan

Scale @ 1:1250



<p>GENERAL NOTES © CIC and English Brothers Architecture</p>	<p>Planning Design - Stage 3</p>	<p>Drawn: KEM Date: JAN 2025 Checked: Scale @ A3 as shown</p>		
<p><small>This scheme is subject to Town Planning and all other necessary consents. Dimensions, areas and levels where given are only approximate and subject to site survey. All dimensions are to be checked on site. All feasibility studies are subject to full site survey. This drawing is to be read in conjunction with all relevant consultants and/or specialist drawings/documents and any discrepancies or variations are to be notified to the architects in writing before the affected work commences. All queries relating to design of structural elements are to be referred to the structural engineering consultant for resolution. The workmanship and materials of all trades and building operations shall comply with the recommendations of British Standard (BS) 8000 parts 1-16 inclusive and with Approved Document to support Regulation 7 1999 edition (incorporating 2000 amendments) of the Building Regulations 2010. All design and construction is to be in accordance with the Construction (Design and Management) Regulations 2007.</small></p>	<p>Project: Redwood Deard's End Lane Knebworth Drawing Title: Site Location Plan</p>	<p>Job No: 2024508 Drawing No: PL000 Revision: A Note:</p>		
		<p>Client:</p>		

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<u>Location:</u>	Northway Filling Station Great North Road Hinworth Baldock Hertfordshire SG7 5EX
<u>Applicant:</u>	.
<u>Proposal:</u>	Temporary consent allowing for the erection of a detached food-to-go building (Greggs Pod) and other associated minor site alterations including the formation of vehicle parking for a period of two years (development already commenced)
<u>Ref. No:</u>	25/02260/FP
<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period: 8th April 2026

Extension of statutory period: No. A revised ownership certificate was completed as a possible owner of part of the site was not originally notified by the applicant. However, this was addressed and notice served by the applicant. Consequently, the statutory period re-commenced. However, the application site and the proposal remain unchanged and therefore re-consultation was unnecessary.

Reason for Delay: The submission of the revised ownership certificate restarted the statutory period and therefore there is no delay.

Reason for Referral to Committee: Following Parish Council Objections and neighbour objection Cllr Tom Tyson has called this in.

1.0 Policies

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 4: Decision making

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

Supplementary Planning Document.

Design SPD 2011

Sustainability SPD 2024

Vehicle Parking Provision at New Development SPD

North Herts Local Plan 2011-2031 Local Plan and Proposals Map

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy and Spatial Distribution
Policy SP4 Town Centres, Local Centres and Community Shops
Policy SP5 Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP9: Design and Sustainability
Policy SP12 Green infrastructure, landscape and biodiversity
CGB1 Rural Areas beyond the Green Belt
CGB2b Community Facilities, Services and affordable housing in the Rural Areas
ETC3 New Retail, leisure and other main town centre development
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
NE 7 Reducing Flood Risk

2.0 Site History

2.1 **24/00444/FP** Redevelopment of the existing service station, including replacement of the existing filling station (use Class sui generis), construction of a drive thru coffee shop (use Class E), electric vehicle charging hub, car parking, and landscaping arrangements. **WITHDRAWN**

2.2 **25/00142/1ENF** Temporary Stop Notice for works commenced on site

3.0 Representations

Statutory Consultees

3.1 **Caldecote and Newnham Parish Council** - Parish Council would like to object to the Northways Filling Station Planning Application on the grounds of highway safety and harm to the amenity of the neighbours

3.2 **Herts Highways** – The Highway Authority previously provided comments on a similar application, and these remain applicable. As the site does not have access via a highway maintainable at public expense, we are unable to offer any further observations or recommendations. The responsibility for internal access and associated arrangements rests with National Highways and the applicant.

3.3 National Highways – First comment

recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons)

The submitted Transport Statement (TS) states that the proposed development will not see a material change in trips compared to the existing site. However, it is noted that provision for 11 parking spaces is being made, implying an additional need. A trip generation exercise should be undertaken and submitted for approval. There is also concern regarding the layout of the proposed development. The layout as shown does not allow any user to use both the car park for the food pod, and the filling station in the same visit. The restricted widths and road markings only allow for one way movement and could lead to dangerous manoeuvres within the site, including reversing out of the filling

station to travel up to the car park to the detriment those trying to come off the A1. The layout should be modified to address this safety concern.

Second Comment following additional information and layout plan amended – offer no objection (see reasons at Annex A).

We are satisfied that the proposal would not materially affect the safety, reliability and/ or operation of the strategic road network.

3.4 **Environment Agency** - *we have reviewed the information submitted and have no objection to the proposals nor any conditions to request*

3.5 **LLFA – First Comment**

We have concerns that the submitted information does not meet with NPPF, PPG or the LLFA Flood Risk Management Strategy policies and the proposal will either increase the risk of flooding elsewhere or to the proposed development. We provide the following technical review for your consideration. As this is a retrospective application, it remains unclear whether the applicant has constructed over an ordinary watercourse. The site is located within an area identified as being affected by surface water flooding; however, it is not evident whether this represents a defined flow path or static ponding which the drainage scheme would have to account for. While fluvial flood modelling and mitigation measures may be sufficient, no supporting information has been provided to confirm this from the Environment Agency. Additionally, there is no evidence of attenuation features, watercourse treatment, or the inclusion of Sustainable Drainage Systems (SuDS) within the design. The submission also lacks details regarding the drainage system's capacity. Detailed drainage network calculation and its potential for multifunctional use.

LLFA – Second comment – OUTSTANDING FOLLOWING DISCUSSIONS BETWEEN AGENT AND LLFA – see Recommendation 5.1A for resolution to grant subject to LLFA response.

Other Consultees

3.6 **North Herts Ecologist** - No comments to make on the above

3.7 **Neighbour Representations**

Representations received from Neighbours – (All representations are available on the website in full)

Northway House - (Planning Consultant representation)

Summary: first representation

This application represents an intensification of use of this site. The existing conflicting access arrangements at the exit of this site pose a highways safety concern and this has not been adequately addressed with this application. Without any additional information and road safety analysis this application should be refused on the basis of a lack of information. We trust that Highways England will share our concerns with this application and that they have been consulted on this proposal.

Summary: second representation

In summary to our position, we believe that an intensification of the use of the exit from the service station will occur, the National Highways response to the previous application is still valid. A safety audit of the exit arrangements needs to be carried out in order to assess whether there is a danger to the existing users of the site and that of the residential property. To enable any intensification of use of this site, now or in the future, the existing exit arrangements need to be addressed. Also have queried land ownership.

Summary: third representation

The revised ownership certificate is a change in circumstance, and no increase or new planning applications should be permitted without a change of arrangement to the slip road. The significant risk of an accident should be taken as a priority and permission refused. The advice of Highways England that a neighbour access their property via the forecourt to the filling station shows the conflict that has arisen.

Cotey's Restaurant, A1 South, Hinxworth, SG7 5EX,

1. **Loss of Business Viability:** The proposed development is likely to divert traffic away from my business which has been there for 6 years currently, reduce customer accessibility, or create direct competition that could threaten the sustainability of my operations. This would result in a significant loss of revenue and could jeopardize the livelihoods of my employees.

2. **Reduced Customer Accessibility:** Changes to site layout and increased traffic may make it harder for customers to access local businesses, discouraging repeat visits.

3. **Traffic and Accessibility Issues:** Increased traffic and confusing site entrances could create dangerous situations, making it less appealing for customers to visit nearby businesses. As this is Greggs is a popular food chain, this will increase traffic to this site, more than what currently do i.e. just use this for fuel, which is further compounding the negative impact.

Previously development has been withdrawn after the Highways department requested a traffic survey be conducted, to my knowledge this has not been completed therefore without this how can the site accommodate the additional traffic that Greggs will increase, therefore raising additional safety concerns.

4. **Economic Impact:** Threats to business viability could result in job losses and negatively affect the livelihoods of employees.

5. **Disruption During Construction:** Construction activities have already caused temporary power outages, which can disrupt business operations.

6. **Unnecessary Competition:** The presence of another Greggs nearby (at Baldock service station) makes the new development redundant and intensifies competition for local independent food outlets.

7. **Planning permission:** The subject planning application was applied after the commencement of building work without the relevant permission, note previously applications were denied or withdrawn for the same site.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is Northway Services consisting of a petrol filling station (PFS), linked kiosk store, pumps, canopy and hardstanding to the east of the PFS and forecourt. The proposal relates to existing hardstanding to the east of the Site.

4.1.2 The services serve southbound traffic on the A1. Informal parking areas are located at the northern and eastern elements of the Site. Separate vehicular and pedestrian access/exists are located to the north and south of the Site.

4.1.3 Neighbouring property Northway House is accessed via the current slip road out of the Northway Service Station.

4.2 **Proposal**

4.2.1 Planning permission is sought for the temporary permission allowing for the siting of a single storey detached food-to-go building (E(a) - Display/Sale of goods other than hot food - Greggs Pod) with an gross internal floor space of approximately 66 sqm and other associated minor site alterations including the formation of vehicle parking for a period of two years.

4.2.2 No alteration to the existing vehicular and pedestrian access is proposed by way of the proposal.

4.2.3 The proposed building has already been commenced on site and is substantially in its finished form. It has a flat roof design. It is constructed from timber cladding to the side elevations, and grey coloured render to the front and rear elevations. Windows and a door proposed within the front elevation. External condenser units are also proposed to the rear elevation.

4.2.4 None of the landscaping or parking arrangements have been commenced on site. The application therefore considers the proposed addition of 11 parking spaces including DDA provision are to be provided (see Layout plan) including 2 EV charging points.

4.2.5 The application form has stated that additional 5 full time employees and the opening hours have been confirmed by the agent. The PFS is 24 hrs but the Greggs pod will be open from 05:30 until 20:00.

4.3 **Key Issues**

4.3.1 The key issues are:

- Principle of development and Policy compliance
- Design and layout, visual impact on the character of the area
- Impact on neighbouring properties
- Highway access and car parking
- Biodiversity net gain, Landscape and Ecology
- Planning Balance

Introduction to principle of development and Policy compliance

4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration attracting significant weight.

The Rural Area beyond the Green Belt

- 4.3.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.3.4 Policy SP5: Countryside and Green Belt of the Local Plan operate a general policy of restraint in rural areas beyond the green belt through more detailed policies such as CGB1. The planning application for a temporary Greggs retail pod at a service station on the A1 as the site lies within the Rural Area Beyond the Green Belt. That designation carries a presumption against new development unless very specific criteria are met.
- 4.3.5 Development in the Rural Area Beyond the Green Belt is not ruled out entirely but is strictly controlled and only permitted where it clearly fits into one of these limited categories.
- 4.3.6 The proposed Greggs retail pod at the Northway service station is a commercial retail use. In planning terms, it would be assessed as:
- A new retail/food service, not agricultural or forestry.
 - Not inherently related to an existing rural building other than the petrol station
 - Not infilling a village centre.
 - Not providing outdoor recreation, sport or community facilities
- 4.3.7 Even if CGB1 is engaged, the Planning authority must look at other parts of the Local Plan and national planning policies and guidance:
- Retail and economic policies (e.g., how proposals outside town/village centres impact retail hierarchy and town centres).
 - Transport and access standards given the A1 context.
 - Design and landscape impact,
 - Flooding and sustainable development
 - Temporary permissions: Local authorities can grant temporary consent where an otherwise unacceptable proposal is justified for a limited period on specific planning grounds.
- 4.3.8 As above the development doesn't meet CGB1, however, material considerations to be taken into account are as follows:

Economic Growth

- 4.3.9 The proposed retail pod will generate jobs, be a convenience for drivers given the existing use of the site and enhance the offer of the existing Filling Station for increase in local economic activity. Paragraphs 90-95 of the NPPF state that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. Planning decisions should also recognise the specific locational requirement of different sectors.

Retail Impact

- 4.3.10 Paragraph 94 of the NPPF states that an assessment of retail impact is necessary for proposals above 2,500 sq. m, that are not located within a Town Centre location, unless a locally set floorspace threshold indicates otherwise. Policy ETC3 of the Development Plan sets a local level threshold of 500 sq. m for an assessment of retail impact. The proposed unit is approximately 73.5 Sqm. Accordingly, an assessment of matters relating to retail impact is not required in support of the application.
- 4.3.11 The proposed development is therefore acceptable from a retail impact perspective and complies with Paragraph 94 of the NPPF, and Policy ETC3 of the Local Plan.

Access and Highway Safety

- 4.3.12 The Filling service station is located on the A1 and the proposal would utilise the existing access and egress. This is discussed further in the report.

Design and layout, visual impact on the character of the area

- 4.3.13 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.14 The development is located at the eastern side of the site and located on existing hardstanding. Views of the pod are generally limited to passing vehicles on the A1. The building has a flat roof design, and materials include timber cladding to the side elevations, and grey coloured render to the front and rear elevations. Windows and a door are to the front elevation. External condenser units are also proposed to the rear elevation. These materials and design are like the existing PFS and canopy which have a flat roof design and finished in modern materials. The unit to be occupied by Greggs assimilates well within its immediate context.
- 4.3.15 The proposed layout shows the existing entrance to the site is to be used by the PFS and the retail pod. A customer would enter the site and initially choose the PFS or drive onto the entrance to the rear of the site. Nine parking spaces and two EV charging spaces are provided. The EV and DDA spaces located at the front of the pod. There is sufficient turning area for the cars to reverse out of spaces and leave the site from the existing exit. Customers who use the PFS first would turn left to gain access to the pod parking area. New planting areas and retained trees and hedgerows are shown on the layout plan (23C). This plan also highlights signage to direct and inform customers of forecourt restrictions.
- 4.3.16 The development is therefore in accordance with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF.

Impact on neighbouring properties

- 4.3.17 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.18 Given the distances between the scheme and the nearby dwelling house, the existing boundary treatment, flat topography, and the scale and layout, it is considered that this proposal would not give rise to any materially adverse harm upon the reasonable living conditions and well-being of occupiers of neighbouring dwelling.
- 4.3.19 The proposed additional retail use of this site would not result in any materially adverse impacts upon the reasonable living conditions and well-being of occupiers of neighbouring properties and the living conditions of future occupiers would be acceptable. This is in accordance with Section 12 of the NPPF and Policy D3 of the Local Plan.

Highway access and car parking

- 4.3.20 Paragraph 116 of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.3.21 Local Plan Policy T1 requires that the development should not result in highway safety problems or to cause unacceptable impacts on the highway network, whilst Policy T2 requires that new development meet the car parking requirements.
- 4.3.22 The proposal seeks to create a new internal layout and car parking area to facilitate the use of the pod. The proposed new road layout would direct vehicles to either the filling station or to the pod whilst allowing vehicles to move through the site to access the pod after using the filling station. It is proposed to increase the number of parking spaces on site with an additional 11 spaces including disabled spaces and Electric Charging points.
- 4.3.23 The National Highways Authority have been consulted on this application and offer the following comments

“We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network. As such, National Highways would offer no objection.”

- 4.3.24 As such, the proposal is considered acceptable in highway safety and parking terms, in line with Policy T1 of the Local Plan.

Flooding, Landscape and Ecology

LLFA – Flooding

- 4.3.25 Following consultation under this application, the LLFA sought additional information. The applicant has provided feedback relating to details of drainage measures that the LLFA have been consulted on, but they have not yet responded. It is considered that any outstanding matters relating to these new plans are technical and can be dealt

with by condition as necessary. This matter is addressed in the recommendation at 5.1 a) of this report.

Landscape

- 4.3.26 The Site comprises of existing hardstanding. It does not include any landscaping or any element of ecological quality. A landscaping plan has been submitted as part of the application. The plan shows planting which will result in an improvement in the visual amenity of the site in this regard when compared with the existing arrangements. I have recommended a landscaping condition to safeguard any vegetation or trees to be maintained.

Ecology

- 4.3.27 North Herts Ecologist was consulted and given the existing site context and proposed site of the development no comments were made.

Other Issues

- 4.3.28 The objections and concerns raised by objectors have been given careful consideration. Concerns relating to traffic and highway safety have been addressed in the report above.
- 4.3.29 Following consultation with National Highways, no objections have been received to the proposed development and officers consider that refusal on highway safety grounds would not be justified.

Planning Balance

- 4.3.30 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the site includes the North Hertfordshire Local Plan 2011–2031, within which the application site lies in the Rural Area beyond the Green Belt and is therefore subject to Policy CGB1.
- 4.3.31 The proposal comprises the erection of a retail pod within the curtilage of an existing service station adjacent to the A1. The development does not fall within any of the categories of development identified as acceptable in principle under Policy CGB1. The proposal is therefore contrary to that policy. However, failure to strictly comply with policy CGB1 with no associated harm to the rural character of the countryside would attract limited weight in the planning balance. The countryside is not protected for its own sake with the NPPF confirming at paragraph 187 that decisions should recognise the character and beauty of the countryside.
- 4.3.32 The site forms part of an established roadside service station located immediately adjacent to the A1 and is previously developed land. The proposed retail pod would be contained entirely within the existing developed envelope of the site and would not result in the extension of built development into the open countryside. The scale, siting and function of the proposal would be read in the context of the existing commercial use of the site and the adjacent strategic road infrastructure.
- 4.3.33 The proposal would not result in harm to the character or appearance of the rural area. There would be no adverse impact on landscape character, openness, or visual amenity, and the development would not undermine the overall objectives of Policy CGB1, which seek to protect the countryside from inappropriate and sporadic development.

- 4.3.34 Significant weight is afforded to the efficient reuse of previously developed land in a sustainable location, in accordance with national planning policy which supports development that makes effective use of land and existing infrastructure. The proposal would also provide modest economic benefits through job creation and enhanced facilities for road users, which attract positive weight.
- 4.3.35 There are no identified adverse impacts in respect of highway safety, residential amenity, ecology, flooding, or other material planning considerations, and the proposal is capable of being appropriately controlled through conditions. Neutral weight is attributed to the absence of harm.
- 4.3.36 On balance, while the proposal is not fully in accordance with Policy CGB1 of the Local Plan, the absence of harm to the character and appearance of the rural area tempers this policy conflict. The development uses previously developed land, and the associated economic benefits, albeit moderate, are considered to constitute material considerations that outweigh the identified policy conflict. Accordingly, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is concluded that planning permission should be granted, subject to conditions.

4.4 Conclusion

- 4.4.1 It is concluded that the proposal would be sustainable development, and that planning permission should be granted subject to the recommended conditions.

4.5 Alternative Options

None applicable

4.6 Pre-Commencement Conditions

- 4.6.1 The agent has confirmed agreement to the pre-commencement conditions.

4.7 Climate Change

- 4.7.1 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste. The development includes two charging points for EV cars.

5.0 Recommendation

- 5.1 That planning permission is resolved to be **GRANTED** subject to the following:
- A) The resolution of the LLFA matters to the satisfaction of the Local Planning Authority with the imposition of planning conditions or amendment of planning conditions as necessary with any actions required pursuant to LLFA response being devolved to the Development and Conservation Manager and Chair of the Planning Control Committee; and

B) Further Extensions of Time to the statutory determination date as may be required;
and

C) Conditions and Informatives as set out below:

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

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

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

2. The 'Greggs' pod hereby permitted shall be discontinued and removed on or before 2 years from the date of this approval, unless planning permission is sought to formalise the development in perpetuity.

Reason: Permission has been granted for a temporary period solely to monitor the use and the appropriateness of the development in regard to amenity.

3. The use hereby permitted shall not be open to customers outside the following times:

05:30hrs to 20.00hrs Monday to Sundays.

Reason: To protect the amenity of existing residents and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

4. The premises hereby permitted shall be used for E(a) - Display/Sale of goods other than hot food

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

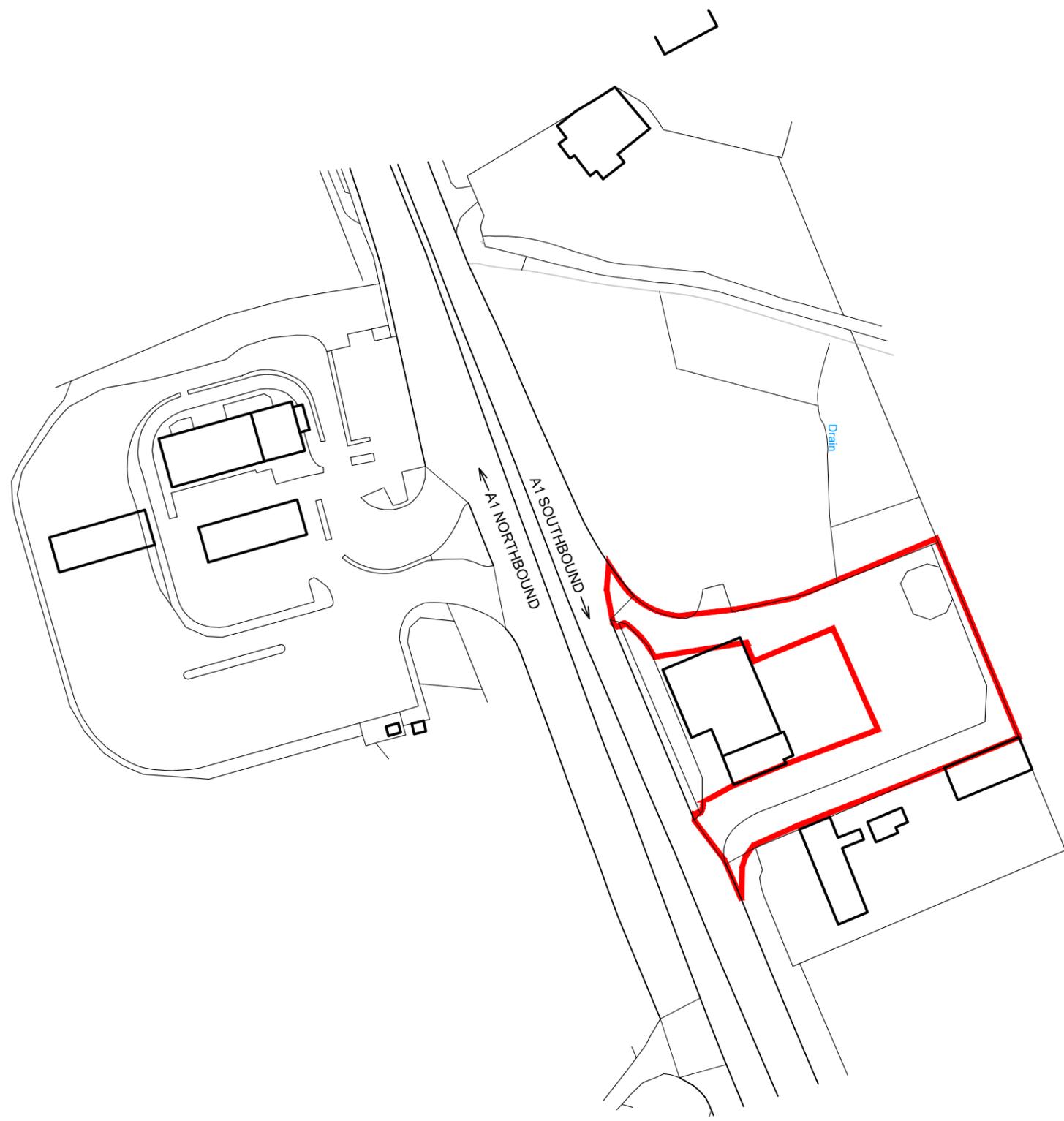
5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement

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

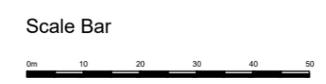
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REVISIONS ^

CLIENT	WELCOME BREAK
PROJECT	NORTHWAY S/S A1 SOUTHBOUND BALDOCK, SG7 5EX
TITLE	SITE LOCATION PLAN
DATE	01.09.25
SCALE	1:1250 @ A3
JOB ID	2050
DWG	21

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PLANNING CONTROL COMMITTEE

DATE: 12 March 2026

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr R Mills	T1 Walnut - Remove. T2 Purple Beech - Prune	5 Pirton Close Hitchin Hertfordshire SG5 2BU	25/00239/TPO	Appeal Dismissed on 13 February 2026	Delegated	The Inspector stated that the removal of the walnut tree in particular and the pruning of the beech tree would erode the mature and verdant landscape of the area and would give rise to considerable harm to its character and appearance.

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Appeal Decision

Site visit made on 18 December 2025

by **Jon Heuch BSc(For.) PhD MICFor MArborA**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/TPO/X1925/10554

5 Pirton Close, Hitchin, Hertfordshire SG5 2BU

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order (TPO).
 - The appeal is made by Mr Richard Mills against the decision of North Hertfordshire District Council.
 - The application Ref: 25/00239/TPO, dated 22 January 2025, was refused by notice dated 31 March 2025.
 - The work proposed is the removal of T1, walnut and the pruning of T2, purple beech.
 - The relevant TPO is Land adjacent to Number 49 Grays Lane Hitchin, which was confirmed on 30 March 1983.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The appeal raises the issue of the installation of solar panels on the property. As the appeal has been made under the written representation procedure, I am unable to consider additional reasons for the proposed works that were not brought up as part of the application. Furthermore, no information has been provided to relate the proposed works to any effect the trees may have on such an installation.

Main Issues

3. The main issues in respect of this appeal are the effect of the tree works on the character and appearance of the area and whether sufficient justification has been demonstrated for the proposed works.

Reasons

4. The two trees are visible along the length of Pirton Close, being located at the end of the cul-de-sac in a residential area with properties and established gardens of varying sizes. They are the largest trees visible along Pirton Close.

5. Both trees are located to the South of No 5. Inevitably, both trees shade the property and the ends of the branches of the copper beech grow close to the neighbour's house at No 4.
6. As a result, the trees – individually and together - make a positive contribution to the established landscape of the area and to its character and appearance.
7. The removal of the walnut tree in particular and the pruning of the beech tree would erode the mature and verdant landscape of the area and would give rise to considerable harm to its character and appearance. Given that, any reasons given to justify the works need to be convincing. It is to those reasons, the second main issue, to which I now turn.
8. The application refers to a pre-purchase arboricultural report dated September 2024 which states that no tree works are recommended. I therefore give little weight to this report as a justification for the proposed tree works. However, I refer to key findings of that report that are relevant to my decision.
9. I have no information in front of me that clarifies if the trees are having any effect on the drains or services to the property. In the same way, I have no information in front of me that supports the notion that either or both trees contribute to an increased security risk, so I give these matters little weight in my assessment.
10. I acknowledge that the trees cause shade over the property. Whilst pruning the beech tree may reduce the scale of shading to a modest degree it would not eliminate it. The tree has been pruned before giving it the appearance of a pollard to some extent. The appeal form introduces a 20% pruning specification and the Council states that pruning is likely to be supported but without a clearer pruning specification it is not possible to gauge the likely effect of what is proposed. For this reason, I consider the application has insufficient information to allow the appeal with regards to the pruning of the beech tree.
11. Clearly, removal of the walnut tree would eliminate the shade it bears. However, the concerns over this tree are more focused on its structural condition and associated risks and its potential size if the tree were allowed to grow.
12. The arboricultural report qualified its description of the walnut tree as being structurally compromised with the word 'minutely' and stated that the tree is not likely to fail. From all that I saw on site, I concur with this assessment. I therefore acknowledge that the pruning wounds are present, are easily accessed and occasional monitoring of them should identify if they develop to be of greater concern. Their current condition in my view does not justify the removal of the tree.
13. With regards to the size and condition of the walnut tree, I note that the arboricultural report suggests its likely ultimate height is significantly greater than its present height but this is simply a possibility. My assessment concerns the effects of the current height and size of the tree. The report also described the

tree as being stressed and in poor condition, and if this is so the tree is unlikely to be vigorous. Thus, any future height growth is likely to be slow. However, the application is to fell the tree, not to manage its size through pruning. If the tree does grow significantly in size this can be considered in any future application to prune.

14. Whilst I was at the property, I examined a small branch on the ground at the base of the walnut. The end of the branch appeared clean but slightly off-coloured consistent with cladoptosis – the natural dropping of typically small twigs, rather than a breakage through excess force. This is not sufficient justification to fell the tree as minor tree surgery may be able to significantly reduce the chances of future unsecure twigs falling.
15. As a result, I do not consider the reasons given justify the removal of the walnut tree.
16. I acknowledge that an offer has been made to fund the planting of two saplings elsewhere but this does not address the issue of the proposed works on the amenity in the immediate vicinity of Pirton Close. I therefore give this offer little weight in my considerations.

Conclusion

17. With any application to undertake works to protected trees, a balancing exercise needs to be undertaken. The essential need for the work applied for must be weighed against the resultant loss to the amenity of the area. In this case, the proposed removal of a walnut tree would result in considerable harm to the character and appearance of the area and, in my judgement, insufficient justification has been demonstrated for its proposed removal.
18. The merits of pruning the beech tree especially away from the neighbour's house are clear to see; the absence of a precise specification to an appropriate standard such as BS3998:2010 for the pruning is therefore the sole reason why the appeal fails in this aspect.
19. For the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

Jon Heuch

INSPECTOR

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