

**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE  
THURSDAY, 23 FEBRUARY 2017 AT 10.00AM**

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

Agenda Item <u>No.</u> <b>2</b>
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**APPLICATION FOR THE IMPORTATION OF 31,955M<sup>3</sup> (53,258 TONNES)  
OF INERT WASTE SOILS FOR THE CONSTRUCTION OF A SOIL SHELF  
AROUND ON-SITE BUSINESS UNITS AT DOG KENNEL FARM,  
CHARLTON ROAD, HITCHIN, SG5 2AB.**

*Report of the Chief Executive and Director of Environment*

Author: Mrs Sharon Threlfall Tel: 01992 556270

Local Members: Councillor Derrick Ashley

## **1 Purpose of Report**

1.1 To consider planning application reference number 1/2975-16 for the creation of a soil shelf at Dog Kennel Farm, Charlton Road, Hitchin SG5 2AB.

## **2 Summary**

2.1 The application seeks to allow the importation of 31,955m<sup>3</sup> (53,258 tonnes) of inert waste soils for the construction of a soil shelf around existing on-site business units at Dog Kennel Farm, Charlton Road, Hitchin, SG5 2AB.

2.2 The application site is located immediately to the south of the town of Hitchin, and to the north of the hamlet of Charlton. It is within the Metropolitan Green Belt. The land is also located within Flood Zones 2 and 3, and public footpath Hitchin 032 passes across the field within which the soil shelf is proposed.

2.3 The wider field is used for grazing, although the application site covers approximately 2.73 hectares of the larger holding. There are a number of units adjacent to the site that are let to separate businesses. The applicant asserts that the soil shelf is required to prevent unauthorised access to the field and to the units, and to reduce the noise from the units to nearby residential properties.

2.4 The main planning issues are inappropriate development in the Green Belt, need, highways impact, landscape and visual impact, impact on wildlife, and impact on residential amenity.

2.5 The report concludes that the Chief Executive and Director of Environment should be authorised to REFUSE planning permission on the following grounds:-

1. The proposed development fails to maintain the openness of the Green Belt contrary to the NPPF, Waste Policy 6 and Local Plan Policy 2.
2. The proposed development is inappropriate development in the Green Belt for which very special circumstances to clearly outweigh the harm to the Green Belt and any other harm have not been demonstrated contrary to the NPPF, Waste Policies 1, 4, 6 and 11 and Local Plan Policy 2.
3. The proposed development has a permanent negative impact on the landscape, reducing the openness of the Green Belt, and does not enhance or improve the setting of the adjacent Conversation Area contrary to the NPPF, Waste Policies 6, 11 and 18 and Local Plan Policy 2.
4. The application fails to set out how the Right of Way, and access to it, will be protected during the construction phase contrary to the NPPF and Waste Policy 15.
5. The application fails to quantify, address or mitigate against the risk of pollution to controlled waters contrary to the NPPF and Waste Policies 11 and 16.
6. The development is incongruous and less incongruous development could improve the security of the farm and business units, and enhance local biodiversity. The application is therefore contrary to the NPPF, Waste Policies 4, 11, 19 and Local Plan Policy 14.

### **3 Description of the site and proposed development**

- 3.1 The application site is within the land holding of Dog Kennel Farm, to the south west of the town centre of Hitchin. It is less than 400 metres from the urban fringe of Hitchin, but within the Metropolitan Green Belt.
- 3.2 The farmland itself is used for grazing, but there are a number of former agricultural units on the site that are let to other businesses. These include Ark Wildlife, which sells bird food and garden products, and a car repair unit. It is understood that there are as many as six businesses operating from the units.
- 3.3 The farm is accessed by a narrow single carriageway minor road, Charlton Road, which leads from Charlton Road/Willow Lane; the link between the A602 and A505. There is a weight restriction on the Willow Lane section to the west of Charlton Road.
- 3.4 The landscape is characterised by open fields and farmland, separated from the urban fringe of Hitchin by a tree belt. To the north, and towards the centre of Hitchin, the area is residential in character. There are also a number of houses along Charlton Road facing west towards Dog Kennel Farm, which lead to Charlton.
- 3.5 The hamlet of Charlton is a designated Conservation Area. It is within the Langley Valley Landscape Character Area, which is characterised by a rolling nature. As a result, only the first floor windows of these properties are visible from the farmhouse and business units.
- 3.6 A Local Wildlife Site, The Willows, is located to the north of the farm access road. This is described as an ecologically interesting marshy grassland with wet willow and alder woodland.
- 3.7 Public footpath Hitchin 032 passes north to south, across the eastern section of the field, approximately 100 metres from the public highway. The applicant states that the development would not include the deposit of inert material on the public footpath, or in any way that would impact its access and use, either during construction or after completion. Details of how the Right of Way would be protected have not been submitted.
- 3.8 The site is within Flood Zones 2 and 3, which have an increased risk of flooding. The majority of the site is within Groundwater Source Protection Zone 1, which is the highest zone of source protection.
- 3.9 The applicant is seeking planning permission to construct a 'soil shelf'. It is proposed to import 31,955m<sup>3</sup> or 53,258 tonnes of inert waste soils to raise the level of the land across the western section of the site. It is understood that the majority of the material would be imported from an existing soil processing facility at Codicote Quarry, approximately 8 miles to the south.

- 3.10 At present the levels in the field rise in the north eastern corner and drop away to the south western corner. The land raising operation seeks to level out the contours of the field from the eastern boundary, which would result in a two metre high, steep bank facing the existing barns.
- 3.11 The development is sought to improve the security of the barns and to limit unauthorised access to the grazing field. The soil shelf would also act as an acoustic barrier, protecting the residential properties on Charlton Road from the noise of the businesses in the barns.
- 3.12 There have been no previous planning applications submitted to Hertfordshire County Council in respect of this site.
- 3.13 An application to demolish existing mixed-use buildings and replace with a commercial B1 building was made to North Hertfordshire District Council (reference 16/03024/1) in November 2016. This application was withdrawn prior to determination.

#### **4 Consultations**

- 4.1 A total of 89 properties were consulted in respect of the application. A press notice was placed in the Comet series, and site notices were erected on 7 November 2016.
- 4.2 North Hertfordshire District Council as District Planning Authority states that whilst the site is located within the Green Belt it is noted paragraph 90 of the NPPF advises that engineering operations are not inappropriate in such locations provided they preserve its openness and do not conflict with the purposes of including land within it. Having assessed the application against the third bullet point of paragraph 80 of the NPPF it is felt that the development may be considered as assisting in safeguarding the countryside from encroachment, by screening the business units from public views from Charlton Road. ... Finally, in addition to the Green Belt consideration I anticipate you will also be consulting with the Highway Authority with regard to the traffic issues relating to the number and size of vehicles which would need to visit the site during the construction period and their impact on the nearby road network and local residents amenities.
- 4.3 North Hertfordshire District Council Environmental Health has no objection to the proposed development.
- 4.4 The Environment Agency object to the proposed development because there is insufficient information to demonstrate that the risk of pollution to controlled water is acceptable. There are also concerns over whether the applicant will be able to meet the necessary legislative requirements for the proposal.
- 4.5 CPRE Hertfordshire has serious reservations regarding the proposed development in that it will materially affect the openness of the Green Belt and the landscape character of the area. The applicant has failed to

demonstrate very special circumstances to outweigh the harm to the openness of the Green Belt or the landscape character. There are no details of the ecological impact or the impact on ground water or drainage. No details are given of the process for the removal, storage or reinstatement of the topsoil. There is no clear benefit from the raising the level of the field.

- 4.6 Historic England does not consider the proposed increase in ground level would result in harm in terms of the National Planning Policy Framework as to merit an objection. Historic England is satisfied to allow the county council to determine the application in accordance with extant planning policy and giving consideration to the effect on the conservation area during construction.
- 4.7 Hertfordshire Ecology advises that the proposed development is unlikely to directly impact The Willows (Hitchin) Local Wildlife Site (LWS) which is designated as a wet woodland. However, security could be increased through planting a hedge with semi-mature trees along the access road. This option would create habitat, enhance biodiversity and increase security.
- 4.8 Hertfordshire County Council as Highway Authority does not wish to restrict the grant of planning permission subject to the following conditions:-

Unless otherwise agreed in writing by the Waste Planning Authority, there shall be no more than 22 Heavy Goods Vehicle movements (11 in, 11 out) at the site in any one working day.

Reason: To minimise the adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site.

Best practical means shall be taken at all times to ensure that all vehicles leaving the site are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times for the duration of the construction operation.

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

- 4.9 HCC Flood Risk Management as Lead Local Flood Authority has no objection to the development on flood risk grounds. The LLFA recommends the imposition of three conditions, to manage the impact on surface water management due to the change in topology. These conditions are stated at Appendix 1.

- 4.10 The Landscape Officer from Hertfordshire County Council advises that the construction phase of the development would introduce an industrial activity into a field unit in an area characterised by farmland. A objection is raised due to the unacceptable permanent negative landscape and visual effects through the creation of a 2m vertical shelf that appears incongruous within the consistent sloping topography, that detract from local landscape character and visual amenity. The consultation response is included at Appendix 2.
- 4.11 Rights of Way advised that the site is crossed by public footpath Hitchin 32. This will need to be temporarily diverted, under the Highways Act 1980, to allow works to take place if permission is granted. Hertfordshire County Council would need to process the order. In return for the inevitable disruption caused to users of this route, consideration should be given to the creation of a new path running along the farm track from Charlton Road to the A505 Moorlead Hill, which would fill a missing link in the local path network, and prove a very useful route.
- 4.12 HCC Waste Management as Waste Planning Authority (for disposal) has no comment on the application.

4.13 No other statutory consultation responses were received.

4.14 Public consultation

22 responses were received. There were 21 responses either objecting to, or raising concerns in respect of the proposed development.

There was one letter of support, although this made no comment on the planning merits of the proposed development.

4.15 The objections can be summarised as follows:-

Objection 1 – Green Belt

- Inappropriate development in the Green Belt
- Applicant has failed to demonstrate ‘very special circumstances’ in terms of necessity to reduce noise or for security improvements
- The proposed development does not enhance or improve the Green Belt

Objection 2 – Traffic impact

- There is a local weight limit of 7.5T on Willow Lane
- Increase in the number of HGVs
- Safety impact of HGVs using narrow lanes
- Risk to pedestrians and cyclists

Objection 3 – Impact on Resident Amenity

- Noise, disruption and inconvenience during construction phase
- Adverse impact on the quality of life of Charlton residents
- A 7am start for HGV movements is unreasonable

- Unclear how long the import of material would take, but anticipated to be at least a year
- There be a loss of light to residential properties due to the scale of the soil shelf
- The development will prevent the use and enjoyment of the Right of Way in the field, and compromise users' safety during construction

Objection 4 – Landscape Impact

- The development will have an adverse landscape impact
- The development will not enhance or support the adjacent Conservation Area
- Alternative security measures, such as fencing or CCTV, would be more effective in their purpose and have a lesser impact on the landscape

Objection 5 – Ecological Impact

- The development will disrupt the habitat in The Willows Local Wildlife Site
- Local drainage will be impacted and will result in localised flooding

## **5 The Development Plan**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of the Act, the development plan is the Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011 – 2026 (Adopted November 2012).
- 5.2 The current Local Plan is the North Hertfordshire District Local Plan No 2 with Alterations (Originally adopted April 1996) and the saved policies within it. As the Plan was prepared in 1996, the policies in the plan need to be balanced and given 'due weight' against the National Planning Policy Framework (the "NPPF"). The NPPF is a material consideration and how policies from the Development Plan are in conformity with it needs to be considered.
- 5.3 The emerging Local Plan was be subject to a Pre-Submission (or Regulation 19) consultation from 19 October 2016 until 30 November 2016. The plan has not been subject to consideration by the Planning Inspectorate and therefore great weight cannot be given to the draft policies contained within it. However, the Proposed Submission Proposals Map retains the Green Belt status of the site.
- 5.4 The most relevant planning policies to consider for this application are:

Waste Core Strategy & Development Management Policies

- |          |  |
|----------|--|
| Policy 1 | Strategy for the Provision for Waste Management Facilities |
| Policy 4 | Landfill and Landraise                                     |

Policy 6	Green Belt
Policy 9	Sustainable Transport
Policy 11	General Criteria for Assessing Waste Planning Applications
Policy 13	Road Transport & Traffic
Policy 15	Rights of Way
Policy 16	Soil, Air and Water
Policy 17	Protection of Sites of International and National Importance
Policy 18	Protection of Regional and Local designated sites and areas
Policy 19	Protection and Mitigation

#### 5.5 North Hertfordshire District Local Plan No 2 with Alterations

Policy 2	Green Belt
Policy 14	Nature conservation
Policy 16	Areas of archaeological significance and other archaeological areas

## 6 **Planning Issues**

- 6.1 The principal planning issues to be taken into account in determining this application can be summarised as:
- Green Belt development
  - Need and justification
  - Impact on highways and transport
  - Landscape and visual impact
  - Impact on ecology and biodiversity
  - Impact on residential amenity

### **Green Belt development**

- 6.2 The application seeks development in the Green Belt. Paragraph 90 of the National Planning Policy Framework (NPPF) states that certain forms of development are not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Engineering operations may be considered “not inappropriate”, providing they preserve openness.
- 6.3 The construction of a soil shelf may be considered an engineering operation for the purposes of assessing the appropriateness of the proposed development in a Green Belt location. The soil shelf would create a levelling of the grazing field, and the addition in the landscape of a steep bank adjacent to the existing business units. The opinion of both the Landscape Officer and the CPRE is that the resultant landform is incongruous and does not preserve the openness of the presiding rolling and open landscape.

- 6.4 It is considered that the landform is incongruous in the landscape. Therefore, the proposed development is not in conformity with the NPPF, and accordingly conflicts with Waste Policy 6 and Local Plan Policy 2.

#### **Need and justification**

- 6.5 Alternatively, the planning application may be assessed on the basis of inappropriate development in the Green Belt, for which very special circumstances exist to outweigh the harm to the Green Belt, and any other harm. The proposed development is the disposal of inert waste soils for the creation of a soil shelf to improve security, thereby supporting the rural economy and serving to reduce the noise emitting from the units.
- 6.6 In considering the need to improve the security of the site, the applicant has submitted a signed letter from the farmer. This is not a sworn statement. The letter is dated 14 December 2016, and refers to the “two most recent events on 7 August 2016 and 24 September 2016”. While the county council does not dispute that these incidents took place, this does not establish a regular pattern of security incidents.
- 6.7 The applicant does not set out why alternative security measures, which are more sensitive to the setting of the field and the business units would not be appropriate. Local residents have stated that the gate to the access road is rarely closed. If the need for enhanced security measures is established, the Landscape Officer suggests that the security solution to the field and the business units should be considered separately.
- 6.8 For example, the applicant could consider a shallow ditch inside the perimeter of the grazing field to restrict unauthorised access while maintaining the area readily available for agricultural use. The field could then either be enclosed by post and wire fencing which would have a lesser impact on the openness of the Green Belt, or by the planting of semi-mature trees which would also serve to enhance the habitat and biodiversity of the local area.
- 6.9 The applicant states that the creation of the soil shelf would reduce the noise impact on the residential properties of Charlton. Those residents responding to the consultation assert that they do not experience any noise nuisance from the business units.
- 6.10 The Environmental Health team of North Hertfordshire District Council does not object to the proposed development. However, it does not identify a noise nuisance that requires mitigation or otherwise justifies the proposed development.
- 6.11 The applicant correctly identifies the NPPF’s support for the rural economy. The aims of this policy, set out at Paragraph 28, must be balanced against the need to protect and enhance the openness of the Green Belt. The applicant has not provided any evidence to support an

assertion that there has been any difficulty in letting out the barns to businesses, and a recent application to the district council to increase the provision of business units has been withdrawn.

- 6.12 Whilst it is acknowledged that the soil shelf will facilitate the disposal of inert waste soils in close proximity to their source, the applicant has not demonstrated that such disposal cannot be met on non-Green Belt sites, or at locations identified by the Site Allocations DPD.
- 6.13 Therefore, the proposed development is not in conformity with the NPPF, and accordingly conflicts with Waste Policies 1, 4, 6 and 11 and Local Plan Policy 2.

### **Impact on highways and transport**

- 6.14 The application has been made on the basis of 22 HGV movements (11 in, 11 out) between the hours of 7am to 5pm, Monday to Friday, with no working on Saturdays, Sundays or public holidays. The applicant has suggested a routing agreement would be in place with the drivers, but the route is not clearly identified in the application, other than to state that vehicles would not need to pass any other properties in Charlton.
- 6.15 Residents have expressed concerns regarding the use of narrow country lanes by HGVs, representing a risk to other vehicles and non-motorised road users.
- 6.16 Hertfordshire County Council as Highway Authority does not wish to restrict the grant of planning permission subject to conditions relating to number of vehicle movements and measures to prohibit the deposit of mud on the road.
- 6.17 Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the cumulative impact of the development is “severe”. A severe impact has not been demonstrated.

### **Landscape and visual impact**

- 6.18 The application site is located within the Langley Valley Landscape Character Area, which is characterised by a “large rolling nature”.
- 6.19 The proposed development seeks to create a soil shelf, which will result in a levelling of the existing contours within the grazing field, and create a two metre steep bank, or “escarpment” facing, and screening, the existing business units.
- 6.20 The CPRE response identifies that there are no details as to how this escarpment would be supported. This view is also adopted by the HCC Landscape Officer who identifies that to prevent erosion and collapse, this element of the development would require a significant engineering solution.

- 6.21 It is considered that the construction phase of the development would introduce an industrialised element to a rural landscape, during which time it is unclear how the existing Right of Way across the field would be protected. However, it is acknowledged that this phase of development would be temporary and is anticipated to require up to 12 months.
- 6.22 The final landform would appear contrived and be highly visible, resulting in a permanent negative landscape impact. The flattening of the field's contours would jar against the rolling landscape of the surrounding area, despite returning the land to grazing after the construction of the soil shelf.
- 6.23 The proposed development fails to retain or enhance either the openness of the Green Belt or the local landscape, as required by Paragraph 81 of the NPPF, or the setting of the adjacent Conservation Area, as subsequently set out at Paragraph 131.
- 6.24 The application is, therefore, not in compliance with Waste Policies 4, 6, 11, 15 and 17 and Local Plan Policy 16.

#### **Impact on ecology and biodiversity**

- 6.25 The NPPF states that the planning system should seek to contribute to and enhance the natural and local environment, and to provide net biodiversity gains. The application site is within Flood Zones 2 and 3, and is close proximity to The Willows (Hitchin) Local Wildlife Site (LWS).
- 6.26 The Environment Agency objects to the proposed development because there is insufficient information to demonstrate that the risk of pollution to controlled water is acceptable. On that basis, it is impossible to assess whether the proposed development puts the water environment at unacceptable risk of pollution, as set out at Paragraph 109 of the NPPF.
- 6.27 The Lead Local Flood Authority has no objection to the development on flood risk grounds. The LLFA recommends the imposition of three conditions, to manage the impact on surface water management due to the change in topography. These conditions are stated at Appendix 1.
- 6.28 The consultation response from Hertfordshire Ecology finds that it is unlikely that the wet woodland of The Willows LWS would be directly impacted by the proposed development. Whilst this would not result in an irreversible adverse impact on the LWS, as set out in Waste Policy 18, it fails to enhance the asset as promoted by Paragraph 109 of the NPPF. It is considered that the security of the land could be improved through the planting of a hedge with semi-mature trees along the access, which would deliver a less intrusive solution and enhance biodiversity.
- 6.29 Furthermore, the applicant fails to clearly set out how the soils will be removed, stored or reinstated, or how the topsoil will be reinstated to an agricultural standard that facilitates grazing.

6.30 The proposed development therefore fails to comply with Waste Policies 4, 11, 16, 18 and 19 and with Local Plan Policy 14.

### **Impact on residential amenity (e.g. noise, light, air quality)**

6.31 Residents have raised concerns regarding the potential impact on their amenity relating to the importation of inert waste material. This includes noise and dust from the construction process, and the loss of light due to the physical presence of the soil shelf.

6.32 The construction process is temporary, and at 12 months is considered to be short term. It is reasonable to assert that matters such as noise, dust and mud on the road may be regulated through the imposition of robust conditions. There is already a level of activity associated with the farm itself and the existing, operational business units.

6.33 The application does not propose to raise the level of the land along the eastern boundary of the application site, and therefore, the view from the residential properties would not be impacted. These houses would not experience a loss of light, as at present it is only possible to view across the field from the facing first floor windows.

6.34 The proposal is therefore compliant with Waste Policies 4 and 11.

## **7 Conclusion**

7.1 The application seeks the importation of inert waste soils to create a soil shelf, for the purposes of improving security and thereby supporting the rural economy by improving the opportunities to let the business units. The soil shelf also seeks to protect local residential properties from the noise generated by those businesses.

7.2 Engineering operations of this nature are not necessarily inappropriate development in the Green Belt, provided that the openness of the Green Belt can be maintained. It is clear that the proposed development will not maintain the openness of the large rolling landscape, by creating an artificial and incongruous landform.

7.3 While it is reasonable to conclude that the impact on residential amenity and the traffic impact could be appropriately regulated through the imposition of robust conditions, the proposed development fails to improve or enhance the local wildlife and biodiversity, or the setting of the adjacent Conservation Area.

7.4 The applicant has failed to demonstrate very special circumstances to clearly outweigh the harm to the openness of the Green Belt and any other harm. The applicant has also failed to provide sufficient information on how flood risk would be mitigated, groundwater would be protected and how the access to the Right Of Way would be maintained and protected during the construction process.

7.5 Therefore, it is recommended that the application for the importation of 31,955m<sup>3</sup> (53,258 tonnes) of inert waste soils for the construction of a soil shelf around existing on-site business units at Dog Kennel Farm, Charlton Road, Hitchin, SG5 2AB be refused.

## **8 Reasons for refusal of planning permission**

8.1 It is recommended that the Chief Executive and Director of Environment should be authorised to REFUSE planning permission on the following grounds:-

1. The proposed development fails to maintain the openness of the Green Belt contrary to the NPPF, Waste Policy 6 and Local Plan Policy 2.
2. The proposed development is inappropriate development in the Green Belt for which very special circumstances to clearly outweigh the harm to the Green Belt and any other harm have not been demonstrated contrary to the NPPF, Waste Policies 1, 4, 6 and 11 and Local Plan Policy 2.
3. The proposed development has a permanent negative impact on the landscape, reducing the openness of the Green Belt, and does not enhance or improve the setting of the adjacent Conversation Area contrary to the NPPF, Waste Policies 6, 11 and 18 and Local Plan Policy 2.
4. The application fails to set out how the Right of Way, and access to it, will be protected during the construction phase contrary to the NPPF and Waste Policy 15.
5. The application fails to quantify, address or mitigate against the risk of pollution to controlled waters contrary to the NPPF and Waste Policies 11 and 16.
6. The development is incongruous and less incongruous development could improve the security of the farm and business units, and enhance local biodiversity. The application is therefore contrary to the NPPF, Waste Policies 4, 11, 19 and Local Plan Policy 14.

## **Background information used by the author in compiling this report**

Planning application reference 1/2975-16 and supporting documents

Consultee responses

Relevant policy documents:

*National Planning Policy Framework 2012*

*National Planning Policy for Waste October 2014*

*Hertfordshire Waste Core Strategy & Development Management Policies*

*DPD 2011 - 2026*

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

*North Hertfordshire Landscape Study*

## **Appendices**

1. Conditions proposed by the Lead Local Flood Authority
2. Consultation response from HCC Landscape Officer

## **Appendix 1 – Conditions proposed by the Lead Local Flood Authority**

### **Condition 1**

No development shall take place until the surface water drainage assessment for the site, has been completed including the information listed below, submitted to and approved in writing by the relevant planning authority.

The drainage assessment should include:

- Exiting flow routes through the site and expected changes caused by the construction of the shelf.
- Evidence of ground conditions and permeability including BRE Digest infiltration tests

### **Condition 2**

Once the work is completed, the applicant should demonstrate the imported soil has the same or a higher infiltration rate compared to the initial conditions.

For this purpose, further infiltration tests should be carried out to demonstrate that the drainage on site is not compromised after compaction of the imported soil

### **Condition 3**

If after the infiltration tests required in condition 2 it cannot be demonstrated that the infiltration tests on the completed site are the same or higher than those for the undeveloped site, the applicant will need to provide a revised drainage strategy to the Local Planning Authority for approval.

### **Reason**

To prevent the increased risk of flooding, both on and off site.

## Appendix 2 – Consultation response from HCC Landscape Officer

<b>Landscape Report</b>		<b>15<sup>th</sup> December 2016</b>
<b>From:</b> HCC Landscape Officer, Natural Historic and Built Environment Advisory Team		<b>To:</b> HCC Planning Officer, Spatial Planning
<b>Application No.</b>	1/2975-16	
<b>Location:</b>	Dog Kennel Farm, Charlton Road, Hitchin, SG5 2AB	
<b>Proposal:</b>	Application for the proposed importation of 31955m <sup>3</sup> (53258 tonnes) of inert waste soils for the construction of a soil shelf around on-site business units	

### **Landscape Policy & Guidelines<sup>1</sup>**

#### **National Planning Policy Framework**

The NPPF<sup>2</sup> promotes the conservation and enhancement of the natural environment and good design, ensuring that developments respond to local character and are visually attractive as a result of good landscape design.

#### **Landscape Character Assessment**

The site lies within the Langleigh Valley landscape character area as defined within the North Hertfordshire local Landscape Character Assessment. The area is described as a *'large scale rolling landform. Predominantly in arable land use but with pockets of grazing ... Field sizes vary with extensive arable land to the southwest of Hitchin and smaller fields associated with grazing land. Hedges generally well-trimmed with remnant mature trees.'*

The following guidelines for managing landscape change should help shape the proposed development:

- Promote planting of new woodland to encourage a diverse woodland flora especially in relation to sub-urban fringe areas
- Promote the creation of buffer-zones between intensive arable production and areas of semi natural habitat and the creation of links between habitat areas

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<sup>1</sup> The policy and guidance listed is not exhaustive, refer to NPPF and relevant Local Plans

<sup>2</sup> National Planning Policy Framework (7 Requiring Good Design & 11 Conserving and Enhancing the Natural Environment)

## **Introduction**

The following comments are given with reference to the submitted planning application and further information received on the 14<sup>th</sup> December 2016.

### **Description**

The site lies at the foot of Halfway Hill, characterised by its consistent sloping topography, on the periphery of an open area dominated by large scale arable farming, adjacent to a distinct linear corridor of grassland and woodland that follows the River Hiz and associated waterways to the north and east of the site.

The site rises over approx. 12m, from its lowest point at 68m in the north, to its highest point at 80m in the south-west.

The proposal is for the importation and spreading of 31955m<sup>3</sup> of inert waste soils and the creation of a 2m soil shelf along the northern and western site boundaries for security.

### **Landscape and Visual**<sup>3</sup>

The landscape and visual effects of the proposed development are considered for the operational stage that includes the importation and spreading of material, and the restoration stage that includes the final landcover and landform.

### **Operational Stage**

#### **Enabling Development**

There is no information regarding enabling works, to include stripping and storage of topsoil, stockpile location and design, wheel washing facilities and other necessary ancillary facilities etc.

#### *Public right of way*

There is no information regarding the treatment of the public right of way during the operational stage.

#### **Duration**

It is proposed to carry out importation over a period of 240 days at the rate of 11 HGV movements per day. This operational stage is considered temporary, and at just under a year relatively short term.

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<sup>3</sup> Comments are given in line with current best practice guidance "Guidelines for Landscape and Visual Impact Assessment Third edition, Landscape Institute and Institute of Environmental management and Assessment." (GLVIA3)

## **Landscape & Visual Effects**

The proposal will result in significant disturbance to the landcover and the introduction of industrial activity into a field unit in an area characterised by farmland. There are also concerns regarding the impact HGVs on the condition of the highway and verges between the site and the main road.

Due to the open, sloping and elevated nature of the site, there is strong concern for the negative visual impact of the operational stage upon views from the residents of Charlton Road that overlook the site, and users of the public highways and rights of way network.

### **Restoration stage**

It is proposed to raise land levels across the field unit and create a 2m soil shelf along the northern and western site boundaries for security. From the submitted cross sections it is also apparent that it is proposed to create a distinct ditch and/or bank feature along the eastern site boundary.

### **Security**

It is understood that the proposed shelf is intended to provide a security barrier to the field unit and the building complex. Overall there is concern that the proposed 2m shelf would not be effective in preventing unwanted access, indeed ground level access can still potentially be achieved through the gateway and/or where the public right of way enters the site.

#### *Public right of way*

It is not clear how the access point, for the public right of way that crosses the site, will be accommodated.

## **Landscape Effects**

### *Contours – land raising*

From the submitted cross sections it appears that the proposed contours over the general area of raised land reflect the consistent sloping profile of the existing landform. However there are significant issues regarding the creation of the 2m soil shelf along the northern and western site boundaries, and the distinct ditch and/or bank feature along the eastern site boundary.

### *Proposed 2m shelf*

The proposed shelf has a negative effect on landscape character and quality due to the introduction of a 2m vertical face that appears contrived within the consistent sloping topography of the site.

In addition there is strong concern regarding the stability of the proposed 2m vertical face that is at significant risk of erosion and collapse that would also detract from the quality of the landscape. It is suggested that to create a vertical face would require the implementation of substantial engineering solutions.

### *Proposed ditch/bank feature*

The purpose of the proposed ditch/bank feature is not stated or justified.

## **Visual Effects**

### *Proposed 2m shelf*

The vertical face has a negative impact upon views from users of the highway and the public right of way that crosses the River Hiz before crossing the highway and entering the site itself. Users of the public rights of way are considered to be most sensitive to change due to their focus on the enjoyment of the countryside.

From these public viewpoints the vertical face is visible as an incongruous element extending along the access road, with the sloping topography rising above.

## **Conclusion**

Overall the proposed development results in unacceptable negative landscape and visual effects due to the introduction of a waste disposal activity within an area characterised by farmland, and the creation of a 2m vertical shelf that appears incongruous within the consistent sloping topography, that detract from local landscape character and visual amenity.

Where it is agreed that there is a demonstrable need for security measures, then it is advised that the security of the field unit and the building complex should be approached separately and employ appropriate security and landscape mitigation measures that are sensitive to the local landscape character and visual amenity.