

ITEM NO:	<u>Location:</u>	Land to the east of Bedford Road and west of Old Ramerick Manor, Bedford Road, Ickleford
7	<u>Applicant:</u>	Barratt David Wilson North Thames
	<u>Proposal:</u>	Residential development of 180 dwellings comprising 21 x 1 bedroom apartments; 18 x 2 bedroom apartments; 18 x 2 bedroom houses; 63 x 3 bedroom houses; 56 x 4 bedroom houses; and 4 x 5 bedroom houses; new vehicular access onto Bedford Road, associated garages and car parking space, public open space, landscaping and ancillary works. (As amended 2/2/18).
	<u>Ref.No:</u>	17/02175/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period : 14 December 2017

Reason for Delay (if applicable)

Negotiations and consultation responses

Reason for Referral to Committee

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

1.0 Relevant History

- 1.1 16/01223/1PRE – Proposed residential development comprising 173 dwellings with access from Bedford Road. (Pre-application advice) Advised that Paragraph 134 of the NPPF would be the relevant test in considering a planning application. Advised that the development would have a significant urbanising impact on the landscape and there are concerns that it would detract from this potentially new edge of settlement location. There is a need to re-consider density and height of the development and to provide more open space within the site. Advised that the site has potential to affect the setting of the designated heritage asset at Old Ramerick Manor

2.0 Policies

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

Policy 6: Rural area beyond the Green Belt

Policy 14: Nature Conservation

Policy 16: Areas of archaeological significance and other archaeological areas

Policy 26: Housing proposals

Policy 29: Rural housing needs
Policy 51: Development effects and planning gain
Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents.

Design SPD
Planning Obligations SPD
Vehicle Parking Provision at New Development SPD.
North Hertfordshire and Stevenage Landscape Character Assessment (Pirton Lowlands Area 218)

2.2 National Planning Policy Framework

Section 1 - Building a strong, competitive economy.
Section 3 - Supporting a prosperous rural economy.
Section 4 - Promoting sustainable transport.
Section 6 - Delivering a wide choice of high quality homes.
Section 7 - Requiring good design.
Section 10 - Meeting the challenge of climate change, flooding and coastal change
Section 11 - Conserving and enhancing the natural environment.
Section 12 - Conserving and enhancing the historic environment

2.3 North Hertfordshire District Local Plan 2011-2031 Proposed Submission

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy
Policy SP5 Countryside and Green Belt
Policy SP7 Infrastructure Requirements and Developer Contributions
Policy SP8 Housing
Policy SP9 Design and Sustainability
Policy SP10 Healthy Communities
Policy SP11 Natural Resources and Sustainability
Policy SP12 Green Infrastructure, Biodiversity and Landscape
Policy T1 Assessment of Transport Matters
Policy T2 Parking
Policy HDS2 Affordable Housing
Policy HS3 Housing Mix
Policy HS5 Accessible and Adaptable Housing
Policy D1 Sustainable Design
Policy D4 Air Quality
Policy HC1 Community Facilities
Policy NE1 Landscape
Policy NE5 New and improved public open space and biodiversity
Policy NE6 Designated biodiversity and geological sites
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable Drainage Systems
Policy NE9 Water Quality and Environment
Policy NE10 Water Framework Directive and Wastewater Infrastructure
Policy HE4 Archaeology

The site is identified in the NHDC Submission Local Plan as a housing site – **LS1**
Land at Bedford Road.

2.4 National Planning Practice Guidance

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

3.0 Representations

3.1 Ickleford Parish Council:

Raises objections as follows:

- The Planning Statement is rushed and incorrect.
- The Land is Grade 1 Agricultural Land and should be protected for future generations.
- The Development street scene is poor and not in keeping with the surrounding area.
- The Development is too large and dense with no green spaces throughout.
- Affordable Housing, is the balance right?
- Insufficient Archaeological and Flooding investigations.
- Transport Assessment figures are erroneous, as they do not take into account future development plans or Air Pollution.
- The Travel Plan fails to see beyond the working day and is totally dependent on Bedfordshire's Local Services and Infrastructure.
- The dangers attached to the A600.
- The Development will be dependent on private cars for work/school and, more importantly, recreation.
- The distance from the Development to the Ramerick Manor converted barns is too small. Privacy will be lost and noise issues will be significant.
- The heritage of Ramerick Manor being a Grade II* listed building and its lands must be retained for future generations and the history of Ickleford.
- Light and Noise pollution.
- Ecology – insufficient evidence to show that there would be no net loss.
- In our opinion, the Development is situated on a Zone 3 (high risk) flood area.
- The Development would cause harm to the beauty of the countryside and as such would conflict with paragraph 17 of the NPPF.
- The Development would be unsustainable due to its location, the lack of community infrastructure and the dependency of the residents on the private car.
- The development is not within a settlement boundary.
- S106 Funds – requests funding for community facilities in Ickleford
- Concludes that the harm arising from the proposals far outweighs the benefits of new homes.

3.2 Stondon Parish Council:

Raises objections as follows:

- Demonstrably harm to the local communities with no community gain
- The site is situated outside the settlement envelope
- The site is not sustainable as it is not within an acceptable walking distance of the following core services:
 - Community facilities
 - School
 - Doctors Surgery
 - Garage
 - Car Servicing

- Village shops
- Food Outlets
- The site is not sustainable as it puts a greater reliance on cars and similar personal transport
- No provision of accessible cycling to Arlesey Railway station or similar public transport
- The improvements to the A600 will not provide mitigation to the increased traffic and access nor is there insufficient detail on how these will be delivered
- There has been no assessment of the impact of increased traffic on in Stondon, Henlow Camp and Ickleford due to the unsustainable nature of this proposed development
- There will be a loss of agricultural land which has not been assessed but is thought to be listed as Grade 2.
- There has been no assessment of school capacity to determine whether pupils could be accommodated locally
- The development represents an encroachment into the open countryside

3.3 **Henlow Parish Council:**

Object to the proposals as follows:

- Development is significantly higher than the dwelling estimate in the emerging North Herts local plan
- Premature and opportunistic attempt to provide housing for NHDC without the necessary amenities
- Development is unsustainable, isolated and will encourage car travel
- Lack of local infrastructure to accommodate the development
- Will result in sprawl into open countryside
- Loss of best and most versatile agricultural land
- Adverse impact on the setting and significance of Old Ramerick Manor
- Development breaches the defensible southern boundary of Henlow Camp
- Concern over flood risk and development in the floodplain
- Proposed open space further disconnects the development from Henlow Camp

3.4 **Central Bedfordshire Council:**

Objects to the development for the following reasons:

- The proposed development site does not sit adjacent to any settlements within NHDC administrative boundary but does sit adjacent to Lower Stondon and Henlow Camp. CBC are in the process of reviewing the Development Plan and are considering a number of potential sites through the call for sites process. The Council are aware of a number of other sites in and around Lower Stondon and Henlow Camp which are more sustainably located and have far fewer constraints than that proposed in this planning application.
- The development of this site for such a considerable number of dwellings will significantly impact on the amenities and local infrastructure such as schools and healthcare of Lower Stondon and Henlow Camp which are directly adjacent to the site (i.e. not Ickleford which is some distance to the south) and this will have significant ramifications on CBC's ability to consider or allocate other sites within the immediate locality of those settlements
- Development would be premature and not sustainable
- Consideration of this application will need to have regard to the NPPF in particular section 12 / paragraph 133
- It is essential that CBC are involved in Section 106 matters

3.5 Environment Agency:

Advise that the agency has no objections in principle based on the submitted Flood Risk Assessment (FRA). Recommends that the mitigation measures referred to in the FRA are adhered to. Advises that a Flood Risk Activity Permit is required for any works adjacent to the River Ivel/Hiz/Purwell.

3.6 Lead Local Flood Authority (Hertfordshire County Council):

Advises that following the review of the additional information provided by RCP reference TS/BNL/E4483/16901 dated 30 October 2017, the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. Recommends conditions and informatives.

3.7 Hertfordshire County Council Highway Authority:

Advises no objections to the development subject to conditions, informatives, Section 106 and Section 278 Agreements.

Advises that the impact of this development on the local highway network has been assessed and is shown to be acceptable subject to mitigation. This is to be secured via s278 agreements for works to the highway, S106 contributions, and a Travel Plan. These requirements are summarised as follows:

- S106 Agreement to secure:
A Full Travel Plan, in accordance with HCC Travel Plan Guidance and:
Financial contributions towards improved footway links to the southern direction on the A600 in accordance with HCC Planning Obligations Guidance.
- A Section 38 highway agreement may be required if to secure adoption of some of the sections of the internal highway layout.

Highway Authority conclusions

The anticipated trip generation assessed within the Transport Assessment in association with the scale of the development demonstrated that the impact of traffic does not result in a severe impact on the local highway network this was carried out by undertaking a series of traffic impact assessments on the local highway network.

The development is considered to be in accordance with both the National and local Policies. Therefore, the Highway Authority's formal recommendation is to grant approval subject to the recommended planning conditions and s106 Agreement (addressing sustainable transport improvements and Travel Planning). The applicant may also need to enter into s38 Agreements with the Highway Authority which comprises of the design, construction, implementation and adoption of highway works within the private ownership on third party land.

3.8 Historic Environment Advisor (Hertfordshire County Council)

Initially advised a geophysical survey and archaeological field evaluation. Advises that following archaeological investigations, no objections are raised on archaeological grounds and it is likely that no planning conditions will be required. Final comments to be received.

3.9 **Central Bedfordshire Council (Rights of Way officer)**

Does not raise objections to the proposals but require the following Rights of Way network enhancements:

1. The bridging of the watercourse to the north side of the application site and the west side of RAF Henlow to allow pedestrian access between both sides.
2. Dedication of an approx. 30 metres length of public footpath to link the north-east corner of the application site to the bridge over the watercourse and Henlow Public Footpath No.16 on the north side of the watercourse.

Advises that the main reason for these enhancements is to allow an off road means of access to the well developed Rights of Way network to the east of RAF Henlow and allows easy walking to a wide area and connection to the villages of Arlesey to the east and Henlow to the north as well as connection to the lower school, located to the north of RAF Henlow, by a safe off road pedestrian link for parents and children to use.

Requests the bridging and path dedication connection a planning condition as such enhancements will satisfy strategic rights of way intentions in the area.

3.10 **Hertfordshire County Council (Countryside Access officer)**

Supports footpath access / link to public footpath 001. Requests connections to east to public footpath 002 and linkages to existing play area across the county boundary. Status and responsibility of these connections needs to be agreed in advance. Developers should provide the funding for the County Council to acquire rights over these areas and create the path. No construction traffic to use or cross footpath 001 and protection measures put in place during construction. No traffic to access footpath 001 from the development once completed.

3.11 **Natural England**

Advises that it has no comments to make on this application. Considers that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

3.12 **Hertfordshire Ecology**

Advises that there are no objections but in order to demonstrate that the proposals will not result in any adverse ecological impacts and to ensure the value of proposed biodiversity enhancements, **it is recommended that the following requirements are secured by condition,**

- Pre-construction surveys of Badger activity, with amendments to appropriate mitigation measures, if required;
- If any works are proposed to the stream, a pre-construction survey of Water vole presence/absence, with appropriate mitigation measures, if required;
- A Construction Ecological Management Plan containing specific mitigation measures for the pre-construction and construction periods, with maps and an accurate schedule tied to construction activities; to be submitted to and approved by the LPA before commencement of construction;
- Clear and unified landscaping plans for the whole development with all ecological enhancement measures accurately shown, integrated with a lighting plan that demonstrates that semi-natural habitats will not be adversely affected by artificial light; to be submitted to and approved by the LPA before commencement of construction;

- A unified landscape management plan with clear objectives, demonstrating long-term conservation management of the habitats proposed as ecological enhancement, and with appropriate monitoring against defined parameters, together with a mechanism for delivery by suitably qualified persons, including ascribed responsibility for its undertaking and sufficient resourcing (financial and in labour terms); to be submitted to and approved by the LPA before commencement of construction

3.13 **Herts and Middlesex Wildlife Trust**

Raises an objection on the absence of a DEFRA Biodiversity Impact Calculator required to demonstrate no net loss of gain to biodiversity. Ecological report not compliant with BS 42020.

3.14 **Historic England**

Raises concerns regarding this application on heritage grounds. Advises the following:

'The residential development proposed is located to the west of Old Ramerick Manor, alongside one of the principal approaches to the site. The manor house is a multi-phase building with fabric of interest of various dates, but origins in the thirteenth century and a fine brick built front elevation of the eighteenth. Its architectural and historical interest is reflected in its listing at Grade II. The manor is a rural building which has clearly enjoyed an open setting through its history. The open rural setting of the building contributes significantly to the appreciation of the listed building, and it is that setting which will be potentially harmed by the proposed development.'*

As we commented to your authority in our comments on the North Hertfordshire Local Plan: New Sites consultation (our letter dated 18 December 2015) development of this site (then proposed for potentially 141 dwellings) would cause considerable harm to the significance of the listed building and should be resisted. We are particularly concerned to note that the current application, for 185 dwellings, is coming forward before public examination of your local plan. National policy as set out in the NPPF makes it clear that planning authorities should give appropriate consideration of an assets importance when considering harm to the asset, or its setting (para 132). Development of the sort proposed, which would effectively transform the setting of a rural historic building to a suburban context in a key approach, could represent a harm that could not be easily mitigated or offset. In considering the current application, your authority must be mindful of the high-graded status of Old Ramerick Manor, the II listing of which puts it within the finest 10% of listed buildings in England.*

While there might be potential to develop part of the north west side of the current site, which is screened by the embankment of the former Hitchin to Bedford railway line, we are concerned that development of the scale and location of the type currently proposed could not be achieved without an unacceptable harm on the historic environment.'

3.15 **CPRE Hertfordshire**

Advises that NHDC should reject the application. Recognises the site is an allocation LS1 in the emerging plan but as the plan is not adopted the application is inappropriate development contrary to the NPPF and current local plan. Summary of concerns:

- Contrary to NPPF on prioritising brownfield land
- Impact on the natural environment

- Flood risk
 - Sustainability of the development
 - Loss of agricultural land
 - Development impacts on Central Bedfordshire social and physical infrastructure
- 3.16 **Anglian Water:**
Requests a foul water strategy condition and an Informative concerning the potential impact on Anglian Water assets.
- 3.17 **Bedfordshire and River Ivel Internal Drainage Board**
Advise no objection in principle to surface water drainage strategy. Provide a number of technical comments and request balancing ponds are located outside of Flood Zone 3. Advise of 7 metre bylaw strip for maintenance and access of watercourse. Requests a suitably worded condition.
- 3.18 **NHDC Environmental Health officer (Environmental Protection / Contamination):**
Advises that in view of the submitted intrusive site investigation reports there is no requirement for a land contamination condition. Requires Electric Vehicle (EV) Recharging Infrastructure conditions for houses and flats and a residential travel plan condition. In addition, a Construction Traffic Management Plan condition is required.
- 3.19 **NHDC Environmental Health officer (Noise):**
Requires a noise survey prior to determination. Acoustic Assessment submitted and revised comments awaited from NHDC EHO
- 3.20 **NHDC Housing Supply Officer:**
Advises that 40% of the residential units will need to be affordable with a 65%/35% rented / intermediate tenure split. Provision to be on site and owned and managed by a registered provider, to meet Housing Corporation Design and Quality standards and be indistinguishable from market housing.
- 3.21 **NHDC Waste Services Manager:**
Advises of some concerns on the scheme layout re tracking for waste collection vehicles and pull distances for RCV operatives. Provides technical guidance on various aspects of waste storage / collection requirements.
- 3.22 **Hertfordshire County Council (Development Services)**
Based on 185 unit scheme advises that the following financial contributions would be required:
- First Education £322,008 – towards Derwent Lower School expansion by 1 Form Entry (1FE)
- Middle Education £274,941 – towards expansion of Henlow Academy
- Upper Education £292,409 – towards the expansion of either Samuel Whitbread or Etonbury
- Library Services £31,192 – towards IT equipment at Hitchin library
- 3.23 **Hertfordshire County Council (Fire & Rescue Service)**
Advises that public adoptable fire hydrant provision will be required in accordance with Planning Obligations Guidance.

3.24 **Bedfordshire Clinical Commissioning Group**

Advises that the development will affect the Lower Stondon GP Surgery which is already operating under constrained conditions. Advises that Bedfordshire CCG are seeking to create additional premises capacity in the area and therefore request the following financial contributions (based on 185 unit scheme at LS1):

GP Core services - £815.00 per dwelling

Community, Mental Health and Acute services - £1,630 per dwelling

BCCG advise that the above are based on the impact of the development only, on the number of dwellings proposed and do not take account of existing deficiencies.

3.25 **Site Notice/ Neighbour consultation:** Over 200 letters have been received mainly from local residents both in North Hertfordshire and Central Bedfordshire and all correspondence received can be viewed on the Council's web site. The comments and objections include the following matters:

- Inappropriate development in the rural area beyond the Green Belt
- Contrary to local plan policies and National Planning Guidance
- The submitted transport assessment fails to have regard to committed and proposed development within the vicinity of the site
- The local road network is at capacity and a robust assessment of highway impact and potential improvements has not been made
- Proposals will result in disruption and queuing on A600. No right hand turn facility is proposed
- A600 is already over used and under maintained
- A600 has suffered a number of serious / fatal accidents
- Detrimental impact on pedestrian and highway safety
- Submitted Transport Assessment fails to accurately judge the impact of the development in sustainable terms, lacks sustainable transport solutions, fails to assess future years impact, understates traffic growth and junction capacities and cumulative impact of traffic on the A600 from other developments.
- Adverse impact on the setting of a Grade II* listed building, Old Ramerick Manor and other non-designated heritage assets
- Adverse cumulative impact on approved and planned developments in the area
- Existing community and service infrastructure does not have capacity to accommodate more development
- Detrimental impact on wildlife habitats / ecology
- Concern over impact on water supply, drainage and sewage
- Flood risk
- Loss of high grade agricultural land
- An overdevelopment of the site
- Site is detached from the existing settlements
- Adverse impact on the character and appearance of the area
- Concern at density and parking provision
- Infrastructure funding from the development will go to North Hertfordshire not Central Bedfordshire
- Unsustainable location that will not encourage non-car modes of transport
- Will impact on the farm exit
- Not an inclusive development – will impact on the elderly, disabled, children
- Excessive noise and pollution and adverse impact on air quality
- Development does relate to the village
- Insufficient local consultation

- Loss of privacy and overlooking/ overshadowing and loss of light
- Will reduce the enjoyment / amenity value of local public footpaths
- Will result in further pressure on Hospital A & E services due to lack of access to local medical facilities
- Insufficient local employment will lead to more travel
- Adverse impact from construction traffic
- Lack of existing bus services
- Lack of leisure facilities
- LS1 does not maintain or enhance the vitality of the rural community

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is located on the east side of the A600 Bedford Road and south of the existing settlement of Henlow Camp. The application site comprises 7.08 hectares of greenfield land, which is primarily an arable field and a poor semi-improved grassland field, several areas of scattered scrub and trees, a stream along the northern site boundary, a wet ditch and a pond. Immediately to the east of the site is Old Ramerick Manor, a grade II* listed manor house and a recent small residential development that has been created from a farmyard and historic and modern agricultural buildings associated with the Manor. The site adjoins public footpath 001 which runs east to west along an informal track along the southern boundary. Public footpath 002 connects with footpath 001 and runs north east towards Henlow Camp just east of the application site and through the Old Ramerick Manor site. The application site abuts the curtilages of residential properties sited along the southern boundary – Nos 1 & 2 and 3 Ramerick Cottages. The whole of the application site is within the administrative boundary of North Hertfordshire and designated as Rural Area Beyond the Green Belt in the current North Hertfordshire District Local Plan with Alterations 1996 (Saved Policies, 2007).

4.1.2 The application site is approximately level where it meets the southern boundary with public footpath 001. The land then falls approximately 5 metres overall to the north where it meets the watercourse and its embankment (source : submitted topographical survey (rev B)). A significant feature of the site is an existing former railway embankment located close to the northern boundary.

4.2 Proposal

4.2.1 The proposals (as amended on 2nd February 2018) seeks full planning permission for the erection of 180 dwellings with associated vehicular access from the A600 Bedford Road, internal site access road, parking areas, detailed landscaping, footpath connections, sustainable urban drainage system including 2 no. detention basins, pumping station and sub-station and ancillary works.

The development proposes the provision of 109 private market houses comprising 2 bedroom apartments, 3, 4 and 5 bedroom houses and 71 affordable homes (of a mixture of shared ownership and affordable rented tenure) comprising 1 & 2 bedroom apartments, 2 & 3 bedroom houses. The affordable housing amounts to 39.44% of the total number of units proposed on the site.

Storey heights across the development range from 2 storey and 2.5 storey dwellinghouses to 3 storey apartment blocks. A total of 384 parking spaces are provided through a mixture of surface spaces, garages and car ports of which 46 spaces are allocated for visitors.

Of the overall site area of 7.08 hectares 2.89 hectares are proposed as public open space which will accommodate two flood mitigation attenuation basins, a locally equipped area for play (LEAP) and internal footpaths. A footbridge connection to the Railway Amenity space and LEAP to the north of the site within Central Bedfordshire is proposed.

The revised proposals include a reduction of 5 dwellings on the original submission and the revision to the accommodation schedule. In addition the development has been set back further from the southern and eastern boundaries and additional landscaping provided in the form of a 5 metre wide buffer strip on the eastern boundary and between 7 – 15 metres along the southern boundary with footpath 001.

The applicants have include a draft heads of terms document (within the planning statement) which sets out the developers intention to make financial contributions towards public transport, education and nursery provision, affordable housing, fire hydrants and waste collection services, youth facilities, libraries and provides a commitment to open space management and highway mitigation measures.

A revised Flood Risk Assessment was submitted on 14th February 2018. The revised details include a soft landscape management and maintenance plan and a 'visualisation portfolio' which illustrates in a 3D model format the visual impact of the development.

4.3 Key Issues

4.3.1. The key issues for consideration of this full planning application are as follows:

- Policy Background and Principle of Development.
- Highways, Traffic and Transport (including access arrangements)
- Character and Appearance
- Biodiversity and Nature Conservation
- Historic Environment
- Planning Obligations
- Other matters (noise, contamination, foul water disposal and utilities etc)
- Planning balance and conclusion

4.3.2 Policy Background and Principle of development

The application site has been identified in the emerging Submission Local Plan as a housing site (LS1 – Land at Bedford Road). This allocation has a dwelling estimate of 120 homes and the following considerations for development are set out in the Plan:

- Appropriate junction access arrangements to Bedford Road;
- Sensitive integration into existing settlement, particularly in terms of design, building orientation and opportunities for cycle and pedestrian access;
- Sensitive incorporation of Footpaths Ickleford 001 & 002 as green routes through and around the edge of the site;
- No residential development within Flood Zones 2 or 3;

- Incorporate ordinary watercourses (and any appropriate measures) and address existing surface water flood risk issues within comprehensive green infrastructure and / or SuDS approach;
- Development proposals to be informed by site-specific landscape and heritage assessment;
- Development-free buffer along eastern edge of site to minimise harm to adjacent listed building;
- Archaeological survey to be completed prior to development.

4.3.3 The Saved NHDC local plan (2007) identifies this site as Rural Area beyond the Green Belt and there would be a fundamental objection to its development if this were the principal consideration. However, the site is identified in the Submission Plan (LS1 above) as a housing site at a time when the Authority can not demonstrate a 5 year supply of housing land. Paragraph 216 of the NPPF advises that the emerging plan can be afforded weight subject to the following considerations:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- ***the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);***
- ***the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and***
- ***the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).***

4.3.4 There is currently a number of objections to the allocation of this site from local residents and therefore these objections necessarily reduces the weight that can be attributed to the emerging allocation at this stage.

4.3.5 In most circumstances where an Authority can not demonstrate a 5 year supply of housing land and the adopted plan is out-of-date, paragraph 14 of the NPPF sets out the presumption in favour of sustainable development for decision makers on planning applications as follows:

- ***approving development proposals that accord with the development plan without delay; and***
- ***where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:***
 - ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or***
 - ***specific policies in this Framework indicate development should be restricted. (9)***

(9) For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

Accordingly, in the absence of a five year land supply in the District there is a presumption in favour of supporting development on sites unless the adverse impacts of doing so would be such as to dictate otherwise. The circumstances which might dictate otherwise will inevitably centre on issues of harm in terms of **social, economic** or **environmental** sustainability, as well as matters specifically identified in the NPPF, such as protecting heritage assets (including listed buildings and conservation areas) and nationally important landscape designations. In this case Historic England (HE) raises a concern that the development of LS1 would change the setting of Old Ramerick Manor *‘to a suburban context in a key approach that could not be easily mitigated or offset’* and that *‘development of the scale and location of the type currently proposed could not be achieved without an unacceptable harm on the historic environment’*. In addition part of the site is within Flood Zones 2 and 3 and there is a potential risk of flooding.

It is therefore clear that the fact that the proposed development site may affect the significance of a heritage asset and the function of the floodplain of the nearby watercourse the Authority is required to consider the application using the neutral test set out in paragraph 134 of the NPPF instead of the weighted presumption in favour of development above (paragraph 14). Paragraph 134 advises as follows:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

In this case the proposals have been amended to improve the relationship of the development with setting of the Manor by increasing the landscape buffer along the eastern and southern boundaries and setting back the development from public footpath 001. There could be an argument that the immediate setting of the Manor will not be affected by the proposed development and that the intervening converted agricultural and new residential buildings that have been developed on the site of the former farmyard together with new landscaping provide sufficient physical and visual separation between the proposed residential development and the Manor. Nevertheless concerns remain with regard to the historic setting of The Manor which includes the approach road to it (along footpath 001) and therefore it is considered that the application should be assessed in accordance with paragraph 134 of the Framework in addition to an assessment of the social, environmental and economic aspects of the proposals.

4.3.6 **Summary**

The application site is immediately adjacent Lower Stondon which is identified as a Category A settlement within the emerging plan. Beyond the towns within North Hertfordshire such settlements are considered the more sustainable locations where some development should be directed. Lower Stondon has a range of facilities and services including a doctors surgery, two primary schools employment land and bus services to nearby towns. The site is not of high landscape value as noted in the Pirton Lowlands character area assessment. The site is clearly contained by the A600 to the west, buildings associated with The Manor to the east and four residential properties and a public footpath along the southern boundary. It has a close physical association with the village emphasised by footpath linkages. The site is not contaminated and there is no evidence of significant archaeological remains. In terms of achieving the social strand of sustainability the site has the potential to deliver much needed residential development, including affordable housing, in a location which is accessible to everyday services. Given all of these factors it is considered that the site is suitable for residential development in principle.

4.3.7 **Highways, traffic and transport (including access arrangements)**

The application proposes a single point of access / egress onto the A600 Bedford Road via a T – junction 6 metre wide access road with footpaths either side. A footway inside the application site will connect to the existing northbound footpath on the A600 into Henlow and existing footpath widened to 2m. Two new bus stops are proposed on the A600 north of the access road and various traffic calming measures introduced on the carriageway. The existing 30mph speed limit will be relocated further south and gateway features introduced to warn of a change in speed restriction. The applicant has agreed, via Section 106 Agreement to fund highway improvement/ capacity works to the Turnpike Lane / Bedford Road roundabout in Ickleford and to fund a widening of the existing footway south of the application site for approximately 1600 metres to the Holwell Road junction in order that it would form a shared cycle footway.

4.3.8 The submitted Transport Assessment includes a commitment to a residential Travel Plan and monitoring costs. The Highway Authority have advised that Data analysis within the TA together with traffic impact assessments demonstrates that the development proposals will not result in a severe impact on the local highway network, subject to the agreed mitigation works. As such the highway authority do not raise any objections to the proposed development on highway safety grounds.

4.3.9 Footpath connections are proposed to the Railway amenity land to the north across the watercourse and onto footpath 001 along the southern boundary. A further link across third party land to connect with footpath 002 is considered achievable by Central Bedfordshire Rights of Way officer and is shown indicatively on the submitted plan.

4.3.10 The site would be connected to Henlow Camp / Lower Stondon to the north via the A600 and Railway amenity area. It is envisaged that the provision of a upgraded footpath and cycleway link to Holwell Road to the south will be extended to reach Ickleford and Hitchin with financial contributions from the proposed emerging local plan site IC3 on the north side of Ickleford (Land off Bedford Road, dwelling estimate 150 homes).

4.3.11 It is acknowledged that representations have been received that claim that the development is unsustainable and that the occupiers of the site at LS1 will use cars or everyday needs and to access services. Whilst this view is acknowledged this would be true of other peripheral areas in and around Lower Stondon and Henlow Camp. Nevertheless car journeys would be short and the provision of footway linkages and improvements such as the southerly cycleway link and new bus stops would assist in facilitating non-car movements to and from the site.

4.3.12 **Summary**

The submitted Transport Assessment has been scrutinised by the Highway Authority and found to be acceptable in highway terms. The development can be integrated with Henlow Camp and Lower Stondon (and the wider footpath network) via suitable and achievable footpath connections. The developer is willing to make significant contributions towards mitigating the highway impact of the development and to ensure that there are sustainable transport options. Traffic calming proposals would improve highway safety on the A600 in the vicinity of the site. There is no evidence to suggest that the residual cumulative impact of the development in highway terms is severe and as such the development would be compliant with paragraph 32 of the Framework.

4.3.13 **Character and Appearance**

The potential residential expansion of Lower Stondon / Henlow Camp into this arable land on the south side of the settlement is a challenging prospect particularly in visual impact and landscape terms. Although the site may have a close physical connection with the settlement to the north it has an open character and is visually sensitive to new development. The approach to the settlement along the A600 from the south provides clear views of the site as well as the backdrop of housing development comprising the Railway housing estate and the older Southern Avenue forming part of The Camp housing estate. The Camp development being older and of more spacious two storey development has to an extent blended into the landscape whilst the Railway development with its high density and 2.5 storey scale provides for a more abrupt and hard urban edge to the village even with the play area and watercourse which defines the boundary of the settlement. Whilst a sustainable location within which to provide additional housing the application site should perform a transitional role between the built up edge of the village and the flat, wide open and agrarian landscape south of footpath 001.

4.3.14 It is considered that any new residential development on the site should therefore respond to the arable landscape and ensure that it is small scale responding more appropriately to the historical pattern of the area and landscape setting. It would be a mistake to consider that the settlement boundary can just be rolled back to the line of footpath 001 and the land infilled with high density modern housing with a large variety of house styles and extensive palette of external materials such as exhibited by The Railway development. Paragraph 58 of the Framework requires decision makers to ensure that new developments:

- ***will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development***
- ***establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit***
- ***optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks***

- ***respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation***
- ***create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion***
- ***are visually attractive as a result of good architecture and appropriate landscaping***

In addition paragraph 64 of the Framework is also relevant to the consideration of this application in that it advises:

- ***Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.***

4.3.15 Unfortunately the proposed development does not achieve a sensitive integration into the existing settlement as required by the emerging plan allocation criteria or achieve good design as required by the Framework. The proposed development is high density – at 38 dwellings per hectare (developable area) the proposed density far exceeds what would be considered appropriate for this edge of settlement location. It exceeds by 50% the dwelling estimate for the site (120 units). The development increases in intensity towards the southern part of the site which is on higher land and therefore will be more prominent in the landscape. The layout proposes 2.5 and 3.0 storey development along the key A600 boundary with ridge heights of between 10 and 11 metres in height. Development close to the southern boundary would be 8 metres in height to ridge level. It is considered that this scale of development would be prominent and intrusive particularly for users of the public footpaths. The present open views across the site and the general rural tranquillity enjoyed by walkers, cyclists and existing residents would be substantially harmed by this proposed housing estate. Three storey flatted development with its associated large expanse of car parking would be particularly inappropriate in terms of scale and context with the character of the area

4.3.16 The urbanising impact of the development is reinforced by the proposed layout. The main entrance is dominated by 2.5 – 3.0 storey development and a wide, straight access road, over engineered, with large raised tables with very little soft landscaping. Access roads surround the edges of the development on all sides with long rows of parking bays and visitor parking indicative of a high density, car dependant development. Back to back distances between houses are as low as 20 metres in some areas and there is little opportunity for tree planting within back garden areas. Plots along the southern boundary have north facing gardens and substantial planting is proposed in front of them thus minimising levels of light and creating a generally poor standard of environment for the occupiers.

4.3.17 It is acknowledged that the layout allows in part for a landscaped corridor from north to south and a pedestrian link onto footpath 001 however the majority of the site is covered in built development and / or hardsurfacing with only the northern strip undeveloped due to the constraints of the floodplain and the requirement to provide sustainable urban drainage infrastructure.

- 4.3.18 The development proposes a range of standard house types with a variety of external finishes including facing brick, render and cladding with a number of fenestration sizes. Ridge heights vary across the site from 2.0 to 2.5 to 3.0 storey. Up to 20 different house types are proposed across the site in an apparently random and incoherent fashion. The development does not integrate well with the surrounding pattern of development and does not meet the requirements of the Framework in that it fails to be compatible with local distinctiveness and fails to add to the overall quality of the area.
- 4.3.19 The development provides 384 parking spaces including 46 visitor parking spaces. However, this does not meet the minimum standards required by the Council's residential parking standards as set out in Appendix 4 of the Submission Plan or the currently adopted Supplementary Planning Guidance 'Vehicle Parking Standards at New Development (2011)'. Depending on whether car ports are considered as a garage space for the purposes of calculating visitor spaces the development is between 29 and 40 spaces below the minimum standards. Notwithstanding the availability of public transport and facilities within walking distance of the site in Lower Stondon / Henlow there are no exceptional circumstances here to allow a reduction on minimum parking standards. The implications of a non-compliant parking standards scheme is the likelihood of the site becoming dominated by street parking and encroachment of parked vehicles into landscaped areas to the detriment of the visual amenities of the locality.
- 4.3.20 In terms of landscape effects it is considered that the height, scale and quantum of development would be harmful to the open and rural character of the landscape. Whilst it is appreciated that the surrounding landscape is of no special quality or high landscape value in itself, the form and scale of development does not achieve an acceptable transition from open countryside into the built up form of the settlement to the north. The southern end of the development would sit on higher land than the settlement village boundary and would be conspicuous in views from and into the settlement. The development would partly enclose the historic Old Ramerick Manor and its associated outbuildings and therefore begin to detract from its detached setting from the settlement. The applicants mitigation landscaping measures, particularly with the landscape buffers along the southern and eastern boundaries of the site are acknowledged. However such landscape features are alien to the established generally open character of the landscape here and amounts to a necessary measure to contain and screen what is otherwise an urban extension. The footpath network around the site comprises the public footpath along the A600 on the western boundary, public footpath 001 on the southern boundary and footpath 002 a short distance from the eastern boundary. Unlike the current situation users of these footpaths would experience a diminishment in their enjoyment of the footpaths due to the close proximity of a housing estate and all of the attendant noise, lighting, car parking movements associated with it.

4.3.21 **Summary**

By reason of the number of dwellings proposed, their excessive height, nondescript appearance and the generally urban form, the development would have a harmful effect on the character and appearance of the area. Furthermore the proposed development would have significant adverse landscape and visual effects due to its separation from the settlement to the north and its prominent location on rising land, restricting key views in the landscape and harming the tranquil nature of the surrounding countryside. As such the proposals would not comply with Policy 57 of the adopted local plan or Submission Local Plan Policies SP1, SP9 and D1. The proposals would not enhance the quality of the area and would constitute poor design not complying with paragraphs 58 and 64 of the National Planning Policy Framework.

4.3.22 **Biodiversity impacts and nature conservation**

The application site does not contain any specific wildlife / habitat designations. The majority of the application site is arable and with little ecological value however the field margins and the grassland, railway embankment, watercourse and ponds to the north all have potential habitat conservation issues. The Council's ecological advisors see no reason to object to the proposals on nature conservation grounds and have requested a number of conditions to ensure that the proposals will not result in any adverse ecological impacts and to ensure the value of proposed biodiversity enhancements.

4.3.23 **Summary**

The proposed development presents an opportunity biodiversity enhancements and subject to suitable planning conditions the development is unlikely to have a detrimental effect on nature conservation.

4.3.24 **Historic Environment**

4.3.25 Old Ramerick Manor House is located to the east of the application site and the vehicular approach to it is along the access track from the A600 which is also public footpath 001. The Manor House is grade II* listed and dates from the 13th Century. The house has recently been refurbished following the redevelopment of farmbuildings that formed part of its historic curtilage. Historic barns located to the west of the Manor House have been converted to residential use forming part of the redevelopment scheme and they are considered non-designated heritage assets. Historic England (HE) in their comments on this planning application advised as follows:

'The manor is a rural building which has clearly enjoyed an open setting through its history. The open rural setting of the building contributes significantly to the appreciation of the listed building, and it is that setting which will be potentially harmed by the proposed development'

'Development of the sort proposed, which would effectively transform the setting of a rural historic building to a suburban context in a key approach, could represent a harm that could not be easily mitigated or offset'

'While there might be potential to develop part of the north west side of the current site, which is screened by the embankment of the former Hitchin to Bedford railway line, we are concerned that development of the scale and location of the type currently proposed could not be achieved without an unacceptable harm on the historic environment.'

4.3.26 The Manor house is screened from the application site by the converted non-listed barns and their associated modern garages however they retain a sense of association with the Manor House. Collectively the Manor House and the former agricultural buildings are experienced in the wider agricultural landscape. It is across this open agricultural land to the west that the converted barns, in particular, are experienced and it is the connection between 'The Manor', the barns and the farmland landscape which is important here. The significance of this tranche of land on the west side 'The Manor' has been conveniently understated by the applicant.

4.3.27 The submitted Heritage Assessment at para 4.11 it states that "**A very minor visual impact could result from the development of the agricultural land to the west of the former farm complex by virtue of the potential loss of glimpses of the upper part of the roof of Old Ramerick Manor in views looking north-east from the minor road running eastwards from the main A600 Bedford Road. There would be negligible visual impact on views looking east across the land towards the listed building from the A600 Bedford Road**".

It is acknowledged that The Manor itself may not be fully in view, but the perception that there is a significant farmstead grouping set back from the road is noted and the erection of 185 dwellings could not be said to have a 'very minor visual impact' or 'negligible degree of harm'. Indeed the Manor House can be easily seen and appreciated from public footpath 002 and views of the Manor House from this footpath would be seen in the context of the adjacent proposed housing estate therefore affecting the significance of the setting to the Manor House.

4.3.28 Little in the way of new development has taken place within the setting of Old Ramerick Manor over the last century and 'The Manor' is still experienced within a broad farmland landscape. The degree of change (or lack of change) over time is a key component of this asset's setting. To ameliorate the impact of any new development, it is considered that a broader sweep of 'open' land to the west of The Manor should be maintained to ensure the setting to 'The Manor' is not unduly affected.

4.3.29 **Summary**

Old Ramerick Manor is an important building in the immediate vicinity of the application site and the harm to its setting has not been clearly and convincingly justified as required by NPPF paragraph 132. Consequently I conclude that the harm to these designated heritage assets is not outweighed by the scheme's public benefits.

4.3.30 **Planning Obligations**

In considering Planning obligations in relation to this development the Framework advises that:

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

4.3.31 In this case the applicant recognises that planning obligations will be required to offset the impact of the development and to ensure that the development is sustainable and the Local Authority has acted proactively in negotiating with the applicant as far as possible the relevant Heads of Term that may be required as the basis of a suitable agreement. The table below sets out detail of the Heads of Terms however they are yet to be confirmed as agreed by the applicants

Element	Detail and Justification	Condition/Section 106
Affordable Housing	<p>On site provision of 71 affordable dwellings based on 65% rented tenure and 35% intermediate tenure</p> <p>NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Local Plan Policy HS2 'Affordable Housing'</p>	S106 obligation
Primary Education educations	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of Derwent Lower Schooll. Amount before index linking: £322,008.00</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Secondary Education contributions	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of Henlow Academy middle school Amount before index linking: £274,941.00</p> <p>Samuel Whitbread or Etonbury Upper schools Amount before index linking: £292,409.00</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation

Library Services	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the development of a CreatorSpace at Hitchin library.</p> <p>Amount before index linking: £31,192.00</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Doctors surgery at Lower Stondon and Community, Mental Health and Acute Services	<p>Contributions: GP Core Services (expansion of Lower Stondon Surgery): £146,682.00</p> <p>Community, Mental Health and Acute Services: £293,400.00</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	S106 obligation
Sustainable Transport contributions	<p>Full contribution based on NHDC Planning Obligations SPD.</p> <p>To be spent on:</p> <p>1)Upgrading roundabout on A600 / Turnpike Lane junction at Ickleford</p> <p>Amount before index linking: £60,000</p> <p>2) Widening of existing footway to create a footway/ cycleway on east side of A600 south of the site for a length of approximately 1600 metres (to Holwell Road junction)</p> <p>Amount before index linking: £202,000</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	S106 obligation

St. Katherines Church, Ickleford	St. Katherines Church Room-for-all community project. An extension to the grade I listed building for community use. Contribution £10,000 North Hertfordshire Partnership Sustainable Community Strategy 2009 - 2021	S106 obligation
Ickleford Parish Council	Playground equipment: £20,000 Ickleford Sports Club Facilities and Equipment: £20,000	S106 obligation
NHDC Waste Collection & Recycling	Full contribution based on NHDC Planning Obligations SPD. Amount total before index linking: £11,910 Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD	S106 obligation
Central Bedfordshire Council Rights of Way Unit	Two public access improvement projects: 1) Bridging of watercourse north of the application site: £20,000 2) Dedication of approximately 30 metres length of public footpath to link the north-east corner of the site to Henlow Public Footpath No. 16. Requires compensation to landowner: £3,500	S106 obligation
Open space/Landscape buffer management and maintenance arrangements	Private management company to secure the provision and long term maintenance of the open space/landscape buffer and any SuDs infrastructure Policy SP7 'Infrastructure requirements and developer contributions'	S106 obligation
Fire Hydrants	Provision within the site in accordance with standard wording Policy SP7 'Infrastructure requirements and developer contributions'	Section 106 obligation

4.3.32 **Other matters (noise, contamination, foul water disposal and utilities etc)**

A major concern of local residents and various consultees is the proximity of the development to the watercourse along the northern boundary and the potential of the development to be at risk of flooding. Initially both the Environment Agency and the Local Lead Flood Authority objected to the development however following further modelling data and a revised Flood Risk Authority being submitted by the applicant both statutory flood authorities have withdrawn their objections and planning conditions are recommended to secure appropriate mitigation.

4.3.33 The Councils Environmental Protection officer confirms that there are no contamination issues. Concerns have been raised by the EHO in terms of road traffic noise. An acoustic assessment has been submitted and demonstrates that background noise levels are within acceptable levels subject to appropriate glazing traffic speed reduction on the A600 and acoustic fencing around garden areas.

4.3.34 Anglian Water require a foul water drainage strategy to be submitted and agreed by the Local Planning Authority. Other utilities such as gas, water, electricity, broadband will be the responsibility of the developer in consultation with the various utilities providers.

4.3.35 **Summary**

It is likely that the necessary utilities infrastructure can be achieved for this development and no insurmountable concerns regarding noise or foul water have been identified.

4.3.36 **The Planning Balance and Conclusion**

LS1 is an allocation in the submission plan and its development will make a significant contribution toward the Council's planned supply of housing land. Further, it will make a valuable and much needed contribution to the supply of affordable housing in the District and assist in the provision of improved footpath linkages into Henlow Camp and south towards Holwell.

4.3.37 The application site is within walking distance of a reasonable range of services, leisure and employment opportunities in Henlow Camp / Lower Stondon which is recognised as a category A settlement. There are bus services that pass the site to enable access to larger towns in the area. It is acknowledged however that the private car is likely to be the preferred mode of transport for most day to day needs. That said distances to Hitchin and Arlesey rail stations are not excessive and there is a large range of services, secondary schools and employment opportunities within Hitchin approximately 4 miles from the application site.

4.3.38 The Highway Authority has confirmed that the site access is safe and the impact on the wider highway network is acceptable subject to appropriate mitigation works. No objections are raised by the statutory consultees relating to noise, flood risk, archaeology or contamination.

4.3.39 Notwithstanding the proposed allocation of the site in the emerging North Hertfordshire local plan and the lack of technical objection there remain significant concerns with regard to the amount of development proposed, the scale and design of dwellings and general layout of the development. These aspects of the development will have a significantly urbanising impact on the immediate locality that would be harmful to the character and appearance of the area and would adversely affect the setting of a grade II* listed building and the landscape character of the area to an unacceptable degree. The presumption in favour of sustainable development as provided for in paragraph 14 of the NPPF is not engaged as the 'tilted balance' in the fourth bullet point of paragraph 14 does not apply here because policy in Section 12 of the NPPF indicates that development that harms heritage assets should be restricted. Whereas the proposals may result in less than substantial harm to the significance of the heritage asset of Old Ramerick Manor that does not equate to a less than substantial objection, and as heritage assets are irreplaceable any harm or loss requires clear and convincing justification. In considering the public benefits of the scheme, although significant, it is considered that they do not outweigh the harm caused and as such the proposal would be contrary to paragraphs 132 and 134 of the Framework.

4.3.40 As mentioned above the site will deliver much needed housing, including a significant proportion of affordable dwellings and will provide construction employment and expenditure in the adjacent settlement that will contribute to the local economy. These are significant social and economic benefits. Planning obligations will help to offset harm further. However the scale and urbanising effect of the development together with the adverse impact of the development on a heritage asset are such that substantial environmental harm would be caused by the proposed development thus failing to achieve the third dimension of sustainable development as required by bullet point 3 of paragraph 7 of the Framework. Accordingly the development is not considered to be sustainable and permission should be refused.

5.0 Legal Implications

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

6.0 Recommendation

6.1 That planning permission be refused for the development for the following reasons:

1. It is considered that by reason of the dwelling numbers, site coverage, proposed dwelling types and the location of some car parking, the development will occasion harm to the setting of the grade II* listed Old Ramerick Manor and its associated barns, hence would harm their significance. As such para 132 of the NPPF requires clear and convincing justification and this has not been demonstrated. The proposal will fail to satisfy Section 66 of the Planning & Listed Building and Conservation Areas) Act 1990 and the aims of Sections 7 and 12 of the National Planning Policy Framework

2. By reason of the number of dwellings proposed, their excessive height, nondescript appearance and the generally urban form, the development would have a harmful effect on the character and appearance of the area. Furthermore the proposed development would have significant adverse landscape and visual effects due to its separation from the settlement to the north and its prominent location on rising land, restricting key views in the landscape and harming the tranquil nature of the surrounding countryside. As such the proposals would not comply with Policy 57 of the adopted local plan or Submission Local Plan Policies SP1, SP9 and D1. The proposals would not enhance the quality of the area and would constitute poor design not complying with paragraphs 58 and 64 of the National Planning Policy Framework.

3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)

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.

1.