ITEM NO:		
3	Location:	**Land Rear Of The Rookery Kings Walden Road Offley Hertfordshire SG5 3DX**
	Applicant:	**Mr M Margereson**
	Proposal:	**Erection of two 3-bed, three 4-bed and one 5-bed dwellings including new vehicular access off Harris Lane, widening of existing Harris Lane and parking and associated works.**
	Ref.No:	18/00572/FP
	Officer:	**Tom Rea**

Date of expiry of statutory period : 20.04.2018

Reason for Delay (if applicable)

Reason for Referral to Committee (if applicable)

Submitted Plan Nos
Location Plan P/1035/1 P/1035/2 P/1035/3 P/1035/4 P/1035/5

1.0 Policies

Reason for Delay (if applicable)

N/A

Reason for Referral to Committee (if applicable)

This application is being reported to Committee as Councillor Frost may have a contrary view to the likely officer recommendation

1.0 Relevant History

1.1 15/02656/1: Erection of three 5 bedroom dwellings with attached garages. New access off Harris Lane, widening of Harris Lane and parking and associated works (As amended by plan nos. P/1027/1B, 2, 3, 4B, and revised location plan).

Granted conditional planning permission 19/8/16

2.0 Policies

2.1 **North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies, 2007)**

Policy 6 - Rural Areas beyond the Green Belt.
Policy 26 - Housing proposals.
Policy 55 - Car Parking Standards.
Policy 57 - Residential Guidelines and Standards.

Supplementary Planning Document.

Planning Obligations SPD
Vehicle Parking Provision at New Development (2011).

2.2 **National Planning Policy Framework**

Generally relevant throughout but the following sections are particularly relevant:
Section 1 - Building a strong, competitive economy.
Section 3 - Supporting a prosperous rural economy.
Section 4 - Promoting sustainable transport.
Section 6 - Delivering a wide choice of high quality homes.
Section 7 - Requiring good design.
Section 11 - Conserving and enhancing the natural environment.
Section 12 - Conserving and enhancing the historic environment.

Revisions to the NPPF (Consultation March 2018)

2.3 **North Hertfordshire District Council Submission Local Plan 2011-2031**

The above document was submitted to the Secretary of State on 13th June 2017. The Plan is currently being examined at an Examination in Public (EiP) which concluded in March 2018.

2.4 **National Planning Practice Guidance**

Of general relevance on a number of planning matters.

3.0 Representations

3.1 **Offley Parish Council:**

No objections in principle. The width of Harris Lane in respect of other users is taken into consideration. Road signage indicating pedestrian usage should be considered. Request as part of this application a footpath extension from Church yard wall in Kings Walden Road to Harris Lane. Query the availability of Section 106 funding.

3.2 **NHDC Conservation Officer:** Raises an objection. As follows:

An objection is raised on the basis that the proposal would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would also be contrary to the aims of the NPPF in that the proposal would not make a

positive contribution to local character (para 131), the significance of The Rookery and Offley Conservation Area would be harmed by development within their setting (para 132) and whilst the degree of harm would be less than substantial, this would not, in my opinion, be outweighed by public benefits (para 134). Furthermore, in my opinion, the proposed development would constitute poor design and paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposal, therefore, fails to satisfy the aims of the NPPF and would also fail the aims of Part a. of Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016) on the basis that the significance of heritage assets would not be preserved.

3.3 **Hertfordshire Highways:**
Recommends that permission be refused for the development for the following reasons:

1. The proposed access along Harris Lane serving the development is considered inadequate by reason of the width and excessive distance to the dwellings for two-way traffic to serve the proposed development. The development if permitted would therefore be to the detriment of public and highway safety. This would be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework and not in accordance with Roads in Hertfordshire: Highway Design Guide.

REFERENCES: Roads in Hertfordshire: Highway Design Guide 3 Edition Section 2: Highway Layout and Strategies, Chapter 14: Parking, Manual for Streets (DfT) minimum turning provision within developments section 6.7 Emergency vehicles.

2. There has been no swept path analysis submitted to demonstrate how the access strategy would operate on the road layout drawing and does not demonstrate that large vehicles for example, delivery and waste collection vehicles serving the development can safely access, turn around and egress along the site access road, Harris Lane and at the junction with Kings Walden Road. This would give rise to conditions detrimental to vehicular and pedestrian safety and as such would result in an unsatisfactory form of development. The development if permitted would be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework, Manual for Streets and not in accordance with Roads in Hertfordshire: Highway Design Guide.

REFERENCES: Roads in Hertfordshire: Highway Design Guide 3 Edition Section 2: Highway Layout and Strategies, Chapter 14: Parking, Manual for Streets (DfT) minimum turning provision within developments section 6.7 Emergency vehicles and section 8.3 Parking.

3. The vehicle to vehicle inter-visibility associated with the proposed vehicle access to the site has not been clearly demonstrated. The recommended visibility splay of 2.4 metres x 25 metres along Harris Lane to each direction from the access has not been demonstrated as being achievable. This is to provide adequate visibility for approaching vehicles and drivers leaving the site. This would lead to vehicles leaving the site coming into conflict with all highway users along Harris Lane. Thereby causing interference to the safe and free flow of all traffic on the adjacent Lane. This would be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework and not in accordance with Manual for Streets.

REFERENCES

National Planning Policy Framework promoting sustainable transport section 4 par 35.

Minimum sightline provision along the street edge contained in Manual for Streets. Visibility along the street edge (Ref: Manual for Streets (MfS DfT March 2007) Section 7.8.3.

4. It has been considered that the proposed waste collection arrangements are contrary to National Planning Policy Framework and Manual for Streets, the carry distance for waste collection bins is beyond the recognised distance for the development for kerbside collection which would lead to a large vehicle obstructing the public highway for a long period of time, as a consequence the road layout would not be fit for purpose. The proposed development would therefore be detrimental to highway safety and amenity.

REFERENCE: National Planning Policy Framework, promoting sustainable transport section 4 par 35. Manual for Streets section 6.8.11 Department for Transport (DfT) 2007 (BSI 2005 BS 5906: Waste Management in Buildings – Code of Practice. London:BSI

3.4 **Hertfordshire Ecology**: Any comments received will be reported

3.5 **HCC Fire and Rescue Service.**
Requests the provision of fire hydrants via a Section 106 Agreement

3.6 **NHDC Environmental Health (noise)**
Any comments will be reported at the meeting

3.7 **NHDC Environmental Health (contamination)**
Considers that the site is unlikely to present ground contamination issues. Requests an Electric Vehicle Charging Infrastructure condition

3.8 **NHDC Waste Management :**

Recommends a condition requiring details of the circulation route for refuse collection vehicles. Query the arrangements for waste collection generally – does not recommend that RCV's reverse along Harris Lane to the site entrance. Offers detailed advice on waste collection facilities.

3.9 **Site Notice/ Local Residents**
Comments have been received from the occupier of Vicarage cottages raising the following concerns:

1.0 Concern over widening and whether there is sufficient land to widen the lane – there are 3 cottages bordering the land and and a barn (to be converted into a house) that is right on the edge of the lane.

Concerns received from the operators of the Red Lion Public House with regard to deliveries etc to the new houses as this may affect the business.

4.0 Planning Considerations

4.1 **Site & Surroundings**

4.1.1 The application site (lies at the south eastern edge of Great Offley which is a selected village within the Rural Area beyond the Green Belt). The village boundary adjoins the site to the west. The application site is outside of the selected village boundary and in the Rural Area beyond the Green Belt. The site lies adjacent to the eastern boundary of the Offley Conservation Area.

4.1.2 The application site (approximately 0.4 ha) orchard land north of Harris Lane and east of The Rookery, a grade II listed dwellinghouse with access from the junction of Harris Lane and Kings Walden Road. The site is relatively flat and contains several small trees. Immediately to the east of the site is an agricultural field. The northern boundary abuts Footpath 14. Harris Lane, an unadopted, unclassified county road (UCR 2) forms the southern boundary of the site.

4.2 **Proposal**

4.2.1 The proposed development involves the following:

2.0 construction of 1 x 5 bedroom dwelling, 3 x 4 bedroom dwellings and two 3 bedroom dwellings and associated garages and parking area
3.0 Plots 1, 4, 5, & 6 would be two storey and plots 2 ~& 3 would be single storey
4.0 formation of new vehicular access off Harris Lane
5.0 widening of Harris Lane from 3.0 metres to 5.0 metres up to the site entrance (overall length of 75 metres)

4.2.2 The proposed development of six dwellings would be laid out in a u-shaped formation with the dwellings arranged facing onto a central courtyard. Plots 1, 2 and 3 would share a car port whilst plots 4, 5 & 6 would have their own garages with surface parking spaces set in front of the garages.

Plots 2 & 3 would be in the form of a semi-detached pair in a barn like building of 208 sqm. The building would have a hipped roof of 6.5 metres in overall height and include a front projection incorporating entrance doors.

Plots 1, 4, 5 & 6 are all detached two storey dwellings with an overall ridge height of 8 metres. Each of these dwellings would have its first floor accommodation partly within the roof space with typical eaves height of about 4.5m above ground level. External materials would consist of clay plain tiles for the main roofs with natural slate for lower roofs, facing bricks for plinths and stained timber boarding for elevations. All windows would be timber and rooflights of the conservation type. The eaves to each dwelling would exposed rafter feet as a detail.

4.2.2 The application is supported by a Planning statement, Transport Statement, Heritage statement and assessment, Ecological impact appraisal and tree report.

4.3 **Key Issues**

4.3.1 The key issues are the principle of the development, character and appearance and heritage impact, impact on neighbouring properties, environmental considerations, sustainable development, parking and access arrangements and planning obligations.

4.3.2 **The principle of the development**
The site lies within an area designated as Rural Area beyond the Green Belt in the current local plan. Saved Policy 6 of the local plan, although not completely in conformity with the National Planning Policy Framework, is a relevant policy with which to assess this development in that it essentially seeks to maintain the character of the countryside and villages - similar to the aims of the NPPF which seeks to recognise the intrinsic character and beauty of the countryside.

4.3.3 At the moment, this proposal would not meet any of the criteria (i, ii iii or iv) of Policy 6. That is, that the proposals would not meet the needs of agriculture, do meet an identified rural housing need, do not amount to a single dwelling in the built core of the village or involve a change to the rural economy. When assessed against this policy the development is unacceptable in principle.

Balanced against this is the fact that this proposal should also be considered against paragraph 49 of the NPPF which says that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year land supply of housing sites. Since consideration of the previous proposal for three dwelllings on part of this site (ref: 15/02656/1) whereby it was considered that the Council could not demonstrate a five year land supply, the policy situation has changed. The Council has carried out further consultation on the plan and submitted its Submission Plan to the Secretary of State and the Examination in Public (EiP)has now been completed. The Council now considers that it has allocated sufficient sites to meet its objectively assessed housing need and that these sites are deliverable within the plan period (2011 – 2031). The Council therefore considers that it can demonstrate that it has a five year land supply.

At the recent EiP however the Council was asked to not to propose that the application site be included within the Green Belt as part of the emerging plan and amend the settlement boundary of the village to include the application site. The EiP Inspector is expected to confirm this in modifications to the emerging plan in summer 2018. The application site is not specifically designated a housing site in the emerging plan – it reflects the earlier permission for three dwellings and recognises the existing natural boundary features.

As a result of the above proposed policy change considerably less weight can now be given to the relevance of Policy 6 to this application. Offley is proposed to be classified as a Category ‘A ‘ village in the emerging plan with a defined boundary excluding it from the Green Belt (the countryside around Offley being changed from Rural Area beyond the Green Belt to Green Belt). As such development will be allowed within the defined boundary. In principle therefore residential development could be permitted within the application site subject to all other considerations including landscape impact, the setting of designated heritage assets, highway considerations and other environmental considerations such as flood risk, ecology and contamination.

4.3.4 **Character and appearance and heritage impact.**
The site is currently undeveloped orchard land attached to the main dwelling at 'The Rookery' The land has a frontage with Harris Lane which serves both 'The Rookery', The Red Lion public house and Nos 1 -3 Old Vicarage Cottages. Harris Lane also serves the adjacent barn also sited fronting Harris Lane which benefits from a recent planning permission for its conversion into a 3 bed dwelling and extension. The application site immediately adjoins the Offley Village boundary, the dwelling at 'The Rookery' being within the village boundary. To the east of the site is an arable field with the boundary between the field and the orchard being defined by a hedgerow with several semi-mature trees. The site boundary adjoins a public footpath to the north.

The development site fills the gap between Harris Lane and the public footpath No. 14 with the houses on Plots 2, 3 and 4 being within 16 metres of the public footpath and plots 4 , 5 & 6 within 10 - 13 metres of the eastern boundary with the arable field east of the site. By reason of the number of dwellings proposed, their height and scale and proximity to the eastern boundary the development would result in a significantly urbanising form of development in this edge of village location. The perception of an urban encroachment into the countryside would be particularly noticeable on approaches to the village along footpath 14 and from Harris Lane.

The internal courtyard serving the dwellings is proposed to be of a hardsurfaced material and of a width and length to accommodate a refuse collection vehicle. Harris Lane is required to be widened to 5 metres for approximately 75 metres stretching from Vicarage Cottages to the site entrance. Such widening would result in the loss of hedgerow and would detract from the current rural feel and ambience of the lane.

No objection is raised to the appearance of the dwellings themselves as the use of rural materials such as timber cladding, brick plinths and plain tiles and natural slate roofs would be appropriate for this rural environment. However it is the scale of the development and its consequent urbanising effect that would be at odds with this edge of village and rural location and consequently be harmful to the character and appearance of the area.

4.3.5 In addition to the development being at odds with local character a key consideration is the impact of the development on heritage assets i.e. the significance of The Rookery and the Offley Conservation Area. The Council's conservation officer has assessed this proposal carefully having had regard to the extant permission for three dwellings (ref: 15/02656/1) and the submitted 'Heritage Assessment of Development Proposals' by Fiona Webb.

4.3.6 The Conservation officer has identified a number of inaccurate statements and flaws in the submitted heritage statement. Included in these are the 'Introduction' to Fiona Webb's Heritage Assessment states that *"…The design of the development proposal has now been amended to reflect the Conservation Officer's concerns…".* This is not actually the case as under Section 5.0 Ms Webb acknowledges that the officer had raised particular concerns with respect to i) the number and size of dwelling units; ii) depth of development (site coverage); iii) the repetition of house types and iv) the widening and upgrading to Harris Lane. The current scheme still promotes a scheme for 6 dwellings, the site coverage remains approximately the same and Harris Lane is proposed to be widened and upgraded.

4.3.7 The heritage statement considers that the conservation officer has failed to consider the implications of cumulative change in particular the previous density of

development now thinned by demolition. However the character and appearance of the area has remained relatively unaltered since Offley Conservation Area was designed in 1984 and since The Rookery was added to the statutory listed in 1988. Furthermore no evidence has been put forward to suggest that the application site was previously developed. In addition the officer maintains the view that the more open and loose-knit 'end' of this part of Offley is part of the area's character and appearance.

4.3.8 The submitted heritage statement states that the *"… impact of this development proposal would be* ***less than substantial harm to the designated heritage assets****…."*. Having concluded that there is less than substantial harm, the document does not then refer to paragraph 134 of the NPPF and what public benefits of the scheme would weigh against the harm identified.

4.3.9 The Conservation officer recognises his support for the previously approved scheme for three dwellings however the current proposal would result in a doubling of the number of dwellings and the development extending into the full depth of the paddock behind The Rookery. The officer is of the opinion that '*This perception of buildings in depth behind The Rookery would significantly erode the 'dispersed', 'piecemeal', 'thinned' and 'open' characterisation advanced by Dr Prosser and Ms Webb. In other words, the development would run counter to this assessment.'*

The officer further comments that '*Four of the dwellings are detached with Plots 1 and 5 being a similar house type and Plots 4 and 6 also being a similar house type. Plots 2 and 3 are a pair of semis in the form of a particular long 'barn-like' building. Unlike the scheme approved under ref:15/02656/1, the latest scheme would encroach upon the paddock 'hinterland' behind The Rookery. In addition, Harris Lane is proposed to be widened yet further. When compared with the earlier approval. Thus, not only would the sense of a 'dispersed' 'openness' be harmed but the character of Harris Lane would also be adversely affected'.*

In conclusion the conservation officer is concerned at the following aspects:

1.0 the number of dwelling units,
2.0 the extent of development coverage across the site,
3.0 the repetition of house types and the widening and upgrading to Harris Lane,
4.0 the proposed development transforming this edge of settlement/semi rural 'open' yet verdant setting, to one of a significantly built up and overtly residential character.

As such the proposed urban form of development would conflict with the general character of the southern extent of Offley Conservation Area where the grain is more loose-knit and thereby harming the setting of, hence the significance of, Designated Heritage Assets, namely The Rookery (grade II listed) and the Offley Conservation Area.
I would agree with the conservation officers views on this proposal and they substantiate and confirm the harm to the character and appearance of the area that I have identified above.

4.3.10 **Impact on neighbouring properties**
Apart from the impact on the setting of The Rookery, subject to conditions concerning construction traffic and construction management (including working hours and deliveries) I am satisfied that the proposal would not harm the amenities of nearby residential occupiers. The impact from construction activities would be short term.

4.3.11 **Environmental matters**

Hertfordshire Ecology (HE) had previously commented on the approved three dwelling scheme. They advised that the existing orchard is unlikely to sustain at present any significant features of ecological interest. HE advised however there is potential for the development to secure ecological gain through a number of measures and it is appropriate in this case to attach the condition and informatives recommended by them previously. With these in place the development will meet the expectations of the NPPF in terms of protecting and enhancing the natural environment.

The site is not within a flood risk area and the scheme includes reasonably large gardens to accommodate surface water run-off. The hardsurfaced courtyard area has the potential to result in surface water discharging onto Harris Lane however this area could be designed to accommodate drainage and if permission is granted a surface water drainage strategy is recommended.

The Council's Environmental Health officer advises that a land contamination condition is not required however as with all new residential development an electric vehicle re-charging infrastructure condition will be required to mitigate against air quality impacts.

4.3.12 **Sustainable Development**

The Framework defines three dimensions to sustainable development in terms of developments required to perform an environmental, economic and social role.

In terms of economic benefits, it is clear that the proposed development would create some employment opportunities in construction and the development would help to support existing local businesses and services in the wider area.

In terms of the social role the development would provide a modest amount of housing which would make a small contribution to the district's housing supply. The development is for family accommodation and it is likely that there will be children that will attend Offley Primary school thus contributing towards the vitality and viability of the school and village life in general.

In terms of the environmental I have identified that the scheme will have a harmful impact on the character and appearance of the area including a harmful impact on the significance of The Rookery and the Offley Conservation Area. Therefore the scheme would not fully meet the three strands of sustainable development required of the Framework.

4.3.13 **Parking and access**

Vehicle and pedestrian access to the development is proposed via Harris Lane which links to Kings Walden Road which runs through the centre of the village.

The proposal is to widen the lane to 5 metres presumably under a Section 278 Agreement with the highway authority. There are fundamental differences however between the approved scheme for three dwellings and this proposal for six dwellings. The approved scheme required less widening of Harris Lane and the provision of a refuse collection point further towards the junction with Kings Walden Road to allow refuse vehicles to reverse partly along Harris Lane but with no requirement to enter the site itself. As there are six units now proposed the

development will generate more traffic movement and will need to accommodate a refuse vehicle.

Hertfordshire County Council as Highway Authority has concerns with the accessibility and manoeuvrability of vehicles along Harris Lane in conjunction with pedestrians, the connection to the development access road and associated manoeuvring at that junction would result in difficulty of manoeuvring of vehicles to enable a driver of large vehicles to travel and pass pedestrians and other vehicle along Harris Lane and access and egress the development.

The narrow width of Harris Lane would not support two-way traffic along the entire length which would lead to vehicles reversing when meeting another vehicle an excessive distance when accessing the development.

From the details submitted there would not be sufficient space available for two vehicles and pedestrians to pass along and egress the narrow Harris Lane, the length that a driver would have to reverse is considered unreasonable and therefore the access strategy is considered to be inadequate to service the proposal.

The access road to the site from the public highway junction with Harris Lane and Kings Walden Road is more than 75 metres long there has been no consideration for other highway users such as equestrian and pedestrians along Harris Lane or internal highway which would be vulnerable when the access road is in use by vehicles, there is only one location along the entire length for the opportunity for another vehicle to pass when a large vehicle occupies the road the road layout design has not considered that two-way traffic is required for access at all times.

The above amounts to a significant objection to the development in highway terms.

4.3.14 In terms of parking provision the development site will accommodate at least two cars per dwelling in accordance with the Councils Vehicle Parking Standards SPD. In addition there is cope to accommodate visitors parking within the site.

4.3.15 **Planning Obligations**

In considering whether any infrastructure obligations should be required from this development and whether the developer should provide a footpath link along Kings Walden Road as suggested by the Parish Council regard should be had to two matters:

1)High Court judgement on affordable housing thresholds and tariff based infrastructure contributions

In May 2016 the High Court reinstated the Governments' policy on the following

(1) developments of no more than 10 homes (with a gross floorspace not exceeding 1,000 sq m) would be exempted from levies for affordable housing and tariff-based contributions,

(2) but in designated rural areas, National Parks and AONBs, the exemptions would apply only to developments not exceeding 5 new homes; developments of 6 to 10 homes could pay a commuted sum, either at or after completion of the

development;

(3) redevelopment of a vacant building, or its demolition for redevelopment, would give rise to a credit (calculated in terms of floorspace) that could be off-set against any affordable housing contribution.

The effect of this is that the Local Planning Authority cannot request any tariff based infrastructure contributions for this development or any affordable housing.

2)Community Infrastructure Regulations 2010

Under the CIL Regulations 2010, Planning obligations should only be sought where they meet all of the following tests:
● necessary to make the development acceptable in planning terms;
● directly related to the development; and
● fairly and reasonably related in scale and kind to the development.

In terms of the Offley Parish Council's request for contributions towards the extension of the footway in Kings Walden Road this request should be assessed as follows:

● necessary to make the development acceptable in planning terms;
The footpath is not required to make the development acceptable in planning terms. The extended footway would not assist the occupants of the new dwellings to access any services or other footways or footpaths as it would not link to the site. It is not required by the Highway Authority or County Council Rights of Way officer

● directly related to the development; and
The request is not directly related to the development, the extended footway would be over 120m from the application site and over 155m away if a pedestrian route was taken from the site. As set out above the extended footway would not assist the occupants of the new dwellings to access services.

● fairly and reasonably related in scale and kind to the development.
The request may be considered reasonable in scale and kind to the development, however it could only really be considered reasonable if other recent residential development in the area had also been asked to make a proportionate contribution, such as the recent barn conversion on the site adjacent to the application site. Such similar requests have not been made.

Overall for reasons set out above I do not consider that the Parish Council's request meets the tests of the CIL Regulations and therefore on this occasion there is no legitimate planning or legal grounds on which they should be sought.

4.4 **Planning balance and Conclusion**

4.4.1 It is accepted that the current local plan is out of date however the emerging local plan is at an advanced stage and the policies within it can be given significant weight. However the plan is yet to be adopted and therefore one has to consider the presumption in paragraph 14 of the NPPF in favour of sustainable development and whether it can be applied. It states that permission should be granted unless:

'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate that development should be restricted'

In this case the highway authority has raised significant objections on highway safety grounds and the development would result in harm to the character and appearance of the area through the density and scale of development proposed and the widening of Harris Lane.

Paragraph 14 is however not engaged as there other policies in the NPPF listed in footnote 9 that apply to this development i.e. policies relating to designated heritage assets. In this case the public benefits of the scheme do not outweigh the harm to the designated heritage assets which are the significance of the listed Rookery and the character and appearance of the Offley Conservation Area.

4.4.2 Because of the above harmful impacts of the proposals the development is not considered to be sustainable and therefore fails to meet the requirements of sustainable development set out in the Framework.

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 **REFUSED** for the following reasons:

1. By reasons of the number of dwelling units, the extent of development coverage across the site, the repetition of house types and the widening and upgrading to Harris Lane, the proposed development would transform this edge of settlement/semi rural 'open' yet verdant setting, to one of a significantly built up and overtly residential character. This more urban form of development would conflict with the general character of the southern extent of Offley Conservation Area where the grain is more loose-knit. The proposal would harm the setting of, hence the significance of, Designated Heritage Assets, namely The Rookery (grade II listed) and the Offley Conservation Area. Furthermore, by reason of the extent of highways related works envisaged, the proposal would harm the character and appearance of Harris Lane, thereby also harming the setting of the Offley Conservation Area. The proposal would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would also be contrary to the aims of Section 12 of the NPPF in that the proposal would not make a positive contribution to local character (paragraph 131), the significance of The Rookery and Offley Conservation Area would be harmed by development within their setting (paragraph 132) and whilst the degree of harm would be less than substantial, this would not be outweighed by public benefits (paragraph 134).

2. The proposed development would constitute poor design contrary to the advice set out in paragraph 64 of the NPPF which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3. By reason of the inadequate vehicular access proposed, particularly in terms of highway width and visibility, together with inadequate arrangements for refuse collection, the development would result in conditions detrimental to highway and pedestrian safety. As such the development would be contrary to the provisions of Section 4 of the NPPF (Promoting Sustainable Transport) and the technical requirements of the highway authority as set out in 'Roads in Hertfordshire: Highway Design Guide' and 'Manual for Streets' (Department of Transport).

Proactive Statement:

4. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.