

<b>ITEM NO:</b>	<u>Location:</u>	<b>Kingsfield, Hadrian Way, Baldock, SG7 6AN</b>
	<u>Applicant:</u>	Mr Page Deeside Drylining Limited
	<u>Proposal:</u>	<b>Erection of 6 x 2 bed single storey retirement dwellings including creation of vehicular access off of Hadrian Way, Baldock.</b>
	<u>Ref. No:</u>	<b>17/01982/ 1</b>
	<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period:** 02 October 2017

### **Reason for Delay**

The applicant has agreed an extension to the statutory determination period for this application to 15 November 2017.

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

Cllr Muir has called the application into Planning Control committee for determination on the basis that he believes that there are not enough bungalows for the elderly to downsize into areas being built within the District.

### **1.0 Relevant History**

- 1.1 There is an extensive planning history for the site as a whole. However, this relates to the main building of Kingsfield itself, not the side grounds which are the subject of this application.

### **2.0 Policies**

2.1 The relevant policies are:

2.2 North Hertfordshire District Local Plan no.2 with Alterations 1996:

- 2 - Green Belts;
- 55 - Car Parking Standards;
- 57 - Residential Guidelines and Standards.

2.3 National Planning Policy Framework:

- Achieving sustainable development - paragraph 6 and 7;
- 6 - Delivering a wide choice of high quality homes;
- 7 - Requiring good design;
- 9 - Protecting Green Belt land;
- 11 - Conserving and protecting the natural environment.

2.4 Local Plan 2011 - 2031 - Proposed Submission - October 2017:

- SP5 - Countryside and Green Belt;
- T2 - Parking;
- D1 - Sustainable design;
- D3 - Protecting living conditions;
- D4 - Air quality;
- NE8 - Sustainable drainage systems;

### **3.0 Representations**

- 3.1 **NHDC Environmental Protection** - no objection subject to conditions regarding land contamination and electric vehicle charging points.
- 3.2 **HCC Lead Local Flood Authority** - insufficient information has been provided for the full consideration of drainage. Recommend that a condition is imposed regarding a drainage strategy in the event that planning permission is granted.
- 3.3 **HCC Fire Safety** - fire hydrants are required within the development, and these can be secured via a condition.
- 3.4 **HCC Archaeology** - no objection subject to a condition.

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

- 4.1.1 The application site comprises the lawn area or side garden area of the building known as Kingsfield, which is a large building positioned to the rear (north) of Hadrain Way. This building has been in long term office use, although recently permission has been granted to convert this into flats, and this conversion process is well advanced on site. In close proximity to the east of the application site, is the A1, which is on an elevated section of road in comparison to the surrounding land level of Hadrian Way and the application site. To the north is the vacant sports and bowls club and the area is washed over by green belt designation.

#### **4.2 Proposal**

- 4.2.1 The application is seeking full planning permission for the erection of six two bedroom bungalows. Four are detached and two form one pair of semi-detached properties. The bungalows are positioned along a driveway access off the main access drive up to Kingsfield, and they form a rough 'L' shape in layout along this. Each bungalow has tandem parking for two cars and a private rear garden area. Five of the bungalows comprise a large open plan kitchen, dining living area with two bedrooms and one bathroom while the sixth bungalow has an additional en-suite bathroom off bedroom one. The plans show that the exterior of the bungalows are to have a red buff red brick finish, with a pantile roof and a ridge height of 6m.
- 4.2.2 In support of the application, a Planning Statement, Noise Survey, Tree Survey Report and Transport Assessment has been provided. These are all available to view in full on line. Key points raised include:
- 4.2.3 **Planning Statement:** - This sets out the planning history for the site and the policy background. It sets out that the site is within the Green Belt. It states that paragraphs 89 and 90 of the NPPF allows for 'infilling' in villages and previously developed sites. The application sets out that this is an infill site within the Green Belt, and therefore the development of six bungalows on this land is not inappropriate development. It also goes on to state that due to the site being enclosed by built development and mature trees, it is not open in a contextual sense, and the development of it would have no harm on openness. It concludes that the site is not characteristically open, but is in fact rather just a gap amongst existing built form. It concludes that the contribution and role which the site makes to the green belt is so minimal that the level of harm would be negligible.
- 4.2.4 The Planning Statement also sets out that the site is considered to be in a sustainable location and that the bungalows are intended for the independent elderly.

4.2.5 **Tree Survey** - this sets out that most of the mature trees around the site are to be retained. A few will have to be felled, and these trees are not worthy of preservation order protection.

4.2.6 **Traffic Survey** - this sets out bus and train routes locally and public foot path links. It concludes that the number of trips generated would be low and would not have adverse impact on the locality. Furthermore, that the combined trips from the converted flats in Kingsfield as well as from these new bungalows is still less than the number of trips generated when the site was in office use. It also recommends to enhance the access way linking off Hadrain Way with resurfacing, a wider driveway and additional dropped curb on Hadrain Way to improve visibility.

#### 4.3 **Key Issues**

4.3.1 The key issues are the principle of the development in the Green Belt and the layout and design considerations of the development.

##### 4.3.2 Green Belt

The NPPF section 9 - Protecting Green Belt land, sets out the national policy for Green Belts. This sets out the five purposes of Green Belts as well as what type of development can be permitted within Green Belts.

4.3.3 The five purposes of Green Belts are to:

- prevent the unrestricted sprawl of large built up areas;
- prevent neighbouring towns merging into one another;
- assist in safeguarding the countryside from encroachment;
- preserve the setting and special character of historic towns; and
- assist in urban regeneration by encouraging the recycling of derelict and other urban land.

4.3.4 Paragraphs 87 and 88 of the NPPF sets out that inappropriate development within the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to clarify that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.

4.3.5 Paragraph 89 sets out that new development within Green Belts is inappropriate development unless it is for one of the following exceptions:

- buildings for agriculture or forestry;
- the provision of appropriate facilities for outdoor sport or recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension of an existing building, provided that it does not require disproportionate addition over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs;
- limited infilling or the partial or complete redevelopment of previously developed (brownfield) sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4.3.6 The application sets out that this proposal is 'infilling' within the Green Belt, and is not inappropriate development nor would it have harm on the context or openness of the site. However, this is not a view I can support. With regards to the five purposes of including land within the Green Belt, one of the most important aims of Green Belts is to prevent urban sprawl and to stop towns merging into one another. This area of Green Belt, is part of the section of Green Belt separating

Baldock and Letchworth, and keeping this land open is important to stop these two towns from merging into one another. I note that there are existing houses to the south of this site, both on Hadrian Way and fronting Baldock Road, the converted development of Kingsfield to the west and the neighbour no.35 to the east, and that there is existing development within this part of the Green Belt. However, this part of the Green Belt between Letchworth and Baldock is very narrow, and can be considered to be a 'pinch point' between the two towns. I therefore have to conclude that it is even more important to retain the openness of this area and to prevent development that would further enclose it. The application is therefore considered to fail to comply with the aims of the Green Belt to stop towns from merging. Additionally, as the proposal is not for outdoor sport or recreation, in my view, the proposal fails to comply with the purposes of designating Green Belts.

4.3.7 Further consideration of the proposal can be given with regards to paragraphs 88 and 89 of the NPPF. The application does not set out a case of very special circumstances to justify the proposal, because it is argued that the proposal is not inappropriate development as the proposal is considered to be infill development, in accordance with the provisions set out in paragraph 89. As set out above, paragraph 89 allows for infilling under bullets 5 and 6. Bullet five is with regards to infilling within existing villages, and bullet 6 allows for the limited infilling on previously developed sites. In my view, the proposal fails to comply with the requirements of both of these exceptions set out under paragraph 89. The site is not within a village, and therefore, bullet 5 is not applicable. The site is the side garden land of the extensive grounds of Kingsfield, and in my view cannot be regarded as previously developed brownfield land. I note that Kingsfield itself could be regarded as a previously developed site. However, this building is being retained and converted into flats and is outside of the red line application site area of this proposal. I therefore do not conclude that the site can be considered to be brownfield land, and the application fails to comply with the provision of paragraph 89. In conclusion, the application has to be considered to be unjustified inappropriate development with the Green Belt, contrary to the provisions of the NPPF.

4.3.8 Finally, I note that the application sets out that the site is visually enclosed, and does not contribute to openness, so that this development will not have harm on the openness aspect of the site. The NPPF does not distinguish between visually open or visually enclosed sites with regards to 'openness'. Openness has to be considered to mean the land not being built on, rather than whether it is enclosed with trees or not being visually open. I note that the site does have mature trees around parts of the boundaries, but this does not and cannot mean that the site is less 'open' as a result. As a result, the application is considered to represent inappropriate development within the Green Belt, for which no case of very special circumstances has been provided, and the application is being recommended for refusal on this basis.

#### 4.3.9 Sustainability

The NPPF sets out three 'tests' of sustainable development, being that new development should have an economic, environmental and social function. The Planning Statement does not set out how the development would meet these tests. However, it does set out that the site is in a sustainable location, as there are bus stops on the nearby main Baldock Road, and Baldock town centre and station are considered to be within walking distance.

4.3.10 I note that the site is on the edge of Letchworth. However, the distance to the north end of Baldock High Street is just over 1 km, and this is considered to be a reasonable walking distance for most people. It can also be accepted that the process of the development can provide an economic role or function, and the social aspect is dependent upon future residential of the proposed bungalows and occupiers of the flats to be neighbourly. I therefore raise no objection to the application on sustainability grounds.

#### 4.3.11 Elderly accommodation

The application makes reference to the bungalows being suitable for independent elderly people who wish to downsize. Whilst I accept that this claim is made in good faith, the application does not set out any mechanism to secure these bungalows being only for the elderly, and therefore in reality, these are open market properties being proposed. I therefore cannot give any material weight or justification to this claim. Having said that if Members were minded to grant planning permission for this development restrictive conditions can be imposed which set a floor on the age of occupation for the proposed development.

#### 4.3.12 Layout and design considerations

I have no objection to the proposed layout or design of the bungalows. There are no adverse overlooking relationships between the proposed properties or with the neighbouring properties at Kingsfield or the neighbour no.35, discussed in more detail below. Each bungalow has its own parking and private rear garden area, where bins would be able to be accommodated.

#### 4.3.13 Impact on neighbours

Due to the location of the site and the relationship of the proposed bungalows to nearby dwellings, the only neighbour that would be impacted by the proposal is no.35 Hadrain Way, which is positioned on the east of the application site. This property has a side flank wall to the application site, with no habitable room windows that would be affected on that side. The rear gardens of plots 1 and 2 run down to adjoin this neighbour and its garden. The new bungalows have a rear garden depth of just over 10m, and there are some mature shrubs along the boundary. On balance, I do not consider that the proposal represents such an adverse loss of privacy to no.35 to justify the refusal of this application for this reason.

### 4.4 **Conclusion**

- 4.4.1 The application is considered to be inappropriate development within the Green Belt, for which no case of very special circumstances has been demonstrated, and the application is recommended for refusal on this basis.

## **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 permission be **REFUSED** for the following reason:

1. The application site is within an area designated in the North Hertfordshire District Local Plan no.2 with Alterations as Green Belt, within which there is a presumption against inappropriate development, such as that proposed, unless very special circumstances can be demonstrated. In the view of the Local Planning Authority the proposal is not supported by such circumstances. Moreover, it would harm the fundamental aim of Green Belt policy which seeks to maintain the openness of the area. As such, the proposal would not accord with the provisions of Saved Policy 2 of the North Herts District Local Plan no.2 with Alterations 1996 and fails to comply with paragraphs 87, 88 and 89 of the NPPF.

### **Proactive Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.