

ITEM NO:

Location: Heath Farm
Pottersheath Road
Pottersheath
Hertfordshire
AL6 9ST

Applicant: Mr Brendan Frost

Proposal: Outline Planning permission (all matters reserved except access, layout and scale) for one 4-bed detached dwelling following demolition of existing buildings (Class B2, B8), stable blocks and portakabins (as amplified by drawings 17030-SP received 20/11/2018 and PL01D and 01C received 23/11/2018).

Ref. No: 18/02194/OP

Officer: Tom Donovan

Date of expiry of statutory period

20th December 2018

Submitted Plan Nos.

01C; PL01D; 17030-SP

Reason for Delay

Negotiations with applicant.

Reason for Referral to Committee

Councillor Lisa Nash has 'called-in' the application in support of the objection from Codicote Parish Council.

1.0 **Site History**

1.1 18/00021/LDCE: Lawful Development Certificate: Units 1 and 2 - B2 and B8; Units 3 and 4 - B8 Storage; Siting and use of Portakabins - B8 Storage. **GRANTED 21/02/2018.**

2.0 **Planning Policy**

2.1 **North Hertfordshire District Local Plan No.2 with alterations**

Policy 2 - Green Belt
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes
Section 6 – Building a strong competitive economy
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 12 – Achieving well designed places
Section 13 - Protecting Green Belt land
Section 15 - Conserving and enhancing the natural environment

2.3 **North Hertfordshire Draft Local Plan 2011-2031**

This report considers and takes account of the Emerging Local Plan policies as modified by the Local Plan Examination Inspector. The Inspectors Schedule of Modifications for the Emerging Local Plan were published on 19th November 2018. The modifications are due to be considered by the Councils Cabinet on 10th December, which is after this report is finalised but which is prior to this Planning Control Committee. The policies of relevance in this instance are as follows:

Strategic Policies

SP1: Sustainable development in North Hertfordshire
SP2: Settlement Hierarchy
SP5: Countryside and Green Belt
SP6: Sustainable transport
SP8: Housing
SP9: Design and sustainability
SP10: Healthy communities
SP11: Natural resources and sustainability
SP12: Green infrastructure, biodiversity and landscape

Development Management Policies

CGB2: Exception sites in rural areas
T1: Assessment of transport matters
T2: Parking
D1: Sustainable design
D3: Protecting living conditions
D4: Air quality
NE1: Landscape
NE7: Reducing flood risk
NE8: Sustainable drainage systems
NE9: Water quality and environment

NE10: Water Framework Directive and wastewater infrastructure
NE11: Contaminated land

3.0 **Representations**

3.1 **Public Notice/ Local Residents**

Mr Sharp, Fair Acres
Objection to the erection of a new house in this location.

3.2 **Codicote Parish Council**

“OBJECTION: Inappropriate development in the Green Belt. Concerns regarding the existing footpaths being maintained.”

3.3 **Hertfordshire County Council Highways**

No objection (informative recommended regarding public of right).

3.4 **Herts Ecology**

No objection subject to recommended informative relating to bats.

3.5 **Environmental Protection**

No objection subject to two recommended conditions.

3.6 **Hertfordshire County Council Archaeology**

No comment.

3.7 **Hertfordshire County Council Rights of Way**

No objection subject to recommended condition.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is located in Pottersheath which is a rural area in the parish of Codicote near to the southern boundary of the District. The area is primarily residential with other rural-based business/activities elsewhere in the vicinity of the site. The site is in the Green Belt.

4.1.2 The application site is primarily used for a combination of B2/B8 purposes with an equestrian use also taking place on part of the site. Several single storey buildings and other similarly low-level structures are located on part of the site. The majority of the wider site is open paddock land.

4.1.3 The site is located at the end of an un-adopted road which I understand is under the ownership of the applicant. However, a public right of way exists across the site whilst presumably other residents have a right of way to reach their properties. Public Right of Way Footpath 30 runs down the access road and turns west to join with Footpath 34 that is located along but not within the northern boundary of the site, between the application site and 'Fair Acres'.

4.2 Proposal

- 4.2.1 Outline planning application for the erection of a single dwelling following demolition of existing buildings with all matters reserved except access, layout and scale. In this case the reserved matters are the appearance and landscaping.
- 4.2.2 The proposal is for a two storey, three bedroom dwelling on the site as a replacement for the existing single storey industrial buildings that are located towards the centre of the site and the stable buildings that are located near to the eastern boundary. The layout is indicated on the proposed plans whilst the scale is indicated by the proposed rear elevation in conjunction with the layout plans.
- 4.2.3 The proposal would utilise an existing private access road that connects Pottersheath Road to the application site. Public Right of Way Footpath 30 runs down the access road and turns west to join with Footpath 34 that is located along but not within the northern boundary, between the application site and 'Fair Acres'.

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:
- Whether the proposal would be inappropriate development in the Green Belt and whether any harm by reason of inappropriateness (if it is found to be so), and any other harm, would be clearly outweighed by other considerations.;
 - The effect on the character and appearance of the area;
 - The effect on the living conditions of neighbouring properties.
 - The effect on the safe operation of the highway.
 - The effect on the Public Right of Way.
 - The effect on the environmental and ecological value of the area.
 - The effect on the archaeological record.

4.3.2 Green Belt: Inappropriate development

Policy background

Paragraph 145 of the NPPF (the Framework) states that new buildings in the Green Belt are inappropriate development, with certain exceptions including the partial or complete redevelopment of Previously Developed Land (PDL) where the proposed development would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to openness where the proposal would help meet an identified affordable housing need. Policy 2 of the saved Local Plan states that development will be granted for proposals that are appropriate in Green Belt and which do not result in 'significant visual impact' whilst Emerging Policy SP5 largely defers to the provisions of the Framework.

4.3.3 *The Framework: PDL*

The definition of PDL in the Framework 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.*"

- 4.3.4 Permanent structures are present on the site moreover a Lawful Development Certificate has been established on the site confirming that the operations carried out from these buildings is lawful in planning terms. Thus it is my contention that the site is PDL.
- 4.3.5 *The Framework: Impact on openness*
In accordance with para.145 of the Framework, the partial or complete redevelopment of PDL is not inappropriate subject to the proposal not having a greater impact on the openness of the Green Belt than the existing development. The existing buildings have a combined footprint of 1001.9m² whilst the proposed dwelling would have a footprint of 355m² albeit split over two floors (so double in terms of the new floor-space). The proposal would therefore represent a significant reduction in footprint and therefore have a reduced impact on the openness of the Green Belt in this regard.
- 4.3.6 The building would be clearly higher than any of the existing buildings on the site (the highest of which is approximately 3.3m in height) and thus it is inevitable that the proposed dwelling would reduce openness in this regard. However, it should be noted that the building would be of 1.5 storey height (the plans show the height to be approximately 7.2m in height) and I do not consider that it would cause a significant reduction in openness.
- 4.3.7 The proposal would involve new landscaping (as a reserved matter) and likely result in an overall benefit to the visual amenity of the Green Belt when compared with the current use and appearance of the site. Moreover, the scheme would involve the removal of the existing commercial/stables buildings from the site which, together with the proposed landscaping, would represent a noted benefit of the scheme.
- 4.3.8 In my view, the proposal would result in a significant reduction in the amount of built form on the site and have a reduced impact on openness in this regard, although it would have a greater impact on openness in terms of its height and scale. Considered in the round however, I am satisfied that the proposal would not have a materially greater impact on the openness of the Green Belt and would thus not be inappropriate development.
- 4.3.9 *Saved Local Plan*
Policy 2 of the Saved Local Plan states that permission will be granted for proposals that are 'appropriate' in the Green Belt and if 'significant visual impact' would not result. In line with the conclusions made in paragraph 4.3.3 of this report, it is deemed that the proposal would not be inappropriate development and would thereby be appropriate. In line with my considerations regarding openness I do not consider that significant visual impact would result.

4.3.10 *Emerging Plan*

The Emerging Plan has yet to be adopted but the Examination in Public has been undertaken and the site is proposed to remain in the Green Belt. Policy SP5 is largely consistent with the aims of the Framework and therefore I consider that the proposal is not inappropriate development in accordance with the provisions of SP5 and the Framework.

4.3.11 *Green Belt: conclusions*

The proposed development would be compliant with Section 13 of the Framework, Saved Policy 2 and Emerging Policy SP5.

4.3.12 Design and appearance

The only matters subject to the Council's approval as part of this application are the layout and scale and as such precise details relating to the design and appearance of the building and hard and soft landscaping shall be part of the reserved matters. However, I am satisfied that the indicative elevation and the layout plans that have been submitted establish the acceptability of the scale and layout of the proposed development.

4.3.13 Impact on neighbouring properties

The proposed dwelling would be located some distance from the boundary with neighbouring residential properties. Accordingly, the dwelling would not cause any material harm to the living conditions of any of the neighbouring properties.

4.3.14 Access and effect on the safe operation of the highway

The proposal would utilise an existing vehicular access and no alterations are required in order to facilitate its use to serve the development. The Highways Authority is satisfied that the access would be safe and that the development would not cause any harm to the safe operation of the adjacent highway.

4.3.15 Car parking

A minimum of two car parking spaces would be required to serve a property of the size proposed. This requirement is easily met by the proposed development.

4.3.16 Right of way

Codicote Footpath 30 runs down the access road whilst Codicote Footpath 34 runs around the northern part of the site. However, the proposed development would not require either footpath to be diverted be it on temporary or permanent basis and therefore I am satisfied that the proposal would not cause conflict with either of the Public Right of Ways. A condition is recommended to ensure that the Public Right of Ways would not be negatively affected either during or post construction.

4.3.17 Environmental protection: Contaminated land

A Phase I Environmental Risk Assessment is deemed to be required as we are not able to rule out contamination associated with former uses of the site. Additionally,

4.3.18 Environmental protection: Air quality

The Environmental Protection Officer has recommended a condition requiring the installation of an electric vehicle charging point. In my view this condition is consistent with the requirements of the Framework and in particular paragraphs 105, 170 and 181.

4.3.19 Ecology

The buildings that are proposed to be demolished are not considered to have a high potential for their use as a bat roost. As such, it is thought unlikely that bats are present. An informative is considered satisfactory in this case in the event that bats are found.

4.3.20 Archaeology

The site does not lie in or is near an Area of Archaeological Significance. Accordingly, the proposed development is not considered to cause harm to the archaeological record.

4.4 **Conclusion**

4.4.1 The proposed development would not be inappropriate development in the Green Belt, moreover, the access, layout and scale of the development would be acceptable in general planning terms. Accordingly the proposal is compliant with the relevant national and local planning policies and as such my recommendation is that planning permission should be **GRANTED**.

4.5 **Alternative options**

4.5.1 Not applicable.

4.6 **Pre-commencement conditions**

4.5.1 All agreed.

5.0 **Recommendation**

5.1 Planning permission is **GRANTED** subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 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. Before the development hereby permitted is commenced, approval of the details of the design and external appearance of the development, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Part 3 of the Town and Country Planning (General Development Procedure) Order 2015.

4. (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 & 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.

5. Prior to occupation, the development shall incorporate one 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E 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.

7. --The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works.

--The safety of the public using the route and any other routes to be used by construction traffic should be of paramount concern during works, safe passage past the site should be maintained at all times.

--The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) to be made good by the applicant to the satisfaction of this Authority.

--All materials to be removed at the end of the construction and not left on the Highway or Highway verges (the footpath being a highway, this includes all of the access drive).

Reason: To ensure that the Public Right of Way remains unaffected as a result of the proposed development.

8. Prior to the first occupation of the new dwelling hereby permitted the existing buildings proposed to be demolished shall be permanently removed from the site.

Reason: To ensure that the existing buildings are removed from the site in a timely manner in the interests of the amenities of the area.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1) Public Right of Way:

The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_8

2) Construction hours:

Construction operations related to the development should occur only between the following hours: 0800-1800 Monday to Friday, 0800-1300 on Saturdays, no working on Sundays and Bank Holidays.

3) Bats

Bats and their roosts are protected at all times under National and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.