

**ITEM NO:**

Location:           **68 London Road  
Baldock  
Hertfordshire  
SG7 6JL**

Applicant:           **Mr Saunders**

Proposal:           **Outline application for the proposed residential development of 10 houses following demolition of existing property and workshop, accessed via existing driveway from London Road and extension to Knights Court of Weston Way, with all matters reserved except layout and access.**

Ref. No:               18/02586/OP

Officer:               **Richard Tiffin**

**Date of expiry of statutory period: 07.01.2019**

**Submitted Plan Nos**

16752 PL01B; 16752 PL02B; 16752 PL03D

**1.0 Policies****1.1 National Planning Policy Framework**

In general and with regard to:

Section 2 – Achieving sustainable development  
Section 5 – Delivering a sufficient supply of homes  
Section 8 - Promoting healthy communities  
Section 9 - Promoting sustainable transport  
Section 11 – Making effective use of land  
Section 12 – Achieving well designed places  
Section 15 - Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment.

**1.2 North Hertfordshire District Local Plan No.2 with Alterations (Saved 2007)**

Policy 8 – Development in Towns  
Policy 14 – Nature Conservation;  
Policy 26 - Housing Proposals;  
Policy 55 – Car Parking (SPD Car parking);  
Policy 57 – Residential Guidelines and Standards.

### 1.3 **Supplementary Planning Document.**

Design SPD  
Vehicle Parking at New Developments SPD

### 1.4 **North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Policies Map – Modification Report received**

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 T1 Assessment of Transport Matters  
Policy T2 Parking  
Policy HS3 Housing Mix  
Policy HS5 Accessible and adaptable housing  
Policy HE4 Supported, sheltered and older persons housing

Policy D1 Sustainable Design  
Policy D3 Protecting living conditions  
Policy D4 Air Quality  
Policy NEx Biodiversity and geological sites  
Policy NE4 Protecting open space  
Policy NEx New and improved open space  
Policy NE7 Reducing Flood Risk  
Policy NE8 Sustainable Drainage Systems  
Policy NE9 Water Quality and Environment  
Policy NE10 Water conservation and Wastewater Infrastructure  
Policy NE11 Contaminated land  
Policy NE12 Renewable and low carbon energy development  
Policy HE4 Archaeology

The site is part of a larger site allocated for housing in the Submission Plan as **BA7 Land Rear of Clare Crescent** which includes former allotments (not part of this application).

### 2.0 **Site History**

2.1 Pre-application advice was given in Dec 2017 (17/02793/1PRE) based on an indicative quantum of 10 dwellings (the same number as this application). The advice issued related only to the area of BA7 within the applicants ownership / control but not the former allotment land owned by this Council. The advice concluded as follows:

***“The NPPF is predicated on an imperative to deliver sustainable development – particularly housing. However, this imperative clearly favours sustainable development – development which is well designed, well connected, context sensitive and well executed.***

***The information submitted with this pre-application submission (a layout) is not sufficient to offer comprehensive planning advice and comment. However, judged in isolation of any adequate justification or explanation, the submitted scheme is, in my view, unsatisfactory and pays insufficient regard to the established urban context or the need to reinforce sense of place, including the reasonable living conditions of existing dwellings and the established verdant and spacious suburban setting.***

***In summary, a lower density scheme with a defining and coherent landscape framework reflective of the sites current character may be far more likely to satisfy the standard set by the NPPF, specifically paragraph 64. I might also suggest that compliance with paragraph 64 of the NPPF might more readily be achieved if the entire allocation is considered at the same time or, failing this, some clear and demonstrated consideration of how the entire allocation would be developed going forward.”***

Following subsequent discussion with the applicant further advice was given as follows:

***“In summary, while the suggestions above are only ideas, I am increasingly of the view that the capacity of the site is probably around 7 or 8 dwellings (your site) at the higher estimate if it is to be developed in a manner appropriate to the locality and with paragraph 64 of the NPPF in mind (i.e. taking the opportunity to improve the character of the area and the way it functions). My original estimate of 5 dwellings for your clients site may be an even more accurate assessment of capacity.”***

### 3.0 **Representations**

3.1 **Herts Highways** – Recommends that permission be refused for the following reasons:

3.2 **Anglian Water** – No objection subject to a waste water condition.

3.3 **Local Lead Flood Authority (LLFA)** – No objection subject to conditions.

3.4 **Herts Ecology** – While not objecting has expressed concerns over the loss of trees and suggested an offset compensation scheme. Summarised view as follows:

*“Consequently I suggest that appropriate compensation should be 40 fruit trees on the basis of a 2 to1 replacement as proposed. Furthermore, to achieve biodiversity gain from the development, a further ten trees would be appropriate, to provide a new orchard of 50 trees. Assuming an appropriate site could be found to accommodate this new planting, I suggest the cost of 50 trees, appropriate protection and support, along with the required labour and subsequent establishment costs, should be secured via a S106 agreement. If this offsetting proves difficult to deliver in practice (such as lack of suitable sites available), the costs should be made available to support another biodiversity enhancement project locally, as agreed with the LPA. Herts Ecology are currently investigating the likely costs of a new orchard and will inform the LPA accordingly when this information becomes available.*

*To conclude the recommendations of the ecological report should be adopted in full where possible. However, I consider that consistent with the NPPF, biodiversity offsetting should be used to compensate for the loss of the existing orchard and also contribute towards a net ecological gain from the development.”*

3.5 **Herts and Middlesex Wildlife Trust** – Has recommended conditions requiring a protected species licence to be secured before works commence.

3.6 **Herts Archaeology** – No objection subject to conditions.

3.7 **Environment Agency** – No objection subject to conditions.

3.8 **Herts Fire and Rescue** – Has requested a condition or agreement to secure suitable fire hydrant provision.

3.9 **Environmental Health** – No objection subject to conditions (contaminated land and air quality).

3.10 **Local Residents** – A number of objections and concerns have been registered from residents around the site (see website). These concerns and objections centre on the following summarised issues:

- Too close to existing boundaries / loss of privacy
- Not enough car parking / no visitor parking
- Significant loss of habitat / trees
- Adverse impact on wildlife
- Access arrangements not acceptable via London Road and Knights Court
- Only suitable for 5/6 dwellings
- Overdevelopment – not enough space for adequate landscaping
- Impact of construction activity
- Legal responsibility for the Knights Court access should be resolved before considering the application.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

4.1.1 The application site is currently occupied by a single bungalow and associated outbuildings. The application site comprises the entire curtilage of the bungalow which is largely verdant being planted with a variety of trees. The existing bungalow is hidden behind established development fronting Weston Way to the west and Ashton's Lane and London Road to the south and west. The site is bordered to the north by former allotments owned by this Council and the garden city style interwar development off Clare Crescent.

### 4.2 **Proposal**

4.2.1 The application seeks permission for 10 dwellings (8 detached and one pair of semis) following the demolition of the existing dwelling and workshop buildings. The proposal is outline with all matters reserved except for means of access and layout (although the layout would largely dictate appearance in my view). Access is shown from Knights Court (off of Weston Way) and via the established access to the existing property off of London Road. The latter is a narrow single track drive with no passing points running between 66 London Road and 28 Ashtons Lane. This would serve 3 of the new dwellings. Access from Knights Court is to highway standard and would serve the remaining 7 dwellings.

### 4.3 **Key Issues**

4.3.1 This key issues in this case will be discussed under the following headings:

- Principle of development
- Highways
- Design, Landscape and context
- Other matters
- Planning Balance
- Conclusions

#### **Principal of development**

4.3.2 The application site forms part of allocation **BA 7** in the emerging local plan, (ELP) a plan which is now subject to the Local Plan Inspector's modifications. Given that these modifications do not remove any allocated, sites significant weight can now be attributed to the housing allocation in the planning balance.

4.3.3 Despite the advanced stage of the **ELP**, applications must still be determined in accordance with the development plan (**DP** - saved policies 2007) unless material considerations indicate otherwise. These material considerations might include the Council's housing supply situation at the time of determination, the advanced stage of the ELP and the conformity of saved polices with National policy (NPPF).

4.3.4 The relevant DP policies in this case include those set out above at 1.2, notably **Policy 57 – Residential Guidelines and Standards**. This requires that residential development is carefully considered in relation to its context and is fully compliant with the NPPF insofar as they both seek to give emphasis to context driven place making (para 127):

***“Planning policies and decisions should ensure that developments:***

***a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;***

***b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;***

***c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);***

***d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;***

***e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and***

***f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”***

4.3.5 Accordingly, while the principle of development on this site is now decisively accepted, I would attach significant weight to any conflict with **Policy 57** and similar policies in the ELP (see 1.4 above **SP9, D1, D3, H3** and **T1**) in the planning balance.

4.3.6 The determination of this application will rest on balancing the clear benefits of delivering housing on an allocated site with any conflict with associated policies in the DP (i.e. Policy 57), the NPPF and related policies in the ELP.

## **Highways**

4.3.7 As a matter for consideration now, the Highway Authority has raised concerns, principally about the proposed access of London Road but also the level of information generally:

***“The Highway Authority provided detailed comments on a pre-application submission on this site in 2016. It doesn’t appear that any of the matters raised in our comments were addressed in this outline submission, namely the requirement for a submission of a Road Safety Audit, junction radii, swept path for a 12.1m long refuse vehicle, visibility from the access, etc. Given that this is an outline application with all matters reserved except access, these details are all necessary to make an informed decision.***

***Without this the Highway Authority raises an objection and recommends that the application is refused due to insufficient information provided. In terms of the use of the access from London Road, this does not meet the minimum required width of 4.8m or more to safely accommodate passing and turning vehicles plus pedestrians. This access should be closed up and redesigned into pedestrian/cyclist access only.”***

The London Road access would serve 3 new dwellings (a net increase of 2 over the existing situation). The access is narrow and there is no space available for passing or for pedestrians and vehicles to pass safely. In this regard I share the views of the Highway Authority that it represents a significant concern. The applicant has commissioned a safety audit in response to the expressed concerns. This audit acknowledges issues in relation to poor visibility at the London Road junction and the absence of any passing places in the driveway. These issues have not been addressed in the design at the time of writing this report and therefore represent conflict with Policy 57 of the DP, Policy T1 of the ELP and the NPPF insofar as it requires opportunities be taken to improve the way an area functions (para 130).

4.3.8 Some residents have raised concerns about the access via Knights Court and the issue of car parking. No objection in principle has been raised by the Highway Authority in relation to the use of this access. It is wide and enjoys a modern and well engineered access onto Weston Way. I note the concerns expressed about who will manage the resulting access in the future. However, this is not a matter which needs to be resolved in this application as it may well remain a private drive and still be unobjectionable in highway safety terms.

4.3.9 Turning now to the issue of car parking, layout is a matter for consideration at this stage and I consider it is appropriate to look at the proposed car parking provision against the relevant standards. In this regard the scheme shows a mixture of 4 and 5 bedroom dwellings. The Council's **SPD (Vehicle Parking at New Developments)** requires that 2 bed dwellings or greater require a minimum of 2 parking spaces each. A scheme of 10 units such as this would therefore need 20 spaces. Visitor parking where garages are specified for all dwellings should be provided at a standard of 0.75 spaces per dwelling (10 x 0.75 rounded to 8 spaces). In short the scheme should ideally show provision for 28 spaces 8 of which should be unallocated. The scheme shows 20 spaces (not including garages) and no unallocated visitor spaces. Some of this parking is tandem and would require additional manoeuvres on the highway. I consider this level and type of provision to be unsatisfactory and will likely lead to on street parking issues in Knights Court.

#### **Design, Landscape and context.**

4.3.10 The explanatory text to Policy 57 sets a clear expectation that residential development should pay particular attention to its context:

***“North Hertfordshire possesses a wide range of urban environments; many are “established” with important townscape elements such as trees, brick walls and open spaces... These environments should be reflected and improved in all new housing, large or small, and changes to existing buildings”***

These aims are wholly consistent with the NPPF (see 4.3.3 above). The applicant's Design Statement justifies the submitted layout design in this regard as follows:

***“The proposed layout is informal, partly due to the very irregular site shape and partly due to the location of trees which are to be retained. The pattern created is therefore free-flowing and organic, creating a unique sense of place for the development. Central ‘green’ spaces as highlighted in Figure XVIII form the heart of the development with shared access roads and driveways spurring off.”***

***“The development layout proposed in this application takes a soft informal layout, which positions dwellings around the stepped shape site making best use of the available land. The layout is heavily landscape biased with large areas of communal planting, good sized private gardens, and protective measures proposed to retain existing trees on site. This layout differs in style from the linear development patterns of Weston Way, London Road, Ashton's Lane & most of Clare Crescent, but this site is driven by its shape and boundary relationships.”***



4.3.11 While the Authority must assess carefully the claims that this scheme is appropriate in its context, it must also ensure that it represents an effective use of land (NPPF, paras 117 and 118). This is an exercise in balancing the density of development proposed against its impact on the character and grain of the established urban form. The ELP allocation for BA7 sets a indicative quantum of 20 units. This is a necessarily crude 'desk top' approximation and should not be viewed as in any way determinative of the 'appropriate' form of development. The appropriate form and density of a scheme can only properly be assessed by a careful understanding of local context and a considered appraisal of the development proposed. This exercise is carried out below.

4.3.12 The arrangement of buildings and spaces (layout) relative to that of surrounding established development is a key consideration in any assessment. In this case the applicant argues that the site is '**heavily landscaped**' with '**good sized**' private gardens. If these assertions are placed in the context of the surrounding urban fabric, I can not agree. The largest gardens in the proposed scheme (plots 4, 5 and 7) are around 180 sqm or so in area. The smallest garden barely 100 sqm. The average garden size in Ashton's Lane is around 350 - 400 sqm and London Road something similar. The Weston Way gardens south of Knights Court are in the region of 800 sqm and more. Clare Crescent around 350 – 400 sqm. In this regard then, the proposed arrangement is clearly at odds with its context and the new gardens could not credibly be called 'good sized', on the contrary they would be demonstrably 'small' in relative terms.

4.3.13 The character of the site is well established with a significant number of trees. This verdant feel is reinforced by the adjacent gardens which, as evidenced above, are mostly of a decent size with established planting. The response from Herts Ecology highlights this verdant character:

***"The loss of wider habitat is significant – according to the PEA, 61 trees and bushes from site, 75% of the existing resource. The ecological report identifies some of the trees to be lost as being part of a traditional orchard as identified on MAGIC, the Governments GIS. I agree with this definition, although I have map evidence to indicate the orchard is not especially old and is almost certainly post WWII. There are two distinct orchard areas within the development site; one to the south of the site and one to the west, that are dominated by fruit and nut bearing trees such as walnut, apple, pear ,cherry and plum, of which 20+ out of 23 are to be lost. Traditional orchards are a priority habitat, and form hotspots for biodiversity, supporting a wide range of wildlife. These trees are shown in the Arboriculture Report as being of a range of ages with the majority being semi to fully mature. Trees gain increasing importance as habitats with age, and the replacement of a mature tree with a young tree represents a biodiversity loss. Consequently whilst I support the ecologist's recommendation to replace trees on a two-for-one basis, achieving meaningful compensation within the soft landscaping is wholly unachievable given the size of the existing orchard and***

**limited open space to support any such landscaping within the proposed development.[my underlining]**

4.3.14 Given the significant loss of established flora on the site, the claim that the proposed scheme would be 'heavily landscaped' by way of compensation is also a questionable assertion in my view. In my opinion, the proposed scheme would leave little room for compensatory planting and, as a consequence, have a marked and adverse impact on the well established and verdant nature of the site and its immediate environs.

4.3.15 Looking beyond the density of development proposed for this site and its impact on the character of the area, I turn now to the layout as submitted and the form of development this necessarily dictates. The application proposes 10 units 8 of which are detached. All properties have garaging specified either integrally or as a freestanding or attached structure. In my view this is a typically modern urban estate approach and is untypical of the established garden city style character of the surrounding area, notably Clare Crescent. In my view the design would appear to be driven by a requirement to deliver a popular form of mass market dwelling with garaging rather than taking its cue from its surroundings and responding positively to local character. A more positive solution in my view would be based on a reduced number of units configured in a combination of terrace and semi detached units set in a more spacious and verdant setting. This approach would be more typical of the type of development evident in Clare Crescent and Weston Way and better utilise available space by reducing unnecessary gaps between buildings and by removing garaging in favour of rationalised surface parking. Garden sizes could be improved and communal landscaping maximised.

**Other matters**

4.3.16 The quantum of housing proposed falls beneath that which would require planning obligations (as set out in the Councils SPD).

**Planning Balance.**

4.3.17 This is an ELP housing site (**BA 7**) and part of a strategic allocation to deliver the Councils housing commitment within the ELP period (2031). This allocation has not been modified by the local plan inspector and therefore now carries significant weight as a policy objective going forward. Until adopted however, the allocation does not form part of the development plan but is nevertheless a material consideration to which significant weight must be attributed.

4.3.18 Notwithstanding the significance which must be given to the emerging allocation, all development must be assessed against relevant policies in the adopted development plan where these are consistent with the NPPF and, moreover, be further assessed against relevant policies in the ELP. As set out above, the relevant DP policy is principally **Policy 57** and policies **SP9, D1, D3, H3** and **T1** of the ELP.

4.3.19 In assessing the design of the scheme in terms of its layout, character and density, I find significant conflict with these policies insofar as the proposal does not adequately or meaningfully respect the established verdant character of the site and its immediate environs or the configuration and layout of adjacent development, notably that in Clare Crescent. Further, the proposal, while relatively modest in scale, proposes no dwellings with less than 4 bedrooms. **Policy H3** (and the NPPF as a matter of general principle) requires that a mix be provided based on a guideline of 60 % larger (3 bed plus) and 40% smaller (2 bed or less). Given the proposed mix I find conflict with this policy.

4.3.20 The Highway Authority has raised concerns about the safety and adequacy of the proposed access from London Road. Accordingly, I find conflict with **Policies 57** of the **DP Policy T1** of the ELP as well as the NPPF in this regard. Further, the Environment Agency has raised concerns about the lack of information pertaining to the pollution risks of development on controlled waters.

#### 4.4 **Conclusion.**

4.4.1 At the time of determination I am of the view that the Authority is unable to argue that it has a 5 year supply of housing land and this being the case the tilted balance set out in paragraph 11 of the NPPF is engaged. This requires any adverse impacts of approving a scheme to ***'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole.'***

4.4.2 This is a relatively small site in what might be regarded as a sustainable location and as such the proposed housing would yield tangible if modest benefits both ***socially*** and ***economically***. However, the design layout and proposed density of the scheme are at odds with the prevailing character of the area. This is ***environmental*** harm by reason of conflict with local and national policy which seeks to encourage development which is sympathetic to local character. Moreover, the mix of housing is unbalanced in favour of larger units. This is ***social*** harm by reason of conflict with local and national policy which seeks to promote a diverse housing stock. Further, the access off of London Road is substandard and likely to give rise to locally severe conflict on the highway.

4.4.3 In summary, it is considered that the harm identified above would significantly and demonstrably outweigh the modest benefits associated with the delivery of the proposed housing.

#### 5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. The proposed development would, by reason of its layout, character and density, be at odds with the prevailing verdant and suburban character of the surrounding area. This discord would amount to poor design, the proposal failing to take the opportunity to improve the character of the area and the way it functions contrary to Saved Policy 57 of the Local Plan, policies SP9, D1, D3, H3 of the emerging plan and the NPPF as it relates to achieving well-designed places.

### **Proactive Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.