# NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 2015

## DECISION NOTICE

**Correspondence Address:**
Planning Issues Ltd
Churchill House
Parkside
Ringwood
BH24 3SG

**Applicant:**
Churchill Retirement Living

**PARTICULARS OF DEVELOPMENT**

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| **Application:** | 18/00492/FP |
| **Proposal:** | Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings. |
| **Location:** | Land At 11 To 17, Mill Road, Royston, Hertfordshire, |
| **Plan Nos:** | Tree Protection Plan; 40030RS/PL11; 40030RS/PL12; 40030RS/PL13; 40030RS/PL14; 40030RS/PL15; 40030RS/PL16; 40030RS/PL17; 40030RS/PL18; 40030RS/PL19; 40030RS/PL20 |

**PARTICULARS OF DECISION**

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 9 March 2018.

1. It is considered that, by reason of the height, scale and massing of the proposed development, alongside the depth and incongruous design of the west facing elevation, the development would not respond positively to the sites local context. Therefore, the development is considered contrary to policy 57 of the Saved Local Plan and policy D1 of the 2011-2031 Local Plan Proposed Submission.

Furthermore, the resultant appearance of the proposed building would fail to positively respond to the local character and history evident within Mill Road and the wider context of Royston, contrary to paragraph 127 of the NPPF. Finally, the proposal would fail to take opportunities available for improving the character and quality of the area, and thereby, in accordance with paragraph 130 of the revised NPPF, should be refused.

2. The proposal is considered to be of poor quality design which, by reason of its orientation; location and number of windows; as well as under-provision of on-site parking and amenity space, would result in poor quality living conditions for future occupiers and impinge upon the living conditions of adjoining occupiers. The internal layout would provide poorly lit and ventilated hallways, future dwellings facing Mill Road would receive little to no sunlight and future occupiers of the building would suffer a lack of outdoor amenity space. The layout and size and scale as well as the number and location of window detailing of the proposed building would result in perceived and actual loss of privacy to adjoining occupiers, and the lack of on-site parking would harm the occupiers of adjoining premises in Mill Road and nearby business premises through displacement of required parking for future occupiers. As such, the development fails to comply with policies 55 and 57 of the Saved Local Plan, the Vehicle Parking at New Developments Supplementary Planning Document, policy D3 of the 2011-2031 Local Plan Proposed Submission and the National Planning Policy Framework.

3. The submitted application has not been accompanied by a valid legal undertaking (in the form of a S106 Obligation or Unilateral Undertaking) securing the provision of the requisite off site affordable housing contribution in lieu of on-site provision and necessary library contributions. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Saved Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations or proposed Local Plan Policy HS2 of the Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as a sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).

**Proactive Statement**:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Signed:



Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Simon Ellis
Development & Conservation Manager
**Date:** 4 September 2018

The Council's Privacy Notice is available on our website: https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr.

## NOTES

1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at www.planningportal.gov.uk/planning/appeals
The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**Purchase Notices**
If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and

Country Planning Act 1990.