

LAND TO THE EAST SIDE OF MAYDENCROFT GARDENS GOSMORE

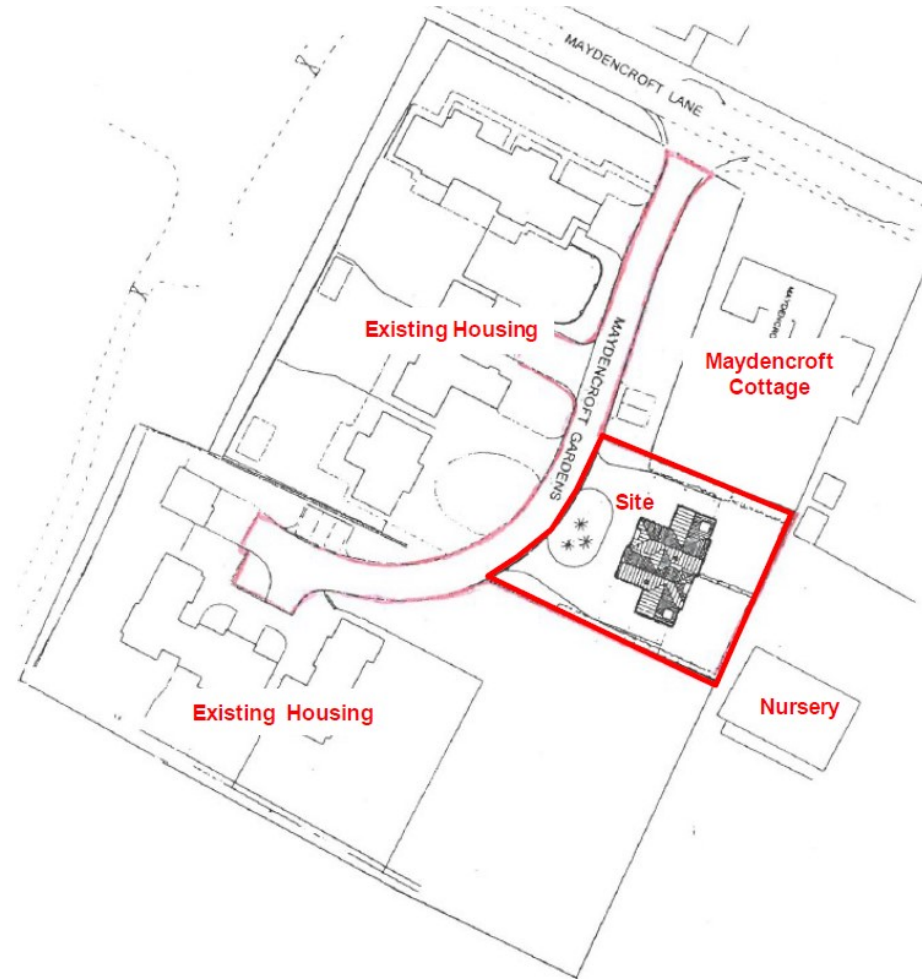
PLANNING, DESIGN, ACCESS & HERITAGE STATEMENT

CONSTRUCTION OF TWO NEW HOMES

APRIL 2024

1.0 INTRODUCTION

- 1.1 This application seeks full planning permission to enable the construction of two new, 3 bedroom semi-detached homes on land to the east side of Maydencroft Gardens, Maydencroft Lane, Gosmore.
- 1.2 As the Council will be aware, Maydencroft Gardens was recently developed following the grant of planning permission reference 17/02289/1 in October 2018 enabling the construction of eight new homes on the former Paul Bromfield Aquatic Plant Nursery. That development is now complete and all properties occupied.
- 1.3 The current application site would be accessed from the new Maydencroft Gardens roadway and as shown opposite stands between the recently completed houses to the west, the listed Maydencroft Cottage to the north and the various buildings associated with the adjacent plant nursery to the east.
- 1.4 This statement describes the site, the proposals and how it is considered these comply with relevant national and local planning policies following the adoption of the North Hertfordshire Local Plan in 2022.



Plan extract showing the site in context

1.5 It is set out as follows:

Section 2.0 : Site Description & Context

Section 3.0 : Background & History

Section 4.0 : Relevant Planning Policy

Section 5.0 : Planning Analysis

Section 6.0 : Design & Access Statement

Section 7.0 : Conclusions

1.6 It should be read in conjunction with the following supporting technical reports which also form part of the application submission.

Transport Statement - Transport Planning Associates

Tree Survey - Arbtech

Arboricultural Impact Assessment - Arbtech

Tree Protection Plan - Arbtech

Arboricultural Method Statement - Arbtech

Preliminary Ecological Appraisal - Arbtech

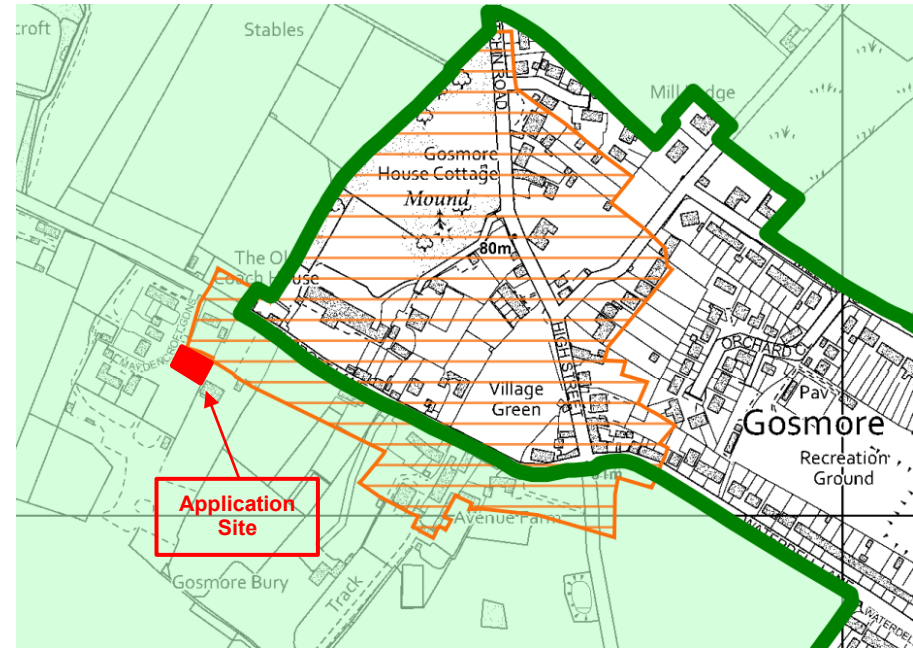
Biodiversity Net Gain Calculation - Arbtech

Site Contamination Assessment - Brown to Green

Flood Risk & Drainage Assessment - Stomor

2.0 SITE DESCRIPTION & CONTEXT

- 2.1 The application site is located on the west side of Gosmore. As highlighted on the policy map extract opposite, the site lies just outside the local plan settlement boundary, within the Green Belt.
- 2.2 Whilst the site does not lie within the Gosmore Conservation Area it does adjoin it along its northern boundary.
- 2.3 Gosmore is defined as a Category A village in the Local Plan and so in principle a reasonably sustainable location where new residential development can be considered acceptable in principle.
- 2.4 The site is approached from the east on Maydencroft Lane and then accessed through Maydencroft Gardens.



Local Plan Policies map extract with site annotation added

- 2.5 As shown in the following photographs the site is currently fenced off from the Maydencroft Gardens development along its western boundary and performs no particular function. Its northern boundary is formed by the mature hedging which surrounds Maydencroft Cottage and the eastern boundary is similarly well screened by mature landscaping which separates the site from the adjacent nursery.
- 2.6 To the south the site is separated from an open space / drainage area associated with the Maydencroft Gardens development by a low post and rail fence. The site itself is a mixture of compacted ground and scrubland.



View looking north along the existing drive to Maydencroft Lane



View from within the site looking south

- 2.7 Whilst the existing houses within the development are substantial they have been well designed to mitigate their scale through the use of low eaves and a mix of brick and timber boarding as well as incorporating gable features which assist in breaking up the elevations and visually grounding the properties.
- 2.8 Maydencroft Cottage to the north is of a different design and appearance primarily a white / cream render with a traditional clay tile roof and porch canopy to the frontage.
- 2.9 All of these neighbouring properties stand within generous plots and benefit from appropriate levels of off street parking and private garden space. The following photographs provide views within Maydencroft Gardens and Maydencroft Cottage.



View looking south west from the application site frontage



View west from the site frontage

2.8 As demonstrated in the accompanying Arboricultural Assessment, there are no trees within the main body of the site. The hedging along the sites northern boundary is primarily Leylandii and to the east a mixture of Hawthorn, Blackthorn and Elder. These boundaries would be retained with appropriate protection put in place during the works.

2.9 The Preliminary Ecological Appraisal confirms a lack of ecological interest at the site, confined primarily to the boundary hedges which are to remain. The site lies just under a mile from Wain Wood SSSI. No adverse impacts on the SSSI are anticipated.

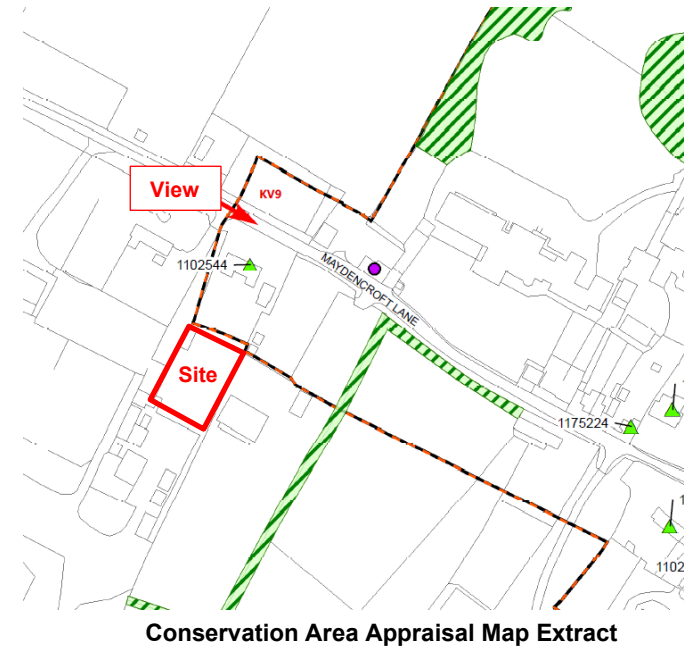


Maydencroft Cottage

- 2.10 A site investigation report accompanies this submission. This notes that the application site was at one time part of the former Paul Bromfield aquatic site and was occupied by some shallow ponds use for the growing of aquatic plants. The ponds were cleared from the site following the cessation of that use. As a result the report recommends a future intrusive survey to investigate ground conditions further prior to any development commencing.
- 2.11 A flood risk and drainage assessment has also been undertaken. This confirms that the site can accommodate a surface water soakaway system with emergency capacity available within the wider site drainage system.
- 2.12 In summary therefore, there are no technical constraints to the sites development as proposed.

Description of Heritage Significance

- 2.13 As noted above, whilst the application site does not contain any listed building nor does it stand within a Conservation area it does adjoin the Gosmore Conservation Area boundary and the curtilage of Maydencroft Cottage which is Grade II Listed.
- 2.14 The Gosmore Conservation Area Appraisal Statement defines what are considered important viewpoints (red arrows) and groups of trees (green shading) on a base map along with listed building (green triangle) and building of merit (purple circles). As shown opposite an important viewpoint is noted as the view on the approach into the village from the west at the frontage of Maydencroft Cottage.
- 2.15 The application site is outlined in red for ease of reference. As will be noted this does not impact the important view point.



2.16 The Appraisal notes that:

“2.1.1 Gosmore Conservation Area centres on two principal routes, High Street / Hitchin Road which runs roughly north to south through the Conservation Area and Maydencroft Lane which runs west towards Charlton from its junction with Waterdell Lane...

*2.1.3 The majority of the buildings in Gosmore Conservation Area are in brick, although in a variety of styles and ages. Modern brick buildings are of a uniform **red brick with some panels of render, entirely rendered facades or steeply sloping roof forms, bay windows and tile hung facades**.....*

2.1.4.....Some timber framed houses are encased in brick for example the original three bays of Maydencroft Cottage.....”

2.17 Maydencroft Cottage was listed in 1987. The listing states:

“House. C17 or earlier, C18 brick casing, late C20 E extension. Timber frame, roughcast front and painted brick casing. Steep old red tile roof. A 2-storeys house, set back a little from road, facing N. 3-cells plan with massive chimney stack on S side of middle bay. Later projecting W gable chimney. Eastern third a 2-windows wide matching extension. The older part has 3-windows to each floor and entrance between left hand two. 2-lights cast iron lattice casements to 1st floor and 3-lights to ground floor. Plank door under LH half of hipped tile twin porch with double-curved brackets.

2.18 As noted by the Council when approving the existing 8 houses within Maydencroft Gardens, the very tall and thick hedged screen of mature trees separating the proposal site from Maydencroft Cottage largely obscures any direct visual relationship and so it was considered that development would not impact the setting of Maydencroft Cottage and / or the Conservation Area.

2.18 In summary, whilst the Conservation Area and listed cottage are clearly assets of high significance, the application site is separated and well screened from both such that it is clear that development of an appropriate scale i.e. not overly tall and prominent is very unlikely to have any direct visual relationship with and so impact upon the setting of either asset, the character and appearance of which would be preserved. The impact of the proposals on the heritage assets is discussed further in Section 5.

3.0 BACKGROUND & HISTORY

3.1 The site appears to have been formally part of the Paul Bromfield Aquatic Centre. The Council's records show the following entries:

74/00411/1

Site for nursery manager's dwelling

Refused 19/07/1974

83/01876/1

Section 53 sale of plants

Permission not required 12/12/1983

86/02012/1

Erection of two stables and feed store

Approved 22/12/1986

10/02598/1

Single storey 2 bedroom log cabin to provide residential accommodation for owner together with staff facilities on site

Refused 13/01/2011 - Appeal A/11/2146374/WF Dismissed 02/06/2011

13/02476/1

Conversion and change of use of single storey barn to provide 2 bedroom residential dwelling with staff room

Refused 28/11/2013

14/00677/1

Conversion and change of use of single storey barn to provide 2 bedroom residential dwelling

Approved 08/05/2014

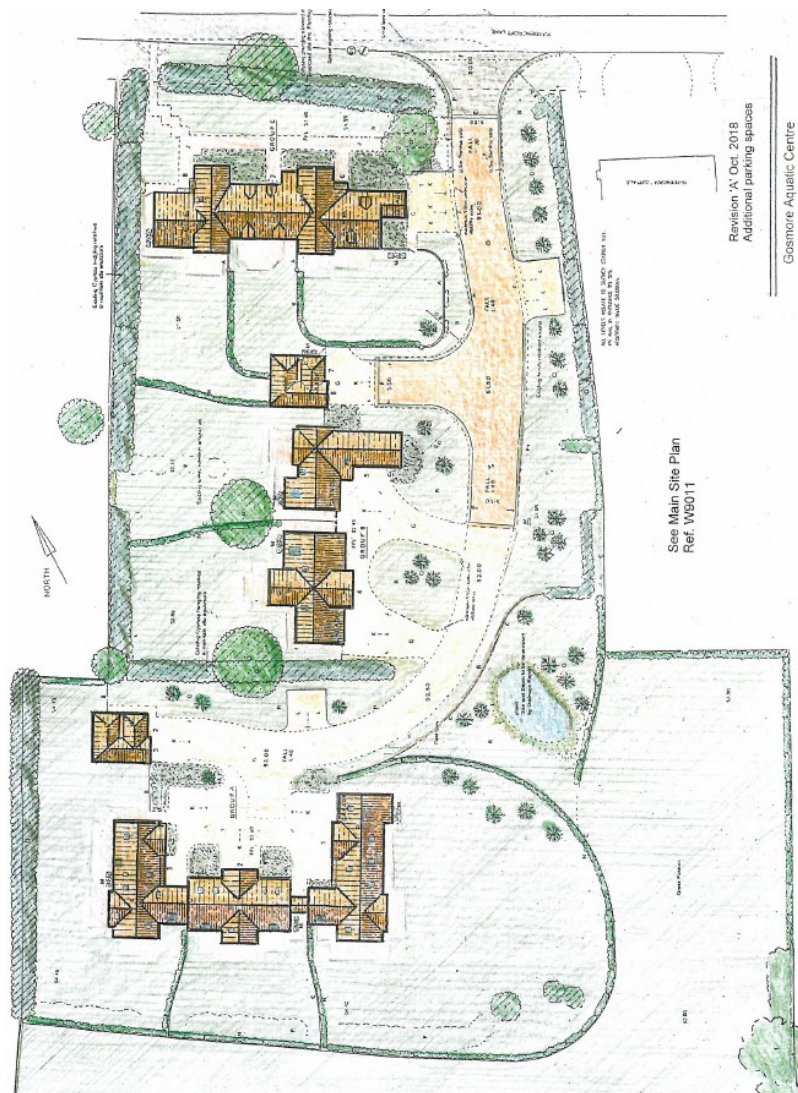
17/02289/1

3.2 As explained in Sections 2 and 3 the most recent application dates from 2018 when permission was granted to allow the construction of eight new homes as shown on the extract opposite taken from the approved site plan.

3.3 The principle of the redevelopment of the site was agreed on the basis that the former aquatic centre was assessed as being previously developed land and that the development as proposed would improve the openness of the site. We highlight the following extracts from the Officers report:

*"4.3.10 With this amended proposal the applicant has provided footprint and volume calculations for the proposed 8 dwellings which show **a large reduction in footprint (64%) and volume (28.5%)**. The LPA has no reason to dispute these figures which is based a detailed survey of all existing buildings and polytunnels on the site.*

4.3.11 As regards openness it is my view that the figures presented in relation to footprint, site coverage and building volume



Approved layout plan

represent significant reductions when compared to the existing situation. Even taking account of the fact the proposed houses would be mainly 1.5 stories with roof accommodation I consider that the reductions mentioned above would amount to a **considerable improvement to the openness of the site and this part of the Green Belt**. It is considered that the gaps between the three groups of houses, the surrounding tall and established boundary planting and the associated gardens and proposed open grass pasture land in the southern section of the site would further enhance the area. I conclude that the proposed development would not result in significant harm to the openness of the area.

4.3.12 The five purposes of the Green Belt are set out in paragraph 134 of the NPPF. In this case, the development **would not result in the unrestricted sprawl of a large built up area**. It does **not involve neighbouring towns merging into one another**. Footprint is reduced and all development is **contained within the existing site therefore the proposal would not encroach into the countryside**. The proposal would have **no effect on any historic setting of towns and would regenerate this run-down site**. Consequently the development would not be contrary to the five purposes which the Green Belt serves as listed under paragraph 134 of the NPPF.

4.3.13 In summary, I conclude on the issue of principle that the proposals do not represent inappropriate development in the Green Belt and would accord with Section 13 of the NPPF which seeks to protect Green Belt land.”

3.4 Whilst this current proposal is not primarily justified on the basis of the exception allowing the redevelopment of previously developed land, it is relevant to highlight that the previous 8 dwelling scheme made substantial reductions in volume and floorspace and even if these two dwellings now proposed were added to this there would remain an overall reduction when compared to the position at the former aquatic centre (this is discussed further in Section 5).

3.5 In terms of the sites location and issues of sustainability the officer comments:

“4.3.18.....In terms of using resources prudently and adapting to climate change it is acknowledged that most journeys to the site are likely to be by private car. However, **the site is within walking distance of the High Street (5 minutes) where there is the village green, pubs and bus service into Hitchin and nearby facilities in St. Ippolyts including primary school church and post office / shop**. The site could not therefore be considered isolated from the local community. Paragraph 103 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The

*emerging local plan settlement strategy does **allocate a Category A village boundary close to the western edge of the site and as such takes account of the accessibility to services and facilities in the locality and nearby settlements.***

3.6 The current site lies closer to the village and these services and facilities than half of the houses within the Maydencroft Gardens development.

3.7 When considering the developments potential impact upon the rural character of the area and visibility in the landscape the officer noted the well landscaped boundaries and so the good level of site containment which exists and provided the following overall assessment of landscape impacts:

*“4.3.24 The development is very low density (approximately 3.0 dwellings per hectare) and this together with **the 1.5 storey scale and well landscaped structure ensures that the proposals can be successfully integrated into this rural setting.** With the green infrastructure and open space proposed at the southern end of the site in my opinion the development would fit comfortably within the existing setting.*

*4.3.25 Overall, I consider that the development **would not be harmful to the character and appearance of the area.**”*

3.8 The current application proposals would have less impact than the eight dwelling proposal which would screen views of them from the west / south west.

3.9 The officer also considered the potential impacts of new development on Maydencroft Cottage as follows:

*“4.3.28 The nearest affected neighbouring property is Maydencroft Cottage. This property has **a high hedge around its western and southern boundary which is shown to be retained** on the illustrative landscape plan. The proposed access road would be approximately 8 metres from the western boundary of the cottage and new tree planting provided between the boundary and the new access road. The comings and goings along the new access road are likely to be fairly infrequent and potentially less than what would be expected with the authorised use of the site.*

4.3.29 Views of the new housing would be possible from the upper rear windows of Maydencroft Cottage however **the nearest dwellings would be approximately 25 metres distant**..... In addition these views would be **across a landscaped open area**. Given the distances between the new houses and Maydencroft Cottage and the screening provided by boundary vegetation and additional tree planting it is considered that the proposal will not result in any significant harm to the amenity of the occupiers of Maydencroft Cottage.

4.3.30 Overall I consider that the living conditions of existing and future residents would be acceptable.”

- 3.10 In this context it is relevant to note that the side wall of the nearest proposed dwelling in this case would be 30 metres from the rear of the cottage and again separated by the open garden and boundary hedging.

4.0 RELEVANT PLANNING POLICY

The National Planning Policy Framework (December 2023)

4.1 The NPPF provides the governments guidance on the way in which the planning system should approach the delivery of sustainable new development. We highlight the following aspects.

- The purpose of the planning system is to achieve sustainable development including new homes (p.7)
- There are three objectives associated with the desire to deliver sustainable development. These are economic, social and environmental. (p.8)
- There should be a presumption in favour of sustainable development. (p.11) In terms of determining planning application that means:

*“c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. 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.”*

- Local Planning Authorities should approach decisions on proposed development in a positive and creative way so that applications for sustainable development can be approved wherever possible. (p.38)
- Planning applications should be determined in accordance with the development plan unless there are material considerations which indicate otherwise. (p.47)
- The government is seeking to significantly boost the supply of housing. (p.60)
- Small and medium size sites play an important role in meeting housing requirements. (p.70)
- Planning decisions should promote the effective use of land in meeting housing requirements. (P.123)
- Planning decisions should ensure that developments will function well and add to the quality of an area, are visually attractive, sympathetic to character and maintain or establish a sense of place. (p.143)
- The Green Belt serves five purposes:
 - 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. (p.138)
-

- Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. (p.152)
- 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 by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. (p.153)
- New development within the Green Belt is considered inappropriate in principle subject to certain stated exceptions including:
 - “e) limited infilling in villages;
 - 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.” (p.154)

The North Hertfordshire Local Plan November 2022

- 4.2 The North Hertfordshire Local Plan was adopted in November 2022. The following policies are highlighted as those most directly relevant to this proposal and which have been considered in detail in its preparation. Emphasis is added where relevant. The way the proposals comply or respond to the policies is discussed in Section 5.

Policy SP5: Countryside and Green Belt

We support the principles of the Green Belt and recognise the intrinsic value of the countryside. Green Belt and Rural Areas Beyond the Green Belt are shown on the Policies Map. We:

- c) 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***

Policy SP9: Design and Sustainability

The Council considers good design to be a key aspect of sustainable development. We will:

- a) Support new development where it is **well designed and located and responds positively to its local context**;*

Policy HS2: Affordable housing

Planning permission for new homes will be granted provided that:

- a) Affordable housing is i. provided in accordance with the following targets subject to viability:
Size of site (gross dwellings) Target percentage of dwellings to be affordable **11 – 14 dwellings 25%***

Policy HS3: Housing mix

Planning permission for new homes will be granted provided that:

- a) An appropriate **range of house types and sizes are provided***

Policy D1: Sustainable design

Planning permission will be granted provided that development proposals:

- a) Respond positively to the **site's local context**;*
- b) Take all reasonable opportunities, consistent with the nature and scale of the scheme, to:*
 - i. **create or enhance public realm**;*
 - ii. optimise the potential of the site by incorporating **Sustainable Drainage Systems (SuDS)**;*
 - iii. **reduce energy consumption and waste**;*
 - iv. **retain existing vegetation** and propose **appropriate new planting**;*
 - v. maximise accessibility, legibility and physical and social connectivity both internally and with neighbouring areas;*
 - vi. future proof for changes in technology and lifestyle;*
 - vii. **design-out opportunities for crime** and anti-social behaviour; and*
 - viii. minimise the visual impact of street furniture and parking provision;*
- c) Have regard to the Design SPD, and any other relevant guidance;*
- d) Within Letchworth Garden City have regard to the Letchworth Garden City Design Principles contained in Appendix 5;*
- e) For residential schemes, **meet or exceed the nationally described space standards** and optional water efficiency standards.*

Policy D3: Protecting living conditions

Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions

Policy T2 Parking

Planning permission will be granted provided that:

*a) Parking for residential development is provided in accordance with the **minimum standards set out in Appendix 4 of this Plan**;*

(Appendix 4 requires a minimum of 2 vehicular spaces per 2 or 3 bed dwelling and 1 covered cycle space per dwelling if the dwelling does not benefit from a garage.)

Policy NE1: Strategic green infrastructure

Planning permission will be granted provided that development:

- a) Protects, **conserves and where possible enhances** the strategic green infrastructure network;*
- b) Avoids the **loss, fragmentation, severance** or negative impact on the function of the strategic green infrastructure network;*
- c) Creates new strategic green infrastructure where appropriate and is accompanied by a plan for its long-term maintenance and management; and*
- d) Has suitable mitigation measures or appropriate replacement to satisfactorily address adverse impacts on the strategic green infrastructure network.*

Policy NE2: Landscape

Planning permission will be granted for development proposals that:

- a) Respect the sensitivities of the **relevant landscape character area** and have regard to the guidelines identified for built development and landscape management;*
- b) 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;*
- c) Are designed and located to ensure the **health and future retention of important landscape features**; and*
- d) Have considered the **long-term management and maintenance of any existing and proposed landscaping**.*

Policy NE4: Biodiversity and geological sites

*Planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations and features listed in Policy SP12. **All development should deliver measurable net gains for biodiversity and geodiversity**, contribute to ecological networks and the water environment, and/or restore degraded or isolated habitats where possible.*

Policy NE7: Reducing flood risk

Planning permission for development proposals will be granted provided that (as applicable):

- a) Development is located **outside of medium and high-risk flood areas (flood zone 2 and 3)** and other areas affected by other sources of flooding where possible;*

Policy NE8: Sustainable drainage systems

Planning permission for development will be granted provided that:

- a) The **most appropriate sustainable drainage solution is used** taking into account technical, viability and design issues to reduce the risk of surface water flooding, enhance biodiversity, water quality and provide amenity benefits;*
- b) It aims to **mimic the natural drainage patterns** and processes as far as possible; and*
- c) Drainage solutions follow the **SuDS hierarchy***

Policy NE11: Contaminated land

Planning permission for development affecting or affected by contaminated land will be granted provided that:

- a) A contaminated land study / contaminated land risk assessment **is submitted as part of the application**;*

Policy HE1: Designated heritage assets

*Planning applications relating to Designated heritage Assets **or their setting** shall be accompanied by a Heritage Assessment/Justification Statement that:*

- i. Assesses **the significance of heritage assets, including their setting**;*
- ii. Justifies and details **the impacts of any proposal upon the significance of the designated heritage asset(s)**; and*
- iii. Informs any necessary measures to **minimise or mitigate against any identified harms**.*

5.0 ANALYSIS

The Principle of Residential Development at the Site

- 5.1 As acknowledged in Sections 2, 3 and 4, the application site lies outside of the settlement boundary for Gosmore as defined in the Local Plan and so within the Green Belt.
- 5.2 New residential development within the Green Belt is considered 'inappropriate' by definition unless it would fall within one of the stated exceptions as set out in paragraph 149 of the NPPF. The two exceptions relevant in this case are firstly and primarily (e), limited infilling in villages and also but to a lesser extent (g) limited infilling or partial or complete redevelopment of previously developed land subject to the development not having a greater impact on the openness of the green belt than the existing development.

Paragraph 149 (e) limited infilling in villages

- 5.3 As the Council will be aware, the Court of Appeal Judgment in the case of the Secretary of State for Communities and Local Government versus Gravesham Borough Council (February 2015) considered and clarified how the paragraph 149(e) test should be applied.
- 5.4 In brief the judgement made clear that the consideration of whether a site lies within or outside a village for the purposes of 149(e) is not dependent upon whether the site lies within a settlement boundary as defined in a Local Plan but rather it is necessary for the decision maker to assess the 'on the ground' situation. We highlight paragraphs 29 and 30 from the judgement:

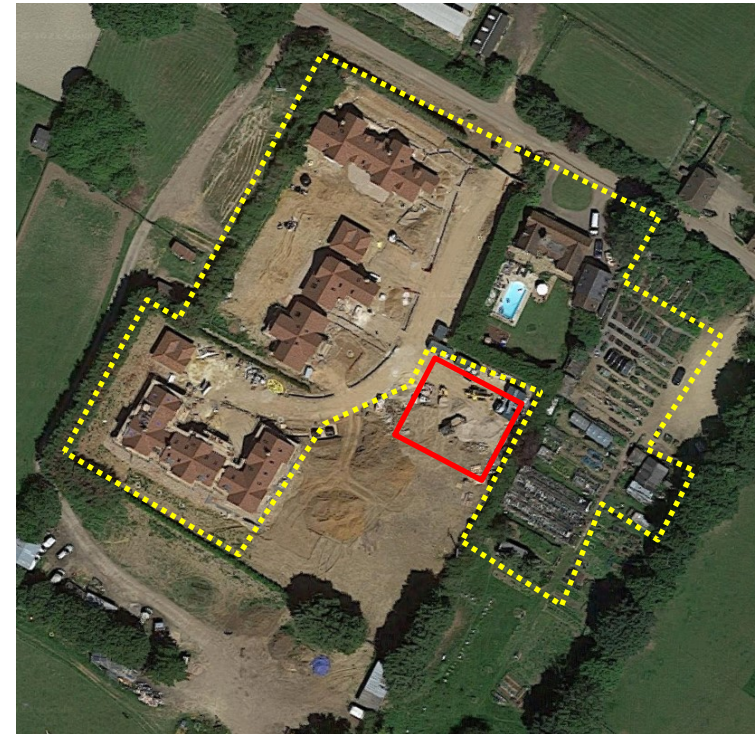
"29.....it is clear....."the boundary" to which the Inspector was referring in paragraph 14 was not his own assessment of the boundary of the village on the ground, but was the defined village boundary in the Local Plan, to which the inspector had been referring in paragraphs 10 and 11..... That is the sole reason why the inspector concluded in paragraph 14 that the appeal site did "not lie in a village, but outside the boundary", notwithstanding his earlier assessment in paragraph 13 of the extent of the built-up area on the ground. The contrast between the "village envelope" within the "defined village boundary" and the extent of the built-up area of the village on the ground is repeated in paragraph 17 of the decision.

30. For these reasons, I am satisfied that on a fair reading of this decision the inspector ***did misdirect himself*** in the manner alleged in ground 1 of this appeal. It follows that the inspector's decision must be quashed and in these circumstances it is unnecessary, in my view, to consider ground 2 of the appeal."

5.5 In the consideration of this application therefore, it is respectfully submitted that it will be necessary for the Council to assess whether, based upon the circumstances 'on the ground', the site can be considered to lie within the village which is a different question to whether the site lies inside or outside of the local plan settlement boundary.

5.6 It is our submission that the site does lie within the village and may be considered infilling as follows:

1. The site is contained to the north and west by existing housing and to the east by Gosmore nursery. The dotted yellow line opposite emphasises how the existing development wraps around the application site.
2. When approaching from Charlton to the west it is the existing housing at the frontage of Maydencroft Gardens which provide a visual 'sense of arrival' within the village. Similarly, when leaving the village and heading west toward Charlton on passing these houses the built form becomes looser and more scattered and there is a sense of having left Gosmore.
3. Development would not extend the existing built form of the village to the north, west, south or east but rather sit centrally within the existing residential layout, grain and form of the housing in this area.



Aerial photograph showing the site in context

5.7 As a result the proposal is considered to comprise appropriate infilling development in accordance with paragraph 149(e).

Paragraph 149 (g) limited infilling in or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development

5.8 The current application site appears historically to have been part of the aquatics centre comprising ponds and basins.

5.9 As noted in Section 3, when planning permission was granted in 2018 to allow the redevelopment of that site it was agreed as 'appropriate' on the basis of a redevelopment of previously developed land which would not have a greater impact upon the openness of the area.

5.10 However, the eight houses then permitted were not by any means a direct 'trade off' for the development that had occupied the site. Rather the eight houses resulted in a 64% reduction in built footprint at the site and a 28.5% reduction in overall building volume.

5.11 If the footprint and volume of the proposed two dwellings included in this application, are added to the eight houses already built to the west and utilising the figures previously put forward and agreed there would still be a reduction in footprint compared to the old aquatic centre of 1,499sqm or 58% and a reduction in volume of 1,172 cub m or 17%.

5.12 It is of course appreciated that the aquatics site has already been cleared but as outlined above if considered in the context outlined above, the proposal does represent redevelopment of previously developed land which would not have a greater impact on openness than the previous development that occupied the aquatics site.

5.13 Therefore whilst this proposal is primarily advanced on the basis of infilling this is a secondary, although in our submission a relevant and further measurable consideration in favour of the principle of the proposal.

The Five Green Belt Purposes

- 5.14 As noted in Section 3, when considering the impacts of the eight house scheme the Council assessed whether the development as proposed would contravene any of the five Green Belt purposes. The conclusion was that it would not for the following reasons:

*“4.3.12 The five purposes of the Green Belt are set out in paragraph 134 of the NPPF. In this case, the development **would not result in the unrestricted sprawl of a large built up area**. It does **not involve neighbouring towns merging into one another**. Footprint is reduced and all development is **contained within the existing site therefore the proposal would not encroach into the countryside**. The proposal would have **no effect on any historic setting of towns and would regenerate this run-down site**. Consequently the development would not be contrary to the five purposes which the Green Belt serves as listed under paragraph 134 of the NPPF.”*

- 5.15 Clearly as this application site effectively stands within / is surrounded by the eight houses and the existing development within Gosmore the same if not stronger arguments and so conclusion that development would not contravene the five purposes again apply.

Very Special Circumstances / Other Material Considerations

- 5.16 It is respectfully submitted that given the above analysis the proposals can be considered ‘appropriate’ Green Belt development and so it is not therefore necessary to demonstrate that Very Special Circumstances (VSC’s) exist to justify the principle of development.

- 5.17 However, if for any reason the Council was to adopt a contrary view it is considered that the following matters are of significance and taken together can be viewed as VSC’s sufficient to justify the proposal in terms of policy principle.

1. Build to Rent – It is proposed that the two new dwellings will be provided as rental properties, not for sale / owner occupation. The Council’s local plan evidence base (The Stevenage and North Hertfordshire Strategic Housing Market Assessment Update 2015), highlights a clear need for and so the benefits of the private rented sector as follows:

4.13 The Government also sees the growth in the private rented sector as positive. Whilst private rented housing (with or without housing benefit) does not meet the definitions of affordable housing, **it offers a flexible form of tenure and meets a wide range of housing needs**. The sector also has an important role to play given that many tenants that rent from a private landlord can only afford their housing costs as they receive housing benefit. **If there isn't sufficient private rented housing available at a price these households can afford, the need for affordable housing would be even higher.**

2. **Site Decontamination** – The application site is effectively a piece of leftover land following the closure of the aquatics centre. It was not part of the eight dwelling application and so not part of any reclamation or remediation scheme. This application will ensure investigatory works and appropriate remediation which would otherwise not take place. In the long term it would not be desirable to leave the site un-remediated with residential properties in such close proximity.
3. **Visual Enhancement** – Whilst the site has been fenced to the west side when in use for storage and site works it is of an unkempt nature and does not contribute to the appearance of the development. Over the medium term the site is likely to become overgrown and detract from the visual amenity of Maydencroft Gardens. Its development would ensure that the site makes a positive visual contribution.
4. **Housing Land Supply** – Although the Council has adopted a new local plan, to enable this the Inspector had to agree to a three stage, stepped requirement figure and with housing delivery then being heavily backloaded as the only way of possibly meeting the Local Plan test of soundness. The Council's supply estimates also date from back in April 2020. This is an absolute best case scenario and somewhat of a 'mathematical fix' designed to enable the Local Plan's adoption within the requirements of the old **2012 NPPF regulations** and in particular the 2012 NPPF's definition of "deliverable" sites.

It is not simply the case that this then automatically provides the Council with a five year land supply position today and in the context of a Section 78 Appeal determined against the current guidance set out in the **NPPF 2021** which must now be used. We reference a recent Appeal decision (April 2022) from Tewkesbury (APP/G1630/W/21/3280970) and highlight the following extracts:

*“25 The Council has also rehearsed argumentsthat the current housing land supply position **will be short-lived, as upon adoption of the emerging BP,** the Council will be able to demonstrate a 5 year supply of housing land. Whilst the examining Inspector for the BP did indicate this, it was in June 2021.....Housing land supply matters have moved on since then.....
27.....the actual position on Housing Land Supply after adoption of the emerging BP **will not be known until such time as the supply can be recalculated** taking into account the newly adopted housing allocations and all other relevant matters that inform supply / requirement.”*

In summary, adoption does not automatically demonstrate a five year land supply position. Indeed, until a full re-calculation is carried out the Council cannot simply assume that the situation is positive.

The Council has not provided any up to date 5 year land supply calculation at this time. The last published data shows a supply of 1.47 years. The latest Annual Monitoring Report available on the Council’s website confirms that no formal update has yet taken place commenting:

*“This figure **has not been updated since March 2021** as the council was awaiting the Planning Inspectors Report. As a result, this **will be updated in the following Annual Monitoring Report for 2022-23.**”*

5. **Early Plan Review** – As part of the adoption of the Local Plan the Council was required to commit to an early review as it was acknowledged that additional housing over and above that provided in the plan was likely to be required. Policy IMR2 states that:

*“The Council will undertake a whole plan review of the Local Plan 2011-2031 **by the end of 2023 at the latest.** This will determine whether this Plan needs to be updated **either in whole or in part.** All policies will be reviewed but with particular regard paid to the following matters that were specifically identified during the preparation and examination of this plan:*

• **Housing requirements** for the District and wider housing market areas;

• **Housing delivery** having regard to the progress and implementation of the Strategic Housing Sites and Local Housing Allocations identified in this plan and the rates of development being achieved measured against the stepped approach and housing trajectory set out in this plan”

6. **Biodiversity Net Gain** – As discussed further below this proposal delivers between a 100% and 200% biodiversity net gain.

5.18 In summary, the proposals will deliver much needed rented accommodation, enable the decontamination of the site, improve its visual appearance and relationship with neighbouring properties, deliver a significant biodiversity net gain and assist towards existing housing land supply requirements and also any requirements which may be identified as part of the early plan review.

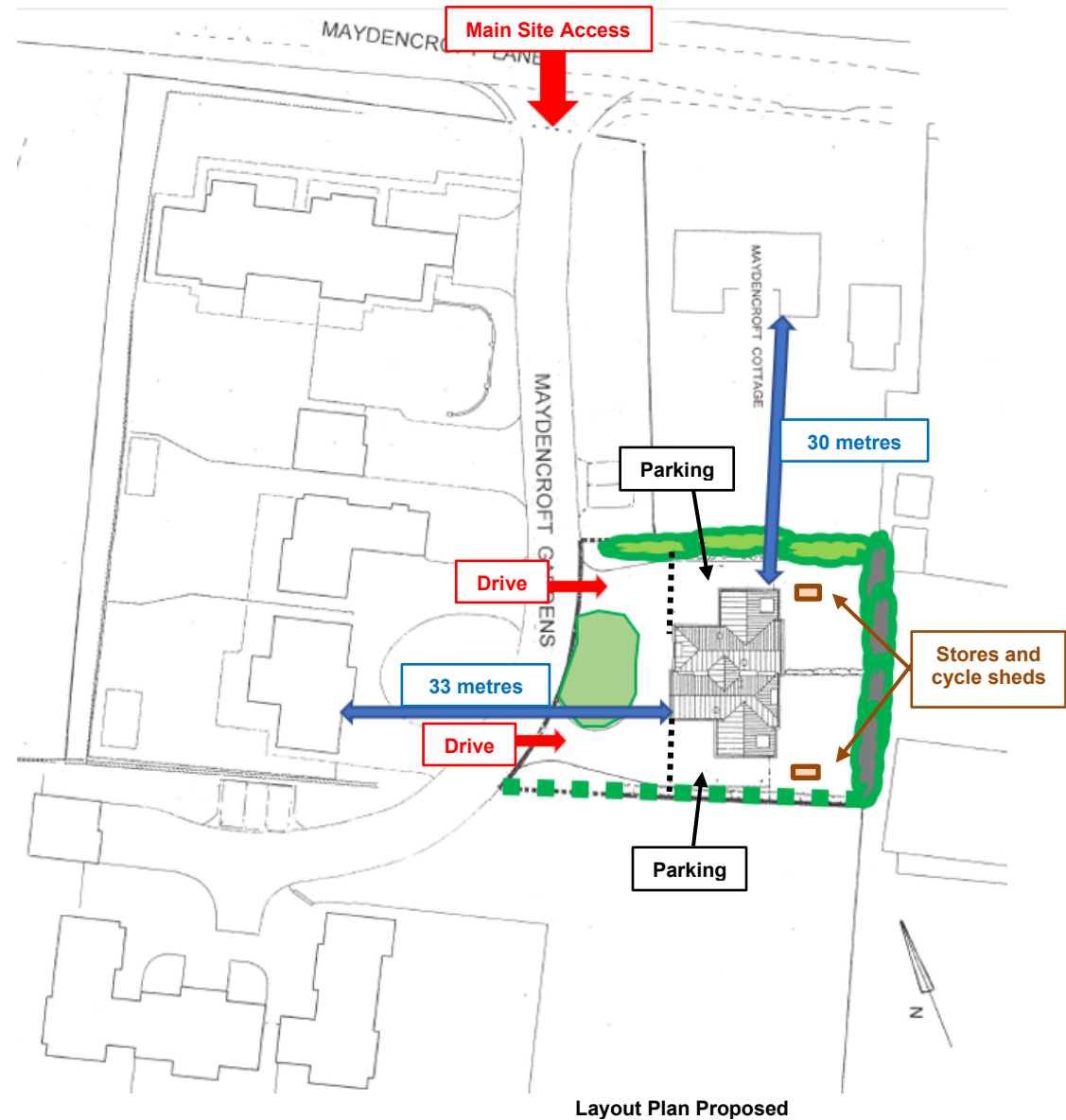
5.19 Therefore in terms of the matter of principle it is considered that the proposals can be assessed as appropriate Green Belt development in the context of the NPPF paragraph 149(e), to also gain support from 149(g) on the same basis that the Council supported the Maydencroft Gardens development and notwithstanding this there are VSC's which support the proposal which complies with Policy SP5.

Design & Layout Considerations

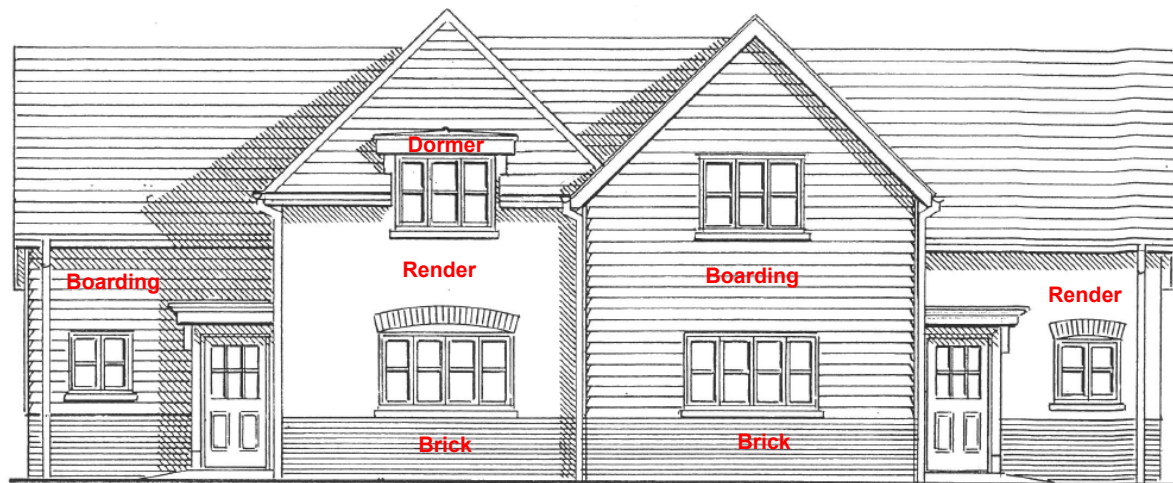
5.20 The application site is rectangular in shape with its western edge adjoining the Maydencroft Gardens frontage from which access would be taken. It is considered appropriate that the new homes front Maydencroft Gardens and so provide an active frontage in the street scene. Given these clear and obvious factors which influence the layout this results in an east / west orientation such that the rear gardens would benefit from direct sunlight throughout the day with the rear parts being those which retain the direct sun into the evening.

5.21 Parking is provided to the sides of the houses so as to reduce its dominance in the street scene. An area of frontage landscaping is included to soften the appearance of the built form and retain the sense of separation and space between the dwellings within the development. Approximately 30 metres is retained between the northern elevation of northern plot and the rear of Maydencroft Cottage and some 33 metres to the front of the nearest house within Maydencroft Gardens.

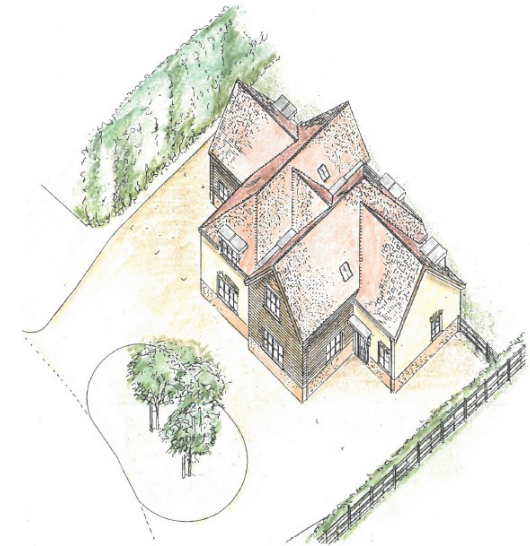
- 5.22 Existing Leylandii hedging to the sites northern boundary would be retained and the Hawthorn, Blackthorn and Elder to the east would similarly be retained, managed and strengthened as necessary.
- 5.23 The sites southern boundary is currently open with a post and rail fence defining it. There will be some new planting along this boundary as shown on the landscape plan.
- 5.28 At the rear, garden sheds / stores would be provided to act as garden and cycle stores.
- 5.29 A timber enclosure is also proposed to screen refuse bins from view
- 5.30 The houses themselves would provide three bedrooms and far exceed national minimum space standards overall and in terms of the key rooms.
- 5.31 The layout ensures a high standard of privacy for the future residents and would not lead to any material loss of privacy for neighbours.



5.32 The houses have been individually designed to the size and constraints of the plot, they are not simply house types taken from the previous development or another site. They would therefore sit comfortably on the plot and provide appropriate spacing to the boundaries and neighbouring houses and uses. In terms of the appearance of the new dwellings, it is considered that the existing houses within Maydencroft Gardens are successful in their design approach of utilising the roof space to accommodate first floors to reduce massing, some gable projections and a mix of brick and timber boarding to break up the house elevations and add interest. The application proposals seek to reflect and complement the appearance of these houses again using low brick plinths, timber boarding and render. The left hand property sited closer to the listed Maydencroft Cottage has a rendered gable with timber boarding to the set back element. This is reversed on the right hand side property. As shown below there are also varied window details with the first floor window to the left side property formed as a dormer cutting the eaves line which again adds interest and design quality.



Proposed front elevation



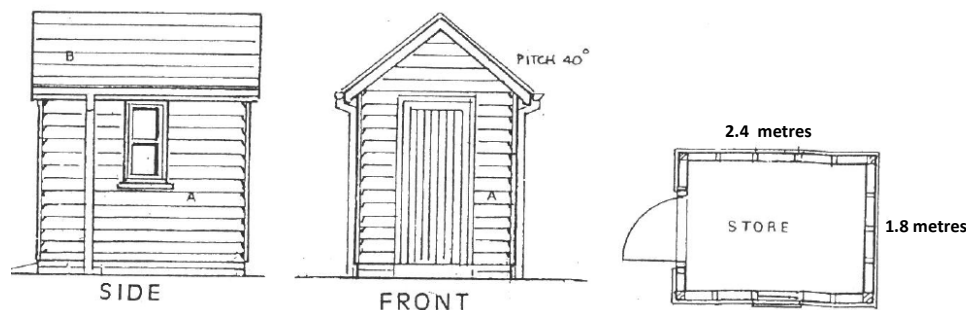
Axonometric detail

5.33 It is respectfully submitted therefore that the proposals very clearly respond to their context as required by Local Plan Policy SP9 and also meet or exceed relevant National and local design standards as required by Local Plan Policy D1.

Technical Reports & Assessments

Highways, Access & Parking

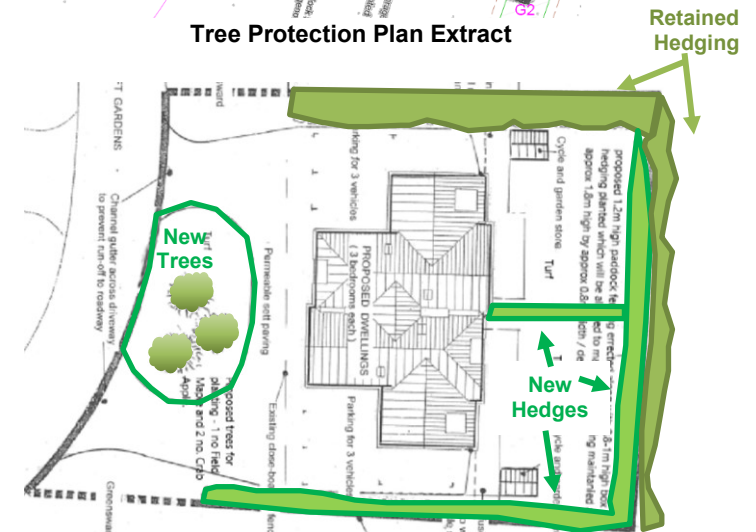
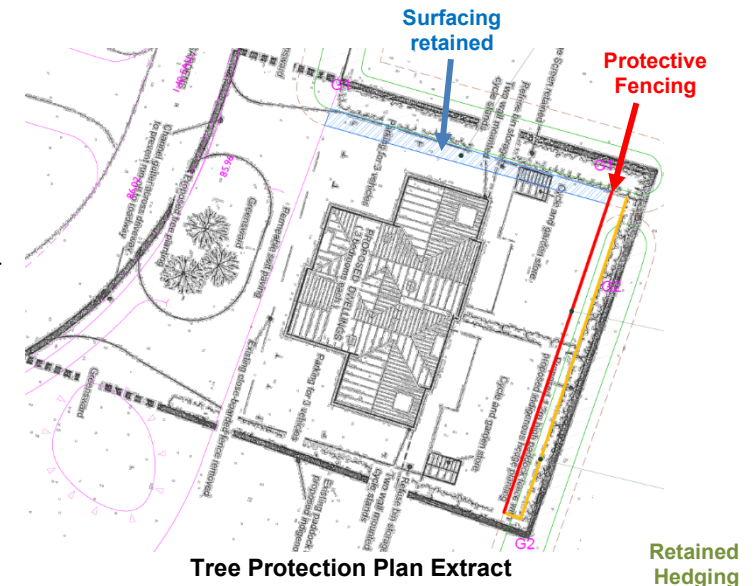
- 5.34 The application is accompanied by a Transport Statement prepared by TPA consultants.
- 5.35 This explains that the existing Maydencroft Gardens roadway has a carriageway width of 5.5 metres and is designed as a shared surface. Highway standards confirm that a shared surface access with a minimum carriageway width of 4.1 metres can serve up to 50 residential dwellings. Therefore the addition of two additional houses as proposed falls well within the design criteria for the road.
- 5.36 In terms of access onto Maydencroft Lane the TPA statement notes that to the east of the speed will is 30mph, therefore in accordance with Manual for Streets a visibility of 2.4 metres by 43 metres is in place. However to the west of the junction, the speed limit increases to national speed limit, which requires visibility splays of 2.4 metres by 215 metres in accordance with the standards outlined within the Design Manual for Roads and Bridges. The existing junction meets this requirement.
- 5.37 Policy T4 of the Local Plan requires that a minimum of two car parking spaces are provided for a three bedroom dwelling. The layout provides for three spaces for each of the three bed units i.e. one space above the minimum in each case.
- 5.38 In addition Policy T4 requires that one covered cycle space is provided per unit. In this case the covered provision is delivered in the form of a garden store measuring 1.8 metres by 2.4 metres. The design of the proposed store is shown opposite.



Proposed cycle store within rear gardens

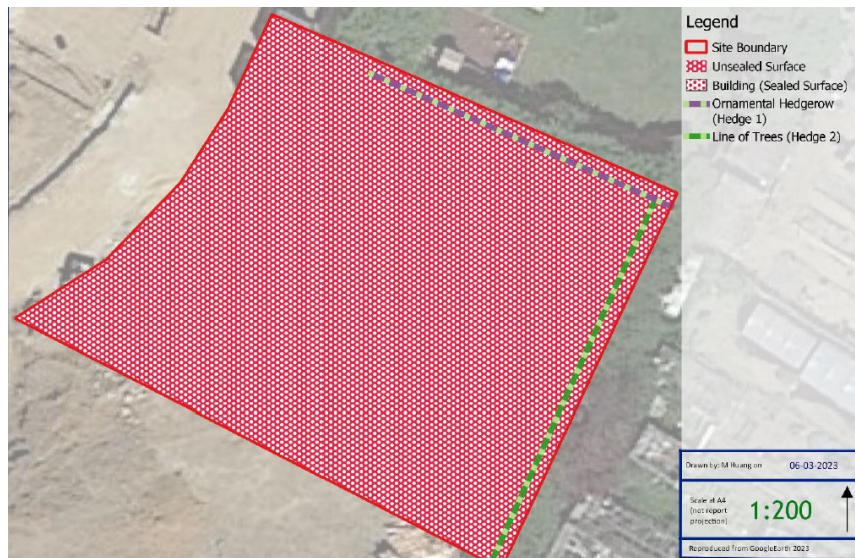
Trees and Landscaping

- 5.39 The application is accompanied by a Tree Survey, an Impact Assessment, Arboricultural Method Statement and a Tree Protection Plan prepared by Arbtech.
- 5.40 This work has identified two main groups of trees / hedges for protection. The Leylandii (Group 1) which define the northern boundary and the Hawthorn, Blackthorn and Elder mixed hedge (Group 2) to the east side.
- 5.41 In terms of Group 1 the protection plan proposes the retention of the existing hardstanding in this area as root protection during the works. Protective fencing is proposed to protect Group 2 and hand digging for the posts associated with this fence.
- 5.42 Both groupings will be retained as existing as required by Policies D1 and NE1 of the recently adopted local plan.
- 5.43 In terms of new landscaping, it is proposed to plant a new box hedge inside the existing eastern boundary as shown and also along the southern boundary of the site and between the two plots.
- 5.44 In addition it is proposed to plant two Crab Apple trees and one Field Maple to the site frontage within a grassed area as shown opposite.
- 5.45 As part of the landscape works a new channel drain would be installed at the junction with the road.



Ecology & Biodiversity Net Gain

- 5.46 The site has been subject to a Preliminary Ecological Appraisal and also a Biodiversity Net Gain Assessment. By its nature the main body of the site is assessed as currently exhibiting a score of 0 units i.e. no value. The post development habitat value of the site is 0.23 units, comprising the creation of vegetated garden (0.09 units), urban trees (0.14 units). This represents a net change in biodiversity of +100% (i.e. a net gain). In terms of the existing hedgerows the site is calculated as having 0.08 units, including an ornamental, non-native hedgerow (0.02 units) and a tree line (0.06 units). The post development habitat value of the site is 0.25 units, comprising the retention of existing ornamental, non-native hedgerow (0.02 units) and the creation of a native hedgerow (0.23 units). This results in a net change in biodiversity of +200.79% (i.e. a net gain).



Site assessment as existing



Site assessment post development

- 5.47 The proposal therefore delivers a significant and measurable biodiversity net gain far in excess of that required by Local Plan Policy NE4.

Site Investigations / Contamination

- 5.48 Geotechnical consultants 'Brown 2 Green' have provided a site investigation report as part of this application package. This advises that the site was historically part of the aquatic site and occupied by a series of shallow ponds/basins that were used for the growing of aquatic plants.
- 5.49 It comments that as part of the wider site clearance the ponds were removed and the site is now simply open land most recently used as a site compound. The investigation completed for the Maydencroft Gardens development identified the presence of localised areas of contamination within the made ground. Immediately adjacent to the western boundary of this current site, within made ground that was used to backfill some deeper fish ponds, low concentrations of asbestos were identified.
- 5.50 As a result, remediation was undertaken that consisted of the removal of the made ground. The report therefore recommends that a Phase 2 Intrusive Investigation is completed in accordance with current best practice. In general, samples of the made ground should be obtained from the areas of proposed gardens and analysed for "petrol and diesel range hydrocarbons, polycyclic aromatic hydrocarbons., metals, pH and Asbestos fibres in soil. Subject to the findings remediation similar to that undertaken within the existing development may be necessary. This is a matter which could be readily conditioned as part of any planning permission granted and so the proposals therefore comply with Policy NE11 of the adopted Local Plan.

Flood Risk & Drainage

- 5.51 The application is accompanied by a comprehensive Flood Risk & Sustainable Drainage strategy provided by consultants Stomor. This confirms that the site lies within flood zone 1 and so not at risk from flooding from the sea, rivers or other local water courses.
- 5.52 On site percolation testing has confirmed the potential to utilise soakaways for surface water drainage and capacity exists to also link into the existing surface water system within Maydencroft Gardens. The proposals comply with Local Plan policies NE7 and NE8.

Heritage Impacts

- 5.53 As explained in Section 2, the application site adjoins the curtilage of Maydencroft Cottage and this is also the boundary of the Gosmore Conservation Area. There is very limited visual relationship between the site, these assets and their settings.



Context view showing the well landscaped boundary of Maydencroft Cottage and the application site

- 5.54 When assessing the existing Maydencroft Gardens development in terms of its proximity to the cottage Officers considered at 25 metres and with the hedge retained there would be no adverse impacts. There is 30 metres separation in this case.

- 5.55 Notwithstanding this the proposed dwellings are of high quality design and utilise materials and features consistent with the Conservation Area such that even if the hedge and tree screening were removed the setting of the cottage would be preserved.
- 5.56 The Conservation Area Appraisal notes (paragraph 2.1.3) that '*The majority of the buildings in Gosmore Conservation Area are in brick*' and that the '*Modern brick buildings are of a uniform red brick with some panels of render, entirely rendered facades or steeply sloping roof forms, bay windows and tile hung facades*' and the application proposes to reflect and complement these characteristics.
- 5.57 In summary and as required by Local Plan Policy HE1, the proposals would have no adverse impacts upon the significance of the listed building or the Conservation Area.

Residential Amenity

- 5.58 The existing wider site layout of Maydencroft Gardens creates a sense of community by utilising a cul-de-sac form with houses facing out towards and so providing natural surveillance of the access driveway and public areas. The layout also accords with the recommended separation distances between dwellings as set out in the Council's design guide and all properties are shown to benefit from generous private rear garden areas.
- 5.59 The proposed dwellings which form part of this application follow this same approach and provide additional natural surveillance of the communal parts of the close. The units far exceed the minimum national space standards and would provide level access from the car parking areas into the houses. The properties would be fitted with energy efficient appliances throughout and constructed using high levels of insulation and quality materials to minimise future energy needs.
- 5.60 Appropriate separation between the new houses and the existing is maintained and also between Maydencroft Cottage and the new houses. Due to the separation distances and high hedging / trees there would be no intervisibility / overlooking as required by Policy D3.

6.0 CONCLUSIONS

- 6.1 The proposed development would provide two new high quality homes in a sustainable location previously accepted as being suitable for residential development of this nature.
- 6.2 It is considered that the principle of the development can be supported as appropriate Green Belt infilling in accordance with NPPF paragraph 149(e). The proposal also comprises the redevelopment of previously developed land as supported by NPPF paragraph 149(f).
- 6.3 There are a range of further material considerations weighing in favour of the application including the provision of much needed private rented housing, the provision of housing toward the Council's current and ongoing housing land supply requirements, the decontamination of previously developed land, the visual enhancement of a site within an existing residential cul-de-sac and the delivery of a 100 – 200% biodiversity net gain.
- 6.4 There are no physical or technical constraints to the development of the site as demonstrated in this statement with reference to the various supporting technical reports provided.
- 6.5 Officers support for this application is therefore requested.