

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item	Page
<p>1. APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.</p>	
<p>2. MINUTES - 13 OCTOBER 2022 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 13 October 2022</p>	<p>(Pages 5 - 18)</p>
<p>3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p>4. CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.</p>	
<p>5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.</p>	
<p>6. 21/03380/FP LAND TO THE NORTH AND EAST OF GREAT WYMONDLEY, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Proposed solar farm measuring 88 hectares with associated battery storage containers, transformers stations, storage buildings, fencing etc including means of access (amended plans received 30.05.2022).</p>	<p>(Pages 19 - 84)</p>

7. **22/00982/FP GREENVELDT KENNELS , LUTON ROAD, KIMPTON,
HERTFORDSHIRE, SG4 8HB** (Pages
85 - 102)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of 3 x 4-bed detached single storey dwellings following the
demolition of the existing kennel buildings including alterations to the existing
access and addition of 6 parking spaces.
8. **22/01920/FPH 14 OAKFIELDS AVENUE, KNEBWORTH,
HERTFORDSHIRE, SG3 6NP** (Pages
103 -
110)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Single storey rear and side extensions. Erection of attached double garage to
the front of existing dwelling.
9. **22/01921/FPH 14 OAKFIELDS AVENUE, KNEBWORTH,
HERTFORDSHIRE, SG3 6NP** (Pages
111 -
118)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Single storey front/side infill extension
10. **PLANNING APPEALS**
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY
ON THURSDAY, 13TH OCTOBER, 2022 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Val Bryant (Chair), Councillor Tom Tyson (Vice-Chair), Daniel Allen, Ian Moody, Morgan Derbyshire, Tony Hunter and Phil Weeder*

In Attendance:

Abigail Hamilton (Committee, Member and Scrutiny Officer), Louis Mutter (Committee, Member and Scrutiny Officer), Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Anne McDonald (Principal Planning Officer) and Thomas Howe (Planning Officer)

Also Present:

At the commencement of the meeting approximately 8 members of the public, including registered speakers. Councillor Elizabeth Dennis-Harburg was also in attendance

11 APOLOGIES FOR ABSENCE

Audio recording – 0:12

Apologies for absence were received by Councillors Simon Bloxham, Alistair Willoughby, Sean Nolan, David Levett, and Terry Tyler.

Having given due notice Councillor Michael Muir substituted for Councillor Simon Bloxham, Councillor Nigel Mason substituted for Councillor Sean Nolan, and Councillor Amy Allen substituted for Councillor Alistair Willoughby.

12 MINUTES - 15 SEPTEMBER 2022

Audio recording – 0:53

Councillor Val Bryan, as Chair, proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 15 September 2022 be approved as a true record of the proceedings and be signed by the Chair.

13 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1:39

There was no other business notified.

14 CHAIR'S ANNOUNCEMENTS

Audio recording – 1:43

- (1) The Chair welcomed those present at the meeting
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest need to be declared immediately prior to the item in question.
- (4) The Chair gave advice to the registered speakers on the speaking procedure and time limits
- (5) The Chair advised that there would be a comfort break if required

15 PUBLIC PARTICIPATION

Audio recording – 2:58

The Chair confirmed that the registered speakers were in attendance:

- Councillor Gerald Morris
- Reed Parish Councillor Ken Langley
- Mark Whitby
- David Lazenby
- Kate Sargent
- Claire Graham
- Councillor Lisa Nash

Councillor Sam North was not present

16 22/00910/FP Land Between Bush Wood And Rokey Wood, High Street, Reed, Hertfordshire

Audio recording – 3:40

Anne McDonald presented the report and gave a verbal presentation, which included:

- There are three updates on this item. Councillor Hill has written in support of the objections set out by Councillor Morris in the report.
- Following the publication of the report Councillor Morris submitted some additional queries regarding the possible 20 cubic metres obstruction of water. These were put to the agent and a response received which has been emailed round. This response also provided drainage plans which are displayed in the presentation. Also there is an update to paragraph 4.3.6 in the last sentence to read that water would be pumped through mobile irrigation equipment to use on the surrounding agricultural land.
- The third update is that Councillor Tyson submitted 6 queries following the publication. A response was received and was emailed round earlier today
- Another update is that the description of development has been amended. The published report states retention of 5500 cubic metres of soils for an engineering operation to create an agricultural reservoir. This has been changed to retention of

- 11936 cubic metres of soil to create an agricultural reservoir with the capacity of 5500 cubic metres. The agent has confirmed agreement of that amended description.
- This is a full application seeking the retention of soil that has been previously imported on the site and for the soil to be regraded and for an agricultural reservoir to be created
 - The reservoir is to be filled primarily by rain water and surface runoff and this will be used to water existing crops.
 - The location of the reservoir is in an area of open countryside between Bush Wood and Rokey Wood.
 - The slides displayed showed a levels plan of the previously imported material which forms a rough U shape. As set out in the planning history, the previous importation of soil. Due to the reservoir not being able to be filled the works were no longer considered to be a viable project.
 - The banks must be a maximum of 45 metres high and the reservoir is to hold 5500 cubic metres. The remaining soil is to graduate down to the farm along the south side. The side of the banks are to be planted with wildflower mix and a landscaping condition for any additional tree planting and/or fencing is recommended.
 - There is concern locally about how viable it is for the reservoir to be filled and will this harm water levels remaining in the catchment area and will this harm water levels in local ponds and streams. The environment agency raised no objection to the application. The slides displayed shows the drainage routes set out in the farm and is forming a network. the supporting information sets out that the rain water collected from the roofs of the farm and farm yard are to primarily fill the reservoir, along with runoff from fields which would be collected through these drainage ditches.
 - In regard to extraction, the reply from the agent is that if extraction is necessary to fill the reservoir, this would not and cannot exceed more than 20 cubic metres per day. Therefore it is not proposed to apply for an environment agency licence.
 - The mobile drainage system will monitor the amount of water that is extracted
 - There is no planning objection to the proposed reservoir as it is development to support agriculture which is in accordance with national and local planning policies.
 - The resulting works are not considered to be harmful to locality. It is noted that there is concerned with regards to the water levels in the area however the application does not propose to extract and in the event extraction is necessary, it will be below the threshold where a licence is required and the environment agency have raised no objection
 - The application is therefore recommended for conditional permission.

The following Members asked questions:

- Councillor Tom Tyson
- Councillor Michael Muir

In response Anne McDonald advised:

- No the photos don't represent what it will look like when it's done. In the photos the banks aren't high enough and they are too close to the footpath. It is described in more details in the report. The banks will be a maximum of 45 metres high. The high point will be around 16-20 metres in from the farm track.
- The footpaths aren't affected as they are outside the red line within the plans. They may be affected in the future but short term they won't be. The public will be able to see a grassy hill.
- The amount of soil on the land is 11936 cubic metres. They have assessed imported material there is on the land and that is the amount they say there is. This is sufficient

to regrade for the purpose of this application and no additional material needs to be brought onto the site. In terms of the checks, I am unsure of the answer.

The Chair invited Reed Parish Councillor Ken Langley to speak against the application.

Ken Langley thanked the Chair for the opportunity to address the Committee and gave presentation, including:

- I am the Chair of the Reed Parish Council and I am authorised to speak on behalf of Reed and Barkway Parish Councils.
- The application proposes to build a reservoir and fill it by various means including catchment from the roof of a grain barn. This barn is half a mile away from the site.
- An extensive network of pipes and pumps will be needed and these are not described. We await the drainage plan, so today the application is not presenting you with a complete picture of the impact of this project on the environment
- We are also concerned of the negative effect of supplying the reservoir with the 20 cubic metres of daily water extraction allowed without a license.
- We worry this will affect natural water courses between Reed and Barkway.
- Our main objection is that we are not sure how much inert material has been deposited. The application asked for 5500 cubic metres but prompted by your case officer the applicant agent has told us that 11900 cubic metres are needed and that all this material is already on site.
- It is not disclosed that we believe there is a much greater volume of material that is on site. This material was imported in connection with an abandoned proposal to build a much larger reservoir covering the entire site. For this the applicant sought approval to bring 45000 cubic metres of material. As a result truckloads of material were delivered regularly between autumn 2018 and autumn 2020.
- The applicant's failure to acknowledge the greater amount of imported material is a material emission. We refer you to the existing site plan supplied by the applicant surveyor. This maps out where the site is higher than the lands natural elevation of 150 metres. Local observation reveals any flat areas remaining have all been raised by at least half a metre. We estimate that this alone involves at least 6000 cubic metres of added material. There is a mound that occupies around 2/3 of the 4.5-hectare site and on average this embankment alone consists of at least 20000 cubic metres of imported material.
- The applicant has failed to demonstrate that the large amount of material brought to the site is needed to create this reservoir. You cannot be assured that the proposed landscaping will absorb the surplus material. The area not occupied by the reservoir cannot be levelled while retaining thousands of tons of surplus of imported material.
- All surplus material should be removed and fulfils planning policies aim of protecting the natural environment.
- We believe you should not approve the retention of 30000 cubic metres of material imported without knowing what will happen to it as only 1/3 will be used for the reservoir and the rest should be removed.
- If you do approve this we ask you to impose a condition that the excess volume should be removed.

The following Members asked points of clarification:

- Councillor Daniel Allen

In response to points of clarification, Ken Langley advised:

- Local observation is people that were familiar with the site before it was defaced over the period of 2 years. The calculation of the material in the mound we rely on figures from surveyors
- We don't have anyone to do this but we do a simple calculation based on the information on the report. We are informed by this planning authority supplied a certificate of lawfulness to authorise the applicant to import

The Chair invited Councillor Gerald Morris to speak against the application as a Member Advocate.

Councillor Morris thanked the Chair for the opportunity to address the Committee and gave presentation, including:

- There was a previous reservoir application. Reed and Barkway Parish Councils and many others realised that this was primarily a material transfer commercial enterprise and not the construction of a reservoir
- In 2019 on two occasions I met the owner of the company who carried out the work and he confirmed it was a material transfer activity
- The original reservoir was never built and this one, if built, can never be usefully filled by rainwater alone without the applicant applying for a water extraction licence. Without this the landowner can only legally extract water at 20 cubic metres per day. If it rains for every day it would take 275 days to fill, assuming no evaporation or irrigation occurs.
- Licence water extraction here would be at the expense of water flowing east to the local village ponds and streams. The environment agency have already pointed out including the applicant, that the extraction licence is unlikely to be granted and hasn't been requested by the applicant.
- The environment agency says they are waiting for servers to respond to the concerns about whether the reservoir can actually be filled before exploring the possibility of any enforcement action in relation to the lawful development certificate
- The environment agency and our Council want what now looks like a Martian landscape problem resolved. The applicant can either remove toe thousands of square metres of dumped material or try and construct a reservoir that the environment agency can confirm can be filled naturally with rainwater without an extraction licence. The environment agency says this is unlikely as it is a sensitive location at the peak of a chalk aquifer.
- The applicant says the reservoir will be filled from local ditches, the environment agency says "these local ditches are likely to have minimal flows outside rainfall events and could be dry for long periods. The reservoir location is in an area where the issue of a licence is heavily restricted. The local extraction policy and limited flows is not likely to offer a reliable source of licensable water"
- We now have information as to how the water will come from the roof of the buildings with mobile pumps.
- While the officer states the environment agency has no concerns, the one line in the report doesn't do justice to the environment agency's letters I have handed the committee
- The applicant must include far more detail and a time scale for the landscaping that will be carried out with the remaining surplus site material. the applicant also must confirm that the structure will not be filled with anything other than natural water
- The applicant says they will not import any more material however there is no clay on site which the applicant says it will use to line the reservoir. Nor is there any top soil to landscape.

- Have Hertfordshire County Council ecology been consulted? There is a public right of way, have Hertfordshire County Council rights of way been consulted? Have British Horse Society been consulted?

The Chair invited Anne McDonald to respond:

- We have been back to the agent when the questions were raised during the consultation phase. Set out in the report are their answers to all these. I have to take as fact all the information provided by the applicant
- The consultation is set out within the report. The British Horse Society wasn't consulted as plans would not impact any riding paths. Hertfordshire ecology were consulted on the 5th April 2022 but we have not had a response.

The following Members asked questions:

- Councillor Michael Muir
- Councillor Tony Hunter

In response, Anne McDonald advised:

- Both the agent and applicant were both unable to attend this meeting
- When the report was written, the drainage details were lacking. They have since come in to say there is an existing drainage system in the farm, they already have the equipment and the agent didn't think they would need to build anything specific. Condition 5 Part B talks about any equipment or machinery that will be used in association with filling the reservoir and how it needs to be used.

Simon Ellis also responded:

- Condition 8 on page 26 of the report states that no additional materials are to be brought onto the site and only the material on the site already can be used. If you grant planning permission, we would have the authority to import other materials. Condition 7 also supports this.
- There could be another condition added to say that upon completion of the reservoir, any additional material can be used or there can be a removal scheme. These can be submitted and agreed by the local planning authority. We can have control of when they do it and make sure they do it
- The condition is going to require the applicant to submit a scheme about what they would do with any excess material, which we would then have to approve

Councillor Tony Hunter proposed and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That the application 22/00910/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager and the following additional condition:

“Condition 10

Prior to the completion of the development hereby permitted and prior to the first use of the development as a reservoir, or within 12 months of the date of this decision notice, whichever is the sooner, full details of a disposal/reprofiling plan of any excess imported material not required in connection with the development shall be submitted to and thereafter approved in

writing by the Local Planning Authority. Such details shall include a timetable of implementation for the proposed works. Such works shall thereafter be carried out in complete accordance with the approved details or particulars and in accordance with the agreed timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any excess material imported onto the site is removed or dispersed appropriately following the completion of the development, in the interest of visual amenity.”

17 22/01657/FP The Rose Gardens, Cambridge Road, Hitchin, Hertfordshire, SG4 0JX

Audio recording – 40:36

Anne McDonald presented the report and gave a verbal presentation, which included:

- There is one update which is the addition of condition 4 which states that prior to the erection of the canopy, the marquee is to be dismantled and removed from the site.
- This is a full application for a small section of canopy roofs just alongside the main pathway from the car park to the main building which is already covered by a canopy.
- The marquee is an unauthorised structure and will go, the proposed canopy will be open and is the same height as the existing canopy.
- The application has been called in the committee for determination by Councillor Dennis-Harburg and the applications recommended for conditional permission

There were no questions from Members.

The Chair invited Mark Whitby to speak against the application.

Mark Whitby thanked the Chair for the opportunity to address the Committee and gave presentation, including:

- I represent a group of 5 neighbours who live immediately opposite the garden centre
- We have watched a slow intensification of the use of the garden centre and have had good relationships with the planners and seen that two applications have gone to appeal and been refused.
- With the new owners we have seen further intensification of the use of the garden centre.
- This is the fourth of five applications which have been made since March 2021.
- The first two were made during lockdown and we were not informed for the works and was passed by delegated powers despite the fact they created a 65% increase in covered areas on the site
- These areas which were formerly used for the display of plants and pots were now dedicated to things such as hot tubs and teddy bears.
- There are plant pots and bagged materials now occupy car parking space. The result of this is the car park spilling out onto the adjacent field.
- We want the owners of the site to come forward with a master plan rather than a series of small applications
- The impact of this growth and use of the site is significant on the site. We have increased traffic as a result and we have problems exiting our driveways due to the road layout.
- This is a green belt site.
- The marquee was put on the site demonstrates inappropriate use of the previous areas they were using for the display of plants and our argument is that they don't need this extension and they can use the existing areas.

There were no points of clarification.

The Chair invited David Lazenby to speak for the application.

David Lazenby thanked the Chair for the opportunity to address the Committee and gave presentation, including:

- I am the applicant and I work at the garden centre company that owns Hitchin garden centre. I've worked and known the garden centre for about 7/8 years.
- This is a minor addition to the garden centre but will make a significant improvement to the garden centre
- The reason for the application is plant protection. In the cold months you need frost protection and in the summer, you need protection from the sun
- These structures are common and acceptable in garden centres
- The items in the car park are generally to help them so they don't have to carry large bags of compost. This is for the customer benefit but we can look into this if the residents are concerned by this but it doesn't form part of this application.
- If you look at the marquee and the intended use of the canopy we are selling plants and we have no intention of putting anything else underneath
- There have been 4 applications to date. This fourth one is because the third got refused and it was for a bigger scheme of canopies in the plant area that went throughout the external plant area.
- There has been no applications on the green belt sites so there should be no impact to those
- We have always sold things like hot tubs and teddy bears, gifts, complimentary goods. We have a big emphasis on plants and Christmas
- We do have other things such as a nursery on site and caravan storage, and the overflow car park has been used for many years and there hasn't been an issue

The following Members asked questions:

- Councillor Amy Allen
- Councillor Michael Muir
- Councillor Tony Hunter

In response, David Lazenby advised:

- The canopy will go where the marquee is currently. It won't be as big and will about half the size.

Anne McDonald also advised:

- The condition we are adding on asks for the marquee to be taken down. If there was another marquee put up they can put it up for 28 days until they need planning permission so we can't really add a further condition to this
- There is an open enforcement case regarding the open area car park but it is in the early stages so I can't comment on it

Councillor Daniel Allen proposed and Councillor Michael Muir seconded and, following a vote, it was:

RESOLVED: That the application 22/01657/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager

18 22/01448/FP Land At Turnpike Lane And Adjacent To 4 Manor Close, Turnpike Lane, Ickleford, Hertfordshire

Audio recording – 1:06:25

Anne McDonald presented the report and gave a verbal presentation, which included:

- This is a full application for five detached houses
- Members will remember a five house scheme was approved as an appeal and then amended to allow brief accommodation under a section 70 approval. This appraisal follows the layout of these permissions
- The houses open space and visitor parking are all in the same locations
- The houses in plots 1-4 have the same ridge height as approved under the section 70 approval and the house in plot 5 is lower
- The side flank of the plot 5 is the same distance away from the neighbour as the scheme.
- These houses have got larger footprints and are of a contemporary design
- In numbers terms, the proposal represents an increase in the size of the footprints in comparison to the section 70 permission of 61% across all 5 plots. As most houses have increased in footprints. However there is no material change
- They have good sized gardens and excess the minimum standards and have ample parking in excess of the parking SPD are all proposed
- The increase in the footprint does not represent any harm or reason to refuse the scheme
- The design of the houses is more contemporary than the approved schemes with large sections of glazing. There is no objection to this
- The houses are set in from the road and the existing trees with screen these giving the development an attractive setting
- It is recommended for conditional permission

There were no questions from Members.

The Chair invited Kate Sargent to speak against the application.

Kate Sargent thanked the Chair for the opportunity to address the Committee and gave presentation, including:

- I am representing residents of Manor Close and Lodge Court.
- There are many planning concerns associated with this development that have been repeatedly raised by a large number of local residents
- There are concerns related to the additional traffic and pedestrian risk that it would generate
- There are concerns of the ecological devastation of an area that is home to a wide variety of species.
- There are concerns of its proximity to a conservation in the heritage area
- There are concerns of the detrimental impact it will have on the parking in Lodge Court
- This development remains outside of the Emerging Local Plan which has yet to be approved
- There are concerns of the additional pressure on the villages sewerage system

- There are concerns of the loss of privacy and light that the residents of Manor Close will be forced to accept
- We will be raising the repeated failure of the District Council to appropriately recognise or address these concerns
- An earlier iteration of this was approved on appeal by the planning inspector when it consisted of two 2 bed properties, two 3 bed properties and one 4 bed property. It was approved for the reason that it was believed to meet a local need for housing that constituted the special circumstances for building on the green belt. This is despite the development not being proposed in the Emerging Local Plan which only recommends a redesignation of the land to white land which is land without any specific proposal for allocation in a development plan where it is intended that existing uses shall remain undisturbed and unaltered
- This development proposal now consists of three 5 bed and two 4 bed houses.
- The results of the 2021 Ickleford housing needs assessment state that the most significant finding is the need for affordable home ownership.
- Started prices for 4 bed detached houses in Hitchin are now £700,000 and prices for 4-5 bed houses in the local area stretch well over £1M. These are not affordable
- The same assessment demonstrates that an appropriate response to the need would be to prioritise the supply of smaller to mid-sized dwelling of 1, 2 and 3 bed houses.
- This has given rise to policy SD2 in the emerging Ickleford neighbourhood plan that states that on all developments of 3 or more bed dwelling including the allocating sites in the Emerging Local Plans, the sizes of dwellings should be mixed with at least 34% of smaller less expensive homes from 1-2 bedrooms to allow younger or older people to access appropriate housing. At least 50% should be 3-bedroom dwelling unless there is local up to date evidence that local dwellings are needed

There were no points of clarification from Members.

The Chair invited Ann McDonald to respond:

- The Ickleford local plan isn't a made plan and therefore holds no weight in decision making tonight
- The section 73 was used in comparison of floor space and where additional bedrooms were already allowed.

The following Members took part in the debate:

- Councillor Nigel Mason
- Councillor Michael Muir
- Councillor Tony Hunter
- Councillor Tom Tyson

Points raised in the debate included:

- In terms of need there is probably a greater need for 3 bed houses rather than 5 bed houses.
- The argument of it being on the green belt has been taken away as we can see by the appeal decision, so we don't have any grounds to refuse this on planning grounds
- Even if we refused this based on the need for smaller housing it would go to appeal
- The section 73 application of upsizing was approved by us

In response Anne McDonald advised:

- The appeal was granted and following the appeal there was a second application where consent was granted to allow accommodation in the roofs and that is when the houses were upsized. The site has been sold and they have now come in with their own design. There is no policy reason to not allow additional bedrooms. The houses are larger but the numbers of bedrooms on the site isn't significantly increasing.

Some Members expressed that if a Councillor calls in an item they should attend to give their reasoning. If they cannot attend then it should be taken off the agenda.

Councillor Tony Hunter proposed and Councillor Michael Muir seconded and, following a vote, it was:

RESOLVED: That the application 22/01448/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager

19 22/01173/FP 131 London Road, Knebworth, Hertfordshire, SG3 6EX

Audio recording – 1:24:20

Thomas Howe presented the report and gave a verbal presentation, which included:

- The plot is a first-floor unit within the London Road high street area. It is designated as a local centre in the Emerging Local Plan and there is a retail area in the Knebworth neighbourhood plan.
- There are two updates for the application. In the principal development section policy KBL3 from the Knebworth neighbourhood plan should be referenced. However the principal development is still supported as its not the loss of retail space and its not the loss of a service.
- The unit was most recently used as a tattoo studio which can be seen in the photos displayed in the presentation
- The flat would be laid out as two bedrooms and a large dining/living room/kitchen area. It will also have an ensuite and a main bathroom
- Another update on the site history of the report has an application which says pending. This is the change of use from a tattoo parlour to a massage parlour. This was granted conditional permission on 4th October.
- The flat would benefit from large internal areas exceeding space standards set nationally with built in storage on the first-floor level and within the stairwell. It would benefit from various amenities from the high street such as shops, leisure, employment opportunities and transport links. Buses and the railway station which is in walking distance. Whilst there is no parking provided, this is a sustainable location that does not necessarily require a vehicle.
- The surrounding area does benefit from various retail uses within the class E use class

The following Members asked questions:

- Councillor Michael Muir
- Councillor Tom Tyson

In response Thomas Howe advised:

- When you look at the street view it looks like it was in use by the tattoo parlour in April 2021, but there was no information received when it was vacated

Nurainatta Katevu also clarified that the tattoo parlour and the application for it to change to a massage parlour is a different application to the one we are considering today of residential use

The Chair invited Claire Graham to speak against the application.

Claire Graham thanked the Chair for the opportunity to address the Committee and gave presentation, including:

- I am objecting on behalf of Knebworth Parish Council due to the lack of parking provision required by parking policy and impact on local business
- This property is part of the local centre which is small as we are a village
- The property was a tanning salon prior to being a tattoo parlour and has recently received planning approval to become a massage parlour.
- Loss of business premises regardless of category will have a negative impact on the vitality of the village centre because business brings in potential customers for other shops
- In recent years two pharmacies, a better shop, a builder's merchant and a bank have all been lost from the high street. The builder's merchant has been replaced by 47 assisted living flats and three small empty retail units. This has sterilised a large part of the high street
- A previous sand yard is currently in construction and will have a retail unit plus four flats with only three parking spaces
- Knebworth has serious parking and traffic problems with many streets used as unofficial car parks by rail commuters. It also has one of the highest car ownership statistics for the district.
- The officers suggest the North Herts parking policy can be ignored because there is on street parking available within a 4-minute walk. However in reality this isn't true. The majority of roads in the vicinity have some form of restriction such as one hour parking, controlled parking zones, or double yellow lines.
- The few roads with long term parking are already fully occupied. There is no surplus parking provision within walking distance.
- Herts County Council is currently consulting on North Herts LCWIP which proposes a segregated cycle way along the B197 and Station Road. This would remove all on street parking on Stevenage Road, London Road and Station Road which would put added pressure on on-street parking because no alternative provision is proposed
- The officers report states that the proximity of transport nodes alongside shopping, leisure and employment opportunities overcome the shortfall of parking provision, but this does not.
- The Local Plan has not identified any employment area in Knebworth and larger employers within the village have sold up and their sites redeveloped for housing mainly in the form of flats.
- The waste response requires space for the bin lorry to stop and collect so parking restrictions may be required, which means a loss of parking space on the high street.
- The loss of parking space has a negative impact on the village centre. This was seen when Herts County Council imposed its covid town measures and the loss of parking along the high street resulted in a loss of trade for all shops.
- To permit buildings to be converted without at least one parking space per dwelling is contrary to North Herts parking policy.

There were no points of clarification from Members

The Chair invited Councillor Lisa Nash to speak against the application as a Member Advocate.

Councillor Lisa Nash thanked the Chair for the opportunity to address the Committee and gave presentation, including:

- This application impacts the neighbourhood with the removal of the economic opportunity, the lack of parking provisions and an already large number of empty flats in the area.
- The reduced economic opportunity also coincide with an excess number of empty flats. We have also lost the bank which has become a church. There are very few employment opportunities within the village with no room for economic growth
- The majority of working age villagers have to travel outside the village for employment
- 22 out of 47 two bed flats are unoccupied for older people. 11 two bed and 1 one bed flats out of a total of 12 flats are occupied. Many other flats are unoccupied
- We don't have a need for flats in the village. We do need economic growth. We have lost one half of the high street which could have been used as businesses and employment opportunities
- The LCWIP indicates there is no employment in Knebworth.
- Contrary to the officers report, the village has limited entertainment venues with one medium sized pub, two small cafes which are only open during the day, the Royal British Legion, and one Indian restaurant. For a population of 4496 in the 2011 census, there is very little entertainment and local residents report travelling to local towns for leisure purposes.
- Contrary to the officers report, Knebworth has very poor travel and transport links. Knebworth is the nearest railway station for the residents in nearby villages who have to drive to the railway station. There are huge parking issues within the village as there are no other alternative safe transport provision available for them.
- Knebworth provides the railway station for the outlying residents but other shops and services for them.
- These reasons also impact on the restricted parking issues within the village. There are no long-term car parks. Commuters park on the streets to use the trains.
- This application is in direct conflict with the NHDC parking policy
- We know from the RAC 2021 report that people are dependent on their cars
- Knebworth has one of the highest car ownership levels of North Hertfordshire because the transport and travel links are so restricted.

The following Members asked points of clarification:

- Councillor Daniel Allen

In response to points of clarification, Councillor Lisa Nash advised:

- There are some unoccupied retail units but there are no advertisements for them

The Chair invited Thomas Howe to respond:

- The unit directly below the flat was vacant
- There is no objection due to policies relating to the loss of retail as it is a first floor flat
- There was a consideration that the close transport links would reduce the need for the access to a private vehicle for the residents within the flat and there are shops nearby.

The following Members asked questions:

- Councillor Michael Muir

In response Simon Ellis advised:

- I don't think that other empty flats in the village is a sustainable ground for refusal. In terms of car parking, if this was a retail unit it would still generate a need for car parking so it being residential wouldn't impact this as much.

Nurainatta Katevu also added that we refused another application because there wasn't parking on site and that got overturned when it went to appeal because it was in a sustainable area.

Councillor Daniel Allen proposed and Councillor Michael Muir seconded and, following a vote, it was:

RESOLVED: That the application 22/01173/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager

20 PLANNING APPEALS

Audio recording – 1:49:34

Simon Ellis advised that he has nothing to update Members on and opened for any questions.

There were no questions.

Councillor Val Bryant thanked Simon Ellis for all his work as he is leaving North Herts and this is possibly his last meeting.

The meeting closed at 9.22 pm

Chair

<u>Location:</u>	Land To The North And East Of Great Wymondley Hertfordshire
<u>Applicant:</u>	Mr Luke Rogers
<u>Proposal:</u>	Proposed solar farm measuring 88 hectares with associated battery storage containers, transformers stations, storage buildings, fencing etc including means of access (amended plans received 30.05.2022).
<u>Ref. No:</u>	21/03380/FP
<u>Officer:</u>	Shaun Greaves

Date of expiry of statutory period 15 March 2022

Extension of statutory period 16 December 2022

Reason for Delay:

Ongoing negotiations, further information received, and additional consultation exercise that was undertaken as a result.

Reason for referral to Committee

The site area for this application for development exceeds 1 ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

Members should be aware that if they are minded to approve the application, this would be a 'resolution for grant' subject to referral of the application to the Secretary of State, as the site is within the Green Belt and over an identified threshold set out in The Town and Country Planning (Consultation) (England) Direction 2021 for consulting the Secretary of State in the event the local planning authority has resolved to grant planning permission for certain types of development.

The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in applications under Section 77 of the Town and Country Planning Act 1990. To use the call-in power requires that the decision be taken by the Secretary of State rather than the local planning authority.

Paragraph 3 of the 2021 Direction states:

This Direction shall apply in relation to any application for planning permission which – (a) is for Green Belt development, development outside Town Centres, World Heritage Site development or flood risk development; and (b) is received by a planning authority on or after 21 April 2021.

Paragraph 4 of the 2021 Direction states:

For the purposes of this Direction, “Green Belt development” means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan documents and which consists of or includes –

- (a) The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more; or
- (b) (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The proposal is for a Solar Farm of a large scale covering 85 hectares of fields and where there would be more than 1000 square metres of buildings in the form of inverter/transformer stations and battery storage containers. Therefore, the proposal falls within both (a) and (b) above.

1.0 **Site History**

- 1.1 21/01269/PRE – Pre-application submission/advice on a proposed solar farm with associated battery storage containers, transformer stations, storage buildings, fencing etc. including means of access.
- 1.2 21/02228/SO – Screening Opinion – Proposed solar farm with associated battery storage containers, transformer stations, storage buildings, fencing etc including means of access

2.0 **Policies**

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

Policy 2: Green Belt

Policy 11: Chilterns Area of Outstanding Natural Beauty

Policy 14: Nature Conservation

Policy 16: areas of archaeological significance and other archaeological areas

2.2 Wymondley Neighbourhood Development Plan (2011-2031) (Made 2018)

The Wymondley Neighbourhood Plan (WNP) was made on 26th September 2019 and now forms part of the Development Plan.

Policy NHE1: Landscape character

Policy NHE2: Biodiversity

Policy NHE3: Wildlife and Ecology

Policy NHE8: Landscaping schemes

Policy NHE9: Historic character and heritage assets

Policy GB1: Green Belt

Policy FR1: Flood risk

Policy SLBE1: Business development

2.3 National Planning policy Framework (2021)

Paragraph 11 – Presumption in favour of sustainable development

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt land

Section 14 – Meeting the needs of climate change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

2.4 National Policy Statements

Published in July 2011 the National Policy Statement for Energy (EN1) confirms the need for the UK to diversify and de-carbonise electricity generation, and at paragraph 3.3.10 the Government's commitment to increasing dramatically the amount of renewable generation capacity.

The National Policy Statement for Renewable Energy Infrastructure (EN-3) also published in July 2011 confirms the importance of renewable energy.

2.5 National Planning Practice Guidance (NPPG)

Reference ID: 5-001-20140306 – Why is planning for renewable energy important? Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas

emissions and slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable energy infrastructure in locations where the local environmental impact is acceptable.

Reference ID: 5-013-20150327 - What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero

2.6 North Hertfordshire District Local Plan 2011 -2031

At the time of writing this report this emerging local plan was at a very advanced stage and was due to go to Full Council on 8th November 2022. Members will be updated orally at the meeting. _

Policy SP1: Presumption in favour of sustainable development

Policy SP5: Countryside and Green Belt

Policy SP11: Natural resources

Policy SP12: Green infrastructure, landscape and biodiversity

Policy SP13: Historic environment

Policy D1: Design and sustainability

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy HE1: Designated heritage assets

Policy HE3: Non-designated heritage assets

Policy HE4: Archaeology

Policy NE1: Strategic Green Infrastructure

Policy NE2: Landscape

Policy NE3: The Chilterns AONB

Policy NE4: Biodiversity and geological sites

Policy NE5: Protecting Open Space

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE12: Renewable and low carbon energy development

2.7 Supplementary Planning Guidance

North Hertfordshire Landscape Study 2011: Area 216 Arlesey – Great Wymondley

2.8 Documents supporting the Emerging Local Plan (ELP)

North Hertfordshire Local Plan 2011-2031 Green Belt Review Update 2018

2.9 Other relevant Council publications

Council Plan 2020 – 2025

North Herts Climate Change Strategy

3.0 **Representations**

Statutory and non-statutory consultees

3.1 Responses are summarised below.

3.2 **Wymondley Parish Council** – objects to the application for the following reasons;

The Green Belt should not be sacrificed simply because of proximity to a national grid connection.

Fulfilling national and local climate change objectives and the need for more renewable energy generation, should not be to the detriment of the Parish and its local environment.

If the District Council is minded to grant planning permission the Parish Council would wish to see the applicant entering into a S106 obligations to provide the following:

- A financial bond to ensure the ongoing upkeep and maintenance of the planting scheme proposals during the duration of the operation of the site as a solar farm.
- A financial bond to ensure restoration at the end of its lifespan
- An annual financial commitment to compensate the Parish for the impacts of the development either by donation to the Parish Council or the setting up of a specific community fund.

3.3 Response to re-consultation – there was nothing in the amended scheme that would alter the Parish Council’s unanimous objection to the application. Some of the findings of the expert advisors give rise to even greater concern and emphasise the unsuitability of this location for such a huge solar array. The fundamentals are unchanged and are summarised as follows:

- The development is on designated Green Belt and the developer fails to prove the case for “very special circumstances”.
- The Neighbourhood Plan retains the Green Belt in its current form.
- The land is high grade 2 and 3a agricultural land producing grain at a time when such crops are a very important asset for food security

- Close to villages and cause harm to the openness of the Green Belt countryside.
- Serious threat to the health and wellbeing of residents.
- Cumulative impact of proposed housing site at little Wymondley and the proposed solar farm at Redcoats.
- There is significant archaeological interest on the site and the historic field pattern should not be disturbed not should it have random trench investigation and permission should be refused due to archaeological interest of the site alone.
- The amendments do not take on board the recommendations of the Council's landscape consultant, which would not in diminish the harm to the Green Belt and open views from the village.
- The Parish Council remains concerned about the impact the scale of the Solar Array would have on the drainage and flood risk as the main centre of population of Little Wymondley is at a lower level.
- The site is a habitat for roaming animals from deer to mice. The enclosure of the space with high fencing will ruin these traditional natural routes disturbing feeding patters and breeding. In addition, the solar panels and buildings will bring dangers to the numerous birds of prey such as red kites in the area.

3.4 **Graveley Parish Council** – the proposal will inevitably increase the amount of traffic coming through the village- if granted all construction traffic should approach from the north via Junction 9 of the A1M and not from the south – Junction 8. Hours allowed during construction should be curtailed.

3.5 Response to re-consultation – object – with the additional comment – if the application goes ahead, construction traffic should access the site from junction 9 of the A1 and should be prohibited from coming through Gravely village.

3.6 **Stevenage Borough Council** – No comment to initial consultation.

3.7 Response to re-consultation - no objections to the scheme in principle. Would like to take this opportunity to ensure that adequate consideration is given to traffic routes for construction vehicles and latterly servicing and maintenance vehicles, given the rural setting of the site, and the roads leading to the site access.

Furthermore, that due consideration is given to the visual impact of the panels, and the numerous associated buildings/compounds required as part of this proposal. Especially given its prominence to and the views from the A1(M).

3.8 **Chilterns Conservation Board** – No comment received

3.9 **Historic England** - No Objections - should the Council be minded to approve the application. The proposed development would have some limited impact upon the setting of nearby heritage assets, and judge that this would equate to a level of harm that would be less than substantial in NPPF terms.

- 3.10 **Natural England** – No objection – the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 3.11 **National Grid (Gas)** - No objection
- 3.12 **National Grid (Electricity)** – No comment received.
- 3.13 **Environmental Health (Contaminated land)** - No objection
- 3.14 **Environmental Health (air quality)** – No objection
- 3.15 **Environmental Health (Noise)** – comment suggest conditions limiting hours of operation.
- 3.16 **HCC Highways** – Initially recommended refusal due to insufficient information to enable the Highway Authority to fully assess the highway implications of the proposed development. Further information was provided by the applicant and the highway authority were reconsulted.
- 3.17 Response to re-consultation – does not wish to restrict the grant of planning permission subject to conditions.
- 3.18 **HCC Lead Local Flood Authority** - Object - the solar panel infrastructure will change the dynamics of the greenfield site and the applicant will need to provide a formal drainage layout strategy.
- 3.19 Concerned that the development will increase flooding downstream Will remove objection if it can be shown there will be a betterment as a result of the development to the existing flood risk from overland flows and the implementation of a sustainable management system of surface water run-off.
- 3.20 Re-consultation - The LLFA were reconsulted on the revised scheme, which included a revised Flood Risk Assessment, Technical Note and revised General Arrangement, which now includes a drainage strategy proposing betterment of the existing situation. No response has been received to the re-consultation.
- 3.21 **HC Countryside and Rights of Way Officer – No comments received**
- 3.22 **Hertfordshire Ecology** – No objection – subject to conditions requiring a Soil Management Plan and a Biodiversity Net Gain Plan (BNG). Adequate boundaries should be retained against all hedgerows and woodland. Given optimistic claims relating to birds and hares in the submission a BNG condition should require proposals to identify how these will be sustained with targets/objectives and possible remedial measures

3.23 **CPRE Hertfordshire (Campaign to Protect Rural England) – Objection**

1. The land is in the GB
2. Misleading application to state there is no landscape designation
3. Vital function as open countryside for both agriculture and recreation, and for the conservation and enhancement of the natural environment – inappropriate in GB
4. Large scale = very considerable impact on the area by virtue of the solar panels and associated infrastructure
5. Ministerial letters have state that the need for renewable energy does not automatically override environmental protection
6. Local environmental impact is unacceptable – not locationally constrained and do not accept that there are VSCs for locating on GB land.
7. Principle of openness is a key test which will be severely jeopardised
8. The proposed development would be highly visible over a wide area and from several public rights of way
9. The present use for agriculture should be maintained.
10. Importance of the countryside emphasised through the pandemic.
11. Harm to biodiversity and wildlife.

3.23.1 **HCC Historic Environment Advisor** – the proposed development site lies within an areas of high archaeological potential from The Prehistoric to Medieval periods. Agrees to a mitigation strategy should planning permission be granted, which includes removal of development impact on specific areas through the adoption of a no-dig policy and archaeological trial trenching throughout the site.

3.23.2 Broadly happy with the submitted Written Scheme of Investigation (WSI) but would wish to see amendments to it before it is agreed than therefore suggests conditions including the submission of an amended WSI.

3.24 **North Hertfordshire Archaeological Society** – Objected – So far, inadequate level of archaeological information has been provided and geophysical survey or trial trenching should be undertaken. There is known archaeological interest within the site from Pre-historic to Medieval periods. The site lies within a defined Area of Archaeological Importance in the Local Plan which should be extended to include the whole site.

3.25 The applicant undertook a geophysical survey and Written Scheme of Investigation. No further response has been received to re-consultation on these matters.

3.26 **Herts and Middlesex Wildlife Trust** – Initial comments indicated that more ecological information was required before a decision should be made including the full Natural England Biodiversity metric to enable verification of the habitat and condition assessments within it. 3. In addition, buffers of 12m of complimentary habitat to all hedgerows and woodland should be provided to be consistent with

this emerging policy. This information must be supplied before the proposal can be decided.

3.27 Reconsulted on amended landscaping and provision of Biodiversity metric - raise no objections subject to a condition requiring a biodiversity net gain plan.

3.28 Neighbour and Local Resident Representations

The application has been advertised by neighbour notification letters, the display of site notices and press notices.

There were 177 comments received on the original submission, an objection letter from a planning consultancy with a list of 44 objectors and a petition signed by 25 people. Of the comments received 171 are objections and 6 are in support of the proposal. The application was amended by revised plans in June 2022 and a further 20 public comments were received all objecting to the proposal

The objections and the issues raised are summarised below.

3.28.1 Green Belt

Loss of openness and harm to the purposes of the Green Belt.

Visual harm from the proposed associated infrastructure.

Loss of the narrow gap between Hitchin and Stevenage.

It should be located outside the Green Belt.

Very special circumstances have not been demonstrated.

There is considerable non-Green Belt land where the proposed development could be located.

3.28.2 Heritage

Impact upon the character of Great Wymondley Conservation Area.

The scale is overly large compared to the village of Great Wymondley with resulting harm to the setting of the conservation area.

The site has potential for archaeological remains close to the site of a Roman villa. Digs will be impossible once the land is covered in solar panels.

3.28.3 Flood Risk

There is existing flooding in Priory Lane and Gravely Lane at time of heavy prolonged rain.

The proposal would increase the existing flooding problem in Priory Lane and Little Wymondley

There is no explanation of how or where the proposed electricity cable to the sub-station will run bearing in mind the high water table in Graveley Lane and Priory Lane at times of heavy rainfall.

3.28.4 Highways

The proposal would cause congestion in the area during its construction.

Construction traffic should be barred from access through the village.

3.28.5 Impacts on amenity, including health and wellbeing

Risk of fires and consequential emission of toxic gases.

Health and safety issues with battery storage units

The public footpaths and cycle paths in the vicinity are heavily used. The proposal would result in the loss of opportunity for walking and exercise.

There are concerns about electromagnetic waves around solar farms.

Glare from solar panels can cause a hazard to drivers and riders.

The panels would be depressing to look at and harm the local populations health and mental well-being.

There would be significant disruption to everyday life during the construction period and cable laying process.

Noise from inverters and cooling fans.

The proposal should be reduced in scale and located further away from the village.

3.28.6 Impact on the character and appearance of the area and surrounding landscape

The proposed development is too large.

It would be in an area already under pressure from housing and national infrastructure.

Harm to what was once attractive countryside that has been eroded by developments.

Significant cumulative impact along with Solar Farm proposed south of Little Wymondley.

The proposed development would be unsightly.

The proposal will detract from the visual amenity enjoyed by walkers, cyclist and riders.

There would be harm the local landscape which would only be partly reduced by the proposed screening and mitigating measures.

A high security fence and CCTV cameras on 4 metre poles would be totally incongruous in the open countryside.

3.28.7 Impact on nature and wildlife

Harm and disturbance to wildlife including ground nesting birds and birds of prey.

Affect the free movement of wildlife in the corridor between Gravely and Great Wymondley.

3.28.8 Loss of best and most versatile agricultural land

The land is good quality Grade 2 and 3 agricultural land which is in short supply and needed in the current climate to produce crops.

Loss of food production.

3.28.9 Renewable Energy Production

Solar farms produce little electricity compared to wind turbines

CO2 is produced during manufacture, transporting and installation.

Solar panels should be placed on factories, local government buildings, schools and new housing before being installed in agricultural fields.

On the revised scheme – notwithstanding the proposal to provide basins to slow-down water to the Priory Stream the amount of water will still build up. Food production is more important than using farmland for solar panels.

The majority of solar panels are built in China with the risk of forced labour within the supply chain.

The production of PV panels uses a lot of water and toxic chemicals in the manufacturing process.

The need for North Herts to generate its own electricity as part of a plan to achieve net zero carbon emissions is not mentioned in the North Herts Climate Change Strategy.

3.28.10 Other objections

Conflicts with the Neighbourhood Plan, NPPF and emerging Local Plan.

The consultation period was too short.

The site does not meet the solar industry's site selection criteria.

Solar panels should be on the roofs of buildings and brownfield land, not green fields.

Disturbance to water mains, drains and telephone lines.

An application for a large solar farm south of Three Houses Lane, Codicote was refused on Green Belt grounds and loss of high-grade agricultural land, this mirrors that situation.

The proposal would reduce visitors to the village and thereby affect the local economy.

3.28.11 **Objections following re-consultation on the revised application raise the following issues:**

The proposed additional planting would not substitute existing open views.

The amended proposal would exacerbate rather than alleviate existing flooding problems.

The three surface water attenuation basins and two overland attenuation basins would make little difference to the existing drainage situation.

The revised proposal would still conflict with Green Belt Policy and harm the openness of the Green Belt, result in the loss of high-quality agricultural land, harm the countryside, health and wellbeing of residents and impact archaeology and harm to wildlife.

The submissions in **support** of the application are summarised as follows:

3.28.12 **Climate Change**

This is just one of the measures needed to combat the climate and ecological emergency and the UK's aim to reach net zero by 2050.

Without such developments the legal target will not be met.

The Green Belt will be worthless in a landscape devoid of wildlife due to global heating.

Solar farms provide electricity to the grid where there is spare capacity. The site location has the benefit of being close to Wymondley Substation.

Large Scale Solar Farms are essential to meet predicted demand as we abandon fossil fuels.

3.28.13 **Other supporting comments**

The site is relatively remote from residential areas

Local farmland is only as good as the fertilizer applied and is being put to set-aside.

When the solar panels become redundant it will be easy to revert the site to farmland

The proposal would have no effect upon flooding

There would be no greater effect upon wildlife compared to farming

Whilst the development has the potential to enhance biodiversity this must be controlled by condition.

Density should be reduced and additional peripheral planting and conditions relating to decommissioning.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is in two parts to either side of Graveley Lane and also includes the route of grid connection which follows the existing highways to National Grid's Wymondley Substation. The site is located within the countryside and the Green Belt to the northeast and east of Great Wymondley. To the east of the site is the A1 (M) with the settlement of Graveley beyond.
- 4.1.2 The site, including the route of the grid connection, extends to 88 hectares and comprises arable farmland with hedges.
- 4.1.3 The Hertfordshire Way runs adjacent to the site beyond the northern boundary.
- 4.1.4 A National Grid gas pipeline passes through the southern part of the site.
- 4.1.5 The site is within the setting of nearby listed buildings, Scheduled Monuments and Great Wymondley Conservation Area and is within an area of archaeological interest.
- 4.1.6 The grade II listed Conduit Heat at Priory Farm is located about 70m to the west of the application site. This designated heritage asset forms part of the Wymondley Priory Scheduled Monument, the main part of which is located about 300m to the west, separated from the site by an arable field. Within the Priory there is a Grade I listed building and associated Grade II* Tithe Barn, along with two further grade II listed buildings.
- 4.1.7 In addition, the site of Great Wymondley Castle, a Scheduled Monument is located about 260m from the application site. There is evidence of a Roman Settlement between the northern part of the site and Great Wymondley.

4.2 The Proposal

4.2.1 The proposal is for a photovoltaic (PV) solar array and ancillary development. This would consist of:

- about 150,000 to 160,000 PV panels and associated support frames;
- 22 Inverter/transformer stations;
- 22 battery storage containers;
- 1 storage container;
- 1 switchgear building;
- 1 control room building;
- Grid connection cable to National Grid's Wymondley Substation
- About 2.1km of new or resurfaced internal access tracts (3m wide using Type 1 aggregate)
- 2 improved existing access points from Graveley Lane
- Ditch culverts for track crossings
- 7.8km of stock fencing
- 40 CCTV cameras atop 4m high posts
- Woodland planting
- Hedgerow planting (new and gapping up of existing hedgerow)
- Lighting above access doors to the Switchgear building, Control Building and Inverter Transformer Stations
- Attenuation ponds and water detention areas

4.2.2 The solar array would generate up to 49.995MW of electricity. This is just below the threshold of 50MW for onshore generation to be treated as a Nationally Significant Infrastructure Project, above which a Development Consent Order would have needed to be sought from the Secretary of State.

4.2.3 The application is supported by the following documents:

- Planning Application Drawings
- Planning, Design and Access Statement
- Agricultural Land Assessment
- Landscape and Visual Impact Assessment
- Solar Photovoltaic Glint and Glare Study
- Noise Impact Assessment
- Heritage Assessment
- Flood Risk Assessment and drainage Technical Note
- Preliminary Ecological Appraisal
- Transport Statement

4.2.4 The applicant indicates that the site would be decommissioned at the end of its 40-year operational life and restored to full agricultural use.

- 4.2.5 Regarding, the main elements of the proposed development, the solar panels would be mounted on a steel and aluminium frame positioned at an angle of 20 to 25 degrees and facing south. The lowest edge of the panels would be 800mm above ground level to enable the area to be grazed by sheep. The panels would be arranged in rows about 5m apart and they would be up to 3m high.
- 4.2.6 The Inverter-Transformer Stations would be contained within a modified shipping container or similar measuring about 12.19m x 2.44m x 2.59m high. They would be supported by strip or slab foundations and the maximum height including foundations would be 3m high. These buildings would contain the inverters, transformers and circuit breakers necessary to connect the solar farm to the on-site Switchgear Buildings. The total footprint of the Inverter-Transformer Stations would be about 660m².
- 4.2.7 The proposed Battery Energy Storage Systems would be housed in shipping containers on strip or slab foundations. The proposed control room would be modest in scale and have an overall footprint of 15m². Lighting would be provided to the switchgear building and transformer stations above access doors and would be activated by sensors. It is not proposed to provide continuous lighting.
- 4.2.8 Landscaping proposals are illustrated indicatively and would comprise grassland within the perimeter fencing, suitable for sheep grazing, species rich grassland outside the perimeter fencing, woodland planting along the western and northern boundary of the northern parcel of land, new hedgerows along Graveley Lane and the A1(M), gapping up existing hedgerows and the management of existing hedgerows to a height of between 3 and 5 metres. All existing hedgerows would be retained. Native hedgerows would be planted along the highway boundaries of the Site with Graveley Lane and the A1 (M).
- 4.2.9 A high voltage underground cable connection from the Switchgear Building to the National Grid substation is proposed along the carriageway or verge along Graveley Lane, Priory Lane, Stevenage Road and Blakemore End Road.
- 4.2.10 Following construction of the proposed development, access would be limited to routine maintenance operations and grazing.
- 4.2.11 The applicant indicates that construction would take about 36 weeks, including testing and commissioning.
- 4.2.12 The applicant proposes construction to take place 7 days a week between 07.30 and 18.00 Mondays to Fridays and between 08.30 and 18.00 on Saturdays and Sundays.

4.2.13 Deliveries and noise generating activities are proposed to take place Mondays to Saturdays within the following hours:

- Monday to Friday 07.30 to 18.00
- Saturday 07.30 to 13.00 with
- No deliveries on Sundays with the exception of one-off abnormal loads or large vehicles such as cranes
- Piling would only be undertaken between 09.00 and 17,00 each day Monday to Friday.

4.2.14 Construction access would be via the proposed operational access point off Graveley Lane. Temporary construction compounds would be provided within the development. These areas would be restored during construction

4.2.15 A Construction Environmental Management Plan (CEMP) is proposed to be developed by the applicant which will provide the overarching framework for all phases of the development and manage and report environmental effects during construction. This could be controlled by condition in the event that permission is granted.

4.3 **Decommissioning**

4.3.1 At the end of the 40-year life of the proposed Solar Farm it would be decommissioned, which would require similar plant to the construction phase with similar traffic impacts. All above and below ground infrastructure would be removed from the site and recycled, where possible.

4.4 **Amendments**

4.4.1 To address comments from the LLFA, Environment Agency, HHC's Archaeological Advisor, and the Council's landscape consultant, the application was amended in May and June 2022 through the provision of a revised Flood Risk Assessment and Technical Note addressing Surface Water Drainage and Overland Flow Management Strategy, and revised General Arrangement and Landscape Proposals. The amendments were in response to consultee comments. The changes are set out below.

- The buffers between existing hedgerows, trees and woodlands were increased from 6m to 12m in response to comments from the Wildlife Trust. The buffers would be managed as species rich grassland and wildflower areas.
- Permissive footpaths are proposed within these increased buffers and would provide permissive footpath links from the existing public right of way near Milksey Cottages. Two links to the existing Hertfordshire Way would be provided, one parallel to Graveley Lane and the other perpendicular to Graveley Lane to provide circular walking routes for the life of the Proposed Development.
- No dig areas are illustrated as per the submitted Written Scheme of Investigation relating to archaeology.

- Drainage attenuation features have been added with solar panels proposed to be omitted from these locations.
- Two new hedgerows have been added within the northern area to link the existing truncated hedgerow to the wider field pattern.
- Woodland copses have been added either side of the proposed site entrance.
- The solar panels have been pulled back from Graveley Lane in the field nearest to Great Wymondley and additional woodland and hedgerow planting/gapping up is proposed along the western boundary towards Great Wymondley.

4.4.2 To address issues raised by the Highway Authority amended drawings were supplied showing proposed passing place and visibility splays, forward visibility splays and swept path assessment.

4.5 **Keys Issues**

The key issues for consideration of this full application for planning permission are:

- Climate Change and Renewable Energy
- Policy background and the principle of development in the Green Belt
- Whether the development would be inappropriate in the Green Belt
- Impact upon openness and the purposes of including land within the Green Belt
- Any other harm
- Impact upon heritage assets
- Impact of the development upon the character and appearance of the area
- Impact of the proposed development on the local highway network
- Other impacts and environmental considerations
- Planning Benefits
- Whether very special circumstances are required and exist including climate change and overall need for renewable energy

Climate Change and Renewable Energy

- 4.5.1 Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.5.2 At the time of writing this report, the Development Plan includes the Saved Policies of the District Local Plan No. 2 with Alterations 2007. There are no saved policies relating to climate change and renewable energy.
- 4.5.3 The **Wymondley Neighbourhood Plan** (WNP) forms part of the Development Plan. There are no policies in the WNP relating to renewable energy and achieving zero carbon emissions.
- 4.5.4 At the time of writing this report, the **emerging Local Plan** does not form part of the development plan but is at an advanced stage, the Inspector's Report has been published and the adoption of the local plan is to be considered in early

November. Therefore, under the provisions of paragraph 48 of the NPPF the emerging Local Plan should be given significant weight. If the Local Plan is adopted in November policies of the new Local Plan will be given full weight.

- 4.5.5 Policy NE12: Renewable and low carbon energy development states: Proposals for solar farms involving the best and most versatile agricultural land and proposals for wind turbines will be determined in accordance with national policy.
- 4.5.6 The Government considers that climate change is occurring through increased greenhouse gas emissions, and that action is required to mitigate its effects. A significant boost to the deployment of renewable energy generation is one action that is being promoted.
- 4.5.7 **The Climate Change Act 2008** (as amended) sets a legally binding target in the UK to reduce all greenhouse gas emissions to net zero by 2050. Renewable energy generation is an important part of reducing carbon emissions. Significant increase in renewable and low carbon generation, carbon capture and storage will be required to achieve the Government's net zero commitment by 2050, amongst other things.
- 4.5.8 Electricity demand is predicted to increase by National Grid, due to increase in population, transition to electric vehicles, increase in hydrogen production and a move away from the use of natural gas for heating.
- 4.5.9 The applicant sets out the need for the proposed development in the submitted Planning, Design and Access Statement and the contribution that the proposed development would make to renewable energy production. Reference is made to several Government strategy and policy documents including, 'Net-Zero Strategy: Built Back Greener that was published in October 2021. This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet net-zero target, including a commitment to fully decarbonised the power system by 2035 and seeks to accelerate the deployment of low-cost renewable energy generation as part of this.
- 4.5.10 The site is in the **Green Belt and in Section 13**, paragraph 151 of the NPPF confirms that *"elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable resources."* Therefore, Government Policy, which the WNP and emerging Local Plan defer to, does not rule out renewable energy projects such as solar farms within the Green Belt, but requires very special circumstances to be demonstrated.
- 4.5.11 Support for renewable energy is set out in **Section 14 of the NPPF**.

- 4.5.12 Paragraph 152 states: *“the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure.”*
- 4.5.13 Paragraph 155 of the NPPF states *“to help increase the use and supply of renewable energy and heat, plans should: (a) provide a positive strategy for energy from these sources, that maximise the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); (b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and (c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers”.*
- 4.5.14 In determining planning applications for renewable and low carbon development, Paragraph 158 of the Framework confirms that local planning authorities should: *“(a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and (b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*
- 4.5.15 The **National Planning Practice Guidance** (PPG) addresses renewable and low carbon energy and confirms that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the environmental impact is acceptable. It recognises that large scale solar farms *“can have a negative impact on the rural environment, particularly undulating landscapes”* but *“the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”* The PPG identifies factors to be considered when deciding a planning application and says that large scale solar farms should be focussed on previously developed and non-agricultural land, provided that it is not of high environmental value.
- 4.5.16 A material planning consideration are **National Policy Statements** (NPS) for the delivery of major energy infrastructure, which recognise that large scale energy generating projects will inevitably have impacts, particularly when sited in rural areas.

- 4.5.17 The development has a capacity of 49.9 Mw, which would generate a significant amount of electricity from a renewable resource. This would provide for a reduction of approximately 20,000 cubic tonnes of CO2 emissions and meet the energy needs of approximately 12,000 homes through renewable energy. Government data shows that the proposed scheme would more than double the installed renewable capacity in the District. This is a very substantial benefit that attracts substantial weight.
- 4.5.18 Since the Climate Change Act 2008, several national initiatives have been introduced to help meet targets.
- 4.5.19 The **Carbon Plan 2011** identifies the emission reductions needed in five key areas of the economy: buildings, transport, industry, electricity, and agriculture to meet targets.
- 4.5.20 The **Clean Growth Strategy 2017** outlines the plan to grow the national income while cutting greenhouse emissions.
- 4.5.21 The **Resource and Waste Strategy 2018** outlines the actions the UK will take to minimise waste, promote resource efficiency and move towards a circular economy.
- 4.5.22 The **Clean Air Strategy 2019** demonstrates how the national government will tackle all sources of air pollution and boost the economy.
- 4.5.23 In addition, **the Council passed a climate emergency motion on 21 May 2019**. This declaration asserted the Council's commitment toward climate action beyond current government targets and international agreement. This is currently pursued through the Council's Climate Change Strategy 2021 to 2026. The key objectives of the Strategy are:
- achieve Carbon Neutrality for the Council's own operations by 2030;
 - ensure all operations and services are resilient to the impacts of climate change;
 - achieve a Net Zero Carbon district by 2040; and
 - become a district that is resilient to unavoidable impacts of climate change.
- 4.5.24 The applicant has provided an update to Planning Policy and Need for the proposed development and refers to the latest version of the **Future Energy Scenarios (FES)** document produced by National Grid Electricity System Operator in July 2022.

- 4.5.25 This report sets out four possible scenarios based around two drivers: speed of decarbonisation and the level of societal change. The four scenarios are:
- Falling short
 - Consumer transformation
 - System transformation
 - Leading the way
- 4.5.26 All four scenarios have net zero at their core and explore different pathways of achieving this. The applicant identifies the four headline messages, which are:
- 1) Significantly accelerating the transition to a decarbonised energy system can help address security and affordability concerns at the same time as delivering Net Zero Milestones.
 - 2) Consumer behaviour is pivotal to decarbonisation – how we all react to market and policy changes and embrace smart technology will be vital to meeting Net Zero.
 - 3) Reforming energy markets to improve price signals will help unlock the flexible solutions needed to integrate renewables efficiently.
 - 4) Strategic investment in the whole energy system is urgently required to keep pace with Net Zero ambitions and strengthen energy security.
- 4.5.27 Page 163 of the FES Report sets a clear target of 70GW of solar by 2035 to be on the path to deliver net zero by 2050. There was only 13.2 GW of installed solar in 2021. A target of 37GW of electricity storage capacity by 2035 is also set out when there was only 4GW of installed electricity storage in 2021. Achieving these targets will require significant investment in solar electricity generation and electricity storage across the UK over the next decade.
- 4.5.28 Consumer Transformation and System Transformation both hit the target of zero emissions in 2050, and Leading the Way achieves the target slightly earlier in 2047. Falling Short would not achieve net zero, with a reduction of 80% compared to the level in 1990. All scenarios require an increase in solar capacity between now and 2030.
- 4.5.29 Net zero will require significantly higher levels of electricity generation from renewable sources and it is envisaged that four technologies will produce over 90% of electricity generation: wind, solar, nuclear and bioenergy with carbon capture and storage. It is also envisaged that energy production will be more localised.
- 4.5.30 Renewable energy generation is just one means of reducing carbon emissions, but it is an important one given the predicted rise in electricity consumption.
- 4.5.31 The **British Energy Security Strategy 2022** was published by the Government on 7th April 2022 and sets out a strategy for providing the energy we need in a safe, secure and affordable way, and at the same time ensuring that we do all we can to meet our net-zero commitments.

- 4.5.32 The Strategy confirms that accelerating the transition from fossil fuels depends critically on how quickly we can roll out renewables. Regarding solar, the strategy states *“the cost of solar power has fallen by around 85% over the past decade ... we expect a five-fold increase in deployment by 2035... For ground mounted solar, we will consult on amending planning rules to strengthen the policy in favour of development on non-protected land, whilst ensuring communities continue to have a say and environmental protections remain in place.”*
- 4.5.33 The applicant states in their update on Policy and Need that *“based upon levelized costs set out in Electricity Generation Costs 2020 large scale solar has the lowest levelized cost of all electricity generation and as such is best placed to start reducing energy costs to consumers to help with the costs of living crisis in the short term.”*

Existing renewable energy developments in North Hertfordshire

- 4.5.34 Solar Radiation maps of the UK show areas of the country receiving higher levels of solar radiation. North Hertfordshire is identified as falling in an area receiving high levels of solar radiation. Solar farms are therefore considered to be reliable sources of renewable energy.
- 4.5.35 However, currently in North Hertfordshire there are only two approved small solar farms. One is located between the settlements of Reed and Barkway. The site lies beyond the Green Belt. It covers an area of 14.6 hectares and generates a maximum of 6MW. It was granted planning permission on 28 March 2013 (Application ref. 12/02365/1).
- 4.5.36 Planning permission was also granted in June 2015 for the construction of a 5MW solar farm on about 13 hectares of land at Lawrence End Park to the east of Birch Spring in Kings Walden Parish. This site lies within the Green Belt. (Application ref 15/00845/1).
- 4.5.37 There are no wind farms within the district.

Green Belt

- 4.5.38 The site is in the open countryside within the Green Belt and therefore Policy GB1 of The Wymondley Neighbourhood Plan applies. This policy stipulates that development proposals impacting on Wymondley Parish must comply with Government Green Belt policy; primary consideration will be given to effective use of brownfield sites, which are not of high environmental value. Development proposals should not impact negatively on Wymondley Parish – particularly in terms of visual impact on the openness of the Green Belt landscape and its important contribution to the character of our villages/hamlets.

4.5.39 Saved Policy 2 of the District Plan also applies, which states:

“In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions and changes of use of buildings and land which are appropriate in the Green Belt, and which would not result in significant visual impact.

4.5.40 This policy is consistent with the approach to Green Belt in National Policy as set out at Section 13 of the National Planning Policy Framework (NPPF). Paragraph 137 of the NPPF confirms that the Government attaches great importance to Green Belts, where the fundamental aim of policy is to prevent urban sprawl by keeping land permanently open.

4.5.41 The Green Belt serves five purposes, these are set out at paragraph 138 of the NPPF and are:

- (a) To check the unrestricted sprawl of large built-up areas;
- (b) To prevent neighbouring towns merging into one another
- (c) To assist in safeguarding the countryside from encroachment
- (d) To preserve the setting and special character of historic towns; and
- (e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.5.42 At the time of writing this report the emerging Local Plan is at an advanced stage and in line with paragraph 48 of the NPPF it is considered that significant weight should be attributed to it. In the event that the Local Plan is adopted in early November 2022, then full weight would be given to policies of the new local plan. Policy SP5: Countryside and Green Belt supports the principles of the Green Belt and recognises the intrinsic value of the countryside and confirms that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated.

Inappropriate development

4.5.43 The starting point for consideration of this application is the development plan. Saved Policy 2 of the District Local Plan is consistent the national policies on the Green Belt and Policy GB1 of the Wymondley Neighbour Plan requires compliance with the NPPF.

4.5.44 Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal does not fall within any of the exceptions to this approach as set out at paragraphs 149 and 150 of the Framework. The applicant accepts that the proposed development is inappropriate in the Green Belt but considers that there are material considerations in this case that constitute very special circumstances. These will be considered in detail later in this report.

- 4.5.45 Paragraph 148 of the NPPF stipulates that substantial weight must be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.5.46 NPPF Paragraph 151 confirms that many renewable energy projects will comprise inappropriate development and that in such circumstance if projects are to proceed developers will need to demonstrate very special circumstances.
- 4.5.47 Before considering whether very special circumstances exist, the effect of the proposed development on openness and purposes of the Green Belt are considered.

Openness of the Green Belt

- 4.5.48 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It is proposed that the solar farm would have a lifetime of 40 years after which it would be decommissioned. Whilst 40 years is a long period, the proposal would not be permanent. This is a material consideration given that the essential characteristic of the Green Belt is its openness and permanence. However, in an appeal decision at Redeham Hall, Smallfield, Surrey (APP/M3645/W/16/3146389) the Secretary of State took the view that a period of 25 years for a solar farm was a significant amount of time and concluded that the temporary nature of the proposal should only be given limited weight in the planning balance. Therefore, only limited weight has been given to the temporary nature of this proposal.
- 4.5.49 The NPPG confirms that there is both a spatial and visual dimension to openness.
- 4.5.50 The applicant addresses the impact of the Proposed Development upon the openness of the Green Belt in the Planning, Design and Access Statement (PDAS) and Landscape and Visual Impact Assessment (LVIA).
- 4.5.51 In the PDAS the applicant asserts that the Proposed Development would result in an incremental impact upon the openness of the Green Belt, which is moderated by the fact that there would be very low physical footprint (about 3% of the site) and the layout and distribution of built form across the Site. The applicant considers that despite the introduction of solar panels across much of the Site with volumetric increase in development, agriculture would continue in the form of livestock grazing. The applicant indicates that spatial impact upon openness has been minimised through keeping the built elements to a minimum necessary to operate the scheme.

- 4.5.52 Regarding visual impact upon openness, the applicant considers that given the low height of the solar arrays, and that the existing topography and pattern of vegetation limit potential visibility of the Proposed Development to highly localised areas around the site the visual impact upon openness would be limited.
- 4.5.53 The applicant has submitted a Landscape and Visual Impact Assessment with the application, and the Council has appointed landscape consultants, The Landscape Partnership, to review this document. In response to this review the applicant amended the proposal, as follows:
- Two new hedgerows have been added within the northern area to link the existing truncated hedgerow to the wider field pattern.
 - Woodland copses have been added either side of the proposed site entrance.
 - The solar panels have been pulled back from Gravely Lane in the field nearest to Great Wymondley and additional woodland and hedgerow planting/gapping up is proposed along the western boundary towards Great Wymondley.
- 4.5.54 The site where the PV array is proposed comprises arable fields, woodland and hedgerows and would extend to about 85 hectares. The development would cover a very large area and would deliver very many rows of solar panels, numerous inverter/transformer cabins, and other buildings in the form of containers, stock/deer fencing, access track and CCTV cameras. Whilst proposed tree and hedgerow planting and management regime would reduce the impact of the proposed development, and the scheme has been amended to enhance landscaping, the proposal would materially change the openness of the site in both visual and spatial terms.
- 4.5.55 In the circumstances, your officers consider that notwithstanding the limited volume of the proposed development, and limited visual impact upon the wider area, the extent and nature of the solar arrays and associated buildings would have a significant actual and perceived impact upon the openness of the Green Belt.

Permanence of the Green Belt

- 4.5.56 An aim of Green Belt policy is to keep land permanently open. Relevant case law and the National Planning Practice Guidance (NPPG) indicate that the permanence of a proposed development is a relevant material consideration in terms of impact upon the Green Belt.
- 4.5.57 The proposed development has an operational life of up to 40 years. At the end of which the applicant indicates that the facility would be decommissioned and that the land could be easily returned to its former use without any significant demolition or land remediation. The applicant considers therefore that at the end of its operational life the land would have the characteristics of greenfield land, and as

such the Proposed Development cannot be considered permanent in a Green Belt context.

- 4.5.58 Whilst it is not known whether there would be a need for a replacement facility in 40 years, this application should be determined based on what is proposed and that is for a period of 40 years and the eventual restoration of the openness of this part of the Green Belt. This matter can be controlled by condition. Whilst the identified harm to openness would persist for a very long period, albeit mitigated over time by proposed landscaping, the proposal would not result in a permanent loss of openness. However, due to the fact that 40 years is a significant amount of time only limited weight should be given to the temporary nature of the proposal in the planning balance.

Purposes of the Green Belt

- 4.5.59 As indicated earlier the NPPF sets out five Green Belt purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 4.5.60 The site is proposed to be retained within the Green Belt in the emerging local plan. As part of the evidence base for the emerging local plan, the North Hertfordshire Green Belt Review 2016 (NHGBR) divides the Green Belt into areas for assessment of the contribution that respective parcels of land make to the openness and purposes of the Green Belt. The northern part of the application site, north of Graveley Lane, is located within parcel 14 (Willian). The part of the application site south of Graveley Lane is within parcel 10 (Little Wymondley).
- 4.5.61 Parcels 10 (Little Wymondley) and 14 (Willian) are identified as overall making a significant contribution to Green Belt purposes.
- 4.5.62 A more refined review is undertaken at Section 3 of the NHGBR where the parcels of land are divided into sub-parcels, which were assessed in the same way as the original larger parcel.
- 4.5.63 The northern part of the site falls within sub-parcel 14f and the southern part of the site falls within sub-parcel 10c.
- 4.5.64 Parcel 14f abuts the southern edge of Letchworth Garden City bounded by the A1(M), Graveley Lane, and Wymondley Road and is identified as land making a significant contribution to Green Belt purposes in terms of preventing the southwards expansion of Letchworth in the gap between Stevenage, Letchworth and Hitchin, playing a critical role in separating Letchworth and Stevenage, and protecting the countryside in the gap between Hitchin, Letchworth and Stevenage. The land is assessed as making a moderate contribution towards preserving the setting and special character of the part of the southern context of Letchworth.

Overall, sub-parcel 14f is assessed as making an overall significant contribution to the Green Belt.

- 4.5.65 Parcel 10c is on the north side of the east coast mainline railway, bounded by the northern edge of Stevenage, A1(M) and Graveley Road. The land is identified as making a significant contribution to checking the unrestricted sprawl of Stevenage northwards into the gap between Hitchin, Letchworth and Stevenage. The land also makes a significant contribution toward preventing the merging of Hitchin and Stevenage. The land makes a moderate contribution towards safeguarding the countryside from encroachment and a limited contribution towards preserving the special character of historic towns. Overall, the sub-parcel makes a significant contribution to Green Belt purposes.
- 4.5.66 The applicant has assessed the proposed development for its potential harm to Green Belt purposes, considering the same criteria used for the assessment of development sites within the Green Belt Review and considers that whilst there would be harm to the purpose of checking the unrestricted sprawl of large built-up areas, this would be limited because the site does not directly adjoin the boundary of a large built-up area.
- 4.5.67 Regarding preventing the merging of neighbouring towns, the applicant asserts that there would be no harm to this purpose because the proposed development would not result in coalescence and there is limited intervisibility between settlements and the site and that the existing perceived gaps between settlements would be maintained.
- 4.5.68 In terms of safeguarding the countryside from encroachment, the applicant contends that compared to other forms of development, it is less intrusive in the countryside, due to limited height and screening that would be provided by landscaping. Consequently, the applicant assesses that the proposed development would result in limited harm to this purpose of the Green Belt.
- 4.5.69 Regarding preserving the setting and special character of historic towns the applicant considers that the proposed development would cause no harm to this purpose given the physical separation of the site from historic towns.
- 4.5.70 However, your officers consider that the application site makes a contribution to the purposes of the Green Belt as set out in the table below, the reasoning for this assessment is set out after this table.

Table 1 – Purposes of the Green Belt

Purpose	Effect	Degree of harm
(a)To check the unrestricted sprawl of large built-up areas	An element of urban sprawl to Stevenage but there are intervening buffers	Limited

(b)To prevent neighbouring towns merging into one another	Site within parcels identified as making a significant contribution, However, gaps would remain between the towns of Hitchin and Letchworth and Stevenage	Limited
(c)To assist in safeguarding the countryside from encroachment	The site is undeveloped (excluding roads within red line) and the development would result in encroachment – tempered by retention of field pattern, landscaping and form of the proposed development	Significant
(d)To preserve the setting and special character of historic towns	The GB review parcels 14f and 10c make a moderate or limited contribution towards the setting of historic towns. The application site forms part of those parcels and is detached from any of the reference historic towns	Negligible
(e)To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	The site of the solar arrays re not urban and therefore this is not a relevant factor.	Not applicable.

- 4.5.71 The site lies within parcels of land that make a significant contribution to checking the sprawl of Stevenage, Letchworth, and Hitchin. Officers consider that a parcel of land does not need to abut a large town for it to contribute to the purpose of checking the unrestricted sprawl of large built-up areas. The site would be close to Stevenage, just 0.75km to the south. Nevertheless, there are physical buffers between the site and Stevenage, including the A1 (M) and woodland that limit the effect upon this purpose of the Green Belt.
- 4.5.72 The site lies within a parcel of land that has been identified by the Green Belt Review as preventing the merger of Letchworth and Hitchin with Stevenage. Whilst gaps would remain the proposal would diminish the separation of these settlements, albeit to a limited degree.
- 4.5.73 Therefore, officers consider that there would be a limited effect upon Green Belt purposes (a) and (b).
- 4.5.74 The fields upon which the solar arrays and associated buildings and infrastructure would be placed are undeveloped. The site clearly occupies a countryside location. There are some urbanising influences such as overhead power lines in the vicinity. The existing field pattern would be retained and there would be additional landscaping. The form and nature of the proposal would not have as great an urbanising effect compared to residential or employment development.

Nevertheless, the proposed development is inappropriate within the Green Belt and there would be moderate harm to the purpose of safeguarding the countryside from encroachment.

- 4.5.75 The application site makes little contribution to the setting of nearby historic towns due to the absence of intervisibility. The GB review parcel 14f within which the northern part of the site is located makes a moderate contribution towards the setting and special character of Letchworth and the application site is part of and to the edge of that parcel further away from Letchworth and the assessment is similar regarding GB Review Parcel 10c in respect of Stevenage Old Town. Therefore, it is considered that the proposal would have a negligible impact upon Green Belt purpose (d) to preserve the special character and setting of historic towns.
- 4.5.76 As the application site is not urban, officers consider that purpose (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land is not relevant.
- 4.5.77 Therefore, officers consider that there would be moderate harm to one of the five Green Belt purposes – to assist in safeguarding the countryside from encroachment.

Green Belt Conclusion

- 4.5.78 The proposed development would conflict with development plan and national policy as they relate to the Green Belt. The proposed development would be inappropriate within the Green Belt. There would be significant harm to openness and moderate harm to one of the purposes of the Green Belt. It is considered that the fact that the proposed development would not be permanent means that the Green Belt harm would not be permanent which tempers slightly the overall harm to the Green Belt, given that only limited weight is given to the temporary nature of the proposal. It is therefore concluded that substantial weight should be attached to the totality of harm that would be caused to the Green Belt as required by paragraph 148 of the Framework.

Other harm

- 4.5.79 Under the provisions of paragraph 148 of the Framework, any other harm resulting from the proposal should be taken into account, very special circumstances will not exist unless other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The Courts have confirmed “any other harm” to mean any harm relevant for planning purposes, which can include factors unrelated to the Green Belt in the planning balance, such as heritage harm or harm to highway safety.

Impact upon heritage assets

- 4.5.80 There are no listed buildings or other designated heritage assets within the application site. There are several designated heritage assets in the vicinity. The area is of archaeological interest and this matter is addressed later.
- 4.5.81 Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (The LBCA Act) stipulates that when considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. Effect upon listed buildings therefore should be given considerable importance and weight. Relevant factors include the extent of assessed harm and the heritage value of the heritage asset in question.
- 4.5.82 There are two conservation areas nearby. The LBCA Act requires special attention to be made to the desirability of preserving or enhancing the character or appearance of the conservation area. There is no reference to their setting.
- 4.5.83 Policy NHE9 of the Wymondley Neighbourhood Plan (WNP), confirms that development proposals should reflect and where possible, enhance the historic character of the area. Proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the development plan. The policy goes on to require that any new development should be appropriately sited and of an appropriate scale, form and style, avoid visually intrusive locations and lighting that would create additional urbanising influence on the character of the area.
- 4.5.84 Paragraph 194 of the NPPF stipulates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting and where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 195 of the NPPF confirms that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting their setting) taking account of the available evidence and any necessary expertise.
- 4.5.85 Emerging Local Plan (ELP) Policy SP13 confirms that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting. Regarding designated heritage assets, ELP Policy HE1 stipulates that planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they will, amongst other things, lead to less than substantial harm to the

significance of the designated heritage asset and this harm will be outweighed by the public benefits of the development, including securing the asset's optimum viable use. This policy reflects paragraph 202 of the NPPF which confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 4.5.86 The application is accompanied by a Heritage Impact Assessment by AOC Archaeology (HIA). This document confirms that there are several designated heritage assets within 1km of the application site and identifies them. The Conduit Head of the Scheduled Wymondley Priory is 60m to the west of the site, with the main scheduled area surrounding the priory located about 250m to the west at its closest point. Great Wymondley Castle Scheduled Monument is located about 235m to the west of the site. The HIA confirms that there are several listed buildings associated with the Scheduled Wymondley Priory including the Grade I Listed former Priory Church, the Grade II* listed tithe barn and a Grade II Listed barn and stable, a Grade II Listed dovecote and Grade II Listed garden walls. There are also two conservation areas within 1km of the application site, Great Wymondley Conservation Area and Graveley Conservation Area.
- 4.5.87 Paragraph 200 of the NPPF identifies scheduled monuments and grade I and II* listed buildings as designated heritage assets of highest significance.
- 4.5.88 Officers consider that the application site falls within the setting of the designated heritage assets identified above.
- 4.5.89 The NPPF defines the setting of a heritage asset as *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
- 4.5.90 Historic England published guidance on setting in 2017 (Good Practice Guidance Note 3) which confirms that the importance of setting is what it contributes to the significance of the heritage asset or the ability to appreciate that significance and sets out ways in which setting may contribute to the value of a heritage asset.
- 4.5.91 The submitted HIA considers the impact of the proposed development upon the setting of the designated heritage assets and identifies limited intervisibility between these assets and the application site due to landscaping, topography and built environment. The National Planning Practice Guidance confirms that although views of or from an asset play an important part of the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as other land uses in the vicinity and our understanding of the historic relationship between places, for example

historic or aesthetic connection that amplifies the experience of the significance of each.

- 4.5.92 Historic England were consulted on this application and confirm that any intervisibility between the proposal and the designated heritage assets would be mitigated to some extent by way of existing hedgerows and when the proposed screen planting matures. Historic England concludes that the proposed development would have a limited impact upon the setting of nearby heritage assets, and judge that this would equate to a level of harm that would be less than substantial in NPPF terms and have no objections should the Council be minded to approve the application.
- 4.5.93 In terms of any historical relationship between the application site and the identified designated heritage assets, paragraph 5.4.5 of the HIA confirms that the southern part of the application site would have been located within the landholding of Wymondley Priory in the medieval period and at 6.2.7 that much of the southern part of the site was within the historic landowning of Grade II Listed Gravely Hall Farm by 1731. However, the construction of the A1 (M) between the application site and Gravely Hall Farm means that this historic relationship is no longer readily appreciable. Given the absence of intervisibility officers agree with the HIA that the proposed development would not substantially alter the historic agricultural setting of Gravely Hall Farm or diminish the ability to appreciate its historic character and the proposed development would result in less than substantial harm to its setting.
- 4.5.94 St. Mary's Church at Little Wymondley dates from the early 12th century and is Grade II* Listed and can be glimpsed amongst trees from higher ground to the east of the application site adjacent to the A1(M) and over the roofs of buildings near the church. Given the limited intervisibility and historical or aesthetic connection between the application site and the church, officers agree with the HIA that the proposed development would not materially alter the setting of the church.
- 4.5.95 Great Wymondley Conservation Area encompasses the whole of the village of Great Wymondley and includes the Scheduled Monument of Great Wymondley Castle and the Grade I Listed Church of St Mary the Virgin along with several Grade II* and Grade II Listed Buildings. Woodland to the north and east parts of the Conservation Area restricts intervisibility with the application site. The clearest potential views of the site would be limited to the eastern edge of the Conservation Area near Milksey Cottages whereby views of the southern part of the application site would be possible beyond an intervening field. Officers consider that the application site forms part of the rural setting of the conservation area and agree with the submitted HIA that there would be less than substantial harm to the significance of Great Wymondley Conservation Area and the setting of assets within it.

- 4.5.96 Wymondley Priory is a Scheduled Monument and there are several listed buildings associated with the Priory. The main part of the complex is surrounded by wooded parkland at the base of a gentle slope about 250m to the west of the application site. There is limited intervisibility with upper parts of the east gables of the building visible above trees from within the southern part of the site. Although intervisibility is limited there is an identified historic relationship with the priory and the application site forms part of the wider agricultural setting of the listed building. The proposed development would affect this setting and cause less than substantial harm to the heritage significance of Wymondley Priory because of the impact upon this rural setting..
- 4.5.97 In terms of mitigation, additional landscaping proposed would limit intervisibility further.
- 4.5.98 Graveley Conservation Area covers a large portion of the village. Landscaping and topography restrict intervisibility with the conservation area. The A1 (M) has also diminished relationship between the application site and the conservation area in terms of it forming part of the rural setting of Graveley. Officers consider that there would be negligible harm to the significance of Graveley Conservation Area through the proposed development within its setting.
- 4.5.99 Of relevance to the assessment of harm is that the proposal would not be permanent and is proposed to be decommissioned after 40 years. Whilst this is a long time, and therefore limited weight is given to this, the current rural setting would return following a restoration to full agricultural use with enhanced biodiversity.
- 4.5.100 Officers consider that the proposed development would result in less than substantial harm to the significance of designated heritage assets through development within their setting, towards the lower end of the spectrum of less than substantial harm. That harm is not irreversible because the proposed development would be decommissioned after 40 years with the ability to restore the land to full agricultural use. The less than substantial harm would persist for a significant amount of time.
- 4.5.101 WNP Policy NHE9 requires full compliance with the NPPF. Paragraph 202 of the NPPF and ELP Policy HE1 require less than substantial harm to the significance of heritage assets to be weighed against the public benefits of the proposal. This harm should be afforded great weight. The balancing of this harm against the identified public benefits will be carried out in the planning balance below along with conclusions on compliance with relevant planning policies and the LBCA Act.

Archaeology

- 4.5.102 The HIA also addresses the effect upon archaeology. The requirements of WNP Policy NHE9 relating to archaeology have been set out earlier, and stipulate compliance with the NPPF. In addition, ELP Policy HE4 confirms that planning permission for development proposals effecting heritage assets with archaeological interest will be granted provided that:
- (a) Developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation;
 - (b) It is demonstrated how archaeological remains will be preserved and incorporated into the layout of that development, if in situ preservation of important archaeological remains is considered preferable; and
 - (c) Where the loss of the whole or a material part of important archaeological remains is justified, appropriate conditions are applied to ensure that the archaeological recording, reporting, publication and archiving of the results of such archaeological work is undertaken before it is damaged or lost.
- 4.5.103 Paragraph 203 of the NPPF confirms that the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application.
- 4.5.104 The HIA submitted with the application identifies the archaeological potential of the application site and assesses the potential for direct impacts of the proposed development upon archaeological remains. This desk-based report identifies high potential for prehistoric remains. Moreover, the landscape surrounding the site was extensively settled and farmed during the Roman period and there is high potential for further Roman remains to be encountered within the site. Immediately to the west of the northern part of the site a Roman settlement and cemetery was discovered in the 19th century to the north of St. Mary's Church and Wymondley Castle.
- 4.5.105 Given proximity to the Norman Castle that was constructed at Great Wymondley and Wymondley Priory, which was founded as an Augustinian monastic hospital between 1203 and 1207 the site is considered to have High potential for Medieval remains. Following the dissolution of the Priory in 1537 the land would have been located within undeveloped agricultural land throughout the Post Medieval Period (1537-1900) and is considered to have low to medium potential for remains from this period.
- 4.5.106 Given the potential of the site, a geophysical survey has been undertaken and the report submitted with the application. This identifies three concentrations of anomalies of archaeological origin, two areas in the northwest and southeast of the site and a more substantial group in the central eastern part of the site, covering about 8Ha. All three potentially date from the later prehistory through to the Medieval period.

- 4.5.107 HCC's Archaeology Advisor has been consulted on this application and confirmed that the geophysics results support the earlier desk-based assessment and demonstrate three distinct areas of high archaeological potential totalling 10 hectares in size. Field walking and targeted trial trenching is recommended.
- 4.5.108 A Written Scheme of Investigation (WSI) was subsequently submitted by the Applicant setting out an archaeological mitigation strategy for the proposed Solar Farm these includes provision for preserving any remains located within the three discrete areas on archaeology identified in situ via implementation of 'no dig' solutions and undertaking a 3% trial trench evaluation across the remainder of the site. The submitted WSI envisages that trial trench evaluation can be undertaken post determination with the proviso that should significant remains be identified then further requirements for mitigation, either by preservation in situ or by record as appropriate, may be required.
- 4.5.109 Following re-consultation, HCC's Archaeology Advisor has agreed the submitted Written Scheme of Investigation.
- 4.5.110 Officers consider that the impact of the proposed development can be adequately addressed by planning condition and therefore subject to the recommended conditions, this matter is neutral in the planning balance.

Landscape and Visual Impact

- 4.5.111 This is a large-scale solar farm. Given its nature and scale, there will inevitably be landscape harm. Within this context, national and development plan policies adopt an approach whereby development should be approved where the harm would be outweighed by the benefits of the scheme.

Landscape Character

- 4.5.112 NPPF Paragraph 174 indicates that the intrinsic character and beauty of the countryside should be recognised. Nevertheless, the NPPF does not seek to protect the countryside for its own sake from development; it concentrates upon seeking to protect valued landscapes. The site does not form part of any designated landscape.
- 4.5.113 The NPPF does not define what is a valued landscape, albeit most landscapes are valued by someone at some point. In the light of appeal decisions on this matter it is considered that valued landscape means it is valued because it is of a level that is more than just open countryside. Residents have confirmed that they value the countryside within and around the application site. However, there is nothing in the comments that would result in elevating the application site to that of an NPPF valued landscape.

4.5.114 Emerging Local Plan Policy NE2 confirms that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this, ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.

The Landscape Character Assessment

4.5.115 Across England 159 National Character Areas (NCA) have been identified and the application site is located within NCA 87: East Anglian Chalk and is described as comprising 'a visually simple and uninterrupted landscape of smooth, rolling chalkland hills with large regular fields enclosed by hawthorn hedges, with few trees and expansive views to the north'. On a regional level there is an East of England Landscape Framework and assessment has also been undertaken at a County level.

4.5.116 The Council published the North Herts Landscape Study as part of our Local Development Framework in 2011 which is based upon the Hertfordshire Landscape Character Assessment and subsequent sensitivity and capacity work. The application site is within the Arlesey/Great Wymondley Landscape Character Area (LCA). The characteristics of which are: large expansive arable landscape in the north, rolling arable landscape of large-scale fields in the south with relatively few trees and a core defined by the urban development of Letchworth and Hitchin.

4.5.117 In terms of visual and sensory perception the Study indicates that it comprises a large-scale open landscape which provides views to often poorly screened urban fringes of Letchworth, Hitchin and the A1(M). Regarding rarity and distinctiveness, the study notes that the LCA is not rare with typical pressures associated with urban fringes. The landscape character sensitivity is identified as low with overall low landscape value. Guidelines are provided to managing change. These do not identify a capacity for solar farm development, but this proposal would fall within 'other types of development' and the Study identifies a low to moderate capacity for these, with an overall strategy to conserve and restore.

The submitted Landscape and Visual Impact Assessment (LVIA)

4.5.118 The application is accompanied by a LVIA by Axis, which identifies the landscape and visual effects of the proposed development. In applying a standard methodology and professional judgement the LVIA sets out conclusions.

4.5.119 The LVIA identifies the visual baseline and viewpoints from which people would experience views of the proposed development, presents a narrative on the visual context of the site and judgements on visual value as well as susceptibility and sensitivity of the visual receptors (people experiencing the view).

- 4.5.120 The LVIA undertakes an assessment of visual and landscape effects during the construction phase, and operational phase. It proposes no further mitigation measures over and above those set out in the design of the proposed development.
- 4.5.121 The identified residual effects and conclusion in the LVIA indicate that in the short term, major to moderate adverse visual effects would occur from part of the Hertfordshire Way along the northern boundary of the northern part of the Site and from part of Gravely Lane which passes between the northern and southern parts of the Site and these are from where there are gaps in existing boundary vegetation. The visual effects would be significant in the short term, but proposed mitigation (planting) would largely screen close proximity views. The proposed development would have no greater than minor adverse effect on views in the wider study area, which would not be significant. The LVIA finds that the medium and long-term landscape and visual effects of the proposed development would not be significant, with long term benefits from the proposed mitigation following decommissioning of the solar farm.

Review of the LVIA

- 4.5.122 The Council commissioned consultants (The Landscape Partnership) to review the application and the submitted LVIA.
- 4.5.123 The consultants consider that the LCA has medium rather than low sensitivity as urban fringes and electricity pylons are of limited influence and the Hertfordshire Way is not mentioned in the LVIA when assessing landscape sensitivity.
- 4.5.124 It is considered that the Site is of medium landscape value, and ordinary large arable landscape that does not fall within the definition of a 'valued landscape' for the purposes of the NPPF.
- 4.5.125 The Consultants agree that construction effect could be covered by an appropriate Construction Environmental Management Plan (CEMP) condition and that visibility would be of a Large Magnitude but would be short term and not determinative. The review suggests that the landscape fabric effects would be higher than found in the LVIA and the effect on landscape character would be slightly higher.
- 4.5.126 The landscape consultants consider that while the site has some suitability for a solar farm there is scope to further mitigate some of the more residual adverse impacts. They recommend the reduction of the extent of solar panels on land closer to Great Wymondley and localised removal of panels to provide for more planting at one location on Gravely Road where there would be direct views to the north-east into the northern part of the Site.

Amendments to the landscaping scheme

- 4.5.127 In response to consultation responses the applicant submitted revisions to their scheme. These included:
- Increasing buffers between existing hedgerows, trees and woodlands from 6m to 12m. This will result in increased biodiversity gains with the increase buffers managed as species rich grassland and wildflower areas.
 - Permissive footpaths within these increased buffers to provide safe links from the existing public right of way near Milksey Cottages. Two links to the existing Hertfordshire way would be provided. One parallel to Gravely Lane and one perpendicular to Gravely Lane which would deliver circular walking routes for the life of the Proposed Development.
 - Two new hedgerows have been added within the northern area to link the existing truncated hedgerow to the wider field pattern.
 - Woodland copses have been added either side of the proposed site entrance to limit views into the site from Gravely Lane.
 - The solar panels have been pulled back from Gravely Lane in the field nearest to Great Wymondley and additional woodland and hedgerow planting/gapping up is proposed along the western boundary towards Great Wymondley.
- 4.5.128 Our landscape consultants have reviewed these changes and consider that the effects on landscape character would be beneficial but there would still be significant adverse effects at a local and site scale on landscape character.
- 4.5.129 The Level of effect on visual receptors for users of Gravely Lane would be reduced and from two viewpoints. The visual and spatial effect upon the Green Belt would be unchanged – there would still be a material adverse effect both spatially and perceptually on the openness of the Green Belt, which is to be expected from the nature of the proposed development.
- 4.5.130 In conclusion on this matter, it is considered that the proposal would inevitably have some adverse landscape and visual impact. However, through a combination of topography, existing screening, and the provision of landscaping, it is considered that the adverse effect would be localised. The proposed mitigation would be beneficial to the landscape and biodiversity. The 40-year lifetime of the scheme is a significant period. Following decommissioning of the solar farm there would be no residual adverse landscape effects. Therefore, there would be conflict with emerging Local Plan Policy NE2, which seeks to avoid unacceptable harm to landscape character and appearance, during the operation of the solar farm. Overall, therefore it is considered that the identified visual and landscape harm should be attributed moderate weight in the planning balance.

Impact upon the local highway network

- 4.5.131 There are currently gated field accesses that serve the two parcels of land from Graveley Lane, the southern parcel of land can also be accessed from Priory Lane, to the south west, although this access is from gated private land. Graveley Lane runs east/west and connects Great Wymondley with the B197 High Street at Graveley. For about 500m at the western end, Graveley Lane becomes known as Graveley Road.
- 4.5.132 Graveley Lane is a single carriageway two-way road that is subject to the National Speed Limit (60mph).
- 4.5.133 The existing field accesses on Graveley Lane would be upgraded to provide access to the site for construction and subsequent maintenance purposes.
- 4.5.134 A Transport Statement has been submitted with the application which identifies the anticipated transportation and highways matters associated with the proposed development. It assesses the traffic generation of the construction phase only, which would take about 36 weeks as once operational trips to the site would be limited to the occasional light goods vehicle for maintenance and would be very minor in nature.
- 4.5.135 During the first four weeks of construction there would be a maximum of 160 two-way vehicle movements per day, of which there would be up to 40 two-way HGV movements. For the remainder of the construction period (about 32 weeks) there would be a maximum of 128 two-way movements, including up to 8 two-way HGV movements per day. The Transport Statement identifies the visibility splays that would be required based upon speed surveys carried out and provides swept path assessment for a 16.5m long articulated lorry, which are the largest vehicles anticipated to require access to the site during the construction period.
- 4.5.136 Construction compounds would be provided within both parcels to either side of Graveley Lane to allow construction traffic to enter and exit the site in a forward gear. A construction management plan (CMP) can be required by planning condition that identifies, manages, and mitigates against the impacts of construction related traffic.
- 4.5.137 The Highway Authority sought further information from the applicant on access designs during construction and the longer term, and wider construction vehicle considerations, as well as the effects of glint and glare upon local highway users.
- 4.5.138 The applicant entered into extensive discussions with the Highway Authority to address their concerns. The Highway Authority made clear that the applicant needed to undertake a thorough site assessment to include an audit of the approach routes, with regular width measurements taken along it and provide a commentary as to how large HGVs can pass one another during construction.

- 4.5.139 The applicant submitted additional plans with commentary by e-mail to the Highway Authority which include spot measurements of the Graveley Lane carriageway width at regular intervals, and photographs. The majority of the approach route of Graveley Lane is greater than 6m, varying between 6.7m at the widest point – underneath the A1(M) bridge – to 6.1m. As such the Highway Authority consider that this section of Graveley Lane is adequate to allow HGVs to pass in opposite directions.
- 4.5.140 Over a circa 50m section covering the western end of the carriageway, it narrows down to around 4.8m. As such a passing bay is proposed along this section, and forward visibility from this bay has been provided by the applicant. This satisfies the Highway Authority that approaching drivers will have time to make a decision as to whether they need to slow down to let an oncoming vehicle pass by using this bay, or vice versa. This will result in the loss of grass verge during the construction period.
- 4.5.141 It is considered by officers that the loss of vegetation within the highway verge would be modest in relation to the overall planting proposed and would in any event be temporary during the construction period and the verge will be reinstated after construction works are complete.
- 4.5.142 Whilst the applicant states in the submitted Transport Statement that a maximum of 40 two-way movements per day will take place during construction, with an average of 8 two-way HGV movements the applicant indicated to the Highway Authority that experience from similar sites elsewhere in the UK suggests that movements are likely to be less.
- 4.5.143 In terms of glint and glare there would be no material difference for road users at a receptor height of 1.05 compared to 1.5m set out in the submitted assessment.
- 4.5.144 The Highway Authority no longer objects to the proposal subject to conditions.
- Loss of Best and Most Versatile Agricultural Land
- 4.5.145 Guidance from Government stresses a preference to develop solar farms on brownfield or degraded land over greenfield land. Agricultural land is classified from Grade 1 to 4, with Grade 1, 2 and 3a being considered BMV agricultural land.
- 4.5.146 The Agricultural Land Classification submitted with the application shows that around 68% of the site is classified as Grade 3a and 32% as Grade 2 best and most versatile (BMV) agricultural land. As such the Site is considered BMV agricultural land in the context of the NPPF and NPPG.
- 4.5.147 Policy NE12 of the emerging Local Plan has been subject to proposed modifications through the examination process to state that proposals for solar farms involving the best and most versatile agricultural land will be determined in accordance with national policy. Paragraph 174 part b) of the NPPF requires consideration of the economic and other benefits of the best and most versatile

agricultural land. Footnote 58 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

- 4.5.148 It is also notable that NPPG encourages the siting of large-scale solar farms on previously developed and non-agricultural land provided it is not of high environmental value.
- 4.5.149 The applicant states that there is unlikely to be a significant long-term loss of agricultural land quality as the solar panels would be secured to the ground by support table posts with limited soil impacts, which could be removed later. However, across the lifetime of the development, there would be a reduction in agricultural productivity over the whole development area with only sheep grazing.
- 4.5.150 Food security is an important consideration to be weighed in the planning balance. However, weighing in favour of the proposal is that the applicant proposes to improve the biodiversity potential of the application site through the provision of planting including trees, hedges, and grassland and this is a matter addressed in considering the benefits of the proposed development.

Conclusion on loss of BMV Agricultural Land

- 4.5.151 The proposed grassland has potential to be used for the grazing of sheep, which is viable in tandem with solar energy production. A condition is recommended to ensure that this is implemented in accordance with a grazing management plan. Therefore, the proposal would not result in the loss of BMV agricultural land as agricultural use would continue. In addition, the Site would eventually be able to be restored to full agricultural use with enhanced biodiversity.
- 4.5.152 Nevertheless, the proposal would result in a reduction of agricultural production on this site during the period of operation of the solar farm and moderate weight is attributed to this harm to agricultural production of the land.

Flood Risk and Drainage

- 4.5.153 In response to objections from the Environment Agency and the LLFA the applicant updated the submitted Flood Risk Assessment (FRA) and submitted a drainage Technical Note. The FRA was amended to include the route of the underground grid connection cable, which confirms that most of the grid connection route is within Flood Zone 1 (low risk of flooding) and that a 700m length is Flood Zone 3 (high risk of flooding). The amended FRA confirms that no excavated spoil would be temporarily stores in Flood Zone 3 and excavation would progress in approximately 100m lengths that would be backfilled the same day once ducting is installed. The applicant considers that the construction works within Flood Zone 3 would not increase the risk of flooding elsewhere.

- 4.5.154 The scheme has been amended to include attenuation ponds and detention basins and the Drainage Technical Note confirms that direct rainfall runoff modelling has been undertaken and the proposed attenuation would manage overland flow of surface water, which along with land management measures would reduce downstream flood risk compared to the existing situation.
- 4.5.155 Following the amendments, the LLFA and EA were reconsulted. The EA has withdrawn their objection. However, no response has been received from the LLFA.

Conclusion on flood risk

- 4.5.156 Based on the amendments and withdrawal of the objection from the EA and the absence of an objection to the amended scheme from the LLFA, it is considered that the proposal is acceptable from a drainage and flood risk viewpoint. Therefore, subject to the recommended conditions requiring the provision of the proposed drainage scheme that would reduce downstream flood risk compared to the existing situation, this weighs in favour of the proposal to a limited extent.

Noise

- 4.5.157 A Noise and Vibration Assessment was submitted with the application.
- 4.5.158 Regarding noise from the operation of the solar array from sources such as inverters and transformers, the submitted assessment finds that the maximum predicted noise contribution would be less than existing background noise levels.
- 4.5.159 There would be noise and disturbance generated during the construction of the solar arrays over an anticipated 36 weeks.
- 4.5.160 The PDA Statement, Section 3.2.5 states Construction hours will be:
Monday to Friday 07.30hrs to 18.00hrs
Saturday and Sunday 08.30 to 18.00hrs.

Section 3.26 states deliveries and noise generating activities will only take place

Monday to Friday 07.30hrs to 18.00hrs

Saturday and Sunday 07.30 to 18.00hrs.

- 4.5.161 The Council's Environmental Health Officer notes the applicant's submissions and raises no objections subject to conditions relating to hours of operation, which are more restrictive than those proposed by the applicant, a construction management plan and submission of a plant report that demonstrates compliance with the source noise levels on which the submitted Noise and Vibration Assessment has been based.

Conclusion on noise

- 4.5.162 The applicant confirms that the extended construction hours have been requested to ensure that the construction period is kept to a minimum and that specialist staff can work continuously when required at key stages of the installation. However, the applicant has indicated if the extended hours are not accepted by the Council, then work will be undertaken within the hours considered acceptable.
- 4.5.163 Officers consider that whilst there would be benefit in keeping the construction period to a minimum this would still be many weeks and the amenities of residents should be protected and hours of operation limited to those required by the Council's Environmental Health Officer. Subject to the proposed conditions officers consider that the noise impacts of the proposed development are neutral in the planning balance.

Impact on biodiversity

- 4.5.164 An ecological assessment report by Avian Ecology was submitted with the application which provides an assessment of ecological effects in relation to the proposal. This involved a desktop study to identify any known features or species of ecological importance within a 2km search radius for all statutorily designated sites extending to 10km for internationally protected species.
- 4.5.165 A biodiversity net gain assessment was undertaken, which shows substantial net gains, which is addressed at Section 4.3 of this report.
- 4.5.166 A field survey of the site was undertaken to identify the habitats. Three breeding bird surveys and a Great Crested Newt survey were also undertaken.
- 4.5.167 There are several statutory designated sites within 5km of the site. However, given the distance the Assessment indicates that there will be no direct effect on habitats within any statutory designated sites. There were also several non-statutory designated sites within 2km of the application site, the closest is Gravely Hall Farm LWS some 350m to the east, beyond the A1(M). The Assessment states that due to distance and lack of impact pathways the proposal would not have a direct impact on the non-statutory designated sites.
- 4.5.168 The habitat survey on the site confirms that most of the site comprises arable field of low ecological value. The other habitats including field margins, hedgerows, trees and ditches provide higher biodiversity value.
- 4.5.169 The submitted Assessment stipulates that the construction of solar farms generally requires very low levels of direct and permanent land take and the direct loss of habitat is therefore small and will comprise low ecological value arable land.

- 4.5.170 The proposed access track would use existing field accesses and gaps in hedgerows where possible, minimising disturbance to hedgerows. There will be planting that would provide an overall biodiversity net gain.
- 4.5.171 Hertfordshire Ecology (HE) were consulted on this application and no objections in principle were raised. A condition is recommended to address the route of the cable through the Wymondley Transforming Station Local Wildlife Site, where a dig trench is proposed across the shortest section and then backfilled. HE also confirms that adequate boundaries should be retained against all hedgerows and woodland. It is acknowledged that the Ecological and Biodiversity Net Gain (BNG) reports predict considerable increases in ecological value, but HE considers these to be optimistic. A condition is recommended that requires the production of a BNG Plan.
- 4.5.172 It is noted that concerns have been raised by the Hertfordshire and Middlesex Wildlife Trust (HMWT). The scheme has been amended by the applicant seeking to address the concerns raised which included increasing buffer areas between solar panels and priority habitats such as hedgerows. HMWT raise no objections subject to a condition requiring a biodiversity net gain plan.
- 4.5.173 Concerns have also been raised by residents relating to the impact upon wildlife. The erection of fencing would restrict movement of wildlife.

Conclusion on biodiversity

- 4.5.174 Officers consider that subject to the recommended conditions the proposed development would not result in harm to biodiversity. The proposed Biodiversity Net Gains set out in the application are addressed further in addressing potential planning benefits. Overall, it is considered by officers that subject to recommended conditions, on balance, there would be no harm to biodiversity but net gains, which weighs in favour of the proposal.

Fire Risk

- 4.5.175 Several residents have raised fire risk, in relation to solar farms. There have been reported cases of fires at Solar Farms.
- 4.5.176 The British Research Establishment National Solar Centre (BRE NSC) was commissioned by the Department for Business, Energy and Industrial Strategy to lead a three-year study on fires involving solar photovoltaic (PV) systems. The BRE NSC consider that there is no reason to believe that the fire risks associated with PV systems are any greater than those associated with other electrical equipment.
- 4.5.177 The applicant has indicated that fire suppression systems will be in place in the buildings housing batteries and transformers.

4.5.178 The Hertfordshire Fire and Rescue service were consulted on this application no response has been received.

Conclusion on fire risk

4.5.179 There is no evidence to show that there would be a high risk of fire at the proposal. Given that fire suppression measures would be in place it is considered that the fear of fires occurring cannot form a basis for refusing planning permission and this matter does not weigh against the proposal but is neutral in the planning balance.

Other matters

4.5.180 **Alternative renewable energy sources** have been raised by residents objecting to the proposal. Several respondents consider that offshore wind energy production is a better means of generating renewable energy than solar farms. Officers consider that given the scale of such schemes and the amount of energy generated by them they make an important contribution to renewable energy production in the UK. However, such renewable energy schemes would not be able to contribute towards renewable energy production in North Hertfordshire and meet the Council's carbon zero aims for the District. Moreover, a good mix of renewable energy generation is desirable in meeting the needs of the district and the UK and solar farms are part of that mix. The ability to generate renewable energy from wind farms does not weigh against the ability to generate renewable energy from solar farms.

4.5.181 **Alternative locations for solar arrays** have been raised, and respondents have reiterated government guidance that sets out a preference for solar arrays to be located on previously developed land. However, the applicants have confirmed that there are no previously developed sites of the scale of the proposal within the district, where a solar farm could be delivered. It is possible to place PV panels on a small scale on individual buildings. However, this does not justify the refusal of planning permission for solar farms, given the current significant shortfall in renewable energy production in North Hertfordshire from such existing small-scale schemes.

4.5.182 Whilst the National Planning Practice Guidance set out a preference for locating solar farms on previously developed land and buildings, this does not equate to a sequential test whereby non-Green Belt land should be considered before considering land within the Green Belt. Paragraph 151 of the Framework is clear that developers need to demonstrate very special circumstances if projects are to proceed within the Green Belt and that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. It does not require non-Green Belt land to be considered before considering sites within the Green Belt, or in other words that Green Belt sites be excluded in the site selection process. Whereas, physical restraints, such as access to the national grid or capacity limitations will influence the site selection process.

4.5.183 **Cumulative effect** of other solar farm applications being considered by the Council in the area, has been cited by several objectors. However, these applications have not yet been determined and it would be inappropriate to pre-judge the Council's determination of those applications.

4.6 **Planning Benefits**

4.6.1 The applicant has put forward a case in the submitted Planning, Design and Access Statement that there is a compelling need for the proposed development and the grid connection constraints are material considerations that constitute 'very special circumstances', which clearly outweigh the harm to the Green Belt and any other harm and that as such the Proposed Development is acceptable.

Meeting the Challenges of Climate Change and Flooding

4.6.2 The applicant reiterates that the NPPF seeks to support renewable and low carbon energy and associated infrastructure and that to help increase the use and supply of renewable energy plans should provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily. The applicant also points out that paragraph 158 of the NPPF states that LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy. Nevertheless, the submitted Planning, Design and Access Statement sets out that need as part of the 'Very Special Circumstances' case.

Renewable Energy Generation

- 4.6.3 A solar farm of this scale would undoubtedly make a positive contribution to renewable energy, and it is salient to note that paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy. Nevertheless, a need has been identified to address Green Belt policy.
- 4.6.4 The Wymondley Neighbourhood Plan at paragraph 3.7 sets out that the plan has been developed with a view to move to a low carbon economy, referencing the three dimensions of sustainability.
- 4.6.5 The Government and the Council recognise that climate change is happening through increased greenhouse gas emissions and that immediate action is required to mitigate its effects.
- 4.6.6 The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2025. The Clean Growth Strategy 2017 anticipates a diverse electricity system based upon the growth of sources of renewable energy.

- 4.6.7 National Policy Statements (NPS) are a material consideration for the determination of major energy infrastructure. This proposal falls just short of the 50Mw threshold for it to be classified as a major infrastructure project, which would fall for the Secretary of State to determine. However, it is considered that regard may be given to these. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not refer to solar power as such, they nevertheless reiterate the urgent need for renewable energy electricity to be delivered. Draft updates to NPSs EN-1 and 3 confirm that as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low-cost source of electricity.
- 4.6.8 The Energy White Paper of December 2020 stipulates that setting a net zero target is not enough: it must be achieved, partly through how energy is produced and confirms that solar is one of the key elements of the future energy mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener which seeks the accelerated deployment of low-cost renewable generation such as solar.
- 4.6.9 The development has a capacity of 49.9Mw, which would generate a significant amount of electricity from a clean, renewable source. This would provide for a reduction of about 20,000 metric tonnes of carbon dioxide emissions and meet the energy needs of around 12,000 homes, which is comparable to the number of new homes planned in the emerging Local Plan or about 22% of existing homes within North Hertfordshire at the start of the emerging Local Plan period. In addition, Government data shows that the proposed scheme would more than double the installed renewable capacity in the District.
- 4.6.10 Further to this, the applicant makes the case that the National Grid Wymondley Substation requires additional generation inputs to allow it to manage flows due to the high demand in the area.
- 4.6.11 It is considered therefore that the proposed development would make a very substantial contribution to renewable energy generation in the District. This is a benefit to which it is considered very substantial weight should be attributed.

Urgent Local Need

- 4.6.12 The applicant sets out the case that there is urgent need for the development in this location.
- 4.6.13 The Council declared a Climate Emergency on 21st May 2019, and this is followed up with the publication of a Climate Change Strategy 2021-2026. As part of the Climate Change Strategy, the Council set the ambitious objective of achieving net zero across the district by 2040, which goes beyond Government targets, where net zero is targeted nationally by 2050.

- 4.6.14 Government data for electricity use within North Hertfordshire shows that in 2019 the district used a total of 506 GWh of electricity, and that in the same year only 52.6 GWh of electricity was generated in North Hertfordshire from renewable sources, which is just 10.4%. The National Grid indicates that nationally about 43% of our power comes from renewable sources.
- 4.6.15 The applicant considers that this is a significant deficit to make up to achieve the Council's ambitious objective of achieving net zero by 2040. Moreover, as the demand for electricity is likely to increase significantly the deficit will have increased since 2019 and is likely to grow through the period to 2040 if schemes such as the Proposed Development are not consented as a matter of urgency.
- 4.6.16 Based upon Government data, the Applicant also points out that about 57.4% of North Hertfordshire's renewable electricity currently comes from solar, if this were to be scaled up proportionately then an additional 260 MWh of renewable energy from solar photovoltaics would be required to meet the deficit of 453.4GWh. This discounts the fact that anaerobic digestion and landfill gas could not easily be scaled up to meet the other 42.6% which would be required.
- 4.6.17 The applicant points out that currently no energy is generated from onshore wind, hydro, sewage gas, municipal solid waste, animal biomass, plant biomass of cofiring and asserts that the only source other than solar that could be scaled up significantly to meet the electricity need in North Hertfordshire is onshore wind, which would not be without its own landscape and visual impacts. The applicant considers that large parts of North Hertfordshire are unsuitable for wind farms.
- 4.6.18 The Applicant states that the Proposed Development, almost double the existing renewable energy generation capacity in North Hertfordshire and make a significant contribution to the Council's objective to be net zero within the district by 2040.
- 4.6.19 It is considered that there is an identified and urgent need to increased renewable energy generation in North Hertfordshire.

Need for a Green Belt Location

- 4.6.20 The applicant states that it is an essential requirement for solar farms to be proximate to an existing substation which has the available capacity to import the required amount of power into the National Grid. In addition, schemes must be located close to the identified substation to remain viable both in terms of cable deployment for the grid connection, and to ensure that minimum transmission losses occur. The applicant considers that for a typical site, the maximum grid connection length before a scheme is no longer viable is approximately 4km from the substation, with costs increasing as distance from the substation increases within this 4km.

- 4.6.21 In this case, the applicant confirms that the grid connection route for the proposed development follows the local road network and is about 4km and therefore towards the upper limit in terms of maximum distance away from the substation.
- 4.6.22 In addition to grid connection, solar curtailment is a factor that affects location. Solar curtailment is the deliberate reduction in output below what could have been produced in order to balance energy supply and demand, which results in the loss of potentially useful energy. Curtailment can be addressed by building new power lines or storage, but this can be more expensive than letting surplus power go unused.
- 4.6.23 The applicant has presented evidence to show that there are two geographic areas within North Hertfordshire where there is capacity within the grid to accommodate a solar farm without significant solar curtailment. These are to the east and west of North Hertfordshire. Large portions of the west of the district are covered by Green Belt or the proposed extension to the Green Belt, with parts also within the Chilterns AONB. Whilst there is no Green Belt or AONB within the eastern part of the district, there is high quality landscape.
- 4.6.24 The appellant also presents evidence to identify a need to distribute solar farms in those areas where there is less solar curtailment for the efficient delivery of electricity and that if North Hertfordshire is to reach net zero both the east and west of the District will need to contribute towards providing clean renewable energy to the Grid and that small to mid-scale sites distributed across North Hertfordshire will need to come forward to deliver this, including several Green Belt locations.
- 4.6.25 The applicant confirms that a grid connection offer from National Grid has been secured for a 49.995MW solar farm to the Wymondley Grid. The applicant asserts that the availability of this grid connection and the immediate delivery of the proposed development in the context that North Hertfordshire has not consented a commercial renewable energy generation scheme since 2015, should be given substantial weight in the planning balance.
- 4.6.26 Officers accept that that the applicant has presented evidence to justify a solar farm in this Green Belt location.

Conclusion on renewable energy benefits

- 4.6.27 Officers have considered and assessed the evidence and case presented by the applicant and agree that there is a clear and urgent need to substantially increase renewable energy generation in North Hertfordshire if there is to be any prospect of achieving Net Zero carbon emissions by 2030.
- 4.6.28 It is considered that the benefit arising from the generation of renewable energy by the proposed development, meeting the electricity needs of around 12,000 homes, is very substantial and that this is a planning benefit to which substantial weight can be attributed.

Wider Environmental Benefits

- 4.6.29 The applicant identifies the following proposed environmental enhancements:
- Grassland within the perimeter/stock fencing suitable for sheep grazing that provide pollen and nectar for biodiversity;
 - Species-rich grassland between field boundaries and perimeter/stock fencing to contribute to enhancing hedgerow buffer zones for improved ecological connectivity;
 - Native-species woodland planning to provide visual screening, landscape integration and improved ecological connectivity;
 - New native species hedgerows for visual screening, ecological connectivity and landscape integration; and
 - Gapping-up of existing hedgerows.
- 4.6.30 The applicant considers that the enhancement would provide significant biodiversity gain of about 205% in habitat units and 102% in hedgerow units, well above the emerging national target of 10% and would also take the land out of intensive arable agricultural use and provide a net carbon benefit.
- 4.6.31 The applicant concludes that there are 'very special circumstances' which when considered cumulatively, are judged to clearly outweigh any harm to the Green Belt and that case law confirms that some factors that are quite ordinary in themselves can cumulatively become 'very special circumstances'.

Economic benefits

- 4.6.32 There is a strong case for the economic benefits of the scheme, both in terms of the Government's aims in the NPPF to build a strong and competitive economy, but also in terms of the number of employees at the site during construction, operation, and decommissioning phases.
- 4.6.33 There would be clear economic and energy security benefits arising from a facility that can meet the electricity needs of around 12,000 homes and reduce the use of fossil fuels in the production of electricity.
- 4.6.34 In the circumstances it is considered that there would be economic benefits to which significant weight can be attributed in the planning balance.

Biodiversity

- 4.6.35 The submitted Ecological Assessment confirms that biodiversity net gain (BNG) will be achieved, and the submitted Biodiversity Metric shows the extent of BNG. Whilst Herts Ecology consider that the net gains are optimistic, showing a net gain

of over 200%, Officers consider that there would be BNG in compliance with ELP Policy NE4, and more than the 10% net gain that will be required in the future by the Environment Act 2021. The delivery of BNG can be controlled by condition.

4.6.36 There will be some impact upon biodiversity by the proposal as set out in this report. However, on balance, it is considered that the net gains likely to be achieved weigh moderately in favour of the proposed development.

4.7 Planning Balance and very special circumstances

4.7.1 As set out in this report, there are matters that weigh in favour and against the proposed development. The table below identifies the benefits and harms of the development and the weight attributed to these. Notwithstanding the weight attributed to different matters, some carry greater importance than others and whilst this will not be reflected in the table below, this is addressed in this section of the report.

Table 2 – Benefits and harms

Issue	Effect	Weight
Green Belt Openness	Harm	Significant
Green Belt Purposes	Harm	Moderate
Overall effect on the Green Belt	Harm	Substantial
Landscape and visual impact	Harm	Moderate
Heritage	Harm (Low level of Less than substantial)	Great
Loss of agricultural land	Harm	Moderate
Renewable Energy Generation	Benefit	Very Substantial
Urgent Local Need	Benefit	Substantial
Economic impact	Benefit	Significant
Biodiversity	Benefit*	Moderate*
Flood Risk/Drainage	Benefit*	Limited*
Noise/residential amenity	Neutral*	None*
Highway Safety	Neutral*	None*
Fire Risk	Neutral	None

* subject to conditions

4.7.2 There is a circular argument for and against the proposal. The greater the renewable energy generation the greater the weight given to this as a material consideration, but with that comes the greater spatial and visual impacts. Notwithstanding the large scale of the proposal, the landscape impacts are relatively localised due to topography and existing landscaping, whereas the

renewable energy generation would be substantial compared to existing renewable energy generation in North Hertfordshire.

- 4.7.3 The proposed scheme is inappropriate development in the Green Belt; it does not meet the exceptions set out in paragraphs 149 or 150 of the NPPF. Paragraph 148 confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.7.4 Before addressing the overall planning balance in line with NPPF paragraph 148, the heritage balance shall first be considered, which also falls within the planning balance of any other harm.
- 4.7.5 The heritage balance set out in NPPF paragraph 202 confirms that it is necessary to weigh the low, less than substantial harm to the significance of the designated heritage assets, against the public benefits of the proposed development. It is considered that all the identified benefits above are public benefits. The development would generate a significant amount of renewable energy, which has been attributed very substantial weight as a planning benefit, given the statutory requirement to achieve zero carbon emissions, the environmental, economic, and social imperative to address global warming, the policy support for renewable energy, the declaration of a climate change emergency by this Council in 2019 and the limited renewable energy production in North Hertfordshire. As indicated earlier in the report there are currently two small solar farms and no wind farms within the District.
- 4.7.6 There are other public benefits including those relating to the economy and biodiversity. Nevertheless, great weight should be given to the conservation of designated heritage assets as required by the NPPF. However, it is considered that greater weight should be attributed to the clear public benefits in this instance and so there is clear and convincing justification for the low harm to the designated heritage assets. Therefore, it is considered that the proposed development would have an acceptable effect upon the significance of the heritage assets and would accord with emerging Local Plan Policies SP13 and HE1, Wymondley NP Policy NHE9.
- 4.7.7 Now turning to the overall planning balance in line with Paragraph 148 of the NPPF, the development would cause harm to the Green Belt due to its inappropriateness, loss of openness and conflict with a Green Belt purpose. However, the harm to the Green Belt would not be permanent, which is material given that the fundamental aspect of the Green Belt is not only its openness but also its permanence.
- 4.7.8 The NPPF requires substantial weight to be given to any harm to the Green Belt. The development would also result in moderate visual and landscape harm. The harm will not be permanent, albeit the 40-year life of the proposed development is

very long. There is no reason to believe that the site cannot be fully restored following decommissioning.

- 4.7.9 The other considerations include those that have been afforded weight as summarised at Table 2 above.
- 4.7.10 Climate change due to global warming and the imperative to reduce carbon emissions is addressed by planning policies. The generation of renewable energy forms an important part of the equation in achieving net zero carbon in the UK by 2050 and within North Hertfordshire by 2040. Other matters have arisen recently including concerns relating to energy security and significant rises in the price of gas and electricity.
- 4.7.11 When taken together, other considerations in this case clearly outweigh the harm that has been identified to the Green Belt and other harm that has been identified, particularly given that the proposed development would not be permanent. In the circumstances, looking at the application as a whole, very special circumstances are considered to exist to justify the development in the Green Belt as required by NPPF paragraphs 147 and 148, WNP Policy GB1, Policy LP Policy 2 and ELP Policy GB5.

Conclusion on 'very special circumstances'

- 4.7.12 Officers are of the view that there are material considerations that weigh in favour of the proposed development. It is considered that these material considerations together present 'very special circumstances' that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, taking account that the proposed development would not be permanent, and that the openness of the site would be restored following decommissioning of the solar farm restoration to full agricultural use.

Overall conclusion

- 4.8 The purpose of the planning system is to contribute to the achievement of sustainable development. Upon consideration of the social, economic, and environmental objectives of the planning system it is considered that the proposed development is sustainable and there is therefore a presumption in favour it and that planning permission should be granted subject to conditions.

5.0 Climate Change Mitigation Measures

- 5.1 Climate change has been addressed throughout this report and is a matter at the heart of this application in terms of the significant contribution the proposed development would make to renewable energy generation and the goal of achieving net zero carbon within the District by 2040 and within the UK by 2050.

6.0 **Pre-commencement conditions**

6.1 It is confirmed that the applicant agrees to the pre-commencement conditions that are proposed.

7.0 **Legal Implications**

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

8.0 **Recommendation**

That planning permission is resolved to be **GRANTED** subject to referral to the Secretary of State for Levelling Up Housing and Communities and subject to the following conditions.

Standard Time Limit

1. The development hereby permitted shall be begun before the expiration of three 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.

Approved plans

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.

Noise

3. During the construction phase of the development hereby approved no activities shall take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs. There shall be no work at any time on Sundays and Bank holidays.

Piling shall only be undertaken between 09.00hrs and 17.00hrs Monday to Friday.

Reason: To protect the residential amenities of existing residents.

4. Prior to the installation of any noise generating plant, mitigation details / Plant Report shall be submitted to the Local Planning Authority to demonstrate compliance with the source noise levels detailed in Section 6.2.3 of Report Reference R21.0906/DRK dated 7 October 2021.

Reason: To protect the amenities of existing residents.

Decommissioning

5. The Local Planning Authority shall be notified in writing within 1 month of the date of first operational use of the development. The development hereby permitted shall be removed and the land restored to its former condition or a condition to be specified and agreed in writing by the Local Planning Authority on or before 40 years from the date of the first operational use of the development.

Reason: Approval of the proposal on a permanent basis would result in permanent loss of Green Belt land and conflict with Saved Policy 2 of the North Hertfordshire District Local Plan with Alterations 2007, Policy GB1 of the Wymondley Neighbourhood Plan and Policy GB5 of the emerging Local Plan.

6. No less than 1 year prior to the decommissioning of the development hereby approved, a detailed decommissioning plan shall be submitted to the Local Planning Authority for approval, which shall detail how the equipment is to be removed from the site and how the land will be restored. This shall be accompanied by a construction traffic management plan and environmental/biodiversity mitigation measures. The decommissioning and mitigation measures shall be carried out in accordance with the approved details.

Reason: The application site lies within the open countryside and Green Belt and it is important that once the development has ceased the openness of the site is restored and the site made available for full agricultural use.

Flood Risk and Drainage

7. No development shall take place until a detailed design of the surface water drainage of the site and a management and maintenance plan have been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the submitted Flood Risk Assessment by Weetwood, Final Report v1.3 dated May 2022 and Technical Note by Weetwood dated 30 May 2022

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased risk of flood on or off the site resulting from the proposed development. A pre-commencement condition is required as detailed drainage should be agreed before construction.

8. During installation of underground cables, no spoil or material shall be stored adjacent to Stevenage Road, within the extent of Flood Zone 3. This shall form part of the Construction Management Plan that shall be agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Works shall be carried out in accordance with the agreed plan.

Reason: To ensure there is no loss of floodplain or impedance to flood water flows and no increase in flood risk elsewhere during construction of the development.

Ecology and Biodiversity

9. Prior to the excavation of trenches for cabling within Wymondley Transforming Station Local Wildlife Site (LWS) a soil management plan shall be submitted to and approved in writing by the Local Planning Authority which shall contain the following:
 - a) An ecological survey (in suitable season) of the route across the LWS to highlight any key issues;
 - b) Details relating to the lifting, storage and replacement of turves, including the season when this will take place; and
 - c) Proposed aftercare and management.The works shall be undertaken in accordance with the approved management plan.

Reason: To minimise impact upon the ecological and biodiversity interest of the Wymondley Transforming Station LWS.

10. No development shall commence (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a) Risk assessment of potentially damaging construction activities,
 - b) Identification of biodiversity protection zones,
 - c) Practical measures to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timings of sensitive works to avoid harm to biodiversity features,
 - e) The times during construction when specialist ecologists need to be present on site to oversee works
 - f) Responsible persons and lines of communication
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person'
 - h) Use of protective fences, exclusion barriers and warning signs if applicable.

The CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that before any development commences appropriate construction environmental management plan has been agreed to fully conserve and enhance ecological interests in accordance with Policies NHE 1 and 2 of the Wymondley Neighbourhood Plan and emerging Local Plan Policy NEx. A pre-commencement condition is required as it addresses construction works.

11. Prior to the installation of the solar arrays hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
 - a) Description and evaluation of features to be managed,
 - b) Ecological trends and constraints on site that might influence management,
 - c) Aims and objectives of management including how biodiversity net gain will be achieved,
 - d) Appropriate management options for achieving aims and objectives
 - e) Prescriptions for management actions,
 - f) Prescription of a work schedule (including annual work plan capable of being rolled forward over the operational lifetime of the development),
 - g) Details of the body or organisation responsible for implementation of the plan, and
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the development with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity including any protected species and their habitats.

Detailed Landscaping scheme

12. Prior to the first exportation of electricity from the development to the electricity grid full details of both hard and soft landscape proposals and programme of implementation shall be submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
 - a) Proposed finished floor levels or contours
 - b) Wildlife access points in fencing
 - c) Hard surfacing materials
 - d) Proposed and existing functional services above and below ground
 - e) Planting plans
 - f) Written specifications of cultivation and operations associated with plant and grass establishment
 - g) Schedules of plants, noting species, planting

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

Trees

13. No construction shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation, during construction, and landscaping operations.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality. A pre-commencement condition is required as the tree protection must be in place prior to construction works commencing.

Agricultural use

14. Within one year of the first operational use of the solar farm hereby approved, a Grazing Management Plan (GMP) shall be submitted to the Local Planning Authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, and how the grazing is to be managed. The GMP shall not be carried out except in accordance with the approval. Any changes to the GMP during the lifetime of the permission shall be submitted to the Local Planning Authority for approval and shall not be carried out except in accordance with that approval. Within three years of the first operational use of the solar farm, the gazing of livestock shall commence on the site in accordance with the GMP.

Reason: To ensure that part of the site remains in agricultural use in accordance with policy NE12 of the emerging Local Plan.

Boundary treatment

15. Notwithstanding the approved details, no PV panels shall be installed until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details prior to the first operations use of the solar farm and retained as approved thereafter.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

Archaeology

16. Notwithstanding the submitted Archaeological Scheme of Investigation (WSI) by AOC Archaeology Group, project number 25806/80064, no development shall take place/commence until a revised WSI has been submitted to and approved by the local planning authority in writing and in accordance with the programme of work set out in the Archaeological Brief (P01/21/3380-2). The scheme shall include an assessment of archaeological significance and research questions; and:
- (1) The programme and methodology of site investigation and recording
 - (2) The programme for post investigation assessment
 - (3) Provision to be made for analysis of the site investigation and recording
 - (4) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - (5) Provision to be made for archive deposition of the analysis and records of the site investigation
 - (6) Nomination of a competent person for persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policy HE4 of the emerging Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

17. The development shall take place in accordance with the programme of archaeological works set out in the WSI approved under (A) above.

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policy HE4 of the emerging Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

18. The development shall not become operational for the exportation of electricity until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition 16 and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to

ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policy HE4 of the emerging Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

Permissive footpaths

19. Prior to the operational use of the solar farm hereby approved, a scheme relating to the proposed permissive footpaths shown on submitted drawing No. 3004-01-003 Rev E, shall be submitted to and approved in writing by the Local Planning Authority which shall include details of any surfacing, a schedule for delivery, signage, waymarks and interpretative panels relating to the proposal and footpaths and signage shall be implemented in accordance with the approved scheme.

Reason: In the interest of pedestrian access within and around the site.

External appearance

20. No structure shall be erected on site until detailed elevations and plan drawings and schedule of external finishes to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate visual appearance in the interests of minimising impact on the landscape.

Highway Safety

21. Prior to the commencement of the development, detailed engineering drawings of the accesses as shown indicatively on drawing numbers 3004-01-D)4 and 3004-01-DO5 shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of suitable hardsurface for at least the first 20 metres from the back edge of the carriageway and appropriate associated drainage, as well as visibility splays of 2.4m x 105m to the east and 2.4m x 148m to the west, within which there shall be no vertical obstruction between 0.6m and 2m. The accesses as approved by these plans shall be in place before commencement of the development.

Reason: To ensure accesses that are safe and suitable during construction, in the interest of the free and safe flow of public highway users. A pre-commencement condition is required because the construction access must be in place before the development commences.

22. Prior to the commencement of the development, detailed engineering drawings of the passing bay along Gravely Lane, as shown indicatively on drawing numbers 3004-01-D04 and 3004-01-D05 shall be submitted to and approved in writing by the Local Planning Authority. Thus shall include measures to demonstrate how the passing bay will not be parked up in by vehicles associated with the wider public. The passing bay as approved by these plans shall be in place before commencement of the development hereby approved.

Reason: To ensure the approach route is safe and suitable during construction, in the interest of the free and safe flow of public highway users. A pre-commencement condition is required because the passing bays should be in place before construction commences.

23. Before completion of construction, detailed engineering drawings shall be submitted to and approved in writing by the Local Planning Authority, which show revised designs to the two site accesses, reducing their width and providing suitable associated tighter kerb radii (to accommodate ongoing maintenance vehicles). Within 3 months of completion of construction, the revised access designs shall be in place.

Reason: To ensure access that are safe and suitable in the long term, in the interest of the free and safe flow of public highway users and the character and appearance of the area.

24. Before completion of construction, detailed engineering drawings shall be submitted to and approved in writing by the Local Planning Authority that show removal of the passing bay along Gravely Lane and full reinstatement of the grass verge/embankment and vegetation). Within 3 months of completion of construction, this bay shall be removed and full verge/embankment and vegetation reinstated as approved by these plans.

Reason: To ensure Graveley Lane is reinstated to a suitable environment in the long term, and in the interest of the free and safe flow of public highway users, character and appearance of the area and biodiversity.

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.

Informatives

1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

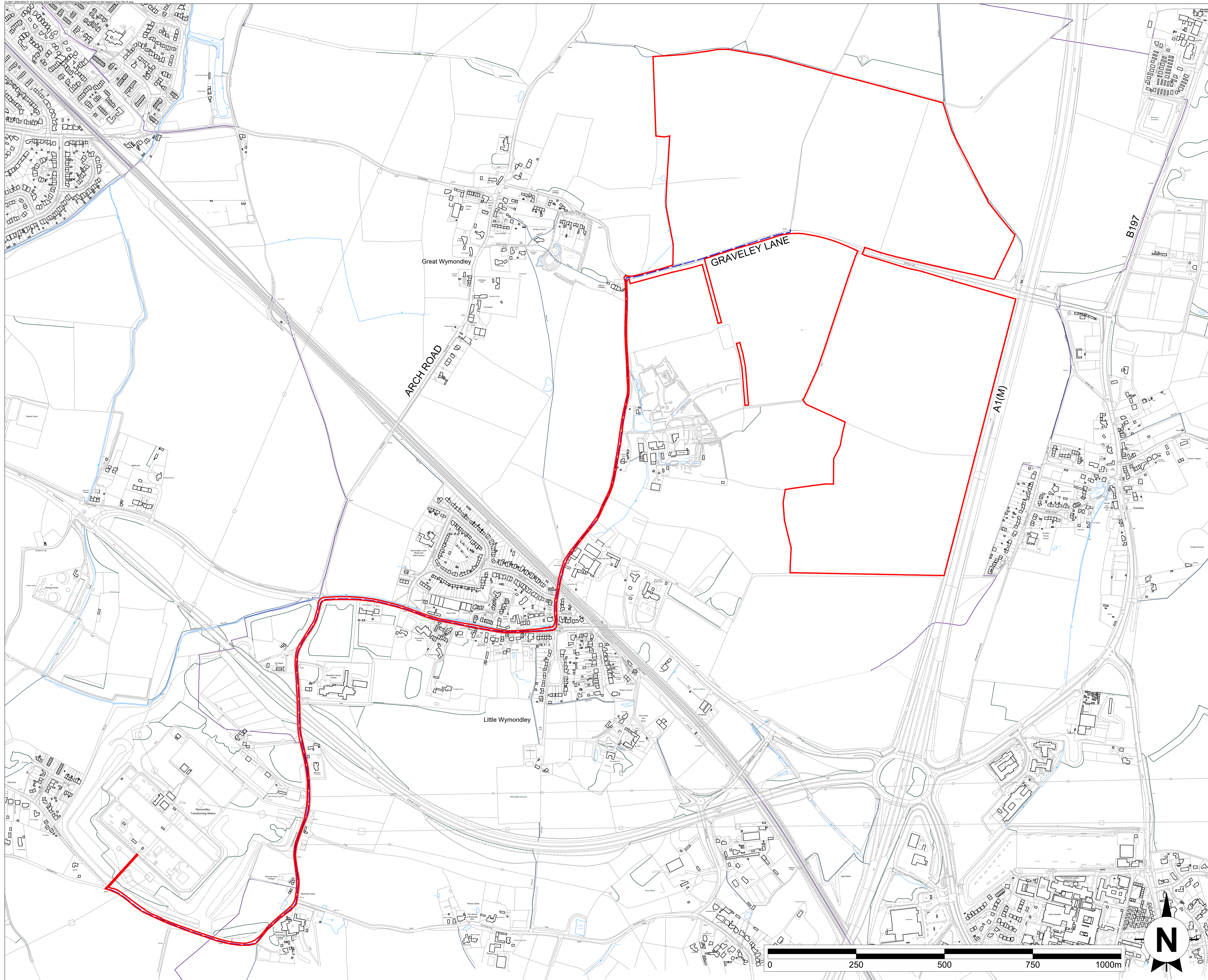
Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. Where works are required within the public highway, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website. <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

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Follow any figured dimensions - do not scale for construction purposes. IF IN DOUBT ASK.

Revision History		Date
A	Updated red line	10-11-21
B	Updated scale	14-12-21

- Application Boundary (880,080m²)
- Cable Route

Chester Office: Well House, Eames Breton Chester CH4 9DH	South Manchester Office: Canalside House 76 Water Lane Wilmslow SK9 5BB	axis
0844 8700 007 - www.axisped.co.uk		
client: AGR		
project: PRIORY FARM SOLAR ARRAY		
drawing title: STATUTORY PLAN		
date: October 2021	drawn by: SM	checked: FR
drawing number: 3004-01-002		status: --
scale(s): 1:5000@A1	rev: B	
planning environment design		

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<u>Location:</u>	Greenveldt Kennels Luton Road Kimpton Hertfordshire SG4 8HB
<u>Applicant:</u>	Mr Mcelligott
<u>Proposal:</u>	Erection of 3 x 4-bed detached single storey dwellings following the demolition of the existing kennel buildings including alterations to the existing access and addition of 6 parking spaces.
<u>Ref. No:</u>	22/00982/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

31 May 2022

Submitted Plan Nos.:

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

Extension of statutory period:

Not agreed

Reason for referral to Committee:

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

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

1.0 **Site history**

- 1.1 21/00591/FP - Erection of three detached single-storey dwellings (2 x 3-bed and 1 x 4-bed) following demolition of existing kennel buildings including alterations to existing access – Approved 18/05/21.
- 1.2 20/00303/FP - Conversion of single flat/stable block to provide four-bedroom dwelling house (renewal of planning permission 12/00410/1 granted 19 April 2012) – Approved 24/03/20.

- 1.3 12/01035/1 - Erection of 1 x 4 bedroom bungalow with 2 associated car parking spaces, new vehicular access onto Luton Road and detached garden shed following demolition of existing kennels, runs and associated buildings – Refused 17/07/12 for:
1. Given the lack of essential services in the vicinity, the proposed dwelling would be heavily dependent on services provided outside of the immediate area, giving rise to a significant reliance on private transport. In the absence of any other measures or reasons which may offset this unsustainable impact, the proposal would be contrary to the NPPF paragraphs 7-11 and section 4 - Promoting sustainable transport.
 2. The application site is within an area designated in the North Hertfordshire District Local Plan no.2 with Alterations 1996 as Green Belt, within which there is a presumption against inappropriate development, such as that proposed, unless very special circumstances can be demonstrated. In the view of the Local Planning Authority the proposal is not supported by such circumstances. As such, the proposal is considered to fail to comply with the provisions of the NPPF, section 9 - Protecting Green Belt land and Policy 2 of the North Hertfordshire District Local Plan no.2 with Alterations 1996.
- 1.4 12/00410/1 - Conversion of single flat / stable block to provide 4-bedroom dwelling house – Approved 19/04/12.
- 1.5 10/02422/1 - Erection of two 4 bedroom bungalows following demolition of kennels and associated buildings and runs. New access roads to serve proposed dwellings and stables/flat, to southern and western boundary of existing dwelling, with associated parking and turning areas – Refused 03/05/11 for:
1. The application site is within an area designated in the North Hertfordshire District Local Plan no.2 with Alterations 1996 as Green Belt, within which there is a presumption against inappropriate development, such as that proposed, unless very special circumstances can be demonstrated. In the view of the Local Planning Authority the proposal is not supported by such circumstances. As such, the proposal is considered to fail to comply with the provisions of PPG2 - Green Belts and Policy 2 of the North Hertfordshire District Local Plan no.2 with Alterations 1996 and with PPS7 - Sustainable Development in Rural Areas.
 2. Given the lack of essential services in the vicinity, the proposed dwellings would be heavily dependent on services provided outside of the immediate area, giving rise to a significant reliance on private transport. In the absence of any other measures or reasons which may offset this unsustainable impact, the proposal would be contrary to Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, and Planning Policy Guidance Note 13: Transport.

Appeal dismissed 21/12/11.

- 1.6 09/00841/1 - Two four bedroom detached bungalows following demolition of existing outbuildings – Refused 12/08/09 for:
1. The application site is within an area designated in the North Hertfordshire District Local Plan no.2 with Alterations 1996 as Green Belt, within which there is a presumption against inappropriate development, such as that proposed, unless very special circumstances can be demonstrated. In the view of the Local Planning Authority the proposal is not supported by such circumstances. As such, the proposal is considered to fail to comply with the provisions of PPG2 - Green Belts and Policy 2 of the North Hertfordshire District Local Plan no.2 with Alterations 1996 and with PPS7 - Sustainable Development in Rural Areas.

Appeal dismissed 11/05/10.

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

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

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

2.0 **Policies**

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

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

2.2 **National Planning Policy Framework**

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

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

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

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

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

3.2 **Press Notice:**

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

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

General Comments:

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

2. Previous applications have included refusal for the following.

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

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

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

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

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

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

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

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

Material Planning Considerations:

4. The application site is within an area designated in the Emerging Local Plan, and the North Hertfordshire District Local Plan no.2 with Alterations 1996 as Green Belt, within which there is a presumption against inappropriate development, such as that proposed, unless very special circumstances can be demonstrated. In the view of the Council the proposal is not supported by such circumstances. As such, the proposal is considered to fail to comply with the provisions of PPG2 - Green Belts and Policy 2 of the North Hertfordshire District Local Plan no.2 with Alterations 1996 and with PPS7 - Sustainable Development in Rural Areas. 2.

5. Local Plan 1996 No 2 (2007)

Policy 3 - Settlements within the Green Belt

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

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

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

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

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

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

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

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

8. Permitted Development.

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

9. Energy Statement.

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

10. Energy Statement.

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

11. Energy Strategy Statement

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

Requirements of planning are that:-

1. NPPF Feb 2019 Clause 148 States :-

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

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

And:-

2. NPPF Feb 2019 Clause 151 States :-

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

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

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

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

3.4 **Statutory Consultees:**

3.5 Waste Officer – No objections.

3.6 Environmental Health Air Quality – No objection.

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

3.8 Hertfordshire Ecology – No objections.

3.9 Environmental Health Noise - Although no noise report was submitted as part of this application, the area of the proposed development has no major sources of noise in proximity apart from treacle lane and nearby barns.

However, the development will be expected to comply with standards set by BS 8233: 2014 - Guidance on sound insulation and noise reduction for buildings; and the WHO guidelines for Community Noise. The developer will need to demonstrate that residential occupation is suitable at the development site before the premises is occupied. The applicant can find an appropriately experienced noise consultant via www.association-of-noise-consultants.co.uk, if needed. I would be grateful if this information could be passed on to the developers.

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

Recommendation

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

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

Reason: to protect the amenities of future residents.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

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

4.2 **Proposal**

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

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

4.3 Key Issues

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

Principle

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

4.3.3 Paragraph 149 states:

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

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

Paragraph 150 states:

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

- a) mineral extraction;*

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

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

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

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

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

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

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

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

- 4.3.10 VSC's will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.3.11 The Planning Statement submitted with the application refers to previous planning permission 21/00591/FP and how the proposed application will be similar to it in terms of openness. The Statement states that the proposed development is acceptable in principle, and if the previous buildings and structures were still present, then there would have been a substantial reduction in floorspace and footprint of the buildings on the site from 1401.2 m² to 599 m², which would be a difference of approx. 802 m². This would have been a substantial improvement to the openness of the Green Belt, and would not have been inappropriate development.
- 4.3.12 The buildings and structures on the site were demolished after the Statement was written, and therefore no VSC's have been put forwards in respect of the present status of the site.
- 4.3.13 The previous planning permission 21/00591/FP is however considered a VSC, as this was granted on 18/05/21 and remains extant. The clearance of the site makes it more certain that this permission would be implemented, and the site itself was only considered to have been cleared relatively recently therefore this is not a case where a site that has been undeveloped for a long time would be developed.
- 4.3.14 Compared to the previous use of the site, the present application would result in a substantial reduction in floorspace and footprint of the buildings on the site from 1401.2 m² to 599 m², which would be a difference of approx. 802 m². There would also have been large reductions in volume. This would have been a substantial improvement to the openness of the Green Belt. Compared to the previous planning permission 21/00591/FP, the development now proposed would be approx. 30 m² larger in footprint and floorspace, and is considered comparable in its impacts to that of the first permission.
- 4.3.15 Taking the above into account, I consider that sufficient very special circumstances exist to justify the principle of the proposed development.

Character and appearance

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

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

Neighbour amenity

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

Future living conditions

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

Parking and highways

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

Trees, landscaping, and ecology

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

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

Climate change mitigation

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

4.4 Balance and Conclusion

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

5.0 Recommendation

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

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

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

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

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

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

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

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

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

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

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

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

a. Access arrangements to the site;

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

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

7. Land Contamination Condition

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

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

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

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

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

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

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

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

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

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

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

details shall be submitted:

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

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

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

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

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

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

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

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

Reason: To provide appropriate ecological protection and enhancements.

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

Reason: In the interests of ecology.

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

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

















Proactive Statement

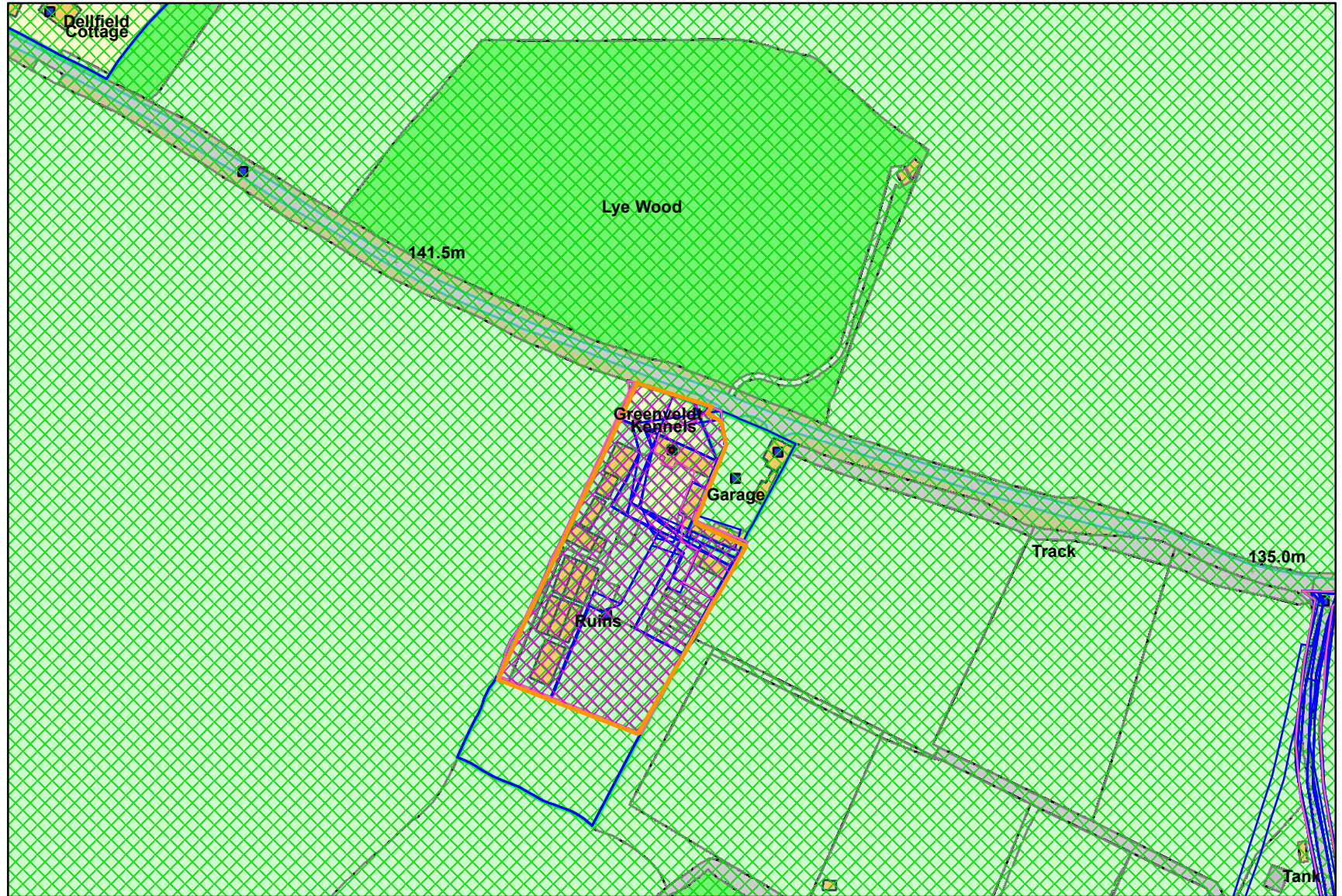
Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph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

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

22/00982/FP Greenveldt Kennels, Luton Road, Kimpton, Hertfordshire, SG4 8HB

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prstbid.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prcrea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnbt.shp
-  Health & Safety Consultation Zone
Prjnzona.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:2,500

Date: 02/11/2022

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<u>Location:</u>	14 Oakfields Avenue Knebworth Hertfordshire SG3 6NP
<u>Applicant:</u>	Mr M Glencross
<u>Proposal:</u>	Single storey rear and side extensions. Erection of attached double garage to the front of existing dwelling.
<u>Ref. No:</u>	22/01920/FPH
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

12th September 2022.

Extension of time:

24 November 2022 – required due to referral to committee.

Submitted Plan Nos:

E0, E1, E2, E3, E4, E5, E6, E7, E8, P0, P1, P2, P3, P4, P5, P6, P7, P8

Reason for referral to Committee:

This application together with 22/01921/FPH is to be determined by Planning Control Committee by reason of the receipt of a valid written opinion of Knebworth Parish Council contrary to the recommendation of the Development and Conservation Manager which has been supported by Ward Member Councillor Lisa Nash. Details of the objection from Knebworth Parish Council are included in paragraph 3.3 of this committee report. Councillor Nash responded to the written notification of the representation with the following –

“I would have to object to this as it conflicts with NHDC's own policy and Knebworth's adopted neighbourhood plan. If you are minded to approve it I would like to call it in.”

1.0 Site History

- 1.1 22/01921/FPH - Single storey front/side infill extension - Pending
- 1.2 22/00604/PNAA - Enlargement of detached bungalow by the construction of an additional storey to result in an overall height of 7.94 metres. – Prior Approval Refused
- 1.3 22/00579/NCS - Single storey rear extension (following the removal of existing single storey rear extensions) with the following dimension: Length as measured from rear wall of original dwelling - 5.32 metres – Prior Approval not Required
- 1.4 22/00570/FPH - DEVELOPMENT A: Single storey side extension, single storey front garage extension and conversion of existing outbuilding to home office
DEVELOPMENT B: Detached garage. Specific Decision (A Approved).

1.5 06/01001/1HH - Part 3.1 metre and part 2.5 metre high wall to side boundary with 16, Oakfield Avenue. – Conditional Permission

2.0 **Policies**

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

Policy 28 – House extensions
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 12 – Achieving well-designed places

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

SP9 – Design and sustainability
D1 – Sustainable Design
D2 – House extensions, replacement dwellings and outbuildings
D3 – Protecting Living Conditions
T2 – Parking

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 15/09/2022 Expiry Date: 08/10/2022

3.2 **Neighbouring Properties:**

3.2.1 9x Objections from 1, 5, 11, 12, 13 15, 21 & 29 Oakfields Avenue and 119 Orchard Way raising the following matters:

- Out of keeping with the character of the locality
- False pitch does not adequately obscure views of flat roof
- Refers to concurrent application and seeks for both designs to be considered given their combined visual impacts
- Disproportionate scale
- Concern regarding display of site notice and previous loss of tree to front garden following previous application
- Discusses currently underway works for construction works
- Requests condition be included to introduce a mature tree to replace previously lost tree

3.3 **Knebworth Parish Council:**

“Knebworth Parish Council objects to this application on the grounds that:

It is of poor design and out of character with the area.

The large garage frontage dominates the property and its large flat roof is out of character.

It is contrary to Local Plan Policy D2 because it has an adverse effect on the character and appearance of the street scene

It is contrary to KNP KBBE4

Should the application be approved, the Parish Council would recommend two conditions be attached.

The garage is significantly forward of the building line and attached to the property, therefore permitted rights should be withdrawn and conversion to residential use should not be allowed.

The specimen tree, recently felled from the front garden, should be replaced, to protect and maintain the environment..”

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 No. 14 comprises a detached chalet bungalow to the east of Oakfields Avenue within a predominantly residential area in Knebworth. The site is outside of the Conservation Area and is not in proximity to any Listed Buildings. The locality predominantly comprises chalet bungalows with open frontages. There is a mix of dwelling types with single and two storey structures.

4.2 Proposal

4.2.1 Planning permission is sought for the erection of a single storey rear and side extension with an attached double garage to the principal elevation of the original dwelling.

4.3 Key Issues

4.3.1 The assessment of this application was made from the site photos taken by the officer, from documents submitted with the application, photos of the site and surroundings taken by the applicant, information relating to the planning history of the site, and images from Google Maps and Street View.

4.3.2 The key issues for consideration are as follows:

--The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.

--The impact that the proposed development would have on the living conditions of neighbouring properties

--The impact that the proposed development would have on car parking provision in the area.

--The impact that the proposed development would have on the environment.

Design and Appearance

- 4.3.3 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Chapter 12 – Achieving well-designed places). In this regard, Policy 28 and Policy D2 of the Emerging Local Plan are consistent with the NPPF.
- 4.3.4 No. 14 is set back from the public highway, however, given the relatively open frontage and low hedge is clearly visible within the road. This application follows the approval of a single storey front garage, side extension and the approval (through prior approval) of a single storey rear extension. This application is the effective 'joining up' of all of these elements into a single application, though the two applications were submitted and approved independently. These permissions are (as of October 2022) extant and it appears that works are underway to enable these approved works. It is considered that the principle of the proposed footprint of the extensions is established and that the cumulative additions to enable these works would not disproportionately impact the character and appearance of the dwelling and street scene. A majority of the bulk and extent of the extensions would not be read from the side and would instead be read as viewed principal elevation. The false pitch would obscure the flat roof suitably and is considered to, on balance be acceptable in design terms. Brickwork and fenestration details are proposed to match the host dwelling and this is welcomed. The proposed flat roof would be covered by single ply membrane with a tile detail to surround this roof. These are considered to be sufficiently sympathetic and suitable for this part of Knebworth and therefore their use is acceptable. When considering the relationship of the proposed development with policies within the Knebworth Neighbourhood Plan, it is considered that the proposed form, scale and would demonstrate an acceptable level of design that suitably responds to the site, the dwelling and locality.
- 4.3.5 It is noted that a concurrent application is pending for a single storey front/side extension. Matters of the design of this proposal are considered in the application and delegated report attached to 22/01921/FPH, however, their cumulative additions are considered to be acceptable.
- 4.3.6 The proposed development is therefore considered to be in compliance with Policy 28 of the District Local Plan, Policy D2 of the Emerging Local Plan and the core principles set out within the National Planning Policy Framework. Knebworth Neighbourhood Plan policy KBBE4 is also complied with.

Impact on Neighbouring Properties

- 4.3.7 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.
- 4.3.8 The application site is neighbored to the west by No. 16 Oakfields Road and by No. 12 to the east.
- 4.3.9 The proposed development would predominantly be focused adjacent to the party boundary shared with No. 16 Oakfields Avenue. 22/00570/FPH previously determined that the proposed scale of the side extension and attached garage would not substantially harm the amenities of No. 16. This position is considered to be maintained and, the current proposal is considered to be an improvement compared to the extant arrangement given the lower roof height and lack of an increase in depth compared to the previous approval. With regards to No. 12, the proposed single storey rear extension would be set close to the party boundary for this neighbour. It is noted

that a large extension is extant and approved under prior approval for this footprint. The depth of the extension is approximately 4m, exceeding the 3m depth set out in Policy 28 and therefore consideration must be given to the potential impacts of this element. I would consider that the impacts are on balance acceptable given the relatively modest height (approximately 3.4m) and given that this element would be to the north of this neighbour, therefore occasioning no unsuitable degree of light loss or dominance. Given the single storey height of the development, neither adjoining neighbour is likely to experience a loss of privacy.

4.3.10 For other neighbours within Oakfields Road, given the position of the development within the site I would not consider the development as occasioning an unsuitable loss of light, privacy or amenity.

4.3.11 Given the above, it is considered that the proposed development would result in no unacceptable overbearing impact upon neighbouring occupiers and is therefore compliant with Policy 28 of the District Local Plan, Policy D3 of the emerging local plan and the aims of the National Planning Policy Framework.

Impact on Car Parking

4.3.12 The dwelling would benefit from three bedrooms following the development. The driveway would continue to benefit from 2+ parking spaces off-street therefore possessing sufficient off-street parking space to meet the needs of a dwelling of this size and therefore, the development is unlikely to harm the parking provision of operation of the highway in the locality.

Other Matters:

4.3.13 It is noted that a Copper Beech was felled to the front garden in June 2022, with the previous application(s) indicating that this tree would be retained. A condition is attached to this permission to ensure that a new tree is planted and retained to contribute positively to this part of Knebworth.

4.4 Conclusion

4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

4.5.1 None applicable.

4.6 Pre-Commencement Conditions

4.6.1 No pre-commencement conditions are recommended.

5.0 Legal Implications

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

6.0 **Recommendation**

6.1 That planning permission be **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. The extension(s) hereby permitted shall be built in external materials to match the existing dwellinghouse unless otherwise agreed in writing by the LPA.

Reason: To protect the visual amenities of the locality.

4. One replacement native semi-mature tree with a recommended girth of between 16-18cm must be planted in the front garden area of the property 14 Oakfields Avenue in the first planting season following the commencement of the development hereby permitted. Should the tree die within 5 years of it being planted, the tree must be replaced in the following planting season.

Reason: In the interest of local amenity.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

22/01920/FPH 14 Oakfields Avenue, Knebworth, Hertfordshire, SG3 6NP

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
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Prlistbd.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prconea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrbelt.shp
-  Health & Safety Consultation Zone
Prhjszone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:1,250

Date: 02/11/2022

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<u>Applicant:</u>	Mr M Glencross
<u>Proposal:</u>	Single storey front/side infill extension
<u>Ref. No:</u>	22/01921/FPH
<u>Officer:</u>	Thomas Howe

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2.2 **National Planning Policy Framework**

Chapter 12 – Achieving well-designed places

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

SP9 – Design and sustainability

D1 – Sustainable Design

D2 – House extensions, replacement dwellings and outbuildings

D3 – Protecting Living Conditions

T2 – Parking

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 15/09/2022 Expiry Date: 08/10/2022

3.2 **Neighbouring Properties:**

3.2.1 6x Objections from 1, 5, 11, 12, 13 15, 21 & 29 Oakfields Avenue and 119 Orchard Way raising the following matters:

- Out of keeping with the character of the locality
- False pitch does not adequately obscure views of flat roof
- Refers to concurrent application and seeks for both designs to be considered given their combined visual impacts
- Disproportionate scale
- Concern regarding display of site notice and previous loss of tree to front garden following previous application
- Discusses currently underway works for construction works
- Requests condition be included to introduce a mature tree to replace previously lost tree

“Knebworth Parish Council objects to this application on the grounds that the application is of poor design and the flat roof is out of character with the area. It is contrary to Local Plan Policy D2 and KNP policy KBBE4.”

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 No. 14 comprises a detached chalet bungalow to the east of Oakfields Avenue within a predominantly residential area in Knebworth. The site is outside of the Conservation Area and is not in proximity to any Listed Buildings. The locality predominantly comprises chalet bungalows with open frontages. There is a mix of dwelling types with single and two storey structures.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of a single storey front and side extension.

4.3 **Key Issues**

4.3.1 The assessment of this application was made from the site photos taken by the officer, from documents submitted with the application, photos of the site and surroundings taken by the applicant, information relating to the planning history of the site, and images from Google Maps and Street View.

4.3.2 The key issues for consideration are as follows:

- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Design and Appearance

4.3.3 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Chapter 12 – Achieving well-designed places). In this regard, Policy 28 and Policy D2 of the Emerging Local Plan are consistent with the NPPF.

4.3.4 The proposed single storey extension would be visible from the public realm given its position to the principal elevation of the dwelling. A window would be incorporated to adjoin the existing elevation. The extension would feature a flat roof and would be modest in scale, using matching brickwork, fenestration and a felt membrane to the roof. It is noted that concerns are raised regarding the form and nature of the proposal, however, given the modest scale and given that the extension is unlikely to be read as an incongruous addition to the dwelling, I would consider the extension to be on balance acceptable in design terms. It is noted that the Knebworth neighbourhood plan advises for the use of pitched roofs where possible, however, given the substantial increase in roof bulk to enable this or the possibility of a free standing pitch that would appear incongruous, I would consider the use of the flat roof as being unobjectionable in the context of Policy KBBE4.

- 4.3.5 It is noted that a concurrent application is pending for a single storey front/side/rear extension. Matters of the design of this proposal are considered in the application and delegated report attached to 22/01920/FPH. Their cumulative visual impacts are acceptable.
- 4.3.6 The proposed development is therefore considered to be in compliance with Policy 28 of the District Local Plan, Policy D2 of the Emerging Local Plan and the core principles set out within the National Planning Policy Framework. Policy KBBE4 within the Knebworth Neighbourhood Plan is also complied with.

Impact on Neighbouring Properties

- 4.3.7 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.
- 4.3.8 The application site is neighboured to the west by No. 16 Oakfields Road and by No. 12 to the east.
- 4.3.9 The extension would in-fill an indent to the side elevation adjacent to the boundary of No 12. The extension would be set within the existing bulk of the dwelling and given its modest scale and bulk, is unlikely to occasion a substantial degree of shadowing or dominance for the windows and amenity space immediately adjacent to the boundary currently enjoyed by No. 12. Given its position within the site together with the orientation with regards to the sun, the proposal is unlikely to harm amenities for other neighbouring occupiers to the site.
- 4.3.10 Given the above, it is considered that the proposed development would result in no unacceptable overbearing impact upon neighbouring occupiers and is therefore compliant with Policy 28 of the District Local Plan, Policy D3 of the emerging local plan and the aims of the National Planning Policy Framework.

Impact on Car Parking

- 4.3.11 The dwelling would benefit from three bedrooms following the development. The driveway would continue to benefit from 2+ parking spaces off-street therefore possessing sufficient off-street parking space to meet the needs of a dwelling of this size and therefore, the development is unlikely to harm the parking provision of operation of the highway in the locality.

Other Matters:

- 4.3.12 It is noted that a Copper Beech was felled to the front garden in June 2022, with the previous application(s) indicating that this tree would be retained. A condition is attached to this permission to ensure that a new tree is planted and retained to contribute positively to this part of Knebworth.

4.4 Conclusion

4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 **Alternative Options**

4.5.1 None applicable.

4.6 **Pre-Commencement Conditions**

4.6.1 No pre-commencement conditions are recommended.

5.0 **Legal Implications**

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

6.0 **Recommendation**

6.1 That planning permission be **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. The extension(s) hereby permitted shall be built in external materials to match the existing dwellinghouse unless otherwise agreed in writing by the LPA.

Reason: To protect the visual amenities of the locality.

4. One replacement native semi-mature tree with a recommended girth of between 16-18cm must be planted in the front garden area of the property 14 Oakfields Avenue in the first planting season following the commencement of the development hereby permitted. Should the tree die within 5 years of it being planted, the tree must be replaced in the following planting season.

Reason: In the interest of local amenity.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the

applicant to seek an acceptable solution was not necessary in this instance. 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.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

22/01921/FPH 14 Oakfields Avenue, Knebworth, Hertfordshire, SG3 6NP

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prconea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnbtt.shp
-  Health & Safety Consultation Zone
Prhjszone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnris.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:1,250

Date: 02/11/2022

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