DELEGATED FILE NOTE

CASE OFFICER: ...Tom Donovan.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00391/FP	Remodelling of Animal Re-Homing Centre and creation of replacement access, alterations to layout of external areas to include demolition, alteration and replacement of existing buildings and replacement of septic tanks with small package treatment plant.	Blue Cross Kimpton Bottom Kimpton Hitchin Hertfordshire SG4 8EU

Submitted Plan Nos

3786-01A 3786-02C 3786-03 3786-04 3786-05 3786-06 3786-07 3786-10E 3786-11C 3786-12F 3786-13C 3786-14C 3786-15E 3786-16G 3786-17F 3786-18 3786-19A 3786-20 3786-21 LSDP 1059.01B LSDP 1059.02B

1.0 Policies

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

Policy 2 – Green Belt
Policy 55 – Car Parking Standards

1.2 **National Planning Policy Framework.**

Section 3 – Supporting a prosperous rural economy
Section 7 - Requiring good design
Section 9 – Protecting Green Belt land
Section 11 – Conserving and enhancing the natural environment

1.3 **Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017).**

Strategic Policies
SP1 – Sustainable Development in North Hertfordshire
SP2 – Settlement Hierarchy
SP5 – Countryside and Green Belt
SP6 – Sustainable Transport
SP9 – Design and sustainability

Development Management Policies
D1 - Sustainable Design
D3 – Protecting living conditions
D4 – Air Quality
T2 - Parking

1.4 **Supplementary Planning Document**

--Vehicle Parking at New Development September 2011
--Design
--North Hertfordshire Landscape Study (Character, Sensitivity and Capacity) (2011)

2.0 **Site History**

2.1 None relevant.

3.0 **Representations**

3.1 **Local residents/ Public Notice**
No representations received.

3.2 **HCC Highways**
No objection subject to recommended conditions.

3.3 **Kimpton Parish Council**
No comment.

3.4 **Environmental Protection**
No objection. Contaminated land condition recommended.

3.5 **Hertfordshire Ecology**
No objection subject to recommended condition. Several informatives suggested.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The development site comprises the Blue Cross animal rehoming centre in Kimpton Bottom and which is located on the south side of the B652 road. The centre comprises a number of buildings, including two residential dwellings, offices, a reception building and various kennels and stables and other ancillary buildings for the keeping and accommodating of animals. The site is located within the Green Belt.

4.2 **Proposal**

4.2.1 This development proposal comprises the remodelling of the Blue cross premises, including the demolition of various buildings, the extension and conversion of buildings to alternative uses and the provision of new accommodation. Of particular note are as follows:

--The erection of a new reception building towards the north-eastern corner of the site (Building 2), next to the entrance.
--The extension and provision of larger kennel buildings towards the southern end of the site (Buildings 14 and 15).
--The provision of several new buildings for the accommodation of cats towards the north-western side of the site, alongside the road (Buildings 3, 4, 5 and 6).
--The extension of Building 16 with Building 17 to enlarge the residential accommodation.
--The relocation of the vehicular access to a central point and the stopping-up of the existing access. On site hard-standing and car parking to reflect the new access.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:
--Whether the proposals would be inappropriate development in the Green Belt and if so, whether there are very special circumstances which clearly outweigh the harm caused by inappropriateness or any other harm.
--The effect on the character and appearance of the area.
--The effect on the living conditions of neighbouring properties.
--The effect on highway safety and car parking provision in the area.
--The effect on the ecological and environmental value of the area.

4.3.2 Whether inappropriate development
The National Planning Policy Framework (the Framework) states that *"local planning authorities should ensure that substantial weight is given to any harm to the Green Belt."* Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate unless compliant with one of the exceptions set out in para.89 or 90 of the Framework.

4.3.3 The site includes a number of existing buildings spread over a relatively large area and includes large areas of hardstanding. As such, I consider the site to be previously developed and, as such, bullet-point 6 of para.89 of the Framework would apply.

4.3.4 The proposed development would represent the 'partial redevelopment of a previously developed site which is in a continuing use'. However, in order to not be inappropriate the proposed development must not have any greater impact on the openness of the Green Belt and the purposes of including within it than the existing development.

4.3.5 The proposed development would comprise a fairly comprehensive redevelopment of the site which would involve the erection of a number of buildings in the north-western corner of the site. Although it is noted that several buildings/structures are proposed to be demolished, there would be a net-gain in built form at the site. Moreover, the majority of new buildings proposed for the site would be located in areas which are currently free of built form. This would inevitably lead to harm to the openness of the Green Belt. However, when compared against the stated purposes of the Green Belt as set out in paragraph 80 of the Framework, I do not consider that the erection of these additional buildings would conflict with any of the reasons for including the land in the Green Belt.

4.3.6 In summary, although the proposal would be for the partial redevelopment of previously developed land, the proposals would have a greater impact on the openness of the Green Belt than the existing development. As such, I find that the proposed development would be inappropriate development and, in accordance with paras. 87 and 88 of the Framework, the application should not be approved unless very special circumstances exist. Such circumstances should clearly outweigh the harm to the Green Belt. This is a matter I will return to.

4.3.7 Design and appearance

In my opinion, the wider redevelopment of the site would have a positive impact on the character and appearance of the area. It is recognised that a number of the buildings are not overly attractive, functional buildings built for very specific purposes. However, the majority of these more unattractive buildings are small-scale and would have a negligible wider visual impact. The proposals include fairly extensive landscaping proposals which would again reduce the wider visual impact of the proposed development and, again, would likely actually result in an overall improvement in the appearance of the site.

4.3.8 Impact on neighbouring properties

The site is somewhat secluded although there is a residential property immediately to the east of the application site. However, the majority of the new development is proposed for parts of the site which are some distance away from the residential property and is therefore likely to have little impact. The additional buildings are likely to result in some intensification of the site but I do not consider that they would result in additional noise or related disturbance.

4.3.9 Impact on highway safety

Hertfordshire County Council Highways have provided me with detailed comments on the proposals. Initially there was an objection to the proposals, however, following discussions with the applicant, HCC Highways have revised their opinion and have confirmed that there is no objection to the proposal subject to a number of conditions.

4.3.10 Car parking
Approximately 29 car parking spaces would be provided to serve the enlarged premises. This would be ample to serve the enlarged premises.

4.3.11 Ecological impact: protected species
A *Preliminary Roost Assessment* has been undertaken and no bats or evidence of bats was found. However, in line with the recommendations made in the *Preliminary Roost Assessment*, Hertfordshire Ecology recommend that 8.1, 8.2 & 8.3 are added as informatives so that, in the event that bats and/or wilding nesting birds are found during the course of the development, proper mitigation is in place to ensure that no harm is occasioned.

4.3.12 Ecological impact: biodiversity enhancements
Hertfordshire Ecology also recommend that a net gain in biodiversity is achieved as part of the redevelopment of the site and, as such, are recommending a condition for a *Planting and Biodiversity Plan* which should include native hedgerow planting and the provision of bat and bird boxes. A number of informatives relating to this are also suggested.

4.3.13 Contaminated land
I have been advised that owing to the long development history of the land and the significant redevelopment proposals, a land contamination planning condition will be required.

4.3.14 Air quality
The application site is not located in an area of the district that suffers from poor air quality. As such, it is not considered appropriate to secure electric-vehicle charging points via a planning condition.

4.3.15 Very special circumstances
In the *Planning, Design and Access Statement (PDAS)* submitted with the application the applicant argues that the proposed development would not be inappropriate development. In my opinion, this argument is flawed as the fact of the matter is that the proposed development would have a greater impact on the openness of the Green Belt than the existing development. As such, the applicant has not forwarded any 'very special circumstances' in support of the application as this is not the planning argument they are making. However, the PDAS includes a great deal of justification for the development from an operational stand-point whilst I believe that there are other compelling reasons which may comprise the very special circumstances required.

4.3.16 In my view, the very special circumstances are as follows:
--The additional buildings would be single storey.
--The majority of the new buildings proposed for the north-western corner would be particularly modest in terms of their height.
--The proposal would not extend beyond the developed core of the site and therefore the proposal would not lead to any conflict with the purposes of the Green Belt.
--There is an absence of any material harm in any other regard.
--Blue Cross provides a genuinely required service for the welfare of cats and dogs.
--The current premises falls below the standards required by the organisations internal welfare framework.
--The wider redevelopment of the site would include the repositioning of the existing access in a manner that would be beneficial from a highway safety standpoint.

4.4 **Conclusion**

4.4.1 The proposed development would be inappropriate development in the Green Belt. However, having carefully assessed the proposal I am of the view that the benefits of granting planning permission would outweigh the harm to the Green Belt or any other harm. As such, it is my recommendation that planning permission should be granted.

5.0 **Recommendation**

5.1 That planning permission is **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. Prior to commencement of development, a Planting and Biodiversity Plan showing the location of native hedgerow planting and bat and bird boxes should be prepared and submitted to the Local Planning Authority for written approval. The approved details should be implemented within 12 months of written approval and permanently retained thereafter.Reason: To ensure that biodiversity objectives are realised.

4. The development hereby permitted shall not be brought into use until the proposed access has been constructed, 5.5 metres wide for the first 6.0 metres, the kerb radii shall be 4.5 metres, the existing access has been closed, and the verge has been reinstated as identified on drawing number 3786-17 revision F, to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction. Reason: In the interests of highway safety and amenity and to protect other users of the public highway.

5. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4

metres x 43 metres to both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway. Reason: To provide adequate visibility for drivers entering and leaving the site.

6. The gradient of the access from the adjacent development road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway. Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

7. Any gates provided shall be set back a minimum of 6.0 metres from the edge of carriageway and shall open inwards to the site. Reason: To allow a vehicle to wait clear of the carriageway or footway while the gates are being opened and closed.

8. The access shall be constructed in a hard surfacing material for the first 6.0 metres from the edge of the carriageway. Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

9. Prior to the commencement of the development, a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan/Statement. The Construction Management Plan/Method statement shall address the following matters (i) Details of a construction phasing programme (including any pre-construction or enabling works); (ii) Hours of construction operations including times of deliveries and removal of waste; (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas; (iv) Access and protection arrangements around the site for pedestrians, cyclists and other customers; (v)Details of provisions for temporary car parking during construction; (vi)The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures; (vii)Screening and hoarding details (viii)End of day tidying procedures; (ix)Construction and storage compounds (including areas designated for car parking); (x)Siting and details of wheel washing facilities; (xi)Cleaning of site entrances, site access roads and the adjacent public highway and: (xii)Disposal of surplus materials. Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

10. No development shall commence until the details of siting, type and design of plugs, the energy sources and the strategy/management plan of supplying and maintaining the electric charging points to be provided in accordance with the minimum 10% of spaces to be provided with electric charging points shall be provided to the Local Planning Authority and Hertfordshire County Council for approval in writing. All electric charging points shall be installed in accordance with the approved details prior to occupation of any of the units and permanently maintained and retained. Reason: To ensure that the development complies with the sustainable development policy requirements.

11. The approved details of landscaping shown on drawing LSDP 1056.02 Rev. B 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.

12. Before the commencement of any other works on the site, trees indicated to be retained on drawing 1056.01 Rev.B shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

13. The residential units indicated on approved drawing number 3786-17F as Buildings 16 & 17 shall be occupied solely in association with and by persons employed at the Animal Re-Homing Centre. Reason: The formation of separate residential units on the site is acceptable only on the basis that it is required to serve the Animal Re-Homing Centre. Permission in this case is granted solely in the light of the necessity and thus the occupation of the dwelling is restricted to ensure its continued use in fulfilling that need.

14. (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.

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1) Late discovery of bats and/or wild nesting birds:(a) The demolition of the Managers House and works to the roofs of the staff room and reception building are to be timed to take place during the spring (mid-March to end April) and/or autumn (September to October) when bats are most active but least likely to be pregnant, rearing young or hibernating.(b) Roof tiles surrounding missing or slipped roof tiles on the Managers House and reception building are to be removed carefully by hand and checked for roosting bats underneath.(c) Where bats are discovered on site all works in that building must cease and further advice sought from an experienced bat ecologist who will undertake a review of the impacts and provide further advice which may include the need to secure a Natural England Protected Species License increasing the project costs and adding delays.2) Site clearance:Tree, vegetation and building clearance should be undertaken outside the nesting bird season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of clearance and if active nests are found, the location should be cordoned off (minimum 3m buffer) until the end of the nesting season or works should stop until the birds have left the nest.3) Tree protection:Existing trees (including roots and overhanging branches) that are remaining on or adjacent to the site should be protected from damage. Protection barriers and/or a no-dig policy may be required and advice should be sought from an Arboriculturist.4) Species of new trees and shrubs:New trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife; and night flowering plants to attract insects and increase foraging opportunities for bats. This applies to the sowing of any wildflower meadow species too. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.5) External lighting:Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.6) Highways informative:Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx or call on 0300 1234 047 to obtain the requirements for an appropriate highway agreement for the associated access works as part of the development. This should be carried out prior to any development work is carried out. Reason: To ensure that work undertaken on the highway is constructed to the current

Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway. 7) Highways informative 2:Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered. 8) Contaminated Land additional information:The Environmental Protection Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.north-herts.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

Signed  Tom Rea Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 16 April 2018	