

<u>Location:</u>	<b>Country Boarding For Cats And Dogs Gannock Lane Slip End Baldock Hertfordshire SG7 6NL</b>
<u>Applicant:</u>	<b>Mr Jeremy Burrowes</b>
<u>Proposal:</u>	<b>Erection of six 3-bed bungalows with associated parking and landscaping following the demolition of the existing buildings. Conversion of reception building into one residential 3-bed dwelling with associated parking</b>
<u>Ref. No:</u>	<b>24/00103/FP</b>
<u>Officer:</u>	<b>Alex Howard</b>

**Date of expiry of statutory period:** 13<sup>th</sup> March 2024

**Extension of statutory period:** 19<sup>th</sup> September 2024

**Reason for Delay:** In order to present the application to an available committee meeting.

**Reason for Referral to Committee:** The site area is larger than 0.5 hectares and therefore the application needs to be presented to Planning Committee for determination, in accordance with the Council's constitution.

## 1.0 **Site History**

1.1 Extensive site history relating to the existing use of the site as an animal boarding business.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10 - Healthy Communities

Policy SP11: Natural Resources and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

Policy HS3: Housing mix

Policy T1: Assessment of Transport Matters

Policy T2: Parking  
Policy D1: Sustainable Design  
Policy D3: Protecting Living Conditions  
Policy NE1: Landscape  
Policy NE2: Green Infrastructure  
Policy NE4: Biodiversity and geological sites  
Policy NE12: Renewable and Low Carbon Energy Development

## 2.2 **National Planning Policy Framework (NPPF) (December 2023)**

Section 2: Achieving sustainable development  
Section 4: Decision making  
Section 5: Delivering a sufficient supply of homes  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places and beautiful places  
Section 14: Meeting the challenge of climate change, flooding, and coastal change  
Section 15: Conserving and enhancing the natural environment

## 2.3 **Vehicle Parking at New Development SPD**

### 3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – None received.

3.2 **Hertfordshire Highways** – Objects to the proposed development on the following grounds (summary):

- There are no footways or safe cycle routes that exist along Deadman's Hill, which has a speed limit of 60mph with no street lighting either. Furthermore, no footways exist along the southeastern side of the A505 where it fronts the site, and whilst there is a footway along the northwestern side of the A505, the TTN identifies that the footway has overgrown vegetation, and the pavement surface is not always visible, the HA would add given current design standards the existing footway width is substandard off a road (A505) with a speed limit of 70mph.
- There is no formal crossing facility that exists for pedestrians and cyclists along the A505 in the vicinity of the site including at the junction of the A505 with Deadman's Hill, therefore there is no scope for anyone from the development to be able to safely walk or cycle to the bus stop, which are a significant distance away from the site so not feasible.
- The access road approx. 150m long is proposed as a shared surface. Given the access road is excessively long, narrow, and unlit road, in the TTN referred to as Gannock Lane is circa 4m in width and is subject to a 60mph speed limit, for pedestrian safety reasons robust traffic calming measures will be required and demonstrated to ensure vehicle speeds are kept low (5mph) and appropriate lighting to improve visibility and pedestrian safety.

- The site and its access without the provision of safe and lit footway connectivity with established settlements and public transport are not considered acceptable for residential development in such an isolated location because it is not viable for access by non-car transport modes contrary to all policies and guidance's, in particular NPPF which seeks new development to provide safe and suitable access for all, and to create safe and secure layouts minimising conflicts between traffic and pedestrians.
- Overall, the Highway Authority under the current submission cannot support the proposals due to the application has failed to demonstrate a satisfactory policy and design-led approach to the accessibility of the proposed development contrary to Hertfordshire's Local Transport Plan (LTP4) policies 5 and 6 and also contrary to the principles of sustainable development contained in the NPPF

3.3 **Kelshall Parish Council** – None received.

3.4 **Environmental Health (Air Quality/Land Contamination/Noise)** – No objection subject to conditions covering land contamination, EV Charging points, and provision of an acoustic fence.

3.5 **North Herts Waste and Recycling** – None received.

3.6 **Hertfordshire Fire and Rescue Services** – *“We'd like to request a condition for the provision and installation of fire hydrants, at no cost to the county council, or Fire and Rescue Service. This is to ensure there are adequate water supplies available for use in the event of an emergency”.*

#### 4.0 **Planning Considerations**

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

4.1.1 The application site is an area of land currently associated with the Country Boarding for Cats and Dogs, located to the east of the A505 close by to the Sandon junction. The site currently consists of a number of single-storey buildings, including kennels and a reception building. The site benefits from an existing access/internal road off Deadman's Hill and is within close proximity to a sporadic cluster of buildings, including residential properties, to the north and west.

4.1.2 The site is located outside of any defined settlement boundary and is designated as within the Rural Area beyond the Green Belt in the Local Plan.

##### 4.2 **Proposal**

4.2.1 Full planning permission is sought for the erection of six 3-bed bungalows with associated parking and landscaping, following the demolition of the existing buildings. The scheme also proposed the conversion of the existing reception building into one 3-bed dwelling, which would be facilitated by an extension, with associated parking.

4.2.2 The development would be facilitated by the demolition of all existing buildings associated with the County Boarding for Cats and Dogs business, with the exception of the reception building which is a newer building by comparison and is therefore worthy of conversion instead.

The existing access of Deadmans Hill and the existing access road into the site are to be retained as is but will lead into a new turning head and further access road into the core of the development, with the scheme arranged in a rectangular courtyard with all dwellings facing inwards. All dwellings would benefit from 3 parking spaces, private amenity space, and bike/bin storage.

4.2.3 The application is supported by the following documents:

- Planning Statement
- Transport Technical Note
- Noise Assessment – Spectrum Rev 1
- Full existing and proposed plans and elevations

#### 4.3 **Key Issues**

4.3.1 The key issues for consideration are the

- The Principle of Development
- Design, Layout and Landscaping
- Living Conditions
- Highways, Access, and Parking
- Biodiversity and Ecology
- Waste and Recycling
- Climate Change/Sustainability
- Planning Balance

##### Principle of Development

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

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

4.3.4 Policy SP2 of the Local Plan sets out the settlement hierarchy and states that the vast majority of new housing development in the district will be located within the settlement boundaries of the districts main towns and larger villages (Category A and above). The site is not within any defined settlement boundary and as a result, is designated as within the Rural Area beyond the Green Belt.

This accepts that the site is in an isolated location away from the main settlements and associated services, which would see future occupiers be solely reliant on private vehicles for the majority of trips. That said, there are a cluster of sporadic dwellings on the area directly to the west of the site. As such, the proposed development for 7 dwellings fails to comply with Policy SP2 of the Local Plan

- 4.3.5 Policy CGB1 of the Local Plan sets out instances where general development is acceptable in the Rural Area beyond the Green Belt. This states:

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

- a) Is infilling development which does not extend the built core of a Category B village;*
- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.”*

- 4.3.6 The proposed development would not accord with any of the above exceptions.

- 4.3.7 Policy CGB4 of the Local Plan considers existing buildings in the Rural Area Beyond the Green Belt, stating that:

*“a) Planning permission for the re-use, replacement, or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:*

- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them”.*

- 4.3.8 This application is submitted on the basis that the applicant considers that the proposed development, which would see the erection of 6 dwellings following demolition of existing buildings associated with the current kennel business and the conversion and extension of the existing reception building into a single dwelling, would accord with the provisions set out in Policy CGB4 of the Local Plan and therefore be an appropriate development in principle in the Rural Area beyond the Green Belt. This will be considered in turn.

- 4.3.9 In respect of part b) of Policy CGB4, the supporting Planning Statement outlines that the existing reception building is to be converted and extended into a 3-bed dwelling. The existing building has a footprint of 86.7 sqm and the proposed extension has a footprint of 24.7 sqm, which equates to an overall footprint of 111.4sqm. In terms of volume, the extension would add 86m<sup>3</sup> to the existing volume of 331m<sup>3</sup>. The proposed extension would be a modest side element with a lower ridge line and matching eaves, utilising the same materials proposed on the rest of the converted building.

As such, it would not be a major extension to the existing building. The extent of works necessary to convert this building are not considered to be major either, seeing as the shell of the building will largely remain. This element of the proposal would comply with part b) of Policy CGB4.

- 4.3.10 In respect of part c) of Policy CGB4, the supporting Planning Statement has provided evidence regarding the footprint and volume of the existing buildings associated with the current County Boarding for Cats and Dogs business, and the footprint and volume of the proposed 6 dwellings. These are set out below:

Existing Buildings Footprint – 972.42 sqm.  
Existing Buildings Volume – 3106.65 m3

Proposed Buildings Footprint – 927.4 sqm  
Proposed Buildings Volume – 3291 m3

Therefore, the proposal would reduce the footprint of built form on the site by approx. 4.8% but would increase the volume of buildings by approx. 6%. Moreover, it is acknowledged that the existing buildings on site are stark, utilitarian in appearance, such that they have very little positive impact on the appearance and openness of the Rural Area beyond the Green Belt. The proposed development would provide higher quality and more suitable built form in this context, through the low-rise bungalow forms. Whilst there would be some changes to the siting of buildings, the proposed dwellings would be largely positioned on the areas currently occupied by the existing kennel buildings and associated storage buildings, which would consolidate the proposed development to the areas where existing development is located. It is accepted that the domestic appearance of the proposal would result in a degree of visual change from the current situation on site; however, the proposed dwellings would be of a higher quality build, low-rise, modest scale of development that would not result in a spatial loss of openness or diminish the visual qualities of the site.

- 4.3.11 Moreover, it is important to consider the degree of traffic and associated activity from the existing kennel business and the proposed residential development. As such, whilst the proposed development would generate a degree of traffic and activity from the residential use, the submitted Transport Assessment concludes that there would be a considerable net reduction in vehicle trips associated with the proposed use compared to the existing use, which is a view supported by the Highway Authority. In terms of associated activity, the proposed development would lead to parked cars and domestic paraphernalia associated with residential gardens (bins, bikes etc). That said, this would be contained to areas that are currently already developed and the proposed parking areas for each dwelling would be set further into the site than the existing parking area for the commercial business at the site, which would reduce the perceived impact on the Rural Area beyond the Green Belt compared to the existing kennel business.

- 4.3.12 Overall, whilst the proposed development would result in a modest 6% increase in volume compared to the existing buildings, there would be a reduction in footprint by 4.8%, the proposed buildings would be of higher quality and more suitable built form in this context compared to the existing utilitarian buildings, the scheme would respect the existing low rise form and density of built form on site, and the development would result in a considerable net reduction in vehicle trips associated with the proposed use compared to the existing use.

As such, it is considered that the proposed development would not result in a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original buildings, in accordance with part c) of Policy CGB4.

4.3.13 Part d) of Policy CGB4 is not relevant in this instance, as there are no outbuildings proposed.

4.3.14 Furthermore, it is also important to consider the existing built form and operation of the business on site in the context of Brownfield land/Previously Developed Land. The supporting Planning Statement makes the following point in respect of the existing business:

*“By way of background as to why the alternative use of the site is proposed, there has been a decrease in the number of kennels in recent years due to a number of factors including the pandemic and subsequent lockdowns and the increase in homeworking and UK based holidays. Pet home boarding and pet sitting have become popular alternatives to using a boarding kennels and these types of business are a growing source of competition for the kennels and cattery sector. Home boarding services for pets must be licensed to trade but pet sitters don't need a licence. The most recent industry data shows home boarding licences have increased by 22%.”*

4.3.15 Therefore, the applicant's case is that the existing operation and sustainability of the kennel business in this location is potentially at risk of closure in the future, which is the rationale behind considering other uses for the site.

4.3.16 The NPPF 2023 defines Brownfield Land/Previously Developed Land (PDL) as *“Previously developed land: 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”*. Therefore, it is considered that this site can be considered to fall within this definition. Section 11 of the NPPF attaches substantial weight to the development of Brownfield Land/PDL and the recent consultation of the NPPF, whilst not a formally adopted document at this stage, identifies the governments' goal to increase housing figures on such sites.

4.3.17 In conclusion, it is acknowledged that this site, which is not within a defined settlement boundary and is isolated from the nearest settlements generally, is not a sustainable location for new housing as future occupiers would be reliant on private motor vehicles for the majority of trips. The conflict with Policy SP2 in this respect weighs against the proposed development. However, the site is within the Rural Area beyond the Green Belt and has an existing business and buildings on it. The proposal would be in accordance with Local Plan Policy CGB4 which permits redevelopment proposals such as this. Furthermore, the site is classed as Brownfield Land/PDL where development of such sites is strongly supported in the NPPF and the government goal to build more homes.

Overall, it is considered that the principle of residential development on this site is acceptable taking all of the aforementioned matters into account.

#### Design, Layout and Landscaping

- 4.3.18 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.19 The site is currently used for the Country Boarding for Cats and Dogs business, consisting of several stark, utilitarian structures and large areas of hardstanding used in connection with the business on the site. All the buildings, aside from the reception building, are proposed to be demolished and are considered to have no historic or architectural interest such that their removal would not detract from the character and appearance of the site. This view is supported by Officers following a site visit, which did identify the poor visual quality and general forms of buildings at this site.
- 4.3.20 The proposed development has been designed to resemble the appearance of a small agricultural courtyard and, due to the site's location in the rural area, a lower density layout has been adopted to reflect this transition from the modestly built-up edge of Slip End to the open countryside beyond. The proposed dwellings would all be one-storey bungalows with a maximum ridge height of approximately 2.5m for the new dwellings, and 3.0m for the converted reception building. The proposed dwellings would be larger in height compared to the existing kennels. The proposed six new bungalows have been designed to reflect the form and style of the existing reception building, which is to be retained and converted into a dwelling, which is quite contemporary in appearance. The dwellings would be finished in timber cladding to the external walls, zinc roofs, and powder coated aluminium windows and doors. All dwellings would benefit from a private rear garden, bin and bike storage, and associated landscaping.
- 4.3.21 Overall, it is considered that the design and layout of the proposed scheme is acceptable. The low-density development would respond positively to the rural location which is appropriate in this context. The dwellings would be high quality buildings compared to the existing kennels and associated buildings which have no architectural merit. Whilst it is acknowledged that the dwellings would be taller than the existing kennel buildings, it is considered that this increase would not cause adverse harm to the wider area, given the visual improvements provided by this scheme and the associated landscaping which will be secured via condition. Furthermore, seeing as the six new dwellings have been designed to reflect the scale and roof form of the converted reception building, which is a contemporary, positive building in this context, it would not be intrusive or harmful to the wider character of the area. The submitted Planning Statement makes the point that the applicant would be amenable to deliver an array of solar panels on each dwelling, which is considered reasonable in this instance and as such, a condition will be recommended that requires the submission of a scheme to deliver sustainable built form in accordance with the aims of Policy D1 of the Local Plan, which could include solar panels.
- 4.3.22 As such, the proposal would accord with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF in terms of the design and layout of the scheme.



## Living Conditions

- 4.3.23 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.24 In terms of the layout of the proposed dwellings relative to the immediate neighbours, the site is neighbored by Chesara, to the north-east, Hanslor to the north, and The Bungalow to the west. Given that the built element of this proposal is largely in the same location as the existing kennel buildings and the dwellings are marginally taller, but single storey, it is considered that the proposed development will not result in any material harm to the reasonable living conditions and well-being of these neighbours, with respect to overdominance, overlooking and loss of daylight/sunlight.
- 4.3.25 Further to the above, another weighty material consideration in this respect is the existing relationship between the kennel business and the immediate neighbours to the north and west of the site. Officers have been made aware of a history of complaints from these neighbours over the associated noise emanating from the kennels from dogs barking. Following visits to the site, Officers can confirm that considerable noise does undoubtedly occur from the premises. It is also acknowledged that the shared boundary between the site and the neighbour to the north, Chesara, is formed by a tall acoustic fence likely erected due to these historic noise issues. Therefore, it is considered that the proposed residential development of this site would mitigate this historic and existing neighbour amenity issue, which would be a benefit to their reasonable living conditions and well-being.
- 4.3.26 In terms of potential future occupiers, all dwellings would exceed the nationally prescribed minimum space standards for 3-bed/6-person dwellings, they would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.
- 4.3.27 One of the consultation responses from Environmental Health relates to the potential impact from the noise associated with the nearby A505. Consequently, the applicants commissioned a noise assessment at the request of officers which proposes mitigation, such as enhanced glazing and acoustic trickle vents for some of the habitable rooms. These were considered acceptable and a condition requiring these mitigatory measures to be installed and maintained in perpetuity is recommended. The report also considered acoustic fencing around the boundary of the site to mitigate additional noise, concluding that this would give minimum benefit. However, the Council's EHO has considered that acoustic fencing should be erected to offer some further mitigation to noise. As such, mindful of the visual impact of these tall boundary treatments, it is considered reasonable to enforce a condition that the northern, western, and southern boundaries of the site, which are the rear boundaries of Plots 2 -7, are bounded by 2.4m high acoustic fencing with attenuation of 1-3dB and maintained in perpetuity, to protect the visual amenity of future occupiers. Whilst it is acknowledged that this height of fence could be considered stark and overbearing, the proposed landscaping scheme reserved by condition could also consider means of planting in front of these fences to soften their visual impact.

4.3.28 As such, subject to the above conditions concerning noise mitigation measures, the proposed development would not give rise to unacceptable harm to the amenities of neighbouring properties and future occupiers, in accordance with Policy D3 of the Local Plan.

#### Highways, Access, and Parking

4.3.29 A Transport Statement accompanied the application, which concludes that the proposed development is not expected to cause a perceptible negative impact to the safe and efficient functioning of the local highway. It goes on to state that it is expected that the proposed development would lead to a considerable net reduction in vehicle trips associated with the application site compared to the existing business use and would therefore likely have a positive impact on the safe and efficient functioning of the local highway network, including an increase in the overall level of sustainable travel on the local transport network.

4.3.30 The Highway Authority (HA) have formally responded to this application, objecting to the proposal on several grounds around pedestrian safety. The concerns relate primarily with the lack of any footways or cycle routes along Deadman's Hill, the southeastern side of the A505, and that the existing footway on the northwestern side of the A505 is substandard. There are also no streetlights on Deadman's Hill or any crossings across the A505 from the Sandon junction, which overall means there is no reasonable scope for anyone from the development to be able to safely walk or cycle to the bus stop, which are a significant distance away from the site so not feasible. As a result, the future occupiers of these proposed dwellings would be totally reliant on private vehicles for trips. The HA also considers that the access road which is 150m long should incorporate robust traffic calming measures which will be required and demonstrated to ensure vehicle speeds are kept low (5mph) and appropriate lighting to improve visibility and pedestrian safety. Overall, the Highway Authority are of the view that residential developments should be delivered in the most sustainable locations, where connectivity is maximised, the need to travel is minimised, and safe and direct walking and cycling routes are provided. Furthermore, permitting the development would set an undesirable precedent for similar schemes elsewhere. As such, the HA consider that the scheme conflicts with the core principles set out in their Local Transport Plan. However, the Highway Authority agree with the conclusion of the Transport Statement that the development is not likely to have any significant detrimental impact on the efficiency and operation of the local highway network.

4.3.31 The agents have considered this formal response from the Highway Authority and have responded as follows. They consider that the objectives of sustainability are to reduce congestion and emissions and improve air quality and public health and rely less on the use of fossil fuels, which the proposal achieves. The scheme also includes the provision of charging for electric car charging at each of the dwellings, will also improve the sustainability levels. The overarching view is that the proposed residential use is a more sustainable use of the land than the existing commercial/business use.

The agents acknowledge that the location of the site is not ideal in terms of access to alternative modes of transport, nor would it be the first choice of location for residential development, but there is no identifiable harm caused by the proposals in highway or transport sustainability terms. they state that The Highway Authority identify a clear requirement for “...positive impact on the safe and efficient functioning of the local highway network, including an increase in the overall level of sustainable travel...” Furthermore, they consider that there is no policy provision that would justify a moratorium on residential development of Brownfield/PDL land. Indeed, local, and national policies provide for it. The agents go on to consider that, specifically in relation to transport policy, the Local Plan Policy T1 states that planning permission will be granted provided that the following provisions are met, with comments on each point below:

a) *Development would not lead to highway safety problems or cause unacceptable impacts upon the highway network;* - no conflict with the proposals.

b) *Mechanisms to secure any necessary sustainable transport measures and / or improvements to the existing highway network are secured in accordance with Policy SP7;* - Notwithstanding that none have been identified as required or necessary for this minor scheme given the overall improvements to sustainability levels proposed, further improvements to sustainability are offered, such as the improvements to the existing footway adjoining the site, or a financial contribution to a scheme to improve footpath/cycle access to this location that would benefit the wider cluster of dwellings here.

c) *Suitable Transport Statements, Transport Assessments and / or Travel Plans along with supporting documents are provided where required;* - not required but a Transport Statement has been provided and its findings agreed with by Highway Authority.

d) *For major developments, applicants demonstrate service by and accessibility to pedestrian and cycle, public transport and road networks.* - This is not a major scheme. As such, this policy requirement does not apply. The Highway Authority seem to be applying these requirements to this minor scheme.

Lastly, the agents state that there is an acknowledgement in the NPPF of a lesser expectation of sustainability in rural areas that needs to be considered, set out in Paragraph 109, which states that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Fundamentally the proposal helps achieve the objectives of sustainability through reducing congestion and emissions and improving air quality and public health and reducing reliance on fossil fuels. The use proposed is more sustainable than the existing use of the land.

4.3.32 Overall, Officers have considered this matter at length following the formal objection from the Highway Authority. It is acknowledged that residential development should generally be located in the most sustainable locations, where connectivity is maximised for pedestrians, the need to travel by private car is minimised, and safe and direct walking and cycling routes are provided to nearby services and settlements, which is in accordance with principles of Policy SP2 of the Local Plan. Indeed, this is view outlined in the principle of development section of this report, where Officers accept that the site is in an isolated location outside of a settlement boundary and away from the main settlements and associated services, which would see future occupiers be solely reliant on private vehicles for the majority of trips in and out of the site.

However, as outlined above, this proposed development would result in less trips to and from the site compared to the existing commercial/business use, which makes it the more sustainable land use. The sites access, which is not proposed to be changed, delivers appropriate visibility splays onto Deadmans Hill and is generally an acceptable access for a development that will have less two-way trips compared to existing. The access road which is to remain as is, aside from the proposed turning head for larger vehicles, should be subject to traffic calming measures and additional street lighting, which can be secured via condition. In terms of the pedestrian suitability of this site, as considered in the earlier sections of this report, this site is Brownfield Land/PDL in the Rural Area beyond the Green Belt, and the proposal would be in accordance with Policy CGB4 of the Local Plan. CGB4 doesn't preclude residential development from the relevant provisions of the policy, accepting that these sites will be in rural, isolated locations where car reliance will be more than usual, which also accords with the provisions of Paragraph 109 of the NPPF. The provision of EV charging points on all plots is a benefit to the sustainability of this site. On balance, based on the above matters, it is considered that the number of dwellings proposed for this scheme is not so sizable that reliance on private vehicles is such a significant negative aspect that would justify a refusal in transport and highway terms, especially factoring in that this is Brownfield Land/PDL.

- 4.3.33 Moreover, the agents have suggested that further improvements to sustainability are offered, such as the improvements to the existing footway adjoining the site, or a financial contribution to a scheme to improve footpath/cycle access to this location that would benefit the wider cluster of dwellings here. Whilst this is a welcome offer, given the number of dwellings proposed is 7 and under the threshold for developer contributions, it is considered unreasonable in planning terms to request that the applicants enter into a Unilateral Undertaking to deliver these possible additional improvements to sustainability, as there is no adopted policy basis for doing so. If the applicant wishes to engage with other stakeholders on the feasibility and delivery of these additional measures then that is down to them, it just cannot be secured through the planning system.
- 4.3.34 As such, on balance, it is considered that the proposed development would have an acceptable impact on highway safety and whilst there would be little to no provision for pedestrian accessibility, the site is Brownfield Land/PDL in the rural area where car reliance is accepted to be more than usual.
- 4.3.35 In terms of parking, the proposal would provide 3 private parking spaces per dwelling, which exceeds the 2 spaces required under Policy T2 of the Local Plan and the Vehicle Parking at New Development SPD. This is considered acceptable and in light of this over provision, the lack of any visitor parking provision on site is mitigated.

#### Biodiversity and Ecology

- 4.3.36 This application was submitted on the 17<sup>th</sup> January 2024, which is prior to the 2<sup>nd</sup> April 2024 where BNG became mandatory for non-major development.
- 4.3.37 In any case, Policy NE4 of the Local Plan requires all development to deliver measurable gains in biodiversity. The Planning Statement states that existing landscaping will be retained and reinforced where possible, with a concentration around the boundary of the developable area.

The agents have stated that the scheme could be subject to a landscaping pre-commencement condition which would cover the requirements for measurable gains in biodiversity, with them possibly even striving for 10% BNG when they do not legally need to. This is considered a reasonable approach to achieve this requirement, in accordance with Policy NE4 of the Local Plan.

#### Waste and Recycling

- 4.3.38 The proposal would incorporate a bin collection point near the large vehicle turning area, which has been shown can accommodate a refuse vehicle. Residents would be expected to present their bins to on the morning of the collection day, is circa 45m and 40m walk from the furthest dwelling, but within 30m of 5 of the dwellings. The Waste and Recycling Team were consulted on this application but did not respond but in any case, this proposed arrangement is considered to be acceptable.

#### Climate Change/Sustainability

- 4.3.39 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.40 In terms of the economic objective, the proposed development would deliver considerable benefits through the creation of employment during the construction phase and the use of nearby services, as well as those further afield in Royston, Ashwell, and neighbouring villages, by future occupiers. These benefits would be moderate in context and would therefore attain moderate weight.
- 4.3.41 In terms of the social objective, the proposed development would deliver 7 dwellings towards the districts housing supply which could be deliver in a relative short period. Therefore, significant weight is attributed to the social benefits that would arise from a development of the scale proposed.
- 4.3.42 In terms of the environmental objective, the proposed development would deliver some benefits. The scheme would comprise built form and a general layout that is more appropriate and high quality compared to the existing utilitarian buildings on site. The scheme would provide an EV charging point per dwelling and all dwellings would have solar panels. In terms of reducing fossil fuels, the proposed development would result in less trips to and from the site compared to the existing commercial/business use, which makes it the more sustainable land use. These benefits are attributed some weight. However, given the isolated location of this site in the Rural Area beyond the Green Belt with little to no pedestrian connectivity, it is anticipated that future occupiers would need to travel to Royston and surrounding areas and be reliant on private vehicles. This is a negative aspect of the scheme as supported by the Highway Authority, to which significant weight is attached.

## Planning Balance

- 4.3.43 The site is not within any defined settlement boundary and as a result, is designated as within the Rural Area beyond the Green Belt. This accepts that the site is in an isolated location away from the main settlements and associated services, which would see future occupiers be reliant on private motor vehicles for the majority of trips.
- 4.3.44 However, in respect of Policy CGB4, the reception building to be extended and converted would not require major extensions or conversion. Moreover, whilst the proposed development would result in a modest 6% increase in volume compared to the existing buildings, there would be a reduction in footprint by 4.8%, the proposed buildings would be of higher quality and more suitable built form in this context compared to the existing utilitarian buildings, the scheme would respect the existing low rise form and density of built form on site, and the development would result in a considerable net reduction in vehicle trips associated with the proposed use compared to the existing use. As such, it is considered that the proposed development would not result in a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original buildings. The proposal is therefore in accordance with Policy CGB4 of the Local Plan, which doesn't preclude residential development from the relevant provisions of this policy, accepting that these sites will be in rural, isolated locations where car reliance will be increased. Furthermore, the site is classed as Brownfield Land/PDL where development of such sites is strongly supported in the NPPF and the government's goal to build more homes.
- 4.3.45 It is considered that the design and layout of the proposed scheme is acceptable, through its low-density nature that would respond positively to the site's rural location and the high-quality buildings compared to the existing kennels and associated buildings which have no architectural merit. The dwellings would be taller than the existing kennel buildings, but it is considered that this increase would not cause adverse harm to the wider area, given the visual improvements provided by this scheme and the associated landscaping and provision of solar panels on all plots, which will be secured via condition. The proposal will not result in any material harm to the reasonable living conditions and well-being of these neighbours, with respect to overdominance, overlooking and loss of daylight/sunlight. In fact, the residential use of this site would mitigate this historic and existing neighbour amenity issue insofar as it relates to the noises from the animals, which would be a benefit to their reasonable living conditions and well-being. The dwellings would meet space standards and have adequate standards of amenity, subject to conditions regarding the provision of noise mitigation measures on plots and acoustic fencing.
- 4.3.46 The objection from the Highway Authority has been considered fully in the planning balance and it is accepted that residential development should generally be located in the most sustainable locations, where connectivity is maximised for pedestrians, and that occupiers of these dwellings would be almost solely reliant on private vehicles. However, as the proposal would result in less trips to and from the site compared to the existing commercial/business use, which makes it the more sustainable land use, and the site is a Brownfield Site/PDL in the Rural Area beyond the Green Belt where the scheme is considered in accordance with Policy CGB4, which does not preclude residential development and inherently accepts that these sites will be in rural, isolated locations where car reliance will be more than usual, it is considered that the number of dwellings proposed for this scheme is not so sizable that reliance on private vehicles is such a significant negative aspect that would justify a refusal in transport and highway terms.

4.3.47 Measurable gains in biodiversity will be secured via condition under the landscaping scheme. The proposed waste collection arrangement is also considered acceptable.

4.3.48 As such, weighing the aforementioned matters in the planning balance, it is considered that the benefits associated with delivering 7 dwellings on this Brownfield/PDL site, including a more appropriate built form and sustainable build features, mitigating the historic and existing neighbour amenity issue in respect of noise, and other social and economic benefits, would outweigh the considered harms resulting from the occupiers of these 7 dwellings being solely reliant on private vehicles, as supported by the Highway Authority.

4.3.49 The application is therefore recommended to the Planning Committee for approval, subject to conditions.

#### 4.4 **Conclusion**

4.4.1 As above.

#### 4.5 **Alternative Options**

4.5.1 N/A

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

4.6.1 The applicant is in agreement to the proposed pre-commencement conditions.

#### 4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

#### 5.0 **Recommendation**

5.1.1 That planning permission resolved to 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. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a view to determining the presence of contamination likely to be harmful to human health, and the built and natural environment.
4. If the Local Planning Authority is of the opinion that the report which discharges condition 3, 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
5. 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 4, above; has been submitted to and approved by the Local Planning Authority.
6. 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 5 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.
6. Any contamination, other than that reported by virtue of condition 3 and 4, 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 in line with policy NE11 of the North Hertfordshire Local Plan 2011 to 2031.

7. Prior to occupation, each of the proposed new dwelling 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 in line with policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

8. The development hereby permitted shall incorporate the provision and installation of fire hydrants, at no cost to the county council, or Fire and Rescue Service.



Reason: to ensure there are adequate water supplies available for use in the event of an emergency.

9. No development hereby permitted shall commence until full details of the landscaping scheme for the areas surrounding the proposed development have been submitted to and approved in writing by the local planning authority. The details of the landscaping scheme shall include the following:
- a) what new and existing trees, shrubs, hedges, and grassed areas are to be retained/planted, together with the species proposed and the size and density of planting;
  - b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
  - c) details of any earthworks proposed.
  - d) a schedule of maintenance for the soft landscaping, including that any planting will be maintained for a period of at least 5 years from the date of planting. Any hard landscaping, including any means of enclosure within the approved scheme shall be completed prior to the first occupation of the proposed dwelling.

Reason: To ensure a suitable scheme is implemented on the site and in the interests of the finished appearance of the completed development in line with policies NE2 and D1 of the North Hertfordshire Local Plan 2011 to 2031.

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

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

11. No development shall take place until an Ecological Enhancement Strategy (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, hedgehog holes in fences and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content shall include the:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) details of initial aftercare and long-term maintenance.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with policy NE4.

12. A 2.4m tall acoustic fence with attenuation of 1-3dB shall be erected on the northern, western, and southern boundaries of the development hereby permitted. The acoustic fencing shall be maintained in perpetuity.

Reason: To ensure the standard of residential amenity for future occupiers is suitable, in accordance with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

13. The noise mitigation measures set out in Part 6 of the submitted Noise Impact Assessment by Spectrum (ref: AP1960/24079/Rev 1) shall be installed on all plots in accordance with the recommended details.

Reason: To ensure the standard of residential amenity for future occupiers is suitable, in accordance with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

14. Prior to the commencement of development, a scheme of traffic calming measures and additional street lighting on the access road to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and maintained in perpetuity.

Reason: To ensure that the access road is safe for future occupiers, in line with Policy T1 of the North Hertfordshire Local Plan 2011 to 2031.

15. Prior to commencement a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031.

**Proactive Statement:**

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