

Location:               **Greenveldt Kennels  
Luton Road  
Kimpton  
Hertfordshire  
SG4 8HB**

Applicant:             **Mr Mcelligott**

Proposal:             **Erection of 3 x 4-bed detached single storey dwellings following the demolition of the existing kennel buildings including alterations to the existing access and addition of 6 parking spaces.**

Ref. No:                22/00982/FP

Officer:                **Andrew Hunter**

**Date of expiry of statutory period:**

31 May 2022

**Submitted Plan Nos.:**

2022-02-PL-002, 2022-02-PL-003, 2022-02-PL-101A Plot 1 and 2, 2022-02-PL-103A Plot 3, 2022-02-PL-201A Plot 1, 2022-02-PL-202B Plot 2, 2022-02-PL-203A Plot 3, 2022-02-PL-210A.

**Extension of statutory period:**

Not agreed

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of being called in by Councillor Ralph Muncer for the following reasons:

*I would like to call in this application due to my concerns over inappropriate development in the Green Belt. It is my view that it would be in the public interest for this application is determined by the Planning Committee.*

1.0     **Site history**

1.1     21/00591/FP - Erection of three detached single-storey dwellings (2 x 3-bed and 1 x 4-bed) following demolition of existing kennel buildings including alterations to existing access – Approved 18/05/21.

1.2     20/00303/FP - Conversion of single flat/stable block to provide four-bedroom dwelling house (renewal of planning permission 12/00410/1 granted 19 April 2012) – Approved 24/03/20.

1.3 12/01035/1 - Erection of 1 x 4 bedroom bungalow with 2 associated car parking spaces, new vehicular access onto Luton Road and detached garden shed following demolition of existing kennels, runs and associated buildings – Refused 17/07/12 for:

1. Given the lack of essential services in the vicinity, the proposed dwelling would be heavily dependent on services provided outside of the immediate area, giving rise to a significant reliance on private transport. In the absence of any other measures or reasons which may offset this unsustainable impact, the proposal would be contrary to the NPPF paragraphs 7-11 and section 4 - Promoting sustainable transport.
2. The application site is within an area designated in the North Hertfordshire District Local Plan no.2 with Alterations 1996 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. As such, the proposal is considered to fail to comply with the provisions of the NPPF, section 9 - Protecting Green Belt land and Policy 2 of the North Hertfordshire District Local Plan no.2 with Alterations 1996.

1.4 12/00410/1 - Conversion of single flat / stable block to provide 4-bedroom dwelling house – Approved 19/04/12.

1.5 10/02422/1 - Erection of two 4 bedroom bungalows following demolition of kennels and associated buildings and runs. New access roads to serve proposed dwellings and stables/flat, to southern and western boundary of existing dwelling, with associated parking and turning areas – Refused 03/05/11 for:

1. The application site is within an area designated in the North Hertfordshire District Local Plan no.2 with Alterations 1996 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. As such, the proposal is considered to fail to comply with the provisions of PPG2 - Green Belts and Policy 2 of the North Hertfordshire District Local Plan no.2 with Alterations 1996 and with PPS7 - Sustainable Development in Rural Areas.

2. Given the lack of essential services in the vicinity, the proposed dwellings would be heavily dependent on services provided outside of the immediate area, giving rise to a significant reliance on private transport. In the absence of any other measures or reasons which may offset this unsustainable impact, the proposal would be contrary to Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, and Planning Policy Guidance Note 13: Transport.

Appeal dismissed 21/12/11.

1.6 09/00841/1 - Two four bedroom detached bungalows following demolition of existing outbuildings – Refused 12/08/09 for:

1. The application site is within an area designated in the North Hertfordshire District Local Plan no.2 with Alterations 1996 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. As such, the proposal is considered to fail to comply with the provisions of PPG2 - Green Belts and Policy 2 of the North Hertfordshire District Local Plan no.2 with Alterations 1996 and with PPS7 - Sustainable Development in Rural Areas.

Appeal dismissed 11/05/10.

1.7 08/01909/1 - Two four bedroom detached dwellings with detached double garages following demolition of existing outbuildings – Withdrawn 23/10/08.

- 1.8 07/02555/1 - Two five bedroom detached dwellings with attached single garages following demolition of existing outbuildings – Refused 28/04/08 for:
1. The application site is within an area designated in the North Hertfordshire District Local Plan no.2 with Alterations 1996 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, due to the scale, bulk and height of the dwellings, there would be harm on the fundamental aim of Green Belt policy which seeks to maintain the openness of the area. As such, the proposal is considered to fail to comply with the provisions of PPG2 - Green Belts and Policy 2 of the North Hertfordshire District Local Plan no.2 with Alterations 1996.
  2. The proposal does not demonstrate a suitable turning area for emergency vehicles or delivery trucks for the development. A suitable turning facility must be provided so that there is no detriment to highway safety on the adjoining Luton Road. The submitted layout does not comply with the County Council's Roads in Hertfordshire, A Guide for New Developments and as such would result in an unsatisfactory form of development. The proposed development would therefore be detrimental to highway safety and contrary to PPG 13 (Design and Safety).
  3. The proposed access road serving this site is inadequate by reason of the width and horizontal alignment. The proposed development would therefore be detrimental to highway safety and contrary to PPG 13 (Design and Safety).
  4. The application fails to provide any information to substantiate why the change of use from business to residential use is appropriate, and therefore fails to comply with the provisions of PPS7 - Sustainable Development in Rural Areas.
- 1.9 06/02848/1 - Replacement of existing stables and flat with one four bedroom detached dwelling – Refused 05/04/07 for:
1. The access road to serve the new dwelling is inadequate by reason of the width and also does not demonstrate a suitable turning area for emergency or delivery vehicles for the development. As a result the submitted layout does not comply with the County Council's Roads in Hertfordshire, A Guide for New Developments and as such would result in an unsatisfactory form of development.
  2. The application site is within an area designated in the Hertfordshire Structure Plan Review 1991-2011 and 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 Policy 5 of the County Structure Plan Review or Policy 2 of the District Local Plan no.2 with Alterations 1996.
- 1.10 05/00586/1 - Conversion of flat/stable block to provide dwelling house (as amended by location plan received 06.07.05) – Approved 14/07/05.
- 1.11 90/01105/1 - Change of use and conversion of first floor of stable block to self-contained flat and retention of existing two caravans for staff accommodation – Approved 16/05/91.
- 1.12 90/00570/1 - Single storey building to provide kennel block – Approved 21/06/90.
- 1.13 90/00151/1 - Retention of stables/barn block – Approved 28/03/90.
- 1.14 86/01773/1 - Erection of extension to cattery – Approved 02/12/86.

- 1.15 84/01838/1 - Erection of single storey side extension, front entrance porch and replacement pitched roof following demolition of existing store – Approved 18/01/85.
- 1.16 82/01146/1 - Erection of three single storey buildings for cat and dog quarantine kennels – Approved 21/10/82.
- 1.17 82/00030/1 - Erection of detached buildings for kennels, cattery, garage office and store – Approved 25/03/82.

## 2.0 **Policies**

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

Policy 2 – Green Belt  
Policy 14 – Nature Conservation  
Policy 26 – Housing Proposals  
Policy 55 – Car Parking Standards  
Policy 57 – Residential Guidelines and Standards

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

Chapter 5 – Delivering a sufficient supply of homes  
Chapter 9 – Promoting sustainable transport  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed places  
Chapter 13 – Protecting Green Belt land  
Chapter 15 – Conserving and enhancing the natural environment

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

Policy SP1 - Sustainable development in North Hertfordshire  
Policy SP2 - Settlement hierarchy and Spatial Distribution  
Policy SP5 – Countryside and Green Belt  
Policy SP6 - Sustainable transport  
Policy SP8 - Housing  
Policy SP9 - Design and sustainability  
Policy SP11 - Natural resources and sustainability  
Policy SP12 - Green infrastructure, landscape and biodiversity  
Policy T1 - Assessment of transport matters  
Policy T2 - Parking  
Policy D1 - Sustainable design  
Policy D3 - Protecting living conditions  
Policy D4 - Air quality  
Policy NE1 - Landscape  
Policy NE6 - Designated biodiversity and geological sites

### 2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

## 3.0 **Representations**

### 3.1 **Site Notice:**

Start Date: 14/04/2022      Expiry Date: 07/05/2022

3.2 **Press Notice:**

Start Date: 14/04/2022      Expiry Date: 07/05/2022

3.3 **Parish Council** – Kimpton Parish Council considered this planning application at the meeting held on 27th April and agreed to submit a response of OBJECT. Our findings and reasons are as follows.

General Comments:

1. We welcome applications that offer a high quality of design, affordability, meet government national space standards, proven defined sustainable delivery, address community defined requirements and add value to the parish. Unfortunately, this application does not meet all these criteria.

2. Previous applications have included refusal for the following.

12/01035/1 - Erection of 1 x 4 bedroom bungalow' Refused 17/07/12

10/02422/1 - Erection of two 4 bedroom bungalows' Refused 03/05/11

09/00841/1 - Two four bedroom detached bungalows ' Refused 12/08/09

3. The applicant applied for, and received permission, for the conversion of an existing building to a 4 bed property in 2020. Ref 20/00303/FP.

4. The site has a current conditional planning consent 21/00591/FP for 3 no. three bedroom properties granted on the 17th of May 2021.

1. The current application is for 3 no. four bedroom properties which are proposed to cover a significantly larger area of the site than the previous approved application

2. The applications made over a 13-year period have a strong element of scope creep.

3. The existing buildings are kennels and as they exist are of insufficient height for refurbishment to residential use, without significant reconstruction.

Material Planning Considerations:

4. The application site is within an area designated in the Emerging Local Plan, and the North Hertfordshire District Local Plan no.2 with Alterations 1996 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 Council the proposal is not supported by such circumstances. As such, the proposal is considered to fail to comply with the provisions of PPG2 - Green Belts and Policy 2 of the North Hertfordshire District Local Plan no.2 with Alterations 1996 and with PPS7 - Sustainable Development in Rural Areas. 2.

5. Local Plan 1996 No 2 (2007)

Policy 3 - Settlements within the Green Belt

In settlements within the Green Belt, the Council will not normally permit development proposals, except for:

i. that strictly necessary for the housing and employment needs of agriculture, forestry, leisure and local services in the rural areas that cannot practicably be met outside the Green Belt; or

ii. the local facilities and services needs of the settlement within which the development is proposed; or

iii. the meeting of an identified rural housing need in compliance with Policy 29; or

iv. a single dwelling on a small plot located within the built core of the settlement, which will not result in the outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Green Belt.

The current application is of a far larger foot print than the prior application and it extends over a greater depth of the site and has a detrimental impact upon the green belt.

6. The location of the site is such that occupants of the new dwellings would be heavily reliant on private car use to access essential shops and services, which formed reasons for refusals of previous applications 12/01035/1 and 10/02422/1, with the 2010 application dismissed at appeal. The same unsustainability issue is applicable with the three dwellings proposed here.

7. The proposal would be contrary to Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, and Planning Policy Guidance Note 13: Transport.

8. Permitted Development.

The current applications site layout allows for the subsequent further scope creep of a further two dwellings or extension of proposed building area. We would therefore request that the allowance for permitted development is removed within any condition connected with a planning approval.

9. Energy Statement.

The application includes an energy statement based upon the prior application and should there for be withdrawn and re submitted in an applicable form.

10. Energy Statement.

The proposal is near to the minimum standard to comply with current Building Regulations. We would ask that the development has a condition placed to require it to comply with Building Regulations applicable at time of Building Regulation submission.

11. Energy Strategy Statement

In considering the above document it would appear that the application is proposing to provide an unacceptable solution.

Requirements of planning are that:-

1. NPPF Feb 2019 Clause 148 States :-

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

The applicant has not demonstrated how the proposal supports this requirement.

And:-

2. NPPF Feb 2019 Clause 151 States :-

To help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

The applicant has not demonstrated how the proposal supports this requirement.

Due to the character constraint on NHC website, further comments are detailed in our email response.

#### 3.4 **Statutory Consultees:**

3.5 Waste Officer – No objections.

3.6 Environmental Health Air Quality – No objection.

3.7 Hertfordshire County Council highways officer – Does not wish to restrict the grant of permission.

3.8 Hertfordshire Ecology – No objections.

3.9 Environmental Health Noise - Although no noise report was submitted as part of this application, the area of the proposed development has no major sources of noise in proximity apart from treacle lane and nearby barns. However, the development will be expected to comply with standards set by BS 8233: 2014 - Guidance on sound insulation and noise reduction for buildings; and the WHO guidelines for Community Noise. The developer will need to demonstrate that residential occupation is suitable at the development site before the premises is occupied. The applicant can find an appropriately experienced noise consultant via [www.association-of-noise-consultants.co.uk](http://www.association-of-noise-consultants.co.uk), if needed. I would be grateful if this information could be passed on to the developers.

If you are minded to grant planning permission irrespective of the above, I would ask that the following recommendation be attached to any consent given.

#### Recommendation

1 Prior to the commencement of the development the developer shall carry out a noise assessment in accordance with relevant guidance and standards and a scheme for sound insulation and noise control measures shall be submitted for the Council's written approval.

Once implemented, the scheme of measures shall be maintained in accordance with the approved details.

Reason: to protect the amenities of future residents.

#### 4.0 **Planning Considerations**

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

4.1.1 The site comprised a dog kennels business behind an associated dwelling, which is on a relatively large site. All buildings and most structures and landscaping on the site have been recently demolished and cleared, while the dwelling remains and is undergoing renovation works. The kennels occupied the majority of the site and included associated primarily single storey buildings and a two storey stable building, dog pens, runs, and hardstanding. A car repair garage is located adjacent to the north-east corner of the site, and is in the blue-edged area. The wider locality is rural agricultural open countryside, with a single dwelling and farm being the closest properties to the site. The site is in the Green Belt.

##### 4.2 **Proposal**

4.2.1 The redevelopment of the site to residential. After the removal of all existing buildings and structures, three bungalows with pitched roofs would be erected on the western

part of the site. The dwellings would each have four bedrooms, would be of a more traditional design and appearance, sited where some existing buildings are. Access would be by the existing which is proposed to be widened, with each dwelling having two parking spaces, and a further two visitor parking spaces. New hard and soft landscaping is also proposed.

#### 4.3 Key Issues

4.3.1 The key material considerations are whether the development is acceptable in principle, character and appearance, impacts on neighbour amenity, future living conditions, parking and highways, and landscaping and trees and ecology

##### Principle

4.3.2 The site is in the Green Belt. Policy 2 of the adopted Local Plan states that planning permission will only be granted for new buildings which are appropriate in the Green Belt, and which would not result in significant visual impact. This is considered largely consistent with the NPPF section 13 Protecting Green Belt land. Policy 25 relating to the conversion of rural buildings within the Green Belt is also considered consistent with section 13 of the NPPF. Policy 2 defines what development is appropriate, however the definitions of what is appropriate in the Green Belt are more recent and are given more weight. The NPPF in paragraphs 149 and 150 does however define what would not be inappropriate, with these paragraphs given significant weight.

4.3.3 Paragraph 149 states:

*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.**

Paragraph 150 states:

*Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;*



- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

4.3.4 Of the criteria in paragraphs 149 and 150, 149 g) was applicable to the proposal as I considered the site to be previously developed land (PDL) as part of the assessment of previous planning permission 21/00591/FP. The redevelopment of PDL is not inappropriate provided it would not have a greater impact on the openness of the Green Belt than the existing development.

4.3.5 The site has been cleared of all buildings and the majority of structures. These clearing works are considered to have taken place recently as construction workers were on the site at the time of a visit, rubble and building material remain on the site in addition to machinery etc., and Google Street View shows the site as it was in May 2022.

4.3.6 The present status of the site is that the business has ceased and the land has been cleared of all buildings and structures, apart from some small sections of fencing. The definition of PDL in the NPPF is materially relevant to whether the site can be considered PDL, which is:

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

4.3.7 The above definition includes land that was occupied by a permanent structure (which can include buildings), therefore I consider that the site can still be classed as PDL.

4.3.8 The NPPF paragraph 149 g) states that new buildings should not have a greater impact on the openness of the Green Belt than the existing development. It is considered that this refers to the amount of development on a site at the time a planning application is determined.

4.3.9 As the site is now essentially empty of development, the proposed development would clearly have a greater impact on openness than the existing due to the construction of new buildings and hardstanding, and through the intensification of the use of the site. The current proposal would therefore be inappropriate development in the Green Belt, which is harmful by definition, and should not be approved except in very special circumstances (VSC's). There would be further harm to the Green Belt from loss of openness.

- 4.3.10 VSC's will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.3.11 The Planning Statement submitted with the application refers to previous planning permission 21/00591/FP and how the proposed application will be similar to it in terms of openness. The Statement states that the proposed development is acceptable in principle, and if the previous buildings and structures were still present, then there would have been a substantial reduction in floorspace and footprint of the buildings on the site from 1401.2 m<sup>2</sup> to 599 m<sup>2</sup>, which would be a difference of approx. 802 m<sup>2</sup>. This would have been a substantial improvement to the openness of the Green Belt, and would not have been inappropriate development.
- 4.3.12 The buildings and structures on the site were demolished after the Statement was written, and therefore no VSC's have been put forwards in respect of the present status of the site.
- 4.3.13 The previous planning permission 21/00591/FP is however considered a VSC, as this was granted on 18/05/21 and remains extant. The clearance of the site makes it more certain that this permission would be implemented, and the site itself was only considered to have been cleared relatively recently therefore this is not a case where a site that has been undeveloped for a long time would be developed.
- 4.3.14 Compared to the previous use of the site, the present application would result in a substantial reduction in floorspace and footprint of the buildings on the site from 1401.2 m<sup>2</sup> to 599 m<sup>2</sup>, which would be a difference of approx. 802 m<sup>2</sup>. There would also have been large reductions in volume. This would have been a substantial improvement to the openness of the Green Belt. Compared to the previous planning permission 21/00591/FP, the development now proposed would be approx. 30 m<sup>2</sup> larger in footprint and floorspace, and is considered comparable in its impacts to that of the first permission.
- 4.3.15 Taking the above into account, I consider that sufficient very special circumstances exist to justify the principle of the proposed development.

#### Character and appearance

- 4.3.16 The existing buildings and structures that were demolished were not of significant historic or architectural merit, therefore there are no objections to their demolition. The dwellings would be of a more traditional design not unlike the existing dwelling at the front of the site. They would be low-rise and sited away from the public highway, and would also benefit from screening from trees and vegetation, where visual impacts on the locality would be minimal and acceptable. The design quality of the proposed dwellings are acceptable. It is considered that Class A permitted development rights be removed by condition to allow the local planning authority control over the future development of the site. There will be additional benefits from the redevelopment of the site and more green space.
- 4.3.17 The location of the site is such that occupants of the new dwellings would be heavily reliant on private car use to access essential shops and services, which formed reasons for refusals of previous applications 12/01035/1 and 10/02422/1, with the 2010 application dismissed at appeal. The same unsustainability issue is applicable with the three dwellings proposed here. A further material consideration is however that vehicle trips to and from the dwellings would be expected to be smaller than those of the kennels in full operation, which would experience journeys by customers, staff and deliveries (of potentially up to 60 vehicles per day as set out in the Commercial Traffic

Movements document). While the location is not sustainable with regards to access to shops, services and public transport, vehicle movements would be expected to decrease which would be a benefit. The above will be factored into assessing the adverse impacts and benefits of the development as part of the planning balance, with previous recent permission 21/00591/FP being given significant weight as that was also a three dwelling scheme on the same site.

#### Neighbour amenity

- 4.3.18 No dwellings are near the proposed development and application site, therefore given the relatively small-scale nature of the proposal, impacts on residential amenity are therefore acceptable.

#### Future living conditions

- 4.3.19 The proposed development is not considered harmful to the existing dwelling near the front of the site in the blue-edged area as it is single-storey, will not cause loss of privacy or overbearing impacts and loss of light, and will be a quieter land use than the existing business.
- 4.3.20 Turning to the proposed dwellings, their main habitable rooms and private gardens would be considered to be of an acceptable size and quality, and would receive adequate outlook and light. It is not considered reasonable to impose the noise assessment condition recommended by the Environmental Health Officer as previous recent similar application and permission 21/00591/FP did not include such a condition. Bin storage and collection are considered acceptable on the basis of the absence of objections from the Waste Officer and the highways officer.
- 4.3.21 Dwelling 2 would have two side windows facing towards Dwelling 3, however potential overlooking is not considered unreasonable or harmful in this part of the site due to the distances between the dwellings and views being obscured by parked cars. Dwellings 1 and 2 would have side windows facing each other, however it is considered that views from them could be obscured by requiring a 1.8m high fence on the proposed boundary between those dwellings. Future living conditions are considered acceptable.

#### Parking and highways

- 4.3.22 The dwellings would have two parking spaces each and their own cycle parking provision, which complies with minimum standards is acceptable. Visitor parking and internal manoeuvring proposed is sufficient. Details of cycle parking will be required by condition, with the curtilage of each proposed dwelling considered sufficiently able to accommodate such parking. The County Council highways officer has not objected, therefore impacts on the public highway are considered acceptable.

#### Trees, landscaping, and ecology

- 4.3.23 The balance and quality of hard and soft landscaping is considered acceptable, and further details will be required by condition. The proposal would involve the removal of 20 trees, which are largely younger and smaller. The trees that have been removed were not protected by Tree Preservation Orders or by being in a Conservation Area. The applicant was able to remove these trees without needing consent from the Council, while the trees were also consented to be removed by previous permission 21/00591/FP, therefore the loss of trees are considered acceptable.

- 4.3.24 Regarding impacts on ecology, the applicant submitted a Preliminary Ecological Appraisal. This appraisal did not find evidence of bats, and the buildings were found to be of negligible roosting potential. These findings were accepted by Herts Ecology, which are given significant weight. A Landscape and Ecological Management Plan is considered to be required by condition to compensate for the loss of some habitats in the site.
- 4.3.25 Since the previous permission 21/00591/FP was granted, the 2021 Environment Act has been passed. This has increased the weight given to the need for developments to demonstrate a measurable biodiversity net gain which is now an expectation of government though will not become mandatory till 2023. The Preliminary Ecological Appraisal by MKA ecology includes recommendations to incorporate native species and provide new native trees and hedgerows. These can be required by condition, which are considered to provide a sufficient biodiversity net gain. The proposal with regard to biodiversity, trees and landscaping is considered acceptable.

#### Climate change mitigation

- 4.3.26 The proposed development is not considered of a scale whereby any practical climate change measures can be secured via the grant of planning permission. An Electric Vehicle domestic charging point condition for each dwelling would however encourage the use of more sustainable transport if permission was to be granted. The applicant has also included an Energy Strategy Statement stating that the proposed development would have carbon generation 34.39% under present building regulations targets, which represents an appropriate contribution towards minimising future carbon emissions. It would also be a condition of any planning permission that the Energy Strategy Statement be adhered to.

#### **4.4 Balance and Conclusion**

- 4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is engaged. This requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 4.4.2 The adverse impacts are:
- New dwellings in an unsustainable location.
- 4.4.3 The benefits are:
- Three new dwellings and associated benefits.
  - Improvements to the openness of the Green Belt.
  - A substantial reduction in vehicle movements.
  -
- 4.4.4 It is considered that the adverse impacts from the development would be relatively minor, therefore they would not be considered to significantly and demonstrably outweigh the benefits as set out in paragraph 11 of the NPPF. The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.
- 4.4.5 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

#### **5.0 Recommendation**

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

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

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

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

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

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

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

4. Prior to occupation, each of the three proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

5. Prior to the first occupation hereby permitted the vehicular accesses indicated for improvement on drawing number 2022-02 PL003 (Proposed Site Plan), shall be widened to a minimum width of 4.20 metres and provided with kerb radii of 6 metres in accordance with the Hertfordshire County Council residential construction specification for the first 12 metres as measured back from the near channel edge of the adjacent carriageway. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the public highway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

6. No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a. Access arrangements to the site;

- b. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- c. Siting and details of wheel washing facilities;
- d. Cleaning of site entrances, site tracks and the adjacent public highway;
- e. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

7. Land Contamination Condition

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

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

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology

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

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

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

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

8. Prior to the commencement of the approved development, the following landscape

details shall be submitted:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained - including details of tree cutting
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed - hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings
- d) details of any earthworks proposed

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

9. 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.

10. The development shall be completed in accordance with the measures set out in the Energy Strategy Statement (dated January 2021).

Reason: To minimise carbon emissions in the interests of the environment and climate change.

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

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

12. The development shall be completed in accordance with the measures set out in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (dated January 2021).

Reason: To provide appropriate ecological protection and enhancements.

13. Prior to the commencement of the approved development, a Landscape and Ecological Management Plan shall be submitted to the Local Planning Authority demonstrating a biodiversity net gain within the site. The Plan if approved shall then be implemented prior to occupation of the development, and the approved measures shall remain unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of ecology.

14. Prior to the first commencement of the development hereby permitted a plan of cycle parking should be submitted in accordance with (Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020) and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage 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.