

Public Document Pack

16 June 2017

Our Ref Planning 06.17
Your Ref.
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To: Members of the Committee: Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), Councillor John Bishop, Councillor John Booth, Councillor Paul Clark, Councillor Jean Green, Councillor Cathryn Henry, Councillor Tony Hunter, Councillor Ian Mantle, Councillor Michael Muir, Councillor Mike Rice, Councillor Adrian Smith, Councillor Harry Spencer-Smith and Councillor Martin Stears-Handscomb.

Substitutes: Councillors Councillor Sarah Dingley, Councillor Faye S Frost, Councillor Gary Grindal, Councillor Simon Harwood, Councillor Ben Lewis, Councillor Valentine Shanley and Councillor Terry Tyler.

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**MAIN HALL, ICKNIELD CENTRE, ICKNIELD WAY,
LETCHWORTH GARDEN CITY**

On

THURSDAY, 29 JUNE, 2017 AT 7.30 PM

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 25 MAY 2017 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 25 May 2017.	(Pages 1 - 42)
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as is practicable	
6. 16/03082/1 - TALLY HO, LONDON ROAD, BARKWAY, ROYSTON REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Two 3-bedroom semi detached dwellings with associated parking and access off High Street (as amended by plans received on 07/02/2017).	(Pages 43 - 64)
7. 17/00781/1 - HEATH SPORTS CLUB, BALDOCK ROAD, ROYSTON REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of four floodlights (height 15m) to rugby pitch.	(Pages 65 - 76)

8. **16/02237/1 - LAND OFF, CAMBRIDGE ROAD, BARKWAY** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 77 - 100)
- Outline application (appearance and scale reserved) for residential development of 13 dwellings together with associated access road (as amended by plans received 15.3.17).
9. **16/01932/1 - LAND TO THE REAR OF 44, WYMONDLEY ROAD, AND 1 THE ASPENS, HITCHIN** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 101 - 112)
- Erection of 4 x 4 bedroom detached dwellings with garages. Erection of detached garage and two storey side extension to 1 The Aspens (as amended).
10. **PLANNING APPEALS** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 113 - 142)

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Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH
GARDEN CITY ON THURSDAY, 25 MAY, 2017 AT 7.30 PM

MINUTES

Present: *Councillors Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), John Bishop, Paul Clark, Cathryn Henry, Tony Hunter, Ian Mantle, Michael Muir, Mike Rice, Harry Spencer-Smith, Martin Stears-Handscomb and Val Shanley (In place of John Booth)*

In Attendance:

Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Melissa Tyler (Planning Officer), Nurainatta Katevu (Property and Planning Lawyer) and Hilary Dineen (Committee and Member Services Officer)

Also Present:

At the commencement of the meeting Councillors Gary Grindal, David Levett, Michael Weeks and approximately 85 members of the public, including 16 registered speakers and 3 Member Advocates (Councillors Jane Gray, Gerald Morris and Claire Strong).

1 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors John Booth, Bill Davidson, Jean Green and Adrian Smith.

Councillor Val Shanley was substituting for Councillor John Booth.

2 MINUTES - 20 APRIL 2017

RESOLVED: That the Minutes of the Meeting of the Committee held on 20 April 2017 be approved as a true record of the proceedings and be signed by the Chairman.

3 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

4 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or do a sound recording of the meeting, but she asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices. In addition, the Chairman had arranged for the sound at this particular meeting to be recorded;
- (2) The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;
- (3) The Chairman asked that, for the benefit of any members of the public present at the meeting, Officers announce their name and their designation to the meeting when invited to speak.

5 PUBLIC PARTICIPATION

The Chairman confirmed that the 16 registered speakers and 3 Member Advocates were present.

6 16/02256/1 - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON

Reserved matters application for approval of access, appearance, landscaping, layout and scale to serve a residential development of 78 dwellings (31 affordable and 47 private), pursuant to outline planning application 15/01618/1 granted 27.5.16.

The Development and Conservation Manager reminded Members that the Committee had resolved to grant outline permission for up to 82 dwellings on this site at the meeting held on 17 December 2015.

Planning permission was granted in May last year, following completion of the section 106 agreement.

This application was for the reserved matters of access, layout, scale, appearance and landscaping, providing 78 dwellings and was reported to Members at the Planning Control Committee meeting held on 16 March 2017.

The item was deferred by the Committee to enable further negotiations between officers and the applicant to endeavour to address Members' concerns regarding the urbanising effect of the roundabout and terraced houses to the site frontage and to consider the alternative of a T or Y junction, instead of the roundabout.

The Development and Conservation Manager introduced the report, supported by a visual presentation. The slides presented were as follows:

- Location Plan - The site lay to the east of the village and comprised two fields of land adjacent Elm Tree Farm, of 4.4 hectares in area;
- Previous Layout Plan – This was the previous layout of the proposed development with access via a proposed mini roundabout from Holwell Road and a terrace of six houses set to the frontage;
- Layout Plan – Roundabout Option – This was the newly proposed layout, which remained at 78 dwellings. In place of the previous terrace were two sets of semi-detached dwellings set back, with an open space and footpaths to the frontage, together with a single storey dwelling adjacent the existing terrace of The Twelve Apostles. A third pair of semi's replaced the previous open space to the rear of a parking court;
- Layout Plan – Y Junction Option – This was the newly proposed layout with a Y junction as means of access instead of the previous roundabout. The Y junction had been confirmed as viable in highway safety terms, just as the roundabout was. Therefore, Members had the choice of either option but due to the aesthetic benefits of the Y junction and that this was already part of the character of the village, officers considered this to be the preferred access option;
- Y Junction detail – this was the Y junction detail provided to the Highway Authority showing the triangular section which would be grass verge;
- Bungalow to frontage – this was the bungalow proposed to be adjacent the existing terrace cottages fronting Holwell Road;
- Semi-detached to frontage – These were semi-detached pairs to replace the previous terrace set back and with open space to front;
- House type L – this was of the largest in footprint, proposed to the southern end of the site;
- Apartment block – this was one of the three proposed apartment blocks for part provision of the affordable housing, reflective of the buildings of Elm Tree Farm Close, located near the site;

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- Street scene elevations – Many units had been reduced in ridge heights across the development, from previous amended plans – the amount of reduction was shown by black lines;
- View from the east – the top elevation view showed the ridge heights set behind the existing long hedgerow, which was conditioned to be maintained at this height;
- Boundary hedging – a number of photographs showed the boundary hedging at various parts of the site as well as the main hedge to the eastern boundary;
- Landscaping plan – this was the amended landscaping plan of the revised layout, with further tree planting to the site frontage and access road.

The Development and Conservation Manager advised that there were a number of updates on the comments received since time of writing the report which were summarised as follows:

Pirton Parish Council - Planning Reasons for Refusal

- Access (roundabout only)
Urbanisation adverse effect on character and landscape and setting of the Chilterns Area of Natural Beauty, contrary to Core Principles of the National Planning Policy Framework, Build for Life Principles and NPPF paragraph 131.
- Layout
The loss of green space/amenity space within the development;
Insertion of 6 houses within the development increased congestion within the development;
The density of dwellings was far higher than that for Pirton generally and the neighbouring roads in particular, contrary to NPPF paragraph 131, the Build for Life Principles, Emerging Local Plan policy HDS4 and the Pirton Village Design Statement (Supplementary Planning Guidance).
- Scale
Ridge heights remained too high in too many cases and the overall pattern and spacing of buildings did not conform to the Pirton Village Design Statement (Supplementary Planning Guidance) and NPPF paragraph 58.
- Appearance
The congested appearance (as internal green space has been removed and 6 houses added) was not in keeping with Pirton generally;
Garden sizes should be increased to create a more spacious feel and to meet NHDC Saved Policy 57, and NPPF paragraph 61.
- Landscaping
The loss of the internal green space would impact adversely on the purpose of landscaping which was in law to “enhance the amenities of the site and the area in which it is situated”.

The Development and Conservation Manager advised that, for the avoidance of doubt on the issue of density, the minutes for the meeting when outline planning permission was granted record that the Planning Committee was advised that if Members were unhappy about the density of the proposed site, this could be addressed at a later stage. Density is addressed through layout, appearance and scale.

Local residents

Further comments received included:

- The location of the pond represented a risk to children and was to be separated by hedge or fence. This effectively removed the area as a visually accessible open space and therefore required additional visual open space to compensate.
- Front gardens were too small for this rural setting and there was insufficient space around the properties for the layout to sit comfortably in its position within Pirton.
- The properties were too high (tall) when related to the existing built area.
- The roundabout was the largest size possible under the definition of a ‘mini-roundabout’ and was too big and too urbanising for this setting and the traffic generated by this site.

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- Accuracy and appropriateness of the methodologies set out in Highway's response to the traffic assessment made by Gladman in June 2015 was questioned and the highway impact of the development was considered unsafe.
- The problem of finding sufficient parking places for the cars of the occupants of the "Twelve Apostles" cottages on Holwell Road had not been resolved in the latest proposal.
- Minor changes to the plan, such as the replacement of the large block of single bedroom apartments with three smaller blocks, or changing the proposed block of terraced houses into semi-detached houses moved back from Holwell Road, may be helpful at the margins, but they did not overcome the fundamental problem of the development being out of character.

The Development and Conservation Manager introduced Lindsay McCauley (Opus International Consultants) and Mark Youngman (Hertfordshire Highways) who were happy to answer questions from Members.

Parish Councillors Diane Burleigh (Pirton Parish Council) and Yvonne Hart (Holwell Parish Council) addressed the Committee in objection to application 16/02256/1.

Parish Councillor Burleigh thanked the Chairman for the opportunity to address the Committee and advised that she was speaking on behalf of Pirton Parish Council who continued to maintain the position that there was benefit of appropriate development on this land, but that the current proposals were not yet quite right for Pirton. There were developments and changes that were approved of, but she would outline why this application should still be refused at this stage.

No matter how hard CALA Homes had tried to address NHDC and community concerns and despite the amendments so far made, the simple fact was that you can not squeeze 78 homes on this plot without significant adverse effects.

These adverse impacts significantly and demonstrably outweighed the benefits of the extra land for the house that would need to be made to make this development compliant with national and local policy on planning guidance.

Simple changes would address the issues and would bring this planning application to a conclusion that would meet the interests of the developer, the community and the broader public interest of getting more homes. The Parish Council was keen for people to have homes, not just houses.

The adverse impacts were highlighted in the Officer updates, but she would focus on the following:

Urbanisation

In relation to the roundabout, she hoped that this option would be rejected and that the Y junction solution would be approved.

The dense occupation of the land would lead to urban fringe problems in a rural area.

The density would lead to congestion in the development was not in keeping with Pirton.

A lack of amenity space within the development and a lack of transition between the development and the village lead to an adverse impact on the character of Pirton and the landscape generally.

These issues could be addressed by further greening of the access into the site to better soften the edge of the development. This would then be compliant with NPPF paragraph 61 which reads:

"Planning decisions should address the integration of new development into the natural build of historic land".

Integration was key for the Parish Council.

The Parish Council welcomed the proposal for a Y junction and maintained complete opposition to the provision of a roundabout

In respect of greening within the development, the greening of the frontage to the road and the removal of the terraced houses had resulted in a loss of green space amenity within the development itself. All that had happened was that green space had been removed from within the development and shoved it at the front whilst moving 6 additional houses into the development meaning that the plot was even more squeezed.

Softening the edges with green space did not come at the expense of appropriate green space within the development. These are two totally separate issues and the interior green space should be reinstated. Otherwise the garden sizes should be increased to achieve more space and Saved Policy 57 addresses the size of gardens that should relate to needs of future residents and to the amount of public amenity space. This means that either the green space within the development should be replaced or the garden sizes increased.

Additionally no attempt had been made to reduce the density of the housing on this development which increases the sense of over planning and congestion within the development, which is recognised by the officers at Paragraph 4.3.6 of the report.

The figure of 17 dwellings per Hectare for Pirton is arrived at once all the green space is removed. The figure for this development is 17.7 dwellings per hectare including green space. If you were to include the green space in Pirton, the figures would reduce to approximately 12 dwellings per hectare.

This shows that the density for this site is far higher than the general density in Pirton and quite out of character.

The Parish Council recognises that making all of these amendments would result in the reduction of the number of dwelling on site, but no argument has been made by CALA Homes that such a reduction would make the development unviable. Pirton Parish Council appreciated the need for housing and did not wish the development to become unviable,

Parish Councillor Burleigh stated that the Parish Council was not asking for , just the removal of a few houses and the inclusion of the original green space or larger gardens and asked the Committee to refuse the application in order that better proposals that meet all concerns can be achieved.

The grounds for refusal would be access, urbanisation, layout, loss of green space/amenity space within the development, increased congestion and density of dwellings that is higher than for Pirton generally. Ridge heights remain too high and should be reduced as they were out of character, but this was no longer a major issue.

Up till now they had commented favourably regarding landscaping proposals, but the loss of green space now impacted adversely on the purpose of landscaping which is in law "to enhance the amenities of the site and the area in which it is situated".

Parish Councillor Burleigh concluded by stating that a number of residents of Pirton had been at the meeting where the outline planning permission was granted and witnessed a number of Members who were concerned about the issue of numbers and density. The way to deal with density is through addressing layout appearance and scale and the Parish Council believe that small changes to the proposal would result in a development that was completely right and urged Members to refuse the application.

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Parish Councillor Hart thanked the Chairman for the opportunity to address the Committee and advised that she was Chairperson of Holwell Parish Council and was objecting to the application on behalf of the residents of Holwell who had continued to voice their concerns, giving relevant justifications as to why this development was inappropriate in such a rural setting.

It was unbelievable how over 150 objections from Holwell and Pirton had been ignored by the organisations and authorities involved in the application.

Previous development applications for this site had been rejected for a number of reasons including safety, size and location and this was for a significantly lower number of houses, so why had a development at least four times the size even been considered, never mind recommended for approval.

She reminded Members of the Government advice to the National Infrastructure Commission guidance that said that a development “should not have a negative impact on the quality of life of the people in the locality”. The size, layout and extent of this application completely disregarded this.

The proposal of 78 houses would increase the size of Pirton village by some 20 percent, which was wholly unacceptable when considering local services, roads and schools in the area. In addition the intended mix of homes did not fulfil the communities’ wishes.

78 new homes would mean a possible 150 additional vehicles on country roads around the area, increasing the risk of accidents and danger to the many walkers, cyclists, horse riders and children who currently used those roads.

A large section through Holwell did not have a footpath and was already a danger for pedestrians, in particular the elderly, dog walkers and families with children and buggies who had to negotiate the twists and turns of country roads.

If the development went ahead an off site route along Hitchin Road would surely be the most sensible option for all involved, but this had been discounted as it was deemed too expensive and time consuming, but surely safety and reduction of inconvenience to the public should be more important.

Parish Councillor Hart concluded by stating that the scale of this development was far too large for such a rural location, these were village and not towns and everything said so far must be taken into consideration.

Their job as Parish Councillors was to represent their villages and to protect their quality of life and she hoped that she had successfully put across their outrage about this unsuitable and intrusive application.

Following some questions and answers, the Chairman thanked Parish Councillors Burleigh and Hart for their presentations.

District Councillor Claire Strong addressed the Committee as a Member Advocate in objection to application 16/02256/1.

Councillor Strong thanked the Chairman for the opportunity to address the Committee and drew attention to the picture depicting the proposed development and that on page 19 of the report and asked Members to compare the size of the gardens of the existing neighbouring properties with those of the proposed development.

She reminded the Committee that the new development would be built between those existing houses and the open countryside and asked them to consider the Planning Policy guidance that there should be a gradual transition from village to countryside

To put in a very high density housing development in this transition area would result in the urbanisation of the countryside and there were too many houses planned for this site.

Councillor Strong reminded Members that she had urged the Committee to refuse the application in March 2017 on the grounds of scale, density, mix of houses and the harm to the character and appearance of the area. She still believed that there would be harm to the character and appearance.

Following the comments made at the March meeting, changes had been made to the scale and height of some of the properties and the urbanization of the entrance had been removed by adding more green space in that area and these changes were welcomed. However no changes had been made to the density or the mix of houses within the site

There had, in the past been another controversial application for the development of a site around the Fox Pub of around 50 houses and this was eventually reduced to 21 houses with areas of green space and a play area.

Nothing has been done on this development to reduce the number of dwellings and nothing had been done to look at a viable scheme with less houses.

There was a large amount of social housing within the development and this was most likely the reason for the high number of dwellings and consideration should be given to whether it needed to be this high.

Some time ago a housing needs survey was undertaken in the village and it had been identified that 11 affordable houses were needed and these had already been built and therefore the amount of affordable housing required on this development to meet the needs of the village was questionable.

Councillor Strong asked that officers look at the development again, in particular:

- Density
The density was far too high for the area and numbers should be reduced.
- Mix of houses
There were too many small one bedroomed houses and not enough three bedroomed properties

There were a lot of people who wanted to own their own home, but they wanted homes that met their needs such a transport. Those who live in Pirton knew that the best transport in the village was a car as the public transport could not be relied on and was infrequent. Councillor Strong questioned whether enough thought had been given to how the new residents would travel and work.

She urged Members to refuse this application on scale, density and the harm to the character and appearance of the area.

Following some questions and answers, the Chairman thanked District Councillor Strong for her presentation.

Mr Philip Wright (CALA Homes) and Mr Mike Lake (Applicant's Agent) addressed the Committee in support of application 16/02256/1.

Mr Wright thanked the Chairman for the opportunity to address the Committee and advised that he was the Senior Design and Planning Manager for CALA Homes.

He reminded the Committee that this application was deferred in March 2017 on two grounds being the urbanising effect of the six cottages at the front of the development and the urbanising effect of the mini roundabout.

Since March CALA had actively engaged with key stakeholders in order to address those concerns. They met with planning officers to discuss the concerns regarding the urbanising effect and held meetings with Pirton Parish Council where plans were tabled regarding the entrance to the site that proposed the reduction of the built up area at the front of the site and a Y Junction in place of the roundabout. In order to demonstrate that the Y Junction was deliverable, they then met with Highways officers to discuss the proposals. A safety audit was undertaken on the new proposal to demonstrate that this option was safe.

Mr Wright advised that it was important to stress to Members Hertfordshire County Council's support for the project.

They believe that these positive changes to the application substantially addressed the concerns raised at the March Planning Committee

Mr Wright concluded by stating that the proposal would provide a high quality residential scheme which had regard to its context that contributed to the Council's 5 year land supply and asked Members to approve the application.

Mr Mike Lake (Applicant's Agent) thanked the Chairman for the opportunity to address the Committee and reminded them that there were two reasons for deferral that you wanted them to consider.

The first was the junction and a Y junction had been developed in cooperation with the Parish Council and they supported this solution.

The second was the dwelling at the access to the site. These had now been reduced and there was now a 20 metre open space designed to soften the edge as you enter the development.

The issues raised at the last meeting had been addressed and the alterations had been welcomed.

In respect of density, one measure was car parking provision and another was garden size. A lot of the gardens were huge, particularly those to the left hand side and in some areas of the development density was as low as 11 dwellings per hectare. There was a change of density throughout the village and this development reflected those changes by having areas of high density as well as low density areas.

They had tried to present a very well designed and well laid out and well conceived scheme with landscaping, particularly along the bottom of the site and two large areas of open space within the development as well as the green area at the access.

CALA had moved a long way to meet the requests including lowering ridge heights of some of the dwellings and the introduction of the barn style bungalow that masked the car park to the Twelve Apostles.

North Herts, like any other Local Authority was under pressure to deliver housing under a five year plan within the constraints imposed by central Government.

Everyone has to sit around a table and discuss how to deliver housing and consider whether it is in the right location or not.

This was a reserved matters application to an approved outline application of up to 82 dwellings. The original application was for 82 dwelling and this had been reduced to 78 in order to try to accommodate all of the elements.

CALA had worked hard on this development, engaged with many people and held stakeholder meetings in order to come up with a scheme that could be delivered on the site.

This would deliver a good scheme in a difficult location that delivers that majority of what people asked for.

They were bound by the Section 106 agreement, which had already been signed, to provide housing and were trying to deliver high quality housing.

Mr Lake acknowledged that people didn't want builders there, nevertheless they had worked hard, engaged, listened and tried to address the comments made in order to provide a scheme that was acceptable and in character with the area.

Following some questions and answers, the Chairman thanked Mr Wright and Mr Lake for their presentations.

The Development and Conservation Manager in response to the presentations, referred to page 14 of the report which clarified what would be provided, through the Section 106 obligation, in terms of infrastructure. This clarified the position in terms of school provision.

In respect of the suggestion made by Councillor Strong that it would be possible to reconsider the proportion of affordable housing, in order to make the development more viable and therefore provide a less dense development on the site, this was not possible through any reserved matter application. In this case the Planning Control Committee had already granted outline planning permission that stipulated 40 percent affordable housing on any development associated with the outline planning permission.

In terms of the amendments to the scheme, CALA Homes had attempted to address the concerns that were articulated by Members of the Planning Control Committee at the March meeting and documented in the Minutes and, in his opinion, had successfully done so.

In respect of density, the Development and Conservation Manager advised that he had never seen a refusal of a planning application that referred directly to the density in mathematical terms. The key point in considering applications was to consider the design and layout in the round and whether or not you considered it appropriate to the character of the area.

The Development and Conservation Manager commented that they had received interesting feedback from the previous meeting in that a vote was taken to refuse the application with no reasons being given.

He advised Members that, as explained during training, if any of them wished to move a refusal of reserved matters, the reason for refusal needed to be articulated in advance of the vote, so that when the vote was made the reasons were clear.

The Committee debated the application. Many Members expressed their pleasure at the changes to the junction and the softening of the access but remained concerned about the density of the swelling within the site.

There was some discussion regarding density and Members commented that when outline permission was approved Members were assured that density could be addressed at the reserved matters stage, although that did not now appear to be the case.

Members queried the varying figures given by presenters relating to density, whether any small amendments could be made to the application in order to reduce the density and how many houses had been reduced in ridge height.

The Development and Conservation Manager advised that amendments could not be made to the application unless Members resolved again to defer the application. That it should be considered as presented and that the decision was whether the Committee thought that this was an acceptable scheme in the round.

He informed Members that under the old Local Plan this site was outside of the village boundary, however the new Local Plan defined the site as within the village boundary.

In respect of the outline planning permission, he remembered Members concerns regarding the number of dwellings at the time this was discussed and that he advised that the Committee retained control over the numbers. Members still had that control as they could decide whether or not to approve the reserved matters. He cautioned that, if the Committee was minded to refuse the application, the reasons for refusal regarding design and layout must be made clear.

In respect of scale and density, the Development and Conservation Manager advised that the ridge height of 5 dwelling had been reduced and reductions in other areas had been achieved by swapping house types within the site. He could not answer how other speakers had calculated the density, but acknowledged that there were different methods. The Planning Officers had simply taken the area of the site and divided it by the number of dwellings but acknowledged that this site would be a higher density than the area of village next to it, but this would always be a problem when adding developments onto the edge of a village.

In response to a question regarding the footpaths at the Twelve Apostles, the Hertfordshire Highways officer advised that the road in this area was very narrow and would be very difficult for a footpath to co-exist with the existing carriageway and features opposite. However if parking places were found for the vehicles currently parking on the road then it may be that a footpath could be provided at a later date. In the meantime they would suggest that a white line be drawn to provide an informal footway when no vehicles are parked.

The Development and Conservation Manager advised that the Committee was not restricted to making a decision solely based on the reasons for deferral, they could consider all aspects afresh. However he cautioned Members to consider the consequences of any decision taken in that, if the application was refused and subsequently went to appeal, if the Minutes of the last meeting were considered together with the efforts made by CALA Homes to address the concerns raised, the credibility of the local planning authority as a decision maker could be brought into question.

Members acknowledged the difficulty of building a modern housing estate on the edge of a village and acknowledged that the outline permission had already been granted and that the reserved matters application was about the detail.

A Member commented that the matter of density could be misleading as there were developments of very high density that worked on a particular site and developments of very low density that did not. The matter to be considered was whether this development was acceptable for this site. Although he was not particularly happy with this development it should be noted that all houses in the village were at some time new and there was little to refuse the application that could be defended on appeal.

It was proposed and seconded that the reserved matters application be granted, subject to the conditions and reasons in the report and the substitution of the condition on page 5 of the report regarding the Y Junction for condition 6 and that the reason be expanded to include "to maintain the rural character of the area."

RESOLVED: That Reserved Matters application 16/02256/1 be **GRANTED**, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, including the amended condition 6 below:

Condition 6

Before commencement of any part of the development, the works identified on the 'in principle' site Drawing number WIE11697-SA-05-0026-A01, a detailed 'Y' junction access layout shall be submitted to and approved in writing by the Local Planning Authority and the Highway Authority, which shows all geometries associated with the proposed access arrangements including kerb radii, lane widths, visibility splays etc. The ultimate design being technically approved in writing by the Highway Authority (in conjunction with the Local Planning Authority) prior to commencement of any works on site.

Reason: In the interests of maintaining highway safety and to maintain the rural character of the area.

7 17/00335/1DOC - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON

Details reserved by Condition 6 (Construction Management Plan) of planning permission reference no. 15/01618/1 granted on 27 May 2016.

The Development and Conservation Manager introduced the report, supported by a visual presentation that included plans demonstrating the routes for construction traffic.

He advised that there were a lot of updates to report as follows:

A Construction Traffic Access Appraisal submitted on behalf of Pirton Parish Council

- The CALA Homes proposed Construction Traffic Management Plan suggested that up to 30 construction vehicles per day of various sizes would access the site. However, this would not occur throughout the whole construction period.
Construction traffic should be restricted to weekday off-peak hours 09.30 to 15.00 resulting in, on average, 5 two-way construction vehicles an hour or 1 vehicle every 12 minutes spread across the off-peak period.
- Baseline traffic flows on Holwell Road indicated less than 1 vehicle per minute in each direction in 2020 in the peak periods.
- The shortest route from the site to the 'A' road network was via Holwell, being approximately 2 miles or 5 minutes by motor vehicle.
- Routes via Pirton to the nearest 'A' road would be 3.5 miles or 7 minutes to the A505, Hitchin, 5.5 miles or 13 minutes via Shillington to the A600 or 5.2 miles or 10 minutes to the A6 at Barton-le-Clay.
- Traffic calming in Holwell village appeared to already manage traffic effectively and only one slight personal injury accident (PIA) had been recorded in 18 years (1999-2016).
During the same period, the route via Pirton to the A505 had experienced over 50 PIAs including 7 in Pirton, the route via Shillington had experienced over 40 PIAs including 4 in Pirton and the route to the A6 has experienced just under 40 PIAs.
- All routes to the site were constrained in some form. The route via Holwell was traffic calmed in the village. There was no traffic calming on any of the Pirton routes.
- The route via Holwell had narrow sections, especially at Waterloo Lane. Localised widening could be provided to improve passing space, temporary warning signs could be installed and vegetation management would improve visibility.
- There was sufficient space for construction vehicles to wait at the eastern end of Holwell Road (outside Holwell village) and be in contact with the site manager to ensure construction traffic vehicles did not need to pass others travelling to and from the site.

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- In total, 13 properties in Holwell on the route had no off-street parking, and 3 had no access to a footway (in Waterloo Lane).
- Any construction traffic route via Pirton would need to pass a row of 10 properties that have no footway and front doors that open onto the carriageway. These properties also relied on using the carriageway for parking and waste bin collection.
- Routing through Pirton to the A505 via Royal Oak Lane and Walnut Tree Road would pass over 50 properties that had no access to any footway.
- Routing in Pirton to either A600 or A6 via West Lane would pass 15 properties with no off-street parking and forward visibility on approach to the junction with Shillington Road was restricted by parked cars.

In conclusion, no route to the site is ideal but with careful management of construction traffic and some minor improvements to the highway, the route via Holwell provided the shortest route to the 'A' road network.

The route via Holwell also offered a lower impact, especially to vulnerable road users such as pedestrians, cyclists and horse riders. Off peak traffic flows on this road were also relatively light.

Split construction traffic routing would increase the potential impact in terms of the numbers of residents affected and would also be more difficult to manage so was not recommended.

Objection from Holwell Parish Council

Holwell Parish Council objects strongly to this application and urge you to take notice of this and of the huge number of residents who had also raised their objections.

We note with alarm and deep concern the fact that CALA Homes, Watermans and Highways all recommend that Holwell should shoulder the entire burden of construction traffic for the housing development in a neighbouring village. This would have a huge negative impact on our village, totally altering the aesthetics and rural aspect, not to mention the disruption, damage and noise it would create. This is especially true with the proposed Saturday delivery hours.

Absolutely no thought or consideration had been taken for the safety and convenience of Holwell residents and the fact that the proposed route would run the entire length of the village affecting the majority of homes in the village.

It included passing 4 working farm entrances, a popular farm shop, the recreation ground which was used throughout the whole year by many people including members of the bowls club, 2 youth football teams and both adult and youth cricket teams. We have a church that holds a number of additional services including weddings and funerals, stables and a village hall where children's parties are sometimes held. There are, in addition, a number of footpaths and bridle paths that opened onto the road.

Then, we need to consider the groups of pedestrians, walkers, cyclists, horse riders, children and residents spilling out onto the highway, more so on Saturdays and school holidays. Some houses in Pirton Road, opposite the village hall opened directly out on to the highway with no footpath to access and having to negotiate the road with prams, pushchairs and young children. This would become even more dangerous than at present with the increased traffic and HGV's.

No report had taken into account the factors about the lack of control CALA Homes would have over these people, the general public or agricultural, refuse, delivery or any other vehicles that used this road on a day to day basis. What about emergency vehicles trying to get to an incident?

The proposed lay-bys along Waterloo Lane and Holwell Road would ruin the most rural and picturesque entrance to our village, not to mention the destruction of natural habitats for a wide range of wildlife. Parts of Waterloo Lane followed a Hollow Lane aspect which was an unusual and interesting feature entering the village and we are extremely concerned that this may be destroyed. These lay-bys would not stop traffic jams and reversing would still be needed as other vehicles would use them when necessary. There were still sections where vehicles would need to mount pavements and verges when passing each other. Furthermore, if these lay-bys were created, it would make it easier for traffic to speed if they have a greater line of sight.

Objection from Holwell Against Traffic Group

We are submitting these summary comments as a follow-up to the comprehensive pack that was circulated before the Planning Control Meeting of 16 March 2017. We hope that you were able to study

the summary before the meeting as we feel that the views of Holwell Villagers and independent experts had not been fully taken into consideration in NHDC's recommendation to route all construction traffic at a rate of 50-60 HGVs per day through Holwell for a minimum of 3 years.

If you have not already done so, we trust that you will visit the development site and travel the construction routes to get an idea of the impact.

Firstly it is worth revisiting Condition 6 of the Outline Planning Permission.

The Key issues are therefore Efficiency and Safety together with Loss of Amenity in Holwell.

Efficiency

1. In recommending the Holwell route with the provision of two lay-bys, the fact that other road users will use the lay-bys is ignored. These include other HGVs and delivery vehicles, the many large agricultural vehicles, emergency vehicles, refuse trucks and the village bus together with the many cars and vans using the village road.
Traffic jams and delays would occur with this level of HGV traffic introduced into the village.
Not efficient.
2. The recommendation also ignored the fact that there were other narrow areas and chicanes on much of the route and no passing places particularly in Pirton Road and in Holwell Road where there were usually many parked cars. The lay-bys will make no difference to this situation.
Not efficient.
3. At the rate of 50-60 HGVs per day (including cranes, artics and other vehicles over a 5 - 5.5 hour period Mondays-Saturdays inclusive every week, HGVs would be coming through the village at the rate of 10 HGVS per hour or one every 6 minutes.
It would not be possible to manage this flow of traffic remotely from the building site nor would it be possible take account of all the other road users.
Not Efficient.
4. Because it is a narrow route through a village with tight and blind bends and no passing places, smaller (but still large) 12metre vehicles would be used so the build would take longer.
Not Efficient.

Safety

1. The Waterman's Route Options Document on page 4 stated that there were more pedestrians and parked cars in Pirton. There was no evidence for this. No competent quantitative surveys had been done! There were no figures! The judgements were subjective, value judgements and prone to bias.
Not safe.

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2. The report stated that because Pirton was a larger village it had more pedestrians but what it ignored was that the Pirton route selected by CALA homes runs along the edge of Pirton with a smaller number of homes than on the Holwell route, which runs directly through the centre of the village, with the vast majority of homes (90) on it plus the church, farm shop, village hall and recreation ground used by football, cricket and bowls clubs on Saturdays and school holidays plus the entrances to 4 busy working farms with large farm vehicles regularly entering and exiting the entrances particularly at the blind bend on Pirton Road/Waterloo Lane.
Not safe
3. There was no segregation of road users on large sections of this 2 mile route. The road was regularly used by walkers, joggers, cyclists and horse riders with more on Saturday mornings when deliveries were also to be made (8am-1pm).
Not safe.

Amenity

1. The provision of a very large lay-by for HGVs in steep-sided Waterloo Lane and the removal of vegetation would significantly degrade the quality of the environment and ecology on the approach to the village along this ancient Hollow Lane
Loss of amenity.
2. The continual rumbling of construction HGVs through Holwell Mondays-Saturdays would disrupt the life of the village, cause blighting of property and significantly affecting the character of the village over 3 years with the prospect of more to follow, if permission was granted for more housing in Pirton, which was already in the pipeline.
Loss of amenity.
3. While CALA Homes have offered to pay for damage to the carriageway, verges, kerbs and embankments of the route it would not be possible to keep up with the damage caused at this rate of HGV traffic – one HGV every 6 minutes.
Loss of Amenity.
4. Whilst Section 106 monies were not intended to be a bribe, but were often seen as such, it was ironic that Holwell Village would not be compensated for any loss of amenity as the housing development would in Pirton.
Loss of amenity.

The 4 route options selected by the developer are all unsuitable, which was a view backed up by truly independent consultants as well as residents.

The impact of a seemingly mad rush to build as many homes as possible to meet notional NHDC housing targets in a relatively inaccessible location in Pirton had resulted in the amenity, environment, character, road safety and the smooth flow of traffic through Holwell being seriously threatened.

This proposal was unsustainable. Please refuse the application.

Local Residents

Many further objections had been received to both any route through Pirton or through Holwell, stating largely the same points already included in the report, but also critical of the proposed mitigation measure of passing places to be installed along Waterloo Lane on the Holwell route, as required by the Highway Authority in their preferred option.

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The Development and Conservation Manager advised that, from consideration of the comments received, it was acknowledged that none of the four route options were ideal and this was the unfortunate consequence of any housing development in villages. However, the route of arrival and departure via Holwell was considered to be the more favoured option by the Highway Authority. The mitigation measures and highway improvement works, including the installation of passing places in Waterloo Lane, would be secured via a Section 278 agreement by the Highway Authority. There was therefore no change to the overall officer opinion that, the details of the construction management plan, including the routing to be arrival and departure via Holwell, be approved.

The Chairman commented that a large amount of information had been received in the last 2 days and advised that, following the presentations, Members may wish to consider the option of taking time to consider all of this information.

Parish Councillor Diane Burleigh (Pirton Parish Council) and Mr John Burden (Holwell Against CALA Traffic) addressed the Committee in objection to application 17/00335/1DOC.

Parish Councillor Burleigh thanked the Chairman for the opportunity to address the Committee and advised that she was talking purely from the Pirton point of view.

She informed Members that no rural road route either through Pirton or Holwell was suitable for the construction traffic relating to 78 dwellings.

The officer had previously outlined some of the issues from the objections but from Pirton's perspective the major consideration was to use the shortest route and this related to disturbance and environmental considerations and the shortest route was undoubtedly through Holwell.

The Holwell route was approximate 2 miles or 5 minutes away from an A road, whereas the Pirton route was 3.5 miles or 7 minutes away from the A505.

The second consideration was traffic calming and accidents. The route via Holwell was traffic calmed in the village whereas there was no traffic calming measures in Pirton to date.

The traffic calming measures in Holwell appeared to be effective, with only one personal injury accident in 18 years. During the same period the route via Pirton to the A505 had experienced over 50 personal injury accidents including 7 in Pirton itself.

There were 13 properties in Holwell had no off-street parking and 5 had no access to a footway, principally in Waterloo Lane. Any route through Pirton would have to pass 10 properties in Holwell Road that had no footpaths and front doors that opened onto the carriageway and a further 4 properties that had no footway access.

Routing through Pirton to the A505 would pass a total of 93 properties of which 58 had no access to any footway as well as the entrances to the Sports and Social Club and the recreation ground.

The Pirton Route, although relatively straight, had blind summits and dips and most importantly the verges were classed by Hertfordshire County Council Countryside Management as Heritage Verges, with only one other Heritage Verge in Hertfordshire, they were very proud of this.

This meant that the verges were particularly valued for their bio-diversity and the expected levels of construction traffic over 3 years would create an unacceptable level of pollution and risk to the very valuable, bio-diverse areas.

Holwell Road, Royal Oak Lane and Walnut Tree Road all had narrow sections and Walnut Tree Road had two completely blind bends.

The main route through Pirton to the A505 passed further properties that included a nursing care home, with staff and patients using the road via a narrow footpath.

There were no passing places or waiting areas on this route and none could be created without destroying a significant part of the Heritage Verges.

In summary Parish Councillor Burleigh stated that, in light of the facts as stated in the report and the opinion of three organisations with relevant expertise, it would be perverse to have the construction route through Pirton, whether two way or one way.

It would also be more dangerous to route traffic through Pirton, placing many more people at risk of accident than the route through Holwell.

Sharing the pain would only be an option where each route was equally safe, environmentally OK and affected equal numbers of dwellings and residents.

Safety had to be a major consideration and the facts and expert opinion leads you to the conclusion to reject any construction route through Pirton.

Mr Burden thanked the Chairman for the opportunity to address the Committee and, as a way of introduction, advised that Holwell residents were in the process of making official complaints about the inadequate process of consultation, whereby the NHDC Planning Portal had been unavailable for receipt of comments on the application and key documents had appeared very late, for example the revised construction management plan appeared on 15 May. So there were serious concerns about the legality and fairness of the process and questioned whether it was prudent for the Committee to make a decision in these circumstances.

All four options that routed construction traffic through Holwell and Pirton were unsafe and inefficient and did not meet the requirements of Condition 6 of the original outline planning permission.

The construction route should not have been judged by Highways as deliverable at an earlier stage and the sensible option would be to construct a temporary access route the short distance from the Hitchin Road to the building site so as to avoid both villages, however this was deemed to expensive by a multi-national company.

The recommended Holwell only route was, as described by Richard Cox in his objection, so absurd and not worth spending time writing about, as any intelligent person would reject it out of hand. Heavy goods vehicle and other drivers, Highways, freight managers and logistic experts agree with him.

The only significant mitigation measure was of two lay-bys in imprecise locations.

One Lay-by would be in the narrow Waterloo Lane, where there were several properties and more to be built. Residents were concerned that a very long HGV lay-by would be placed in an ancient hollow lane, which was very much part of the character of the village, as the approach to Holwell, and the consequent destruction of habitat.

The second lay-by was proposed to be in Holwell Road, there were two Holwell Roads and the precise location was not clear and no detailed drawings or impact studies had been presented and therefore no intelligent decision could be made about the lay-bys.

CALA would have no control over these lay-bys or the remote lay-bys planned as holding bays and therefore other vehicles would use them.

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The average number of HGVs serving the development would be one vehicle every six minutes for 3 years or more, including Saturday mornings, which was a very unsociable hour.

There was the prospect of more large scale housing to follow in adjacent field in Pirton, making the temporary period very long.

The lay-bys did not overcome the inherent problems of the two mile route. Their consultant, Brian Clamp, an experienced highways and civil engineer, stated that there were many other HGVs that used this route during weekdays, usually avoiding rush hour and weekends.

Very large agricultural vehicles, delivery vehicles and busses used the whole route and much of the Holwell route was less than 5 metres and frequently less than 4 meters. HGVs are 2.5 metres wide yet no opposing tracking of two HGVs had been done. It was as though CALA trucks would be the only road users and they would only travel one way.

Forward visibility was unacceptable on blind bends, even if the overhanging vegetation was cut back.

Where are the proposals to keep vulnerable road users safe, particularly on Saturday morning and school holidays when pedestrians, cyclists and horse riders were using the roads.

Watermans provided no quantitative data to back up their conclusion that Holwell was the most appropriate route.

The Chairman thanked Parish Councillor Burleigh and Mr Burden for their presentations.

District Councillor Claire Strong addressed the Committee as a Member Advocate in objection to application 17/00335/1DOC.

Councillor Strong thanked the Chairman for the opportunity to address the Committee and informed them that she represented Pirton and Lived in Holwell.

She drew attention to comment made by the Planning Officer that there was no ideal route and stated that neither of the routes through Pirton or Holwell met any safety standards that NHDC Councillors should respect.

The length of the route was irrelevant, the important criteria was what was found on the route.

The route through both villages consisted of restrictions of the carriageway, which may be overcome by lay-bys, but the blind bends could not be overcome, particularly in Waterloo Lane, as demonstrated in the pack sent to Councillors. A lay-by may enable passing in the middle of the lane, but what would happen at the top or the bottom of the lane where there were blind corners.

No consideration had been given to how construction traffic would approach and deal with this and it is unsafe.

Exactly the same issues applied to the route through Pirton in Royal Oak Lane which made the route through Pirton totally unsuitable for construction site traffic.

There were difficulties for the construction traffic related to just three houses previously developed and this was for 78 houses, which would create a large number of additional movements.

In terms of looking at a safe option, you could demand that a temporary route was developed across the fields as was the case when mineral extraction took place. In that case a road was built from Bedford Road to the extraction site and this road was again used when the landfill site was developed.

There was plenty of opportunity for a separate road to be put in for construction traffic to access the site. And it was very short sighted to think that the two roads in and out of the two villages were the solution. Out of the box thinking was needed in order to devise a way to bring construction traffic onto and off of the site, whilst avoiding both villages.

It was clear that the road system through the villages was totally unsafe and totally inadequate.

Councillor Strong asked the Committee to consider if it had enough information to make a decision and urged Members to defer the item to allow further discussions regarding what other options could be used.

This would blight both villages, with neither having footpaths or pavements and whose residents already had difficulties with the road system and it would be a grave injustice to both villages.

She urged Members to keep both villages safe.

The Chairman thanked Councillor Strong for her presentation.

Mr Philip Wright (CALA Homes) and Mr Ian Wharton (Applicant's Representative) addressed the Committee in support of application 17/00335/1DOC.

Mr Wright thanked the Chairman for the opportunity to address the Committee and acknowledged that this was a difficult decision for Members and acknowledged that a lot of concerns had been raised by speakers.

He advised that it was very unusual for a construction condition to be referred to a Planning Committee, something that he had not experienced in 15 years as a planner.

He outlined the approach that CALA took in considering the routes and addressing the concerns raised.

CALA employed Watermans to independently assess the construction routes and propose four options, which were clearly outlined in the report, being arrival and departure via Holwell, arrival and departure via Pirton, arrival via Holwell and departure via Pirton and arrival via Pirton and departure via Holwell,

The proposed routes were very clear using the adopted highways that no had no width or height restrictions.

The Watermans report and recommendations was presented to Hertfordshire County Council for consideration as part of the consultation process relating to the construction management plan.

Hertfordshire County Council had made their recommendation, which was supported by the North Hertfordshire Planning Officers.

CALA had undertaken extensive discussions with the Planning and Highways Authorities to meet the concerns of the Officers in consideration of this application and had considered that no other options provided the best access to the site.

The Highway Authority were satisfied that the route selected was the most appropriate to support the outline planning application and subsequent reserved matters approval in relation to the site.

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It was inappropriate to attempt to use the approval of a planning condition as a means to make amendments or modifications to the development of a site where permission had already been granted.

The approval of details of a condition must have regard to material planning considerations including the statutory duties, planning legislation and planning policy.

This application could not be used as what would amount to a revocation of permission already given. This was sited in a High Court judgment between Kings Road Investments and Kent County Council.

The question for a Planning Authority considering this level of detail was whether the scheme approved was the best scheme in terms of the planning permission already granted. The consideration in regard to the condition was whether this was the best means to provide access.

The District Planning Authority and the County Council had been extensively consulted in relation to the construction and had exercised their independent decision in selecting the route.

Officers had provided clear information to Members in relation to the discharge of this condition and in the absence of good reason why the proposals were no longer satisfactory it was unreasonable to delay determination of this application.

Mr Wright advised that he wished to address some of the mitigation measures, agreed with Hertfordshire County Council that would make the route acceptable in planning terms.

The delivery timescales were restricted until after 9.30 in order to avoid peak network flows.

A two strike system would be adopted in relation to timescales that would be monitored closely by the construction department and by contractors, with any deviation given prior approval by NHDC.

A photographic survey of the road would be undertaken before and after construction works and repairs made to any damage caused by construction activity, with the cost born by CALA Homes as detailed in the construction management plan.

CALA Homes had agreed to install two lay-bys on Hertfordshire County Council Land, with the locations to be approved by HCC.

They had introduced a booking system, which be managed by the site manager, to ensure that deliveries did not arrive outside of the delivery slot timetable.

They had also agreed with Hertfordshire County Council that, where possible, they would cut back trees that would restrict visibility on bends.

Mr Wright concluded by advising there were 78 mitigation measures taken by CALA Homes in conjunction with this route that had been considered by NHDC and Hertfordshire County Council as the most suitable route for construction traffic.

He acknowledged that there would be a lot of construction traffic for a two year period, but this was needed to provide the development that would go towards the 5 year land supply and the proposed route for access and egress was the safest it could possibly be for both residents and construction vehicles.

Mr Wharton thanked the Chairman for the opportunity to address the Committee and advised that he had been employed by CALA Homes to look at construction routes.

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He had been present at the Planning meeting where this item was deferred without discussion and understood from both that meeting and this the strength of feeling of the local population.

CALA Homes were seeking to develop the proposed site in the safest way possible.

The outline planning permission and subsequent reserved matters application deemed the site as deliverable and therefore construction traffic to the site had to be accepted.

There were a limited number of routes on the local highway network that could be used to bring deliveries to and from the site.

He acknowledged the suggestion that a direct route from the A 600 or Hitchin Road would be preferable. But CALA Homes did not have control over the land that would be required to provide this and this option would involve crossing a number of footpaths and bridleways as well as incurring significant engineering and construction costs in order to provide a suitable road for construction traffic therefore neither of these options were viable.

Since the previous Planning Committee they had tabled four potential options for access to and from the site and routes through Pirton or Holwell were viable subject to the mitigation measures being put in place,

The amount of mitigation being considered was over and above that required for the construction management plan

The construction management plan was a live document that was under constant review and had feedback from stakeholders and the local community. CALA Homes, as a responsible developer, considered that feedback and addressed issues where it was at all possible.

Following some questions and answers, the Chairman thanked Mr Wright and Mr Wharton for their presentations.

The Chairman referred to a comment by Mr Wharton that, as planning permission had been granted the construction management plan had to be accepted and advised that the Committee was not bound to accept a construction management plan if it was not acceptable.

The Development and Conservation Manager, in response to the presentations, referred to the mitigation measure of lay-bys on the Holwell Road and the concern that the exact placement of these was uncertain asked the Highways Officer to outline how this would work.

The Highways Officer advised that following the deferral of this application at a previous Planning Control meeting he had held meetings with CALA Homes in order to provide more information in the construction management plan.

There were now four construction route options and Highways had indicated their preference for Route 1.

Colleagues considered many applications, over 5,000 each year, many with construction management plans, and in this case many colleagues had looked at this application and considered the various options, including looking at the assets along the routes, the road widths, the accident records and the structures along the routes.

In respect of the passing places, these should not be referred to as lay-bys, as this term implied that there would be vehicles parked in them and this was not their purpose,

It was not possible to advise the agreed locations of the passing places although they had started to look at the detailed design and were seeking to identify locations within the existing highway and it may be that areas currently being used for this purpose become more formal or that new locations, away from houses could be identified.

The Chairman asked Members whether, in view of the irregular access to the planning portal and the possibility that this had restricted the democratic opportunity for the public to respond, as well as the amount of information received in the last 24 hours, Members wished to determine the application at this meeting or defer it in order to consider the late information and allow more time for people to make further representations on the application.

Members debated the application including whether or not the application should be determined at this meeting or deferred. There was some concern expressed about access to the planning portal

Members noted that table top exercises had been carried out in regard to the routes and asked the Highways Officer whether officer had visited the area and queried how the passing places would be controlled to prevent misuse such as other road users using them to park in and thereby prevent use by construction vehicles or HGVs using the passing places or local roads to park up overnight or whilst awaiting their allotted delivery time. They queried whether safety audits had been undertaken.

The Highways Officer advised that the construction management plan would be in place as part of the planning legislation and that enforcement would be under highways enforcement, however, depending upon what infringements took place, it was possible to invoke sections of the Highways Act or planning enforcement measures, vehicles parking overnight or not adhering to clearways was a Police matter.

In respect of safety audits, these had been undertaken on all of the proposed permanent changes to the highway. Temporary routes and changes to the highway were dealt with via the construction management plan and existing routes had not been subject to road safety audits.

A Member referred to another development in the area where a similar construction management plan was in place, yet when HGVs were lining up along the road to gain entry to that site, the police, highways and planning were all unable to act and the problems remained throughout the build.

The Highways Officer advised that he was not familiar with the case being referred to, but in this case there would be a detailed construction management plan and the A600 already had lay-bys where vehicles could park up or wait if required.

Members who expressed concern regarding the construction management plan and supported the view that the application should be deferred stated that much more detail should be included in the construction management plan including:

- which Holwell Road would have passing places installed;
- a passing place was considered unsuitable to be installed in a hollow lane that would destroy the nature of the area;
- more investigation into the temporary track option, which although stated as unviable should be considered when all of the suggested routes were unsafe.

Some Members acknowledged that alternative routes to those proposed may be difficult to identify and made the following points:

- There were two options regarding the route, one was to use existing highways the other was to build a new highway. The second option would have to be costed and the owners of the land may not wish this to happen;
- If a decision was taken that there was no access to this site part of the Local Plan could be put in jeopardy;
- It was unusual for a construction management plan to come to Committee. This aspect was usually decided by officers who were professionals.

In response to a question the Development and Conservation Manager confirmed that, of the application was deferred, all aspects discussed at this meeting would then be discussed with the developer and Highways colleagues.

It was proposed and seconded that the application be deferred to enable further time to interrogate recently submitted information, the applicant to submit more detailed information regarding mitigation measures and the suggested direct cross country route to be explored in more detail.

RESOLVED: That, the determination of planning application 17/00335/1DOC be **DEFERRED**, to enable further time to interrogate recently submitted information, the applicant to submit more detailed information regarding mitigation measures and the suggested direct cross country route to be explored in more detail.

Councillor Henry and Shanley left the meeting.

The Chairman announced that there would be a 10 minute recess.

8 16/02759/1 - LAND ADJACENT ROYSTON ROAD, BARKWAY

Outline application with all matters reserved other than strategic point of access onto Royston Road for the erection of up to 100 dwellings and a new shop (A1 use) with associated public open space, landscaping and drainage.

The Chairman had previously advised that this application had been withdrawn.

9 16/02915/1 - LAND AT HAMONTE, JACKMANS ESTATE, LETCHWORTH GARDEN CITY

3/4 storey building to provide 71 x 2-bedroom assisted living apartments together with communal facility and amenity area, provision of refuse & cycle store and 76 parking spaces for residents, staff and visitors and all associated works following demolition of existing 39 unit sheltered apartment scheme (as amended by plans received on 5th April 2017).

The Development and Conservation Manager advised that there were three updates to the report as follows:

- Hertfordshire County Council had removed their requirement for fire hydrants therefore condition 16 was no longer necessary;
- The Unilateral Undertaking had been completed with financial contributions for library services to Hertfordshire County Council;
- The Informative on waste and recycling regarding capacity requirements in line with guidelines should be changed to be 20L food recycling per resident and 40L general waste per resident.

The Development and Conservation Manager introduced the report, supported by a visual presentation.

He advised that officers had worked tirelessly to seek amendments to the development in order to reduce the impact on the neighbouring properties.

Mr Alsitwari addressed the Committee in objection to application 16/02915/1

Mr Alsitwari thanked the Chairman for the opportunity to address the Committee and advised that he lived in one of the house affected by the scale of this development.

The road leading to the development was quite narrow and was sometimes difficult to get through.

He stated that the development was in violation of his human rights under the European Convention on Human Rights article 1 and article 8.

Article 8 stated that everyone had the right to respect for his private and family life, his home and correspondence.

The proposed building would violate his privacy as many flats would face directly into his and his children's bedrooms through 13 windows in 7 apartments. This would impact greatly on his privacy as it would force the family to have the blinds down most of the time to maintain privacy, this would also have an impact on the health of the children.

Article 1 stated that every natural or legal person was entitled to the peaceful enjoyment of his possessions.

His house was his possession and the proposed development would make it less enjoyable due to the following:

- The impact on the amount of sunlight received after blocking it with a five storey building opposite the house that would be quite imposing;
 - The impact on his young child's development and health during the construction period, as they were of pre school age and slept during the day;
 - The impact on the health of the family during the demolition period due to the dust and fine materials that would be deposited in his house.
- There would be a detrimental impact on the house price with an independent estate agent advising that the price of the house would be devalued by at least 10 percent and little chance of finding a buyer during the construction period of two to three years.

There would be an impact on local roads with the road leading to the proposed development was a bottleneck, with parked cars already making it difficult to pass and the area would suffer massively once the construction phase started.

There would not be enough space for large vehicles to manoeuvre and parking for local residents would suffer as all of the road space would be used by contractors and workers on the site.

The Chairman thanked Mr Alsitwari for his presentation.

Mr John Welch (Howard Cottage Housing Association) addressed the Committee in support of application 16/02915/1

Mr Welch thanked the Chairman for the opportunity to address the Committee and advised that Howard Cottage Housing Association owned the current sheltered housing scheme at Hamonte which consisted entirely of one-bedroom flats and was constructed in the early 1970s.

Hamonte had many issues that made it unsuitable for today's residents such as poor layout, lack of level access and deficiencies in insulation.

Back in 2013 Howard Cottage Housing Association estimated the cost of improvements at around £3 million, but even if that amount had been spent it would not have produced an ideal solution.

A proposal was developed and presented it to the Hamonte residents who were asked if they would be prepared to vacate their homes temporarily so that the building could be demolished and rebuilt. Residents were informed that the homes in the new scheme would be equipped with far better individual facilities and that there would also be enhanced communal amenities.

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This project represented a huge undertaking for Howard Cottage and was also a massive undertaking for the elderly residents at Hamonte, who were being asked to move twice.

After this consultation with residents and their families, Howard Cottage was delighted to learn that the support for the new scheme was almost unanimous and this level of support was a mark of how desperately this scheme was needed.

Since that time all of the Hamonte residents had been sympathetically moved to their temporary homes.

Howard Cottage had worked with the planning officers to produce a design that would meet their needs and fit in really well with the surrounding area.

Just as importantly, this was a scheme that addressed a huge need in our communities at a number of levels.

Firstly, there was a growing need to address housing and support for older people and Dementia was one of the fastest growing conditions in our society.

In Letchworth Garden City all demographic studies showed that provision for older people to be housed in homes that met their aspirations and needs whilst enabling them to receive the care and support they needed was hugely under-supplied.

The new Hamonte scheme addressed that need and reduced that under-supply and a degree of future flexibility had been built into the scheme, so that it would be able to adapt to meet as yet unidentified needs.

Mr Welch advised that we were in the midst of a housing crisis with affordable rented accommodation in the district being massively over-subscribed and supply unable keep up with demand.

One of the mechanisms for creating supply was the release of family-sized houses that were currently under-occupied and, in order to achieve that, it was only fair that any resident who agreed to move out of under-occupied homes received a good offer of alternative accommodation.

Most people would not give up their family home, even it may be far too big for them, in order to move into a one-bedroom flat. The new Hamonte would offer all residents a two-bedroom home at an affordable rent and he was absolutely certain that this was the type of offer that would encourage people to downsize. So in that sense, as well as benefiting the former and future residents of Hamonte, the new scheme would provide much-needed help to people in housing need within Letchworth Garden City and North Herts generally.

Mr Welch concluded by stating that the proposed new scheme would provide over 70 brand-new, easy-to-heat homes with excellent facilities that would include built-in support designed to meet the needs of current and future generations.

The scheme was not only accessible to all in physical terms. It's also accessible in financial terms as the entire development project would be paid for by Howard Cottage

Everything was now lined up and ready to go with the plans having been developed, elderly residents in temporary accommodation, a waiting list for new residents for Hamonte and a waiting list of young families who would benefit from family accommodation released by this scheme and urged Members to support the application

The Chairman thanked Mr Welch for his presentation.

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In response to the presentation the Development and Conservation Manager advised that the case officer had considered the privacy issues and drew attention to recommended condition 14 which required the windows, first floor level and above, of the sitting rooms facing Goldons, to be permanently glazed with obscure glass.

In terms of dominance and aspect from Mr Alsitwari's property, there was no doubt that this would be a larger building that would have more of an effect however the end result would not be unduly worse than the existing situation.

In respect of concerns raised regarding construction traffic, there was a construction management plan.

In regard to house prices, the effect on the value of a property was not a material consideration.

Members debated the application and commented that this was a worthwhile scheme which was not out of keeping architecturally with the area. The benefits to Letchworth were great and there were no planning reasons to object to the application.

It was proposed, seconded and

RESOLVED: That application 16/02915/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, the removal of Condition 16 and the amended informative below:

Informative on Waste and Recycling

That the final bullet point to read:

"The capacity requirements as per NHDC's developer guidelines are:

45L mixed recycling per resident

10L paper recycling per resident

20L food recycling per resident

40L general waste per resident".

10 17/00525/1 - 8 SANDOVER CLOSE, HITCHIN

Two storey side extension to create additional 3 bed dwelling and single storey rear and side extension to existing dwelling.

The Area Planning Officer advised that there was one update to the report in that the applicant's agents had requested clarification regarding the description of the development in order to reflect the plans that had been submitted and consulted on.

The description of the proposal on page 113 of the agenda report should therefore read:

"Two storey side and rear extension and part single storey side extension to create an additional 3 bed dwelling and two storey rear and single storey side and rear extension to existing dwelling. Roof alterations to existing dwelling."

The Area Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation.

The Area Planning Officer reminded the Committee that permission had already been granted for a similar development, to sub-divide the existing plot and provide two storey side and rear extensions.

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This application had been carefully assessed on its merits, in particular the direct impact on the surrounding properties in terms of overbearing impact, loss of light and privacy and the impact on the street scene and the conclusion was that there were no significant impacts that would warrant a refusal of planning permission. In addition the parking provision met the required standards and it should be noted that there were no highway objections raised by the Highway Authority.

Mr Mike Wells addressed the Committee in objection to application 17/00525/1

Mr Wells thanked the Chairman for the opportunity to address the Committee and informed Members that he was speaking in behalf of neighbours in Sandover Close.

The residents of the close had never objected to the extension of number 8 provided it was done as one house, sympathetically to the neighbours and in keeping with what had already been done.

Sandover Close was a road of detached houses, however in December 2016 permission was granted to redevelop No. 8 into two three-bedroomed semi-detached properties. Not content with this, within 14 weeks the developers were back with new proposals for a pair of much larger Semis.

The footprint of the building in this new Application had more than doubled the existing Planning Consent with two additional rooms planned in the attics. Although these attic rooms were not called bedrooms that is how they would potentially be used, thus each property will go from one double and two single bedrooms to four double bedrooms.

Part of the concern was in respect of the parking arrangements for the development. The plans showed two parking spaces for each house and the pair of tandem spaces for 8a were now being encroached on by the new utility room and the relocation of the front door and porch making the spaces impractical to get a car door open. There were also fire hydrant and gas hydrant marker posts, not shown on the plans, which further limited the width of the drive way.

In any case Policy 55 of the North Herts District Local Plan No 2 with Alterations stated that four bedroom properties should have parking for three cars. In a previous application for Planning Permission for this property which was refused, one of the reasons for refusal was "The Council will normally refuse proposals for extensions which would result in a deficiency, or worsen an existing deficiency, of off-street car parking spaces based on standards in Policy 55."

This proposal did not address the parking problems that the Council refused permission for on application 15/03244/1 and would result in permanent on-street parking, causing access problems for other residents, the refuse collection and emergency vehicles.

Paragraph 4.3.11 of the Delegated File Note relating to the refused application stated:

"Space for parking is tight, such that there would be very little room left over for front gardens or planting. I consider this would provide a visually unsatisfactory site frontage, detrimental to the overall appearance of the development."

This latest proposal did nothing to address this issue.

In respect of the enlarged house, the attic rooms would have Velux type windows in the roof overlooking the front of the house and the street. Paragraph 4.1.1 of the Delegated File Note relating to the refused application stated:

"The treatment of the site frontage would disrupt the pattern of development in the street and would be detrimental to the character and appearance of the area."

Again this new application did nothing to address this issue.

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The current consent had a single storey extension at the back running some 10 metres alongside and close to the boundary with number 9 and an upstairs extension of approximately two metres in the line of sight from the building line. This new application extended the upstairs by a further four metres into the line of sight and with the proposed roof being a gable end rather than the existing Hip roof, the combined effect was nine metres of shadow.

The new extended downstairs room now was 14 metres long, with a large window which would overlook the garden of number 9, thus the south facing aspect of number 9's garden would be in continual shadow during the winter months when the sun is low and in periods of frost the garden would not thaw to the detriment of any plants in the shadow of this new extension. This would substantially detract from the amenity that the current owners of number 9 had enjoyed for some 37 years.

Mr Wells concluded by advising that Policy 28 of the NHDC Local Plan No.2 stated that: "Rear extensions should not dominate adjoining properties and should be well related to the levels of adjoining properties."

As well as wholly overlooking and dominating the garden of number 9 and due to the drop in the land level and closeness to the properties in Uplands Avenue, this development would dominate the skyline of numbers 41, 43 and 45 in that road, which would seriously detract from the amenity enjoyed by those residents, since they purchased their properties from new in the 1950's.

He urged Members to refuse permission for this ill thought out proposal.

The Chairman thanked Mr Wells for his presentation.

Mr Steven Barker (Applicant's Agent) and Mr Narainder Shergill (Applicant) addressed the Committee in support of application 17/00525/1.

Mr Barker thanked the Chairman for the opportunity to address the Committee and advised that he was a Chartered Town Planner.

He informed Members that, as far as he was aware, six people had objected to the application.

The previous application contained the essence of what was in the proposal being considered, namely two storey extensions to number 8 in order to create a co-joined semi together with a wrap around single storey extension.

This proposal sought to extend the approved scheme deeper into the plot by up to four metres for the double story element and about 2.5 metres for the single story element at number 8.

In some circumstances, the original approval or this application could be overbearing to neighbours but owing to the shape, size and orientation of this plot, it was, in his opinion, achievable without affecting the character or appearance of the area or the privacy and amenity of the neighbours. Officers had reached similar conclusions and recommended the application.

In respect of Mr Wells' observations he made the following comments:

- The foot print was not any where near double that of the approved permission;
- The tandem parking spaces were not encroached upon;
- The previous refused proposal was for two narrow detached house, with very small gaps around them, whereas this proposal was a side extension that was similar to others in the street;
- The owners of number 9 had made objections, but had not commented on over shading and shadowing.

Following some questions and answers, the Chairman thanked Mr Barker for his presentation.

In response to a question the Area Planning Officer confirmed that two parking spaces per dwelling would meet the Council's minimum parking standards.

Members who expressed concern regarding the application made the following points:

In respect of the planning history of the site, an application for two detached dwellings had been refused in 2015, a further application for two dwellings was approved in 2016 and now this application sought to expand those two dwellings.

The Council's parking standards of two spaces per dwelling, no matter the size of that dwelling did not seem fair and they commented that parking in Sandover Close was already difficult and the proposed spaces at this development appeared to be extremely narrow,

The proposed development was trying to squeeze too much onto the footprint, the building was over dominant in the street scene and the negative effect of the large rear extension on the neighbours.

It was proposed and seconded that the application be refused permission on the grounds of over development and that it did not fit in with the street scene, the over bearing character and over dominance of the rear extension, contrary to Policy 28 of North Herts Local Plan.

Upon the vote this proposal was lost.

Members acknowledged that this was a difficult decision, but noted that many of the other properties in the Close had been extended, almost to the full width of the plot and although this application was at the limit of acceptable development, there were no planning reasons to refuse the application.

It was proposed and seconded that the application be granted permission and upon the vote it was

RESOLVED: That planning application 17/00525/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

11 17/00135/1HH - 7 UPPER GREEN, ICKLEFORD, HITCHIN

Two storey rear extension. Single storey front porch extension (amended plans received 07/04/2017).

Prior to the commencement of the item Councillor Mike Rice declared a declareable interest in that he knew the applicant personally.

The Property and Planning Lawyer advised that the Councillor had to decide whether his relationship with the applicant would in any way bias his decision. If he decided that it would compromise his decision making abilities, he could speak on the item and leave the room during the debate and vote.

Councillor Rice advised that his relationship with the applicant would not compromise his decision and therefore he would remain in the room and take part in the debate and vote.

The Area Planning Officer advised that there was one update to the report and drew attention to Paragraph 4.2.1 of the report that stated:

"The Parish Council has been re-notified of the amendments but no further representation has been received."

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This was incorrect as the Parish Council had sent a further letter dated 25 April 2017 with comments.

The Parish Council recognised that amendments had been made to the proposals but still raised concerns on two grounds:

- That the proposed development would be an inappropriate development and also out of keeping with the street scene in the Conservation Area of the village:
- That the window details are not sympathetic to the dwelling contrary to Policy 28 of the local plan.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation.

The Area Planning Officer advised that the proposals had been amended from those originally submitted to delete the first floor side extension and reduce the height of the new rear gable. The amount of glazing has also been reduced at ground and first floor level and the amount of grey cladding reduced.

The Conservation Officer had assessed the scheme and considered that the amended proposals were a significant improvement and that the proposals would not be harmful to the Conservation Area. It was also noted that Historic England did not wish to comment on the scheme but deferred to the advice of the local Conservation Officer.

Whilst the concerns of the Parish Council were noted, the officer's view was that the proposals did not harm the visual amenities of the area or were harmful to the character of the Conservation Area.

Mr Charles Speakman (Applicant's Agent) addressed the Committee in support of application 17/00135/1HH

Mr Speakman thanked the Chairman for the opportunity to address the Committee and informed Members that the plans were the result of proactive discussions with the Planning Officer, following concerns over the form of the initial submission in regard to the bulk of the side extension and the glazing and balcony.

The initial concerns had been listened to and these elements had been removed, which had simplified the form of and shape of the structure and he felt that the alterations, particularly the removal of the low level glazing would result in privacy to neighbours.

The proposal had been scaled down and simplified in order to address the Planning Officer's comments and after several discussions, the scheme presented here was arrived at.

He concurred with the officer's report and considered that the proposal was in keeping with the surrounding properties and would not result in any loss of amenity to neighbours or church goers alike.

The generous separation and setback from the neighbour's house, roads and church building allowed this large extension to be comfortably accommodated in this location and his client hoped to improve the appearance of the house by using high quality contemporary external finishes that would blend in well with the varied mix of buildings and styles in the vicinity.

Mr Speakman concluded by thanking the Planning Officer for her positive assistance in the discussions and for her support of this amended application.

Following some questions and answers, the Chairman thanked Mr Speakman for his presentation.

Members commented that this was a positive proposal that changed a 1960's house into a property that looked somewhat different.

It was proposed and seconded that the application be granted planning permission and it was

RESOLVED: That planning application 17/00135/1HH be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

12 17/00553/1 - BURY FARM HOUSE, BURY LANE, CODICOTE, HITCHIN

Erection of three x 4 bedroom dwellings with associated garages and parking spaces, widening of existing vehicular access onto Bury Lane and ancillary works following demolition of existing barn and stables.

The Area Planning Officer advised that there were two updates to the reports as follows:

1. Amended plans had been received on 10 May 2017. It was therefore recommended that the description of the development be amended to include the words:

“as amended by drawing numbers 422A, 425A, 426A, 427A, 428A and 429A received on 10 May 2017.”

The amendments were largely cosmetic but did improve the overall appearance of the dwellings in this rural location and included:

- Increased use of feather boarding on north east elevation;
- Reduced size of two dormer windows and another two replaced with roof lights;
- Reduced size and extent of glazed doors;
- Bat boxes and bat tiles shown clearly on plans.

2. Hertfordshire County Council Fire & Rescue Service had requested a condition requiring details of fire hydrants or other measures to protect the development from fire.

This condition was considered reasonable given the location of the development from Bury Lane and it was recommended that this condition be attached if permission is granted.

The Area Planning Officer presented the report of the Development and Conservation Manager, supported by a visual presentation.

Parish Councillor Helena Gregory (Codicote Parish Council) addressed the Committee in objection to application 17/00553/1.

Parish Councillor Gregory thanked the Chairman for the opportunity to address the Committee and informed the Committee that Codicote Parish Council simply could not support, or agree with the recommendations in the report.

The application did not meet the criteria for acceptable development within the green belt and the proposed dwellings would have a significantly greater impact than the existing structures.

She doubted that the Planning Officer had satisfactorily familiarised themselves with the site, as throughout the report the location of the area of land and how it sat in relation to adjacent properties, had consistently been consistently misrepresented,

The report stated that open countryside lay to the west of the site and that a large timber building and grazing land lay to the west, In fact this site lay on the north eastern fringe of the village, so the open countryside was to the east of the site and the Bury and Bury Farmhouse lay to the west and south west of the site These mistakes were repeated elsewhere in the report, which led to the conclusion that adequate research had been wanting.

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The Area Planning Officer advised that the development would have no greater impact on the openness of the Green Belt than existing building, however the site was mainly viewed from the footpaths that traversed the field towards Rabley Heath and the existing barn, albeit a functional timber and concrete structure, was built at an angle that did not intrude unnecessarily on the landscape. The proposed residential dwellings intruded further into current grazing pasture and were in a horseshoe formation, the main expanse of which would be viewed from the open countryside, the gardens, enclosed by paddock fencing and indigenous hedging would also impinge on the current open agricultural aspect. The impact of this development would be significant.

The Area Planning Officer also highlighted that there was some ambiguity within the NPPF in regard to the use of the phrase "land that has been occupied by agricultural buildings", this had been interpreted in a manner to support the recommendation for approval by stating in the report "it would not be unreasonable to view this building as an industrial building, rather than an agricultural building" however the current building differed very little in appearance from its original design and was, in essence, a barn.

The Parish of Codicote may soon be hugely affected by the proposals contained in the emerging Local Plan and the Parish Council had been liaising with residents very closely over the last three years and they were clear that there should be no further development in the Green Belt.

Parish Councillor Gregory concluded by asking Members to think carefully about the implications of the decision regarding this site as it may have far reaching consequences for other sites in a Parish which was already struggling to understand how to accommodate the Local Plan proposals.

The Chairman thanked Parish Councillor Gregory for her presentation.

District Councillor Jane Gray addressed the Committee as a Member Advocate in objection to application 17/00553/1

Councillor Gray thanked the Chairman for the opportunity to address the Committee and advised that she was the Ward Members for Codicote and there was really only one very simple point. It's the Green Belt.

She advised Members that she wished to support and repeat the points of objection raised by Codicote Parish Council and by the Johnson Housing Trust.

It was worth mentioning that the other consultee responses referred to in the officer's report were not consultees that one would usually expect to give any consideration to Green Belt issues and so the fact that they have not done so was neither surprising nor relevant.

This site was and will remain in the Green Belt whatever the outcome of the current local plan process.

The report stated that, the basic tenet in such applications was that inappropriate development in the Green Belt was by definition harmful to the Green Belt and should not be approved except in very special circumstances.

The construction of new buildings in the Green Belt was inappropriate development and no-one was suggesting, in this case that there were any very special circumstances and very obviously they would be wrong to do so.

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At a time when this council had placed Codicote and one or two other vulnerable villages directly in the firing line of the development threatened by the draft Local Plan and in our Green Belt, we should be now very much erring on the side of caution when deliberating over the grant of any other development in the Green Belt, especially when, as here, it was bang up against the edge of the built village and therefore at a point where the Green Belt was, and will be, most particularly supposed to provide a strong and clear defence to building sprawl and we should be extremely hesitant before erring on the pro-development side even where, as the officer suggests, in my view wrongly, there is an ambiguity in the wording of the NPPF.

There was a strong prima facie Green Belt defence here so that the basic position, the starting point and the finishing point, was that that the development was in Green Belt, the proposed development was inappropriate and there were no extenuating very special circumstances and neither, in this case most importantly, was there any NPPF brownfield exemption.

The report stated that there was the possibility of an exception under Paragraph 89 of the NPPF as this is effectively a brownfield site and therefore falls within this Green Belt development exception and did not fall foul of the exception as being excluded from it for having been land that has been occupied by agricultural buildings.

The all-important words here were "has been", this land has been occupied by agricultural buildings in that the barn itself was previously in agricultural use. So, the NPPF exception had its own exceptions and it is as plain as a pikestaff that this case fell within the exception to the exception because the land in question "is or has been occupied by agricultural buildings."

The officer sought, at paragraph 4.3.5 of the report, to persuade us that there was some ambiguity in the wording "is or has been occupied by agricultural buildings" by stating that it is not clear whether the definition referred to land which does now or once had an agricultural building but it is no longer there, an agricultural building, whether it is still used or no longer in use, meaning vacant, or whether it referred to an agricultural use of the building on the land at any time.

This was unnecessarily meant to confuse and obfuscate what is really quite simple, given that there was no question that the site we are talking about did once have an agricultural purpose and hosted the agricultural barn, albeit not in very recent years.

The report continued to state that "in these circumstances and for the purpose of interpreting the definition of previously developed land, it would not be unreasonable to view this building as an industrial building, rather than an agricultural building. Whilst there is some ambiguity, there is a fair and reasonable argument to support the site as fitting the description of previously developed land."

Councillor Gray informed Members that, whilst she would agree that this land had previously been developed, she could not agree with the officer's view that there was any ambiguity in the wording of this section of the NPPF nor that the interpretation of it was fair and reasonable.

This building was once agricultural, but in recent years had been used for light industrial purposes. Therefore, whilst it was not currently an agricultural building, it had been an agricultural building and there was no other way of interpreting the text of the NPPF other than to say that the site in question falls foul of the Brownfield site exemption by virtue of the fact that it is excluded from the exemption because it has been occupied as an agricultural building..

If Members allowed the brownfield site to stand as a viable mechanism for getting around the shield of the Green Belt in this case, it effectively meant that this Council was happy to allow the use of a loophole in the NPPF, which wasn't the intention.

The Chairman thanked Councillor Gray for her presentation.

Mr Al Morrow (Applicant's Agent) addressed the Committee in support of application 17/00553/1.

Mr Morrow thanked the Chairman for the opportunity to address the Committee and informed the Committee that the proposal was to demolish an existing industrial building and stable in order to allow the construction of three cottages, arranged in a U shape to create the character of a converted farmyard. The existing slab-sided asbestos building would be replaced with buildings of a pleasant domestic scale, constructed of natural materials such as wood, brick and slate.

The site was located just outside the village boundary and in the Green Belt and was Previously Developed Land, as defined in the National Planning Policy Framework. Under current policy, redevelopment of sites such as this could be acceptable in the Green Belt as long as the impact on the openness of the Green Belt was no worse than the existing development.

The proposal had a positive impact on the openness of the Green Belt for the following reasons:

- The volume of the buildings on the site would be reduced by 40 percent;
- The footprint of the buildings on the site would be reduced by 41 percent;
- The overall height of the buildings would be reduced by 1.2 metres;
- 600 square meters of concrete hard standing would be removed
- A large, monolithic building would be replaced with three modestly proportioned cottages'
- The scheme would open up views through the site into the surrounding open countryside, particularly from the Bury.

The proposal would enhance the character and appearance of the area by reducing the height and bulk of the buildings on the site and replacing an unattractive industrial style building with three well designed cottages that reflected their rural setting.

The scheme would also have a positive impact on the setting of The Bury, a listed building, by reducing the height and bulk of buildings on the site and by moving them further away from the boundary.

The site formed part of the village and was in a sustainable location, which would allow residents to access local facilities on foot if they wished to. A primary school, nursery school, butchers, convenience shop, post office, two public houses and community and sports centre were all within walking distance of the site.

This scheme would contribute towards the Council's supply of housing by redeveloping a site which already had buildings on it.

Mr Morrow concluded by addressing the points raised by the points raised by other speakers by made the following observations:

- In his view this was an industrial building that had been given planning permission as an industrial building and was in use for industrial purposes and therefore was classified as previously developed land;
- In respect of impact on the Green Belt, this was a well designed scheme that would reduce the impact of the existing large monolithic building;
- The Committee was asked to consider this application on its merits, not on the backdrop of wider housing allocations issues.

The Chairman thanked Mr Morrow for his presentation.

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The Area Planning Officer advised Members that, as with planning matters generally, there was always the matter of interpretation of planning policy. In this case the existing building had been used as an industrial building for over 30 years.

Members needed to consider whether this development had a greater impact on the Green Belt than the existing structure, and the report made clear that there would be a substantial reduction in the floor space and bulk of this proposal than that of the existing building, thereby improving the openness of the Green Belt.

This was a high quality development that would be visually more pleasing when viewed from adjoining footpaths, which would potentially generate less traffic than the existing building being used for industrial purposes.

Members asked for clarification regarding the claimed inaccuracies in the report and asked whether the existing building was still being used for industrial purposes.

The Area Planning Officer advised that Members had seen a visual presentation that showed clearly where the development would be sited and its relationship to the existing settlement. The development site was flanked on two sides by residential properties and was within the village boundary.

In respect of the existing building, this was currently being used for storage of machinery and equipment.

A Member expressed concern about applications being received to develop active employment sites for residential purposes.

Although there was some sympathy for the views of the Parish Council regarding extending into the Green Belt it was proposed and seconded that the application be granted planning permission.

RESOLVED: That planning application 17/00553/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager and the additional Condition 18 below:

Condition 18

“No development shall take place until details of fire hydrants or other measures to protect the development from fire have been submitted to and approved in writing by the Local Planning Authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details.

Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.”

13 17/00264/1 - TALLY HO, LONDON ROAD, BARKWAY, ROYSTON

Reserved matters application for approval of appearance and landscaping for outline planning application 15/01724/1 granted 27.8.15. for one x 4 bedroom detached dwelling.

The Planning Officer advised that this was a reserved matters application for one detached four bedroomed dwelling for which the matters of layout, scale and access had been determined in the outline application. The reserved matters for this application were regarding landscaping and appearance.

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The Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation.

Parish Councillor Dr Bob Davidson (Barkway Parish Council) addressed the Committee in objection to application 17/00264/1.

Parish Councillor Davidson thanked the Chairman for the opportunity to address the Committee and informed Members that the application was originally presented to Barkway Parish Council as a four bedroomed residence which was a necessity for the current owners of the Tally Ho in order to help them manage the business. As soon as permission was granted this was turned over to developers and the owners continued to manage the pub from afar.

The Parish Council originally supported the application for those reasons but, whilst this was not a planning consideration, had they been aware of what would happen, they would have changed their recommendations for the original planning application.

The Parish Council was concerned about the proximity of the sewerage farm and the poultry farm, which were within 200 metres of the site.

As the dwelling would not be related to the Pub, this could become problematic to the residents.

Parking continued to be a concern for residents and road users, particularly with cars parking on the perimeter of the site, with the police being called on numerous occasions to address dangerous parking.

The owners of the pub had assured them that, if they were granted planning permission, they would be able to manage parking on the site, but this would no longer seem to be the case.

The entrance to the site was regularly used as a parking place, with cars parking in the areas to the north and south of the site, on a restricted section of the road that regularly suffered from excessive traffic speeds in both directions past the junction and the pub.

The application met the minimum standards for parking, but this was not enough for a four bedroomed house in this location in a village.

It was a worry that any family living in the proposed property would face problems from noise from the public house and this may risk the viability of the business, which was the only public house left in the village.

Parish Councillor Davidson concluded by summarising the objections as follows:

- The inappropriate positioning of the property facing onto the pub;
- The exacerbation of parking problems in and around the public house;
- The additional problems relating to the creation of a new entrance;
- The public health risks of the proximity of the poultry farm and sewerage works as well as the noise from the adjoining public house;

He requested that, based on the intimate knowledge of the business and the area, the planning application be refused.

The Chairman thanked Parish Councillor Dr Davidson for his presentation.

Surely NHDC had a duty of care to children in ensuring that they could get a good nights sleep.

Had the house faced the road, as do most houses in the village, this would largely mitigate the problem.

The house would be located 200 metres from both Barkway Sewerage Treatment Plant and a large commercial poultry unit. Environmentally, this must surely be unacceptable.

Anglian Water Services Ltd, who operated the treatment plant, produced a document for NHDC which stated that it was particularly important on the sewerage side to ensure that use of land within 400 metres of works was carefully controlled and that inappropriate development was not allowed to proceed. It further stated that there should be a Cordon Sanitaire 400 metres from the boundary of any proposed waste water treatment works.

The owner of the poultry unit had provided Government documentary evidence that his business should not be within 400 metres of a dwelling house and stated "Development was not permitted of any building to be used with accommodation of livestock would be within 400 metres of the curtilage."

This works both ways, his poultry unit should not be with 400m metres of a new property and vice versa.

Paragraph 70 of the NPPF stated "Guard against the unnecessary loss of valued facilities and services and that they are retained for the benefit of the community". In other words, don't jeopardise the future of the only pub in the village.

Paragraph 120 of the NPPF stated "to prevent unacceptable risks from pollution, planning policies and decisions should ensure that new development is appropriate for its location, the effects including cumulative effects) of pollution on health."

Paragraph 123 of the NPPF stated "Avoid noise from giving rise to significant impacts on health and quality of life as a result of new development"

There were houses within the Cordon Sanitaire, but they were built prior to the current legislation.

Surprisingly the owner of the poultry unit was not consulted or informed about this application despite his business being in a very sensitive location and he was extremely concerned that this house could jeopardise his business.

In 2015 there was an application for several houses within the Cordon Sanitaire and the North Herts Planning Policy department said that the site was discounted on advice from Environmental Health, who had concerns regarding the odour from the poultry unit, the application was withdrawn.

Councillor Morris concluded by stating that the proposed house had the potential to jeopardize the future of the only pub in the village and cumulatively have a detrimental effect on the Poultry unit.

He asked the Committee to refuse permission.

Following some questions and answers, the Chairman thanked Councillor Morris for his presentation.

Mr Dominic Padalino (Applicant's Agent) addressed the Committee in support of application 16/02915/1

Mr Padalino thanked the Chairman for the opportunity to address the Committee and reminded Members that this was a reserved matters application for a new dwelling for which outline planning permission was granted in 2015.

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The principle of a dwelling was granted along with the siting and access. The reserved matters application was to resolve all other matters such as external design and layout.

The principle of development was established and agreed by the planning department and he had worked closely with the department to ensure that the external designs were in keeping with the locality and were sympathetic to the existing development.

The materials chosen were slate tiles, rendered brick walls and new chimney stacks to create a visual break.

The Parish Council's objections were contrary to a previous application that suggested that the public house would retain the house for their own use. The fact remained that an approval for the dwelling was not restricted to the use of the pub owners and the pub owners decided to sell the building plot.

The Parish Council raised concerns regarding the removal of a willow tree, this tree had to be removed as it was within the footprint of the dwelling and no permission was required as the site did not lie within a conservation area,

The new design and the orientation of the dwelling did not cause harm to the new owners as there was sufficient space between the front garden and the pub.

Mr Padalino concluded by stating that all of the requests made by the planning department had been met and asked that the application be granted approval.

Following some questions and answers, the Chairman thanked Mr Padolino for his presentation.

Members asked for clarification regarding the how the outline planning permission was granted when there seemed to be serious concerns regarding the proximity of the poultry farm and sewerage works.

The Planning Officer advised that Environmental Health had not raised any objections regarding this at the time,

Members acknowledged the concerns regarding the poultry farm and the sewerage work as well as the parking and speeding issues in the area and felt that the orientation of the building did not fit in with the area, but this was all part of an outline planning permission that had been agreed without these issues being raised.

Members queried whether negotiation regarding the orientation of the house could form a condition of any approval of reserved matters.

The Development and Conservation Manager advised that the layout was approved as part of the outline permission and the layout clearly showed the orientation of the house as facing the pub. The appearance to yet to be agreed was about the external finish and the fenestration and therefore there could not be a condition requiring it to be re-oriented.

It was proposed and seconded that the application be granted planning permission.

RESOLVED: That planning application 17/00264/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

14 16/03082/1 - TALLY HO, LONDON ROAD, BARKWAY, ROYSTON

Two 3-bedroom semi detached dwellings with associated parking and access off High Street (as amended by plans received on 07/02/2017).

The Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation.

The Planning Officer advised that there was one update to the report in that she had consulted Anglian Water regarding the application and had received the following response:

“The Developer Services Pre-Development team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha. As your query is below this threshold we will not be providing comments.”

Parish Councillor Dr Bob Davidson (Barkway Parish Council) addressed the Committee in objection to application 16/03082/1

Parish Councillor Dr Davidson thanked the Chairman for the opportunity to address the Committee and referred Members to the presentation he made earlier regarding application 17/00264/1 (Minute 13 refers) and stated that all of the issues raised during that presentation applied to this application.

In addition, car parking issues relating to this application would be more of an issue as this application was for two three bedroomed dwellings with the potential for six vehicles, which would be over spilling onto a section of road that caused great concern.

The properties would be facing onto the pub, which would detract from the character of the village where properties generally faced the road.

The concerns remained, as with the previous application, regarding the dwellings being within 400 metres of the sewerage works and the poultry farm.

The Chairman thanked Parish Councillor Dr Davidson for his presentation.

District Councillor Gerald Morris addressed the Committee as a Member Advocate in objection to application 16/03082/1.

Councillor Morris thanked the Chairman for the opportunity to address the Committee and advised that the application to build two houses on this site would have the same negative effect on the pub's future as the previous application (Minute 13 refers).

Similarly the site remained only 200 metres from the sewerage plant and the poultry farm with the same comments and concerns he had made regarding application 17/00264/1. However having two houses on the plot would likely double the likelihood of environmental health problems.

Two Houses would likely mean more children living in a house facing a pub and its car park and if these house were built facing the road, this could mitigate the issue of noise from the pub and would be in keeping with most houses in the village.

As with the previous application, the owner of the poultry farm was not informed of or consulted regarding this application.

The poultry farm was located in a sensitive location and the owner was very concerned that even more cumulatively, this proposal for two houses could jeopardise his business. The potential problems for his business were increased with more houses.

Councillor Morris reminded the Committee that there had been a previous application for a development nearby which the NHDC Planning Policy Department said that the application was discounted on advice of Environmental Health who had concerns regarding the odour from the poultry unit and the application was withdrawn

Councillor Morris concluded by stating that two houses had the potential to doubly jeopardise the future of the only pub in the village and cumulatively to have a detrimental effect on the poultry unit and these problems were completely avoidable.

He asked the Committee to refuse the application.

The Chairman thanked Councillor Morris for his presentation.

Mr Dominic Padalino (Applicant's Agent) addressed the Committee in support of application 16/03082/1

Mr Padalino thanked the Chairman for the opportunity to address the Committee and informed the Committee that this application simply proposed to sub-divide the approved house into two dwellings on the same plot and footprint.

This application had come from discussions with the applicant and with a local agent with respect to market forces and the need for smaller houses in the village of Barkway, which were within the price range for young professionals.

There was a need for young families to move into the village and smaller houses would be more appealing to a wider range of house buyer including young families and local residents.

There seemed to be a pattern in villages, of people buying houses to retire into and then these houses were passed on through the generations.

Mr Padalino concluded by stating that this was a rare opportunity to create two smaller dwellings for young families and advised that he had worked closely with the Planning Department to make the necessary changes to the application that was sympathetic with the street scene. He asked that the Committee grant planning permission.

Following some questions and answers, the Chairman thanked Mr Padalino for his presentation.

The Planning Officer advised that none of the consultees had any objection to the application.

Members expressed concern regarding the lack of information about potential effect on the business of the poultry farm and the orientation of the houses on the plot and queried whether the application could be deferred in order to challenge Environmental Health about these issues and speak to the developer about re-orientation.

A Member queried whether the only ground for refusal was that two houses were not acceptable whereas one house was.

The Development and Conservation Manager informed Members that they were within their rights to defer the application in order to seek further clarification.

He was concerned that the information given by Councillor Morris regarding agricultural permitted development was being considered as a reason to not grant permission for a dwelling.

In respect of the sewerage treatment works there was no guidance as Anglian Water were not prepared to comment on applications of less than 10 dwellings.

The Committee could defer the application and ask Anglian Water for more guidance, but it would be difficult to argue for refusal when there was already permission for one additional dwelling.

Thursday, 25th May, 2017

The Development and Conservation Manager reminded Members that the statutory expiry date for the application was 1 June 2017 and if the Committee were minded to defer the application, the applicant would be asked if he would be prepared to extend that date,

Members commented that each application must be considered on its merits and new information had been presented in regard to this application that had to be investigated to ensure that the right decision was made.

Members queried whether it was conceivable that families could move into the proposed houses and then complained about noise from the pub and/or the smell from the poultry farm and these businesses ended up closing.

The Development and Conservation Manager advised that that scenario was not inconceivable and the Committee should consider the sustainability of neighbouring businesses when granting permission for houses. However one house had been granted permission and this application was for one additional house in the same location and it would be difficult to justify refusal.

A Member commented that this was a new application and she was of the opinion that it was not in keeping with the area, whether it was one or two houses being discussed.

It was proposed and seconded that the application be deferred to undertake further investigations regarding the issues raised and

RESOLVED: That, the determination of planning application 16/03082/1 be **DEFERRED**, to enable the following:

- (1) To ask Anglian Water for more guidance in respect of the sewerage treatment plant;
- (2) To challenge Environmental Health advice regarding noise emanating from the public health and odours from the poultry farm and sewerage treatment works;
- (3) To ask the applicant to consider the re-orientation of the proposed houses to face the road.

15 17/00743/1 - LAND AT STOTFOLD ROAD, HITCHIN

Confirmation that there is no class of development appropriate for the land unless acquired by Network Rail Infrastructure Ltd.

The Area Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation.

In response to questions he advised that the certificate considered the current situation and that this related to a compensation issue.

RESOLVED: That, in respect of application 17/00743/1, a certificate of Appropriate Alternative Development be **GRANTED**.

16 PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals. He advised that, since the last meeting of the Committee, three planning appeals had been lodged and two planning appeal decisions had been received, all as detailed in the report.

RESOLVED: That the report on Planning Appeals be noted.

The meeting closed at 0.30 am

Chairman

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<u>Location:</u>	Tally Ho, London Road, Barkway, Royston, SG8 8EX
<u>Applicant:</u>	Harvey Developments Cheshunt Ltd
<u>Proposal:</u>	Two 3-bedroom semi detached dwellings with associated parking and access off High Street (as amended by plans received on 07/02/2017)
<u>Ref. No:</u>	16/03082/ 1
<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period: 01 February 2017

Reason for delay

Application was deferred by the May committee meeting to reconsult with Anglian Water and Environmental Health. Statutory period of the application agreed by applicant to 4 August 2017.

Reason for Referral to Committee

Councillor call-in in the public interest following objections raised by the Parish Council.

1.0 Relevant History

- 1.1 **15/01724/1** Outline application for one detached four bed dwelling (appearance and landscaping reserved) **CONDITIONAL OUTLINE PERMISSION GRANTED 27/08/2015**
- 1.2 **17/00264/1** Reserved matters application for approval of appearance and landscaping for outline application 15/01724/1 granted 27/08/2015 for one 4 bed house. **GRANTED AT MAY COMMITTEE**

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

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

2.2 National Planning Policy Framework:

Paragraph 14 - Presumption in Favour of Sustainable Development
Paragraph 17 - Core Planning Principles
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design

2.3 **Supplementary Planning Guidance:**
Vehicle Parking Provision at New Development (revised November 2011)

Design SPD

2.4 **North Hertfordshire Draft Local Plan 2011-2031**

SP8 Housing
SP9 - Design and sustainability
CGB1 Rural Areas Beyond the Greenbelt
T2 Parking
D1 Sustainable Design
D3 Protecting Living Conditions

3.0 Representations

- 3.1 **Environmental Health** – No objection
- 3.2 **Anglian Water** – No comment - Under 10 Dwellings
- 3.3 **Thames Water** – No comment

4.0 Planning Considerations

4.1 **Site & Surroundings**

- 4.1.1 The application site is located on the southern edge of the village of Barkway on the road south before the Nuthampstead turn and was previously the Tally Ho's beer garden. The site is on the edge of the conservation area.
- 4.1.2 This site was sold after the outline application was approved and is not in ownership of the Tally-Ho pub.

4.2 **Proposal**

- 4.2.1 This application seeks permission to develop the former beer garden of the Tally Ho Public House for two three bed semi-detached dwellings.
- 4.2.2 The new semi-detached dwellings have a footprint of 12 m x 9 m and an approximate ridge height of 8.5 m has been shown on the amended plans.
- 4.2.3 A shared access is proposed on the western boundary adjacent the pub car park. Four car parking spaces have been marked out in front of each of the dwellings.
- 4.2.4 The dwellings are located 7 metres from the highway and orientated east to west with the front elevation mirroring the Tally Ho. The dwellings are set 30 metres from the southern elevation of the Tally-Ho pub with the pub car park in between the pub and the proposed dwellings. The dwellings have rear garden areas of over 100 square metres.

4.3 Key Issues

4.3.1 I have appended the **previous report for this application as appendix 1**, which was presented to the meeting of the Planning Control Committee held on 25 May 2017. Following the request to seek further consultation with statutory consultees the key issues in the consideration of this application, in the light of the above policies, are dealt with under the following headings:

- Permitted Development rights - Agricultural
- Sewerage Treatment Works
- Environmental Health - Noise and smell of nearby chicken farm

Permitted Development - Agricultural

4.3.2 Concerns were raised by the Parish Council and Cllr Morris at the Committee meeting in regards to permitted Development rights in relation to the proximity of the Poultry Farm to the application site.

4.3.3 I would like to clear up the confusion in regards to agricultural permitted development rights. As stated in Part 6 – *Agricultural and forestry* of the Town and Country Planning (General Permitted Development) (England) Order 2015, *Class B – agricultural development on units of less than 5 hectares* states that development is **NOT** permitted if

“it would consist of, or involve, the carrying out of any works to a building or structure used to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or structure is within 400 metres of the curtilage of a protected building.”

4.3.4 (A Protected building has been defined within the Order (page 67) meaning “*any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but not include*

a) a building within agricultural unit, or

b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture.”)

4.3.5 Therefore the Permitted Development Order **does not** state that a dwellinghouse is not deemed acceptable within 400 metres of an existing livestock agricultural use but that planning permission would be required if any development involving livestock within 400 metres of a dwellinghouse were proposed. The purpose of this regulation is to ensure that normal agricultural permitted rights to apply for the construction of new farm buildings for the purposes of housing livestock, slurry or sewage, if they are to be sited within 400m of a dwelling(s). This means that in all such cases planning permission will be required from the local planning authority. The fact that planning permission is required does not mean there is an embargo against such development, it merely means that planning permission is necessary. For the purposes of this planning application which is for new residential development within 400m of an existing poultry unit the regulation itself has no relevance.

Sewerage Treatment Works – Cordon Sanitaire

4.3.6 The Sewerage Treatment Works is located to the east of the application site approximately 300 metres from the site. I re-consulted Anglian Water and Thames Water requesting whether comment could be made following the concerns raised

by Cllr Morris at the May Committee meeting and the response was that because the development was under 10 dwellings no comment would be made.

- 4.3.7 Due to the proximity of the sewerage treatment works to existing dwellings which are closer to the Works (less than 100 metres) than the proposed dwellings it is my opinion that this would not be a substantial reason for refusal.

Environmental Health

- 4.3.8 Following the May Committee, Environmental Health were re-consulted in regards to the potential issues of the existing poultry Farm could have on the residential development.

- 4.3.9 The Poultry farm is approximately 200 metres from the application site. There are a number of existing dwellings within a 200 metre radius of the farm, namely those within Townsend Close and a number along Ash Mill and London Road some as close as 50 metres.

- 4.3.10 The Environmental Health Officer considers that ***“odour will not adversely affect the future residents. With regard to noise, the Poultry Farm is approximately 200 metres from the proposed development, with several residential properties closer to the Farm. Given the distance involved and the absence of noise complaints from existing residents, I do not consider that noise from the Farm will adversely affect the future residents at the proposed Tally Ho development”***

4.4 Conclusion

- 4.4.1 Following the decision of deferral by Members, no objections were received from the statutory consultees therefore as concluded in the original committee report the proposed scheme is acceptable in principle, would not have any adverse impact on the streetscene, neighbouring properties, parking and highways. The proposal is outside a settlement but in a location where it would not conflict with the aims of the current Local Plan or the NPPF, which seeks to protect the countryside outside of identified settlements from speculative and harmful development. The development in my view would not assert such significant harm to the rural area to justify or sustain a reason for refusal. I have therefore framed a favourable recommendation accordingly.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class (es) A-F of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

4. The development hereby permitted shall not be brought into use until the proposed access has been constructed and the verge has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

5. The gradient of the access shall not be steeper than 1 in 20 for at least the first 5 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven of and on to the highway.

6. The access shall be not more than 4.5 metres wide.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

7. The access shall be constructed in a hard surfacing material for the first 5.0 metres from the back edge of the footway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

8. The turning area as shown on the approved drawing shall be provided, marked out and adequately surfaced and ready for use and shall be retained in that form and kept available for the purposes of the development and maintained thereafter.

Reason: To ensure the development makes adequate provision for the manoeuvring of vehicles likely to be associated with its use.

9. Prior to occupation, the residential property shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

10. Notwithstanding the approved plans, a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority before development commences and the approved details shall be implemented on site. The landscape scheme shall include the following :

- a) which, if any, of the existing vegetation is to be removed and which is to be retained

- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

- c) the location and type of any new walls, fences or other means of enclosure, and any hardscaping proposed

- d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

11. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

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

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

HIGHWAY INFORMATIVE:

HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Construction standards for works within the highway:

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority to ensure the satisfactory completion of the access and associated road improvements.

The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

Informative

EV Charging Point Specification:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- A separate dedicated circuit protected by an RBCO should be

provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF).
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

Informative:

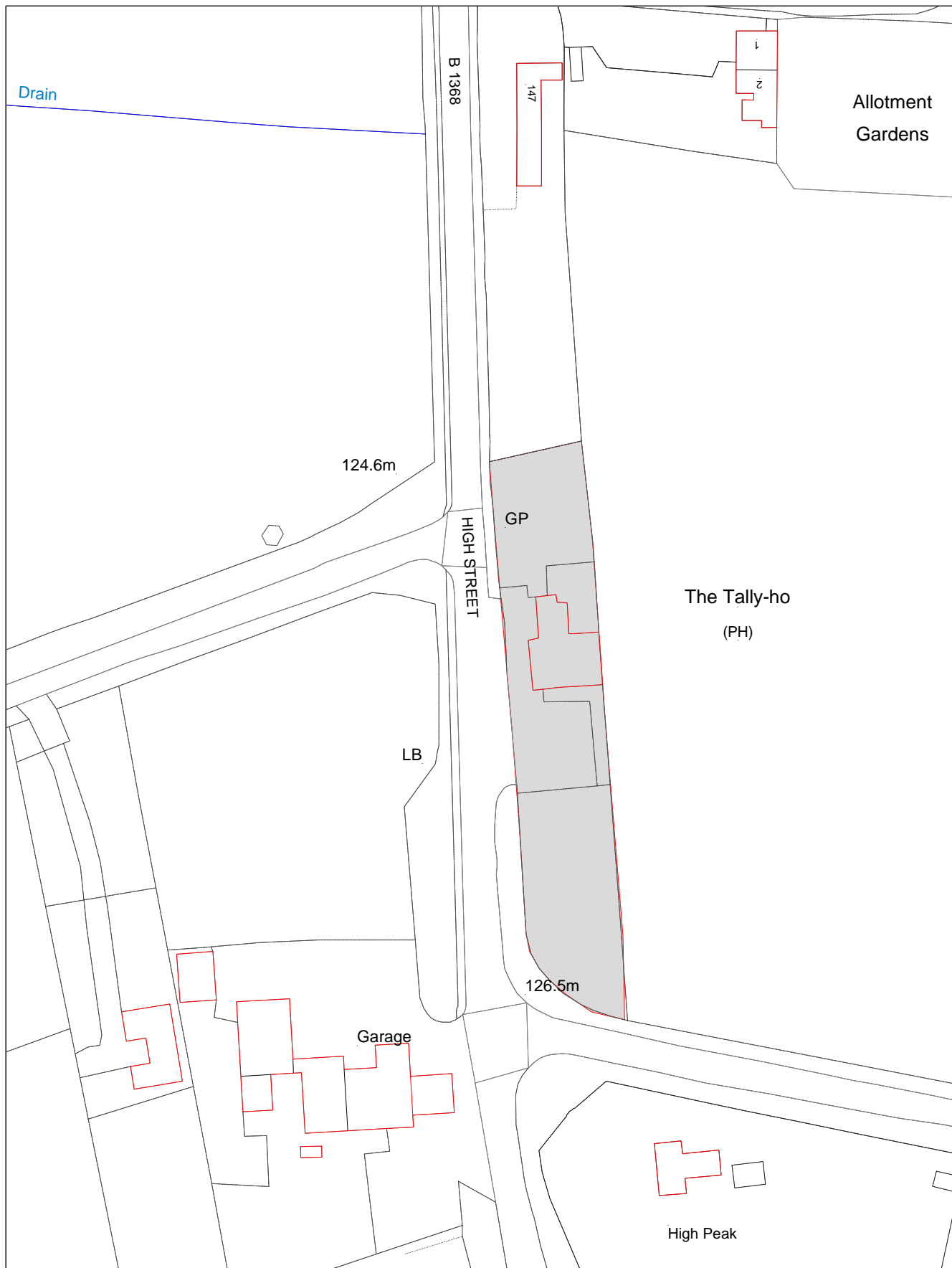
Where a development is proposed, it is the developer who is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. Therefore, if during development of the site any ground contamination is encountered it shall be brought to the attention of the Local Planning Authority as soon as practically possible so that a scheme to render the contamination harmless can be agreed.

Informative - Ecology

The removal of trees & shrubs should be avoided during the **bird** breeding season (March to September inclusive.) If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.

Existing trees (including the roots and overhanging branches) that are remaining on (or adjacent to the) site should be protected from damage. Protection barriers and/or a no-dig policy may be required and advice should be sought from an Arboriculturist.

Soft landscaping - new trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife; and night flowering plants to attract insects and increase foraging opportunities for bats. The planting of ash (*Fraxinus excelsior*) should be avoided due to the serious Ash dieback disease that is killing ash across Europe, and thus the subsequent ban on the movement of ash planting stock. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.



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ITEM NO: 10	Location:	Tally Ho, London Road, Barkway, Royston, SG8 8EX
	Applicant:	Harvey Developments Cheshunt Ltd
	Proposal:	Two 3-bedroom semi detached dwellings with associated parking and access off High Street(as amended by plans received on 07/02/2017)
	Ref.No:	16/03082/ 1
	Officer:	Melissa Tyler

Date of expiry of statutory period : 01 February 2017

Reason for delay

Extension of time agreed to the 1 June to allow for May committee.

Reason for Referral to Committee

Councillor call-in in the public interest following objections raised by the Parish Council.

1.0 Relevant History

- 1.1 **15/01724/1** Outline application for one detached four bed dwelling (appearance and landscaping reserved) **CONDITIONAL OUTLINE PERMISSION GRANTED 27/08/2015**
- 1.2 **17/00264/1** Reserved matters application for approval of appearance and landscaping for outline application 15/01724/1 granted 27/08/2015 for one 4 bed house. **APPLICATION YET TO BE DETERMINED**

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

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

National Planning Policy Framework:

- 2.2 Paragraph 14 - Presumption in Favour of Sustainable Development
- Paragraph 17 - Core Planning Principles
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring good design

2.3 Supplementary Planning Guidance:

Vehicle Parking Provision at New Development (revised November 2011)

Design SPD

2.4 North Hertfordshire Draft Local Plan 2011-2031

SP8 Housing
 SP9 - Design and sustainability
 CGB1 Rural Areas Beyond the Green Belt

3.0 Representations

- 3.1 **Barkway Parish Council** – *The Parish Council still believes that 2 x 3 bedroom properties on this site is not appropriate. The site does not allow for sufficient car parking. The Council understands from the applicants that 2 spaces per house is acceptable as far as planning requirements are concerned. However, in this particular situation, it is clearly not enough. With very limited public transport available in Barkway most adults have to drive to access employment and services. It is likely that each household on this site would have at least 3 cars. In addition to this there is no provision for visitor parking. As the site is next door to a busy pub with a limited pub car park, the road and verges outside are commonly parked up with the pub customer's cars, so additional parking on the Highway for these properties would be difficult and hazardous as it is close to the junction with the Nuthampstead Road. This stretch of road is also well known for vehicles exceeding speed limits as they head in or out of the village. Vehicular access to and from this site will be dangerous as pub customers use the verges either side of the proposed access splay to park close to the pub and this limits visibility. The Council asked the applicants if they had witnessed the parking issues in the area when the pub was busy. They had not. It was suggested that they should check out the site on a Thursday or Friday night or at lunch times when walking groups are meeting and see the situation for themselves. It should be noted that the parking is so hazardous there at times that residents nearby have asked the Police to get involved. PCSO Chris Brabrook who was also present at the Council meeting confirmed this in his Police report.*

In addition the Council wishes to object to the fact that the proposed properties would face the pub car park and that would surely lead to environmental health issues for the residents? As the pub already exists, is it appropriate that these houses face on to and would be so close to the pub? Would a pub be allowed to be built so close to the houses if the situation was the other way around? If the residents became unhappy with the activities of the pub then it could jeopardise the viability of the pub, which incidentally is the only pub left in Barkway now. The NPPF states that any development which may have a negative affect on employment should be refused.

The Parish Council also wishes to object on the grounds that the proposed height of the building is substantially higher than the neighbouring Tally Ho pub and so would not look in keeping. It is also to be noted that most properties face on to the road, the proposed dwellings would be side on to the road and would therefore not be in character with the rest of the village.

The Parish Council would request that should you wish to approve this application, that in the public interest, this application be put before the Planning Committee.

- 3.2 **Hertfordshire Highways** – *Hertfordshire County Council as Highway Authority has considered that the proposal is of a small scale development consequently the proposal would not significantly increase the traffic generation to the area and have an unreasonable impact on the safety and operation of the adjoining highway and has no objections on highway grounds to the application subject to the inclusion of the above planning conditions and informative.*

3.3 **Environmental Health – Contaminated Land**

The information submitted and the limited information available within the EP Team files indicates a low likelihood of environmental risk from ground contamination. For this reason there is no requirement for a specific land contamination condition to be included on any planning permission. However, the applicant should be informed of the included informative.

3.4 **Environmental Health – Noise**

I am of the opinion that the proposed site layout and floor plans detailed in the application offer the best option in terms of reducing the likelihood of complaints about noise from the Tally Ho Public House. The site already has benefit of planning permission for one dwelling. The orientation of the buildings provides separation from the Public House, with the front of the properties laid to hardstanding/car parking. The rear garden amenity areas are sheltered by the dwellings, which will assist with noise mitigation during daylight hours when these areas will be in use. The smaller bedrooms are to the rear of the houses. The main bedrooms face the Public House, but as the premises closes at 23.00hrs, noise will not affect sleep core hours of 23.00hrs to 07.00hrs. Standard double glazing will provide noise mitigation to the living rooms and main bedrooms. To summarise, whilst some noise will be generated by the Public House and its patrons, I do not consider that a noise assessment is required.

3.5 **Hertfordshire Ecology** – *Due to the nature and scale of the proposals, I have no reason to request any ecological surveys in this instance. I do not consider there to be any known ecological constraints with these proposals.*

3.6 **Historic Environment** – *In this instance, based on current knowledge this proposal is unlikely to have an impact on any significant heritage assets. We therefore have no comment to make upon it.*

3.7 **Local residents** - No neighbour representations were made

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is located on the southern edge of the village of Barkway on the road south before the Nuthampstead turn and was previously the Tally Ho's beer garden. The site is on the edge of the conservation area.

4.1.2 This site was sold after the outline application was approved and is not in ownership of the Tally-Ho pub.

4.2 Proposal

4.2.1 This application seeks permission to develop the former beer garden of the Tally Ho Public House for two three bed semi-detached dwellings.

4.2.2 The new semi-detached dwellings have a footprint of 12 m x 9 m and an approximate ridge height of 8.5 m has been shown on the amended plans.

4.2.3 A shared access is proposed on the western boundary adjacent the pub car park. Four car parking spaces have been marked out in front of each of the dwellings.

4.2.4 The dwellings are located 7 metres from the highway and orientated east to west with the front elevation mirroring the Tally Ho. The dwellings are set 30 metres from the southern elevation of the Tally-Ho pub with the pub car park in between

the pub and the proposed dwellings. The dwellings have rear garden areas of over 100 square metres.

4.3 Key Issues

4.3.1 The key issues in the consideration of this application, in the light of the above policies, are dealt with under the following headings

- Principle of the development of two 3 bed semi-detached dwellings
- Design and the effect of the proposed development on the character and appearance of the surrounding area, and
- The living conditions of adjoining and future occupiers
- Highway issues
- Landscaping
- Other matters

Principle of the development

4.3.2 The principle of residential development on this site has already been determined within the outline application for one four bed dwellinghouse in a similar orientation and footprint as proposed. It was concluded that the proposed scheme would be acceptable in principle and would not have any adverse impact on the streetscene, neighbouring properties, parking and highways. Further, at the time of determination the Council was required to approve applications unless the harm of doing so **significantly and demonstrably** outweighed the benefits of delivering more housing (paragraph 14 of the NPPF).

4.3.3 The site is located just outside the selected village boundary (Policy 7) and lies within the rural area beyond the Green Belt (Policy 6). Even with the age of the Plan, Policy 6 is still regarded as being relevant and in some part compliant with the NPPF. The emerging policy CGB1 (Rural Area Beyond the Green Belt) and SP2 (Settlement hierarchy) also carry some weight since the approval by Full Council to submit the Proposed Submission Local Plan to the Secretary of State at the end of May.

4.3.4 It is my view that the development of this site with the increase of one additional dwelling to two 3 bed semi-detached dwellings would not offend the aims of Policy 6 insofar as it relates to the protection of the countryside. The sites proximity to the selected village boundary, the clearly defined site boundary and the existing dwellings to the south of the site leading out of the village, all serve to minimise the impact of two dwellings in this location. The application site may be outside the settlement boundary however, due to its link to the village by the foot way, the development is on balance acceptable in my view.

4.3.5 Also to be considered, as set out in the NPPF, are the principles of sustainability in terms of economic, social and environmental roles, all of which should be given simultaneous consideration. In terms of the social and environmental aspects of new development, the need to access everyday services without significant reliance on private transport is a prime consideration. Barkway is a selected settlement and is likely to retain this status in the emerging plan. It has a primary school and a pub and while it has little else (relying on nearby Barley and Royston for other services) it will continue to be a focus for some development in the emerging plan as one of the District's larger villages.

4.3.6 Given the status of the village, now and into the future, I do not consider that, on balance, the likely reliance on private transport, would amount to a defensible reason for refusal of the application in this case.

Design in relationship to the character and appearance of the surrounding area

- 4.3.7 The proposed dwellings would be two storey three bedroom semi-detached property. The properties would be 8.7 metres high with a width of 13 metres and a maximum depth of 9 metres. Although the proposed dwellings would be taller than the existing Tally-Ho pub, it is my opinion that this would not have a detrimental impact on the Tally-Ho itself or the surrounding area due to the dwellings being sited with the side elevation facing the highway and the proposed front elevation located 32 metres from the front elevation of the existing Tally Ho pub with the pub car park in between.
- 4.3.8 The design principle for Barkway outlined in the Design SPD states that any future development will have to be sympathetic to the existing development. Barkway in general has a variety of house designs. Examples were given to the agent outlining the design principles that should be followed including materials and fenestration. Following negotiations with the agent the design of the dwellinghouse was amended to be more in keeping with similar dwellinghouses in Barkway. Materials include slate roof, render and red brick with chimney details on the side elevation fronting the highway. Details of these materials have been conditioned to ensure that the development will have an acceptable appearance.
- 4.3.9 NPPF section 7 (design) paragraph 64 states:
- "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."***
- 4.3.10 Following these amendments, I do not find the design unacceptable for this location and the proposed design would not detract from the appearance and character of the surrounding area.

Impact on neighbouring properties

- 4.3.11 I consider that no significant harm would be caused to the living conditions of nearby residents.
- 4.3.12 In terms of the future residents, it is important to ensure that this development provides a satisfactory living environment. In my view the scheme would be in line with the residential guidelines and standards set out in Policy 57. The proposal would not have an adverse built impact on neighbouring properties, given the distance between them and vegetation surrounding the property. Whilst the properties would have small rear gardens in my view the amenity space would be acceptable and the property would still have more than 75 square metres of amenity space (as recommended by Policy 57).
- 4.3.13 Following concerns raised by the Parish Council and Cllr Morris in relation to the potential negative impact on any future residents and the existing pub use. I raised the concerns with the Environmental Health Officer. They concluded that: "the proposed site layout and floor plans detailed in the application offer the best option in terms of reducing the likelihood of complaints about noise from the Tally Ho Public House. The orientation of the buildings provides separation from the Public House, with the front of the properties laid to hardstanding/car parking. The rear garden amenity areas are sheltered by the dwellings, which will assist with noise mitigation during daylight hours when these areas will be in use. The smaller bedrooms are to the rear of the houses. The main bedrooms face the Public House, but as the premises closes at 23.00hrs, noise will not affect sleep core hours of 23.00hrs to 07.00hrs. Standard double glazing will provide noise mitigation to the living rooms and main bedrooms"
- 4.3.14 There is no obvious issue in relation to either contamination or noise. Suffice to report that the Council's Environmental Protection team recommend a condition

which would require the applicant to adequately screen for contamination.

4.3.15

In light of these comments I am satisfied that the proposed dwellings would not have a negative impact in regards to noise impact on future residences or have a detrimental impact upon the public house and its use.

Access and Highway considerations.

4.3.16 A new access is to be provided onto the High Street. This access is the same as the access approved as part of the previous outline application. Four parking spaces have been proposed to serve the two semi-detached dwellings. These parking spaces are located at the front of the dwellings. The four proposed parking spaces would meet the requirements of the Supplementary Planning Document: Vehicle Parking at New Development. The new development will have appropriate off-road parking. The proposed development includes a new access the details of which meet the required highway design size and layout.

4.3.17 The Highways Authority were consulted on the current application and raised no objections. Hertfordshire County Council as the Highway Authority has considered that the proposal is of a small scale development consequently the proposal would not significantly increase the traffic generation to the area and have an unreasonable impact on the safety and operation of the adjoining highway and has no objections on highway grounds to the application subject to the inclusion of planning conditions and an informative.

4.3.18 The proposal includes a 4.5 metres wide access which will accommodate the parking demand or the scale of development and accommodate two-way passing of vehicles at the access.

4.3.19 HCC has considered that the development that is located along the London Road that is designated as a secondary distributor road with the capacity to accommodate the traffic generation of vehicles is considered not to have a significant impact on the local highway network.

4.3.20 Following on from issues raised by the Parish Council in regard to the parking of cars within the Tally-Ho pub the highway authority have concluded that the impact of this development should not have a bearing on the pub car park. The proposed dwelling complies with the North Herts District Council supplementary planning document.

4.3.21 Conditions and an informative have been recommended.

Landscaping

4.3.22 In regards to the landscaping of the site, no detailed landscape plan was submitted as part of this application. Only an indicative scheme was shown on plan No. 1257 005. Approving a detailed landscaping scheme will safeguard the appearance of the rural area and help screen the new dwelling within the surrounding area.

4.3.23 I have recommended a condition that requires a detailed landscape scheme to be submitted and approved in writing by the Local Planning Authority before development commences. This is to ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

4.3.24 I note the concerns raised by the parish council and the ward Councillor in regard to the felling of the willow tree before this application for reserved matters was submitted. This site is not within the conservation area and the trees are not protected by any Tree Preservation Order. Although the outline permission had conditions that related to the landscaping and detailed the retention and removal of trees within the site this application was not implemented therefore the conditions

were not breached.

- 4.3.25 It would be important to ensure that the trees and hedges within the site were protected during the construction phase because of the contribution they make to the character and appearance of the locality. This is a matter which I have recommended to be controlled by a condition.

Other matters

- 4.3.26 Hertfordshire Ecology have confirmed that there are no grounds here to request extensive ecological surveys and have asked for an informative to safeguard the position in respect of the unlikely event that a protected species is present.
- 4.3.27 Historic Environment have also confirmed that due to the site location and current knowledge this proposal is unlikely to have an impact on any significant heritage assets.

Unilateral Undertaking

- 4.3.28 At the time of submission no unilateral undertaking was required for this scale of development.

4.4 Conclusion

- 4.4.1 The proposed scheme is acceptable in principle, would not have any adverse impact on the streetscene, neighbouring properties, parking and highways. The proposal is outside a settlement but in a location where it would not conflict with the aims of the current Local Plan or the NPPF, which seeks to protect the countryside outside of identified settlements from speculative and harmful development. The development in my view would not assert such significant harm to the rural area to justify or sustain a reason for refusal. I have therefore framed a favourable recommendation accordingly.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class(es) A-F of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

4. The development hereby permitted shall not be brought into use until the proposed access has been constructed and the verge has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

5. The gradient of the access shall not be steeper than 1 in 20 for at least the first 5 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven of and on to the highway.

6. The access shall be not more than 4.5 metres wide.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

7. The access shall be constructed in a hard surfacing material for the first 5.0 metres from the back edge of the footway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

8. The turning area as shown on the approved drawing shall be provided, marked out and adequately surfaced and ready for use and shall be retained in that form and kept available for the purposes of the development and maintained thereafter.

Reason: To ensure the development makes adequate provision for the manoeuvring of vehicles likely to be associated with its use.

9. Prior to occupation, the residential property shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

10. Notwithstanding the approved plans, a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority before development commences and the approved details shall be implemented on site. The landscape scheme shall include the following :

- a) which, if any, of the existing vegetation is to be removed and which is to be retained
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure, and any hardscaping proposed
- d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

11. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

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

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

HIGHWAY INFORMATIVE:

HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Construction standards for works within the highway:

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority to ensure the satisfactory completion of the access and associated road improvements.

The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

Informative

EV Charging Point Specification:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF).
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

Informative:

Where a development is proposed, it is the developer who is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. Therefore, if during development of the site any ground contamination is encountered it shall be brought to the attention of the Local Planning Authority as soon as practically possible so that a scheme to render the contamination harmless can be agreed.

Informative - Ecology

The removal of trees & shrubs should be avoided during the **bird** breeding season (March to September inclusive.) If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.

Existing trees (including the roots and overhanging branches) that are remaining on (or adjacent to the) site should be protected from damage. Protection barriers and/or a no-dig policy may be required and advice should be sought from an Arboriculturist.

Soft landscaping - new trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife; and night flowering plants to attract insects and increase foraging opportunities for bats. The planting of ash (*Fraxinus excelsior*) should be avoided due to the serious Ash dieback disease that is killing ash across Europe, and thus the subsequent ban on the movement of ash planting stock. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

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ITEM NO:	<u>Location:</u>	Heath Sports Club, Baldock Road, Royston, SG8 5BG
	<u>Applicant:</u>	Royston Rugby Club
	<u>Proposal:</u>	Erection of four floodlights (height 15m) to rugby pitch
	<u>Ref. No:</u>	17/00781/ 1
	<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period: 23 May 2017

Reason for Delay

Committee cycle

Reason for Referral to Committee

The application has been called into Committee for determination by Cllr Morris in the wider public interest.

1.0 Relevant History

- 1.1 There is no planning history relevant to this application for the rugby pitch on the Heath. However, application 17/00457/1 for 6 x 18.29m high floodlights has also been submitted at the hockey pitch at The Heath and this application is under consideration.

2.0 Policies

- 2.1 North Hertfordshire District Local Plan no.2 with Alterations 1996:
- 6 - Rural Areas beyond the Green Belt;
 - 14 - Nature Conservation;
 - 16 - Areas of archaeological significance and other archaeological areas;
 - 39 - Leisure uses.
- 2.2 Local Plan 2011 - 2031 - Proposed Submission - October 2016:
- SP5 - Countryside and Green Belt;
 - SP12 - Green Infrastructure, biodiversity and landscape;
 - CGB1 - Rural Areas beyond the Green Belt;
 - NE1 - Landscape;
 - NE2 - Green Infrastructure.
- 2.3 National Planning Policy Framework:
In general and with regard to:
- 8 - Promoting healthy communities;
 - 11 - Conserving and enhancing the natural environment.

3.0 Representations

- 3.1 **Natural England** - based upon the information provided, the proposal is unlikely to affect any statutory protected sites or landscape. The proposal has not been considered with regards to Registered Common Land, Protected Species or the Site of Special Scientific Interest. If planning permission is granted, the applicant will be required to apply to the Secretary of State for consent under section 16 or

- 3.2 **Sport England** - consulted the Rugby Football Union (RFU), the sport's governing body, who have advised that the floodlights will increase the opportunity for the club to grow the game of rugby in Royston and the surrounding area. The RFU consider that the current mobile lights are not fit for purpose and are causing significant light spill and necessitate overuse of the available training space. The new lights will reduce the spillage and create an opportunity to rotate the training across a larger area resulting in improved quality pitches. The RFU have advised that the lighting design meets the RFU's design guidance. The floodlight columns would be installed around the periphery of the existing rugby pitch and would not appear to affect any other existing playing pitches. While an artificial cricket strip is sited between the rugby pitch and the tennis courts to the west close to where two of the columns would be sited, cricket is currently not played on the sports club site and it is understood that the artificial strip has not been used for formal cricket use for many years. The tennis courts that were constructed several years ago to the west would have reduced the size of the outfield area around the cricket strip in any case and prejudiced its potential use. Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

This being the case, Sport England does not wish to raise an objection to this application.

- 3.3 **HCC Hertfordshire Ecology** - this states that Therfield Heath SSSI and Nature Reserve is the largest area of unimproved grassland in the county, and there are many records of birds and other species within it. It is unlikely that there would be any direct harm, but there is a concern that light spill would adversely affect some species. Full details of the type of light source / proposed wavelength is not provided. The light source used should be a narrow band of white light with minimal UV. A condition should be imposed to secure this.
- 3.4 **HCC Hertfordshire Highways** - does not wish to restrict the grant of planning permission. If granted, an informative is also recommended.
- 3.5 **NHDC Environmental Health** - no comment or objection.
- 3.6 **Royston Town Council** - no objection providing time limit of 9pm is imposed.
- 3.7 **Local views** - replies have been received from two nearby neighbours, who both support the proposal on the basis that the proposal will extend the use of the Heath for sport and recreation, benefiting the town and nearby villages.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises the rugby pitch located with The Heath area on the south side of Baldock Road. The existing tennis courts, with their fencing and lighting and associated clubhouse are to the west of the application site.

4.2 Proposal

- 4.2.1 The application is seeking full planning permission for the erection of four 15m high lighting columns with floodlights. The columns are sited along the long side of the pitch, with two on each side. The two on the east side of the pitch are to shine only onto the pitch, while the two on the west side of the pitch are to shine both

onto the pitch onto the area between the rugby pitch and the tennis courts. The columns are to have three actual lights at the top of each column, positioned on a small bar.

- 4.2.2 A statement has also been submitted in support of the application. This is attached in full at Appendix 1. In summary it states that for weekday evening training sessions in the winter months portable floodlights are used, which damage the ground being taken in and out, and as they are run on a generator are noisy and have light spillage.

4.3 Key Issues

- 4.3.1 The key issue for consideration in this instance is the impact the lights would have in the locality and on the context of The Heath.

- 4.3.2 The Heath extends from the south side of Baldock Road and forms an attractive setting and context to the edge of the urban area of Royston as well as being a local nature reserve and SSSI in its own right. The use of The Heath for walking and sport is well established, as in addition to the rugby pitch there are tennis courts, with fencing and floodlights and cricket and hockey pitches too.

- 4.3.3 Whilst the character of The Heath is open, in parts there are some mature trees, which provide for a degree of visual screening. In the areas of the tennis courts and hockey pitch and along the road frontage in front of the parking area, this is the case. However, in the area of the rugby pitch, there are no trees, and consequently it is very open, with views through to the hill area behind. Whilst the rugby goal posts remain on the land, there are no other structures enclosing the area of the rugby pitch. The erection of four 15m high columns with rows of three lights on top of each, will be very visually dominant in my view and noticeable in this location, and given that they are to be positioned along the 'sides' of the rugby pitch with the goal posts at either end, will result in creating a visual perspective of 'enclosing' the rugby pitch. Given these factors I consider that the erection of the lights, due to both their visual dominance and sense of enclosure created would be harmful to the open character of The Heath and as a result the proposal would fail to comply with Saved Policy 6 of the existing Local Plan 1996, as the proposal does not "positively improve the rural environment". Insofar as it relates to rural restraint Saved Policy 6 remains in conformity with the National Planning Policy Framework (NPPF), specifically one of the core principles of the NPPF set out in paragraph 17 of the document, that being to protect the intrinsic character of the countryside. On that basis in accordance with the advice set out in paragraph 215 of the NPPF.

- 4.3.4 It is noted that portable lights are currently used, and there are associated disadvantages with these lights. However, the lights and associated structures are not left out on The Heath at all times, so do not result in creating a permanent sense of enclosure or visual dominance that would harm the open character of The Heath. In my view the disadvantages of these lights is not considered to outweigh the proposed harm that would be caused by the erection of the permanent lights.

- 4.3.5 There are lights at the tennis courts, approved under application 09/00847/1. This application allowed for the former old tennis courts to be extended to six courts with a modern surface, 3.6m high fencing and 18 x 8m high floodlights. The court surface, fencing, lighting columns and floodlights are all dark green in colour. These courts are positioned south of Baldock Road, in front of the pavilion building and adjacent to the car park. There is landscaping between the car park and the fencing and mature trees along the access road and screening the courts from Baldock Road. Given the extent of screening around the tennis courts, provided by the pavilion building and the existing trees and landscaping and that these lights are 8m in height, I do not consider that these lights can be regarded as setting a precedent for this proposal. The fencing required around tennis courts already forms a sense of enclosure, and any lights do not significantly add to this. I

therefore, do not consider that the proposal at the rugby club can be considered to have the same context as the existing lights at the tennis club.

4.3.6 In terms of associated activity, it is clear that the installation of permanent lighting on this site would increase the intensity of use of the rugby pitch, by for example enabling evening matches to be played. I understand that matches are not permitted if the lighting is moveable. I consider that having matches on this site would increase the level of activity from low to medium. Medium in the sense that there are very few facilities for spectators and on that basis the amount of activity at match times would not in my view be beyond medium in terms of intensity. Saved Policy 39 of the North Hertfordshire District Local Plan No. 2 - with Alterations allows for medium intensity leisure uses between towns (in rural areas) and on this basis given this edge of town site I do not consider that an objection to this proposal can be sustained on the basis of associated increase in activity.

4.3.7 Turning to the issue of the site's location within a Site of Special Scientific Interest (SSSI) the NPPF at paragraph 118 states that:

4.3.8 **'Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the feature of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.'**

4.3.9 As can be seen from the consultation responses reported above, specifically Natural England and Hertfordshire Ecology, both organisations are not setting out any specific objections in relation to the site's special scientific interest from an ecological perspective. On that basis I do not consider that this development would cause any clear harm to biodiversity. However, the Heath's status as a SSSI does in my view enhance its value in terms of contribution to the character of the countryside and wider landscape. Given that I consider this development would cause harm to the character of this landscape by virtue of an unacceptable visual impact on the open aspect of the Heath I also conclude that the proposed development would conflict with the overall objectives of paragraph 118 of the NPPF. With respect the benefits of this development (referred to in paragraph 118) I consider that the benefits are narrow in the sense that they relate to assisting a Rugby Club rather than any wider public benefit. Indeed the Heath is for the benefit of all its users and its open and undeveloped character contributes to an existing community benefit which in my view would be undermined by this development proposal.

4.4 **Conclusion**

4.4.1 The erection of 4 no. 15m high permanent floodlights by reason of their visual prominence and permanent structures and by virtue of the lights forming a sense of enclosure on The Heath, in a section where the land is very open, are considered to be both contrary and harmful to the character of The Heath, and contrary to the provisions of Saved Policies 6 and 39 of the North Hertfordshire District Local Plan no.2 with Alterations 1996. And contrary to paragraphs 17 and 118 of the NPPF (Core Principles) which seeks to protect the intrinsic value of the countryside.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise.

Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

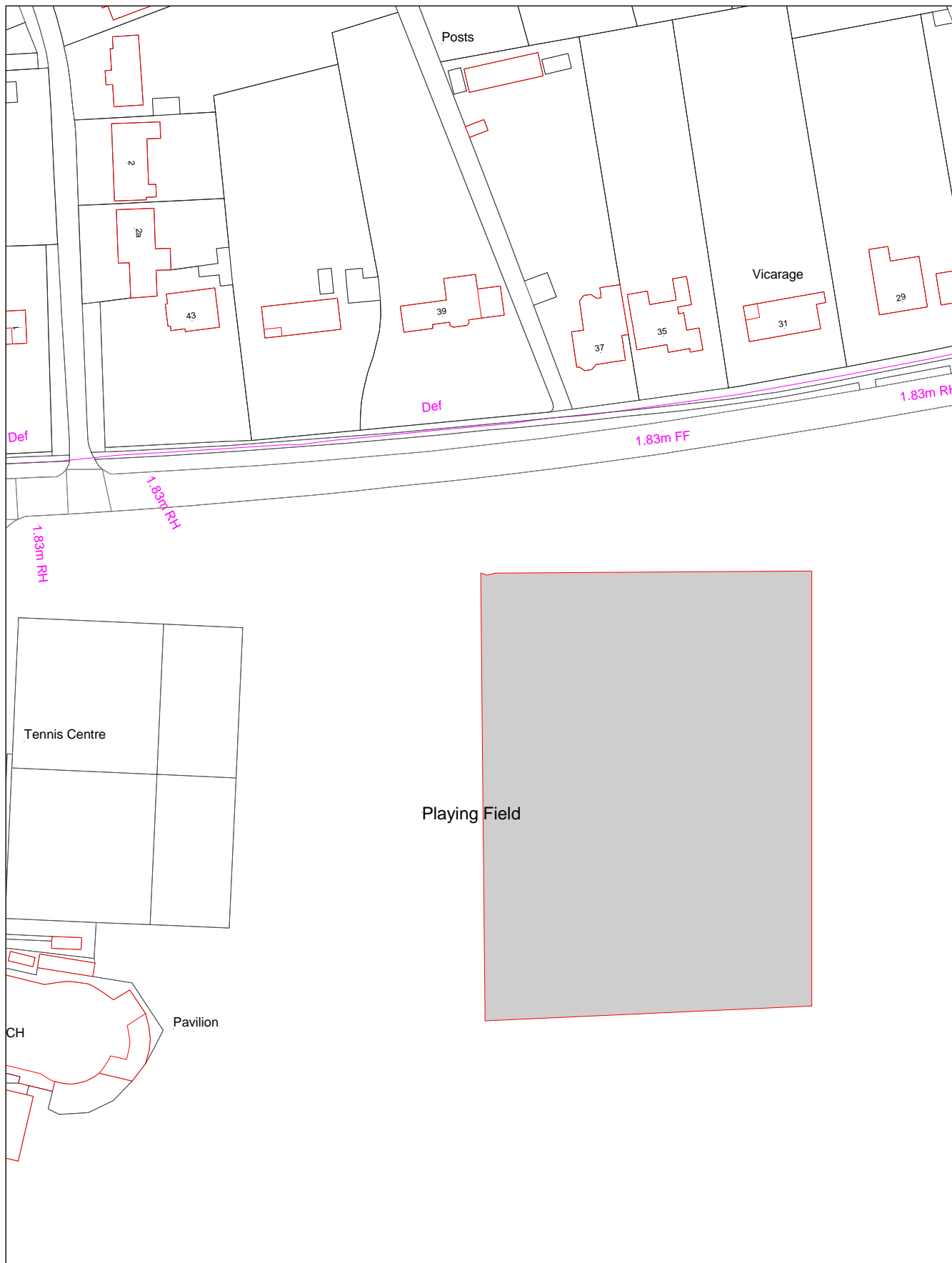
6.1 That permission be **REFUSED** for the following reasons:

1. In the opinion of the Local Planning Authority the erection of 4 no. 15m high permanent floodlights, by virtue of their excessive height and associated visual prominence and the lights forming a sense of enclosure around the rugby pitch on The Heath, in a section where the land is very open, would be harmful to the open and undeveloped character of The Heath. The site is located within a Site of Special Scientific Interest (SSSI) which both enables strong restraint on development on The Heath and protects its open and undeveloped character for the benefit of all users of the Heath. This development proposal which would provide narrow public benefits would also harm the SSSI by eroding its open an undeveloped character. Given these factors the proposed development conflicts with Saved Policy 6 of the North Hertfordshire District Local Plan no.2 - with Alterations 1996 and the objectives of paragraph 17 and 118 of the National Planning Policy Framework (NPPF).

Proactive Statement

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

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Royston Rugby Club Floodlight Proposal Community Benefits

Overview

For many years now, an area of Therfield Heath (alongside the Baldock Road in Royston) has been utilised by the people of Royston and Therfield for the enjoyment of sport and in particular Rugby. The protection of this activity was enshrined in what many consider to be the first piece of environmental legislation passed (1888). This specifically sets out that *“the Heath is to be maintained for the benefit of the people of Royston and Therfield, for them to have somewhere to play sports and enjoy the open air.”*

Royston Rugby Club is proud to have been playing rugby on the Therfield Heath since 1968 and over the years we have seen our mini and youth teams grow to over 300 children who utilise the Heath for training and matches on a Sunday. In an age of children spending an increasing amount of time in front of the television or tablet devices, we are proud to be providing access for so many children to enjoy sport and fresh air on the Heath whilst also learning Rugby’s core values of respect and fair play.

Royston Rugby Club has also seen the development of a Touch Rugby and women’s teams in addition to its growing senior teams. Subsequently this has increased the total number of people playing rugby on the Heath throughout the week. As such the club has been utilising the Heath for training sessions each evening (Monday to Friday between 6pm and 9.30pm) for a number of years.

Current Situation Regarding Floodlighting

Royston Rugby’s senior and youth teams currently train during the week (Monday to Friday between 6 and 9pm), as they have been doing for many years, on an area of the Heath alongside the Tennis Courts that has fixed floodlighting. In order to train during the winter months, Royston Rugby Club has been floodlighting this area during the winter months on weekday evenings. At present this involves portable generator powered floodlights being used during the winter months. Unfortunately this situation leads to a number of unsatisfactory outcomes:

- The Heath is churned up due to having to move the large portable floodlights from the storage area to the area alongside the tennis courts.
- The generators used to power each of the floodlights are incredibly noisy which then leads to players needing to shout to be heard over this noise.
- Pollution is also produced from each of the floodlight generators which are diesel powered.
- There is light overspill from the floodlights onto non-playing areas.

Community Benefits from fixed Floodlighting

The proposal to install fixed floodlighting will address all of the unacceptable circumstances listed and also bring about several community benefits. These include:

- The quality of the Heath surface being much better protected.
- A significant reduction in noise by no longer needing the generators.
- A significant environmental improvement by the elimination of diesel engine fumes the risks associated with the storage of diesel and the dangers to the environment of spillages.
- Removal of light overspill issues.
- Greater access to sport for children, children and adults on the Heath.

Stakeholder and Community Consultation

Royston Rugby Club is currently engaged in a stakeholder and community consultation exercise with local residents, the wider community and other stakeholders to discuss our plans; to share what we believe will be a significant improvement on the current situation, and also discuss the benefits to the local community from this proposal. We are also seeking to hear any concerns that the stakeholders and the community may have, so that we can seek to address those concerns. Royston Rugby Club will ensure that the NHDC Planning Dept. is fully informed of the results of this community consultation.

Conclusion

Royston Rugby Club hope that the NHDC Planning Dept. will find this proposal fits with planning policy and will recommend it for approval.

The proposed lighting scheme will be far less prominent than the existing fixed floodlighting around the tennis courts, which was approved several years ago. The proposed lighting scheme will also provide a much cleaner, quieter and less obtrusive solution to that which is currently being used.

This proposal will eliminate all the environmental issues of the current lighting arrangements and is sensitively designed with regard to its impact on local residents and wildlife on the Heath. This will result in significantly enhanced access to sport and recreation for the people of Royston and its surrounding areas.

We have support from the Conservators of the Heath and it will assist them to deliver on their covenant to ensure *“the Heath is to be maintained for the benefit of the people of Royston and Therfield, for them to have somewhere to play sports and enjoy the open air”*.

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ITEM NO:	<u>Location:</u>	Land Off, Cambridge Road, Barkway
	<u>Applicant:</u>	Mr Highfield Rockwell Ltd
	<u>Proposal:</u>	Outline application (appearance and scale reserved) for residential development of 13 dwellings together with associated access road (as amended by plans received 15.3.17).
	<u>Ref. No:</u>	16/02237/ 1
	<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period: 05 December 2016

Reason for Delay

Negotiations seeking agreement on heads of terms of a S106 Obligation. Statutory expiry date agreed extension 3 July 2017

Reason for Referral to Committee

Housing development on site exceeding 0.5 ha in area. Site allocated in Submission Local Plan.

1.0 Relevant History

- 1.1 No pre-application advice was sought on this site. It is however identified as a preferred option in the emerging Local Plan (BK1).

2.0 Policies

2.1 National Planning Policy Framework

Paragraph 14 'Presumption in Favour of Sustainable Development'

Paragraph 17 'Core Planning Principles'

Section 1 - Building a strong, competitive economy.

Section 3 - Supporting a prosperous rural economy.

Section 4 - Promoting sustainable transport.

Section 6 - Delivering a wide choice of high quality homes.

Section 7 - Requiring good design.

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment.

2.2 North Hertfordshire District Local Plan No.2 with Alterations

Policy 6 - Rural Areas beyond the Green Belt.

Policy 14 – Nature Conservation

Policy 16

Policy 29A - Affordable Housing for Urban Housing Needs

Policy 51 - Development Effects and Planning Gain.

Policy 55 - Car Parking Standards.

Policy 57 - Residential Guidelines and Standards

2.3 Supplementary Planning Document.

Planning Obligations SPD

Vehicle Parking Provision at New Development.

2.4 North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Proposals Map

Policy SD1 'Presumption in Favour of Sustainable Development'

Policy T1 'Sustainable Transport'

Policy T2 'Parking'

Policy HDS1 'Housing Targets 2011-2031'

Policy HDS2 'Settlement Hierarchy'

Policy HDS3 'Affordable Housing'

Policy D1 'Design and Sustainability'

Policy D3 'Protecting Living Conditions'

Policy NE6 'Reducing Flood Risk'

Policy NE7 'Water Quality and Environment'

Policy NE9 'Contaminated Land'

Policy ID1 'Infrastructure Requirements and Developer Contributions'

Chapter 12 'Part 1': Development for North Hertfordshire's Own Needs'

Proposals Map - proposed site allocation - BK1

3.0 Representations

3.1 Barkway Parish Council

The Parish Council wishes to object on the grounds of insufficient parking spaces within the proposed development. Realistically the way people now live, in rural areas such as Barkway where there is very little local employment or services, every adult is wholly dependent on private transport. This sort of development has been seen to cause parking issues in rural areas where people are forced to park on the roads and in turn could potentially block access for rubbish collectors, large delivery vans and emergency services.

The NPPF guidelines say that any development must be sustainable and this development will not create jobs for local people and it also says that developments should provide a good standard of amenity for residents, which should include sufficient and safe parking. A development located in an area with better services would not require as much parking, so each case should be considered in its own right.

3.2 Hertfordshire Highways

The proposal would not significantly affect the adjacent highway network therefore Hertfordshire County Council as highway authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of the above planning conditions and highway informatives.

3.3 Housing & Environmental Health Services

I do not have any objections to the proposed development as there are no land uses or traffic networks in the vicinity which are likely to cause significant adverse impacts to the amenity of prospective occupiers of the dwellings from noise, odour, light etc. I would, however, like to highlight that the village hall is on the adjacent piece of land to the proposed development. I have checked the premises licence for the village hall and note that music entertainment is permitted until midnight on most days. I am not aware of any recent noise complaint history associated with

the premises since it was rebuilt. I do not think this premises will have an adverse impact on the proposed development but it is important for the occupiers to be aware of its presence and the developer should have consideration for this when they are deciding on the detailed design of the dwellings in terms of the orientation of bedrooms and the glazing and ventilation specifications.

3.4 Environmental Protection

The EP Team records indicate a low likelihood of environmental risk from ground contamination. However, there is no specific information available about the subject site and the proposed development would represent a significant increase in the vulnerability of the end users to the presence of any land contamination that may be present. As such, there will be a requirement for the applicant to demonstrate that the proposed development will be suitable for use.

3.5 Air Quality/Sustainable Transport

An approach to considering the impact of a development on air pollution and the potential mitigation of such is now in place in the form of the air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning>

Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so only the minimum of air pollution mitigation is recommended. It is considered that this minimum could be achieved by placing the following condition on any permission that may be granted and as such the inclusion of this condition is strongly recommended.

3.6 HCC Planning Obligations

Contributions outlined within the S106.

3.7 Landscape and Urban Design - Planning Policy

Although I have no objection in principle to residential development on this site the following issues need to be addressed in order to create a high quality development that enhances the character and setting of its location.

- (i) Layout - appears to be based around the tracking requirements of the refuse vehicle rather than being informed by the site characteristics, existing vegetation and adjoining land uses.*
- (ii) Scheme - needs a greater mix of types and size of dwellings.*
- (iii) There is too much hard surfacing particularly at the western end of the site. A revised layout should address this.*
- (iv) Insufficient weight has been given to the impact of the proposed development on neighbouring trees and hedges and to the trees and hedgerow along Cambridge Road.*
- (v) What protection is proposed for existing vegetation during construction?*
- (vi) Amenity area - reduce in size or lose altogether and include in private gardens which will allow the layout to be redesigned.*
- (vii) Detailed landscape scheme - should be the subject of a condition as part of any planning approval. The landscape scheme should create a sense of place and unique character for the development.*
- (viii) Reconsider whether it would be better to give all plots a single garage rather than 1 plot having a double garage and 2 plots having no garage.*

Further to my comments of 19th September 2016 amendments have been received. The amendments raised above are welcomed and would result in an improved scheme.

3.8 Hertfordshire Ecology

We do not have any biological (species or habitats) records for the application site. We do have records of the bats in the area.

A Preliminary Ecological Appraisal (by Green willows Associates Ltd, dated June 2016) has been Submitted with this application. The site was surveyed on 25 May 2016 and comprises a semi-improved grassland horse grazed paddock surrounded by trees/hedgerows at each boundary. The limited vegetative habitats were assessed as being of little botanical interest. The site is generally considered sub-optimal for protected species due to the lack of suitable habitats on site.

Birds

Notwithstanding the above, the site does have potential for nesting birds in the trees and hedgerows and consideration should be given to breeding birds during site clearance. I advise an informative be added to any permission granted.

Bats

An Ash tree (TN1) was identified as having potential suitable roosting habitat. I advise a Precautionary approach to during heavy pruning or total removal should be adopted and an informative be added to any permission granted,

Biodiversity enhancements

Finally, I welcome the fact that bird boxes are suggested to provide enhancement opportunities for wildlife. These could be expanded to include bat boxes, integrated bat roost units (brick and tubes) in building, specific nest boxes for swifts, swallows and martins and/or refuge habitats (e.g log piles, hibernacula) for reptiles at the site boundaries. These should be considered at an early stage to avoid conflict with any external lighting plans.

3.9 Hertfordshire DC Waste

Consideration should be given to parking arrangements alongside the access to the site. This road appears narrow in comparison to the width of a refuse collection vehicle when reviewing plan 101-c. If car parking is currently to be permitted the consideration of parking restrictions will be required to ensure access is not inhibited for collection. Particularly we would recommend the suggested turning area for the vehicle would need to be hatched with yellow lines along the road to prevent parking on collection day restricting access to the vehicle.

Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005. There is no mention of a collection point for the properties at the far end of the development beyond the reach of the freighter. Collections from their property boundary appear to exceed this requirement currently and therefore an agreed collection point should be provided where residents are required to pull their closer to the reach of the freighter.

The space provided to each property for storage of the bins does appear to meet requirements however please note that, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

3.10 NHDC Tree Officer

I have inspected the ash tree along the Cambridge Road, Barkway and am in agreement that it adds high amenity value to the tree lined aspect to the entrance into the village.

Visually it appears to be in good condition with no signs of die back and no indication of any fungal bodies and is an overall good specimen.

If the tree is removed it will create a significant gap to detract from the mature tree lined effect of this particular area. If left the ash will also add to softening any new build projects.

I echo your thoughts in that the ash would be worthy of a TPO in this instance.

3.11 LLFA

As the Lead Local Flood Authority, we have been consulted to provide any comment on the amended proposal.

However the new information submitted (drawings RT16028_101_G-proposed Site Plan and RT16028_102_C-Site Elevation) does not address our concerns raised in our previous letter. Our position therefore remains unchanged, that is to object to this application and to recommend refusal of planning permission until a satisfactory surface water drainage assessment has been submitted.

We ask to be re-consulted with the results of the surface water drainage assessment. Our objection will be maintained until an adequate surface water drainage assessment has been submitted.

Agent has since submitted a revised Surface Water Drainage Assessment which seeks to mitigate the objections raised by the LLFA - At the time of writing I have not received further responses from the LLFA. An update at Committee will be made.

3.12 Local Residents

*Mr P Bassett,
Mr M Newton, 2 Periwinkle Close,
Dr R Davidson 5 Periwinkle Close,
Mrs P Cook, 11 Periwinkle Close,
Ms Conners, 14 Periwinkle Close,
Ms Erby, Flint House*

Summary of representations received are shown below:

- *Access - there should be no access from Periwinkle Close*
- *Parking - not enough spaces*
- *Highway safety*
- *Inadequate infrastructure in village - doctors/school/shop/post office*
- *Negative impact on ecology*
- *Trees and hedgerows should be retained*
- *Over development of Barkway*
- *Plot 11 - too close to new dwelling in grounds of Flint House*
- *Restrict development and conversions of garages*

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is on the northern edge of Barkway village within the village boundary as defined in the new Local Plan 2011-2031. It adjoins residential development on the southern and western boundaries and paddocks on the northern boundary. The adjoining land-uses include Periwinkle Close characterised by bungalows/two storey houses in short terraces; the Telephone Exchange and Flint House to the south which is the subject of a planning application for 4 dwellings in the rear garden (16/00847/1); and Barkway Village Hall to the north. On the eastern side of Cambridge Road, opposite the site, there are large detached properties on large plots. The site is outside Barkway

Conservation Area.

4.1.2 The PRoW definitive map shows Bridleway no. 17 running along the northern boundary between the site and the Village Hall before turning northwards along the western boundary of the village Hall. There is a footway alongside Cambridge Road for access into the village and a range of facilities.

4.2 **Proposal**

4.2.1 Outline application for residential development of 12 dwellings together with associated access road.

4.2.2 The matters of layout, landscaping and access will be considered in the outline application. Matters of appearance and scale are reserved.

4.3 **Key Issues**

4.3.1 Taking account of the development plan policies, other material considerations and representations received from all interested parties referred to above I consider the key material considerations to be addressed in the determination of this planning application are as follows:

- Whether housing development is acceptable on this site in principle, taking account of the presumption in favour of sustainable development set out in the NPPF and weight that can be attributed to emerging Local Plan policies;
- Whether the proposed development is capable of delivering high quality and inclusive design, which can enhance the way the area functions (paragraphs 58-61 of the NPPF). This will include an assessment of any landscape impacts and relationship to the character and appearance of the surrounding village and heritage assets;
- Whether the proposal would deliver necessary mitigation on local services through planning gain and S106 contributions to address the impact of the development on those services;
- Whether the proposal is acceptable in terms of traffic impact and other infrastructure such as flood risk (see response from relevant technical consultees reported above);
- Whether the proposal would have an acceptable relationship with nearby residential properties and other land uses in terms of living conditions and other amenity impacts;

Principle of development

4.3.2 Under paragraphs 14 it is therefore clearly necessary to assess the weight that can be applied to relevant development plan policies to this application. The development plan for North Hertfordshire consists of the saved policies of the North Hertfordshire District Local Plan No. 2 - with Alterations (adopted 1996). This application site is a greenfield site located outside the village boundary of Barkway, as defined in the North Hertfordshire District Local Plan No. 2 - with Alterations proposals map (adopted 1996). Saved Policy 6 of the adopted Local Plan seeks to resist development proposals outside settlement boundaries except for various small scale development schemes that are appropriate in the countryside.

4.3.3 In order to consider how much weight to apply to development plan policies post publication of the NPPF (March 2012), paragraph 215 of the NPPF states that:

'[for policies contained in Local Plans adopted before the 2004 Act - i.e. the

1996 Local Plan] due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

- 4.3.4 Moreover, where local planning authorities cannot demonstrate a five year land supply of deliverable housing sites, the NPPF places a further restriction on weight that can be attributed to development plan policies which seek to restrict the supply of housing (NPPF paragraph 49). The Council has recently published a Housing and Green Belt Background Paper together with the proposed submission Local Plan (2011-2031). This paper argues that from the date that Full Council decided to submit the Local Plan to the Secretary of State for examination at the meeting held on 11 April 2017, the Council can demonstrate a deliverable five year land supply of housing sites, at 5.5 years land supply. This claim will of course be tested at the forthcoming Examination in Public (EiP) into the Local Plan. Therefore as a precautionary approach it is in my view necessary to consider the relevance of saved Policy 6 on the basis that the Council cannot at this stage with any degree of confidence categorically claim it has a five year land supply of deliverable housing sites. The weight to be attributed to saved Policy 6 must therefore be tested through paragraph 49 of the NPPF as well as paragraph 215. Paragraph 49 states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year land supply of deliverable housing sites.'

- 4.3.5 Whilst Policy 6 clearly has a role in directing new housing development towards existing settlements and in this respect it is out of date, it is not explicitly a policy that relates to the supply of housing. It has a broader planning purpose that of protecting the character of the countryside, which has a degree of consistency with the 'Core Planning Principles' set out in the NPPF at paragraph 17 that:

'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.'

- 4.3.6 On this basis and recent appeal decisions have re-affirmed this view, in terms of Policy 6 acting as a tool to restrict the supply of housing it is out of date and must be given very limited weight, particularly as in this case where I cannot be wholly confident of the Council's position on five year land supply. Paradoxically however the policy's method of restricting the supply of housing is to protect the countryside which the NPPF recognises has intrinsic value. Therefore when applying saved Local Plan Policy 6 which has a degree of consistency with the core planning principles set out in the NPPF, in my view this development proposal could be seen to conflict with the aim of protecting the countryside to maintain its intrinsic beauty. Any conflict with this policy represents an element of harm which may only be outweighed on confirmation of the sites adoption, that housing development identified in this outline planning application would cause to the intrinsic value of the countryside on which the site is located. The policy is however to be replaced by Policy CGB1 of the submission Local Plan (2011-2031). As the site would be located within a new settlement boundary of Barkway (to be identified as a Category A village) there is a risk that very soon the status and weight than can be attributed to Saved Policy 6 of the 1996 Local Plan will diminish further. On this basis and as precautionary approach I give this conflict with saved Policy 6 very limited weight in and of itself.

Emerging Local Plan Policies (2011 - 2031)

4.3.7 Full Council agreed to submit the North Hertfordshire Local Plan (2011-2031) to the Secretary of State for examination at the meeting held on 11 April 2017. This is another step in the progress of the Local Plan which means that the policies contained in the Local Plan now carry more weight in development management decisions than it did before the decision of Full Council on 11 April 2017. At the time of writing the Plan has now also been submitted to the Secretary of State.

4.3.8 Within this document this site is identified as part of proposed housing allocation BK1. The Local Plan also proposes (as with all rural or edge of urban land allocations) to take the site out of the rural area and within a revised settlement boundary of Barkway. The dwelling estimate for the whole BK1 site is 13 dwellings. The requirements of any housing delivery on site BK1 are listed in the Local Plan as follows:

- **'Site layout designed to integrate with any future use of adjoining reserve school site;**
- **Appropriate treatment of northern boundary to maintain integrity of Bridleway Barkway 017;**
- **Sensitive design to respect setting of Barkway Conservation Area and Cockenach Registered Park and Garden to include:**
 - **Reinforcing hedgerows and landscaping along southern boundary of site; and**
 - **Access arrangements designed to minimise harm to heritage assets'**

4.3.9 Insofar as this is an outline planning application with matters reserved apart from access, landscaping and layout, it is not possible at this stage to assess this application against all of the requirements of the proposed BK1 land allocation listed above. Matters such as detailed design, appearance and scale of buildings for example are reserved and can only be considered as part of an assessment of any submission of reserved matters. There are however some requirements which need to be addressed within this outline planning application in order for the overall scheme to deliver the BK1 land allocation.

4.3.10 On this basis the following section of the report sets out an assessment of the outline planning application against the requirements of proposed land allocation BK1; explaining whether such matters are relevant at this stage or are reserved for future consideration:

1) Site layout designed to integrate with any future use of adjoining reserve school site

The proposed development is set away from the boundary with the proposed school site. Plot No.12 would be the closest to the adjoining boundary. The existing trees and hedgerows along the boundary are to be retained given screening to any future development on this reserved school site.

2) Appropriate treatment of northern boundary to maintain integrity of Bridleway Barkway 017

Within the landscape plan it shows the retention of the existing hedgerow and trees along the boundary with the bridleway.

3) Sensitive design to respect setting of Barkway Conservation Area and Cockenach Registered Park and Garden

Matters of appearance and design are reserved matters. However with the retention of the trees on the front boundary along with the removal of the front dwelling in the original scheme have helped soften the front boundary along Cambridge Road.

4.3.11 Other policies which are of relevance within the emerging Local Plan include a requirement for 25% affordable housing within the scheme (Policy HS2) are set out in the list given above. Many of these policies such as 'Protecting Living Conditions' (Policy D3) are not fully engaged until details of design and scale are assessed.

Weight Attributed to Emerging Local Plan Policies

4.3.12 Whilst I have identified some conflict with emerging Local Plan policies in the earlier section of this report, as the emerging Local Plan is not as yet the development plan it is at this stage an 'other material consideration' which must be taken into account in the determination of this planning application. At this time and before adoption of the new Local Plan the development plan remains the Saved policies of the North Hertfordshire District Local Plan 1996 - with Alterations. In relation to the development plan I have identified above conflict with Saved Policy 6 of the 1996 Local Plan, albeit and is explained this policy carries limited weight as advised in the NPPF.

4.3.13 The NPPF also offers clear guidance on the weight that can be attributed to emerging Local Plan policies which is set out in paragraph 216 of the Framework as follows:

'From the day of publication [of the NPPF, March 2012], decision takers may also give weight to relevant policies in emerging plans according to:

*** the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);**

*** the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and**

*** the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given).'**

4.3.14 In order to establish how much weight to attribute to land allocation policy BK1 it is clearly necessary to assess its status in light of the three tests set out in paragraph 216 and in this respect I make the following observations:

4.3.15 **Stage of preparation:** On the 11 April 2017 Full Council agreed to submit the Local Plan to the Secretary of State for examination. This decision represents another important step in plan preparation and as is set out above, the more advanced the stage in preparation, the more weight that should be attributed to the policy.

4.3.16 **Extent of unresolved objections:** I have examined key consultation responses to the submission Local Plan consultation which took place in Autumn 2016 and there are no fundamental unresolved objections to the delivery of housing on the BK1 site from important technical consultees. There are of course a number of local concerns expressed but for the purposes of paragraph 216 I am of the view that the key test is any significant, evidence based planning objections from key consultees, such as the highway authority, education authority, or utilities for example.

4.3.17 This test is also often satisfied through an assessment of the planning application and as can be seen above other than a probably resolvable technical objection from the Lead Local Flood Authority (negotiation on this is on going) there are no clear unresolved technical objections to development on this site.

4.3.18 **Compliance with the NPPF:** The requirements of proposed site allocation BK1 are in my view consistent with the policies set out in the NPPF.

4.3.19 On this basis and in relation to this planning application I consider that considerable weight can be attributed to proposed allocation policy BK1.

Sustainability

4.3.20 There are three roles to sustainable development set out in the NPPF, an economic, social and environmental role. All roles must be satisfied to achieve the objective of a genuine sustainable development. I briefly address each role in turn:

4.3.21 In terms of an economic role there are obvious economic benefits associated with the delivery of new homes on this site, through new employment opportunities in construction and new households to serve local businesses and services. The social role can be satisfied within the completed S106 Obligation in my opinion which would deliver the necessary enhancements to local infrastructure. In regards to the environmental role, the submission Local Plan identifies Barkway as a category A village, capable of supporting significant housing growth.

4.3.22 On this basis, the current application, in my view presents a genuinely deliverable social and environmentally sustainable form of development.

Site Access and Highway issues

4.3.23 Access to the proposed development would be from Cambridge Road. The development has its main highway frontage along the southern boundary with the Cambridge Road that is the classified B1368 road which is designated as a secondary distributor road subject to a restricted speed limit of 30 mph. Following an existing Ash Tree on the front boundary of the site which was proposed to be felled in the original layout was subject to a new Tree Preservation Order, the access was amended.

4.3.24 The Highway Authority have no objection to the proposed access and it is considered that this would not significantly affect the adjacent highway network.

Layout

4.3.25 The layout of the development has been amended by reducing the scheme from 13 dwellings to 12 which allows the dwelling on plot 1 to be moved back from the Cambridge Road boundary to provide a greater soft landscape buffer to Cambridge Road. The reduction also improves the general layout and creates a better relationship between plots.

4.3.26 The access road has been realigned and its junction with Cambridge Road is south of the previous position moving it away from tree T1 Ash which is to be retained. The realignment also creates more space on the north side of the access road for soft landscaping and buffer to the adjoining land use. The overall realignment of the road through the scheme is an improvement as it creates a better building line and allows the repositioning of the visitor parking bays (three spaces have been shown) away from Cambridge Road. The turning head in the middle of the scheme has been removed and vehicles will need to use the hammerhead at the end of the cul-de-sac. This has reduced the amount of hard surfacing and is an improvement.

4.3.27 The site plan shows 7 detached dwelling and 2 pairs of semi detached dwelling with a mix of 3 and 4 bed dwellings. Plots 1, 2, 5, 6, 7, 8, 9, 11 and 12 have a single garage and two off street parking spaces. The two affordable units have two off-street parking spaces and plot 10 has a double garage and two off street parking spaces. I note the concerns raised by the Parish Council and a number of neighbour representation in regard to the provision of parking spaces. The

Vehicle SPD states that from dwellings of two beds and up have an allocation of 2 parking spaces. All the proposed dwellings have a minimum of two spaces with 9 of the 12 having additional garages. I have conditioned that these garages remain as garages to safeguard the parking standards for this development. I am therefore satisfied that the development meets the required parking standard.

- 4.3.28 Overall, the layout of the proposed development would result in an attractive development.

Design and appearance

- 4.3.29 The application is outline in form and this being the case all matters relating to appearance, design and scale are reserved. However, based on the indicative information submitted I can see no grounds for concluding that a scheme of 12 units could not be designed such as to improve the character of the area as required by para 64 of the NPPF.
- 4.3.30 I have recommended a condition to remove all permitted development rights (Part 1: Classes A-F) for the proposed dwellings. Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

The living conditions of adjoining and future occupiers

- 4.3.31 I consider that no significant harm would be caused to the living conditions of nearby residents. I note the concerns raised by the neighbouring property of Flint House in regards to plot 10 (as amended). Plot 10 is shown to be approximately 10 metres from Plot 2 of the Flint House application. However, it is my view that the rear facing elevation is orientated west rather than onto the shared boundary with Plot 2 on the Flint House Development. Plot 2 of this scheme does not have any first floor windows on the rear elevation with the bedroom windows on the front and skylights within the roof. In regard to the appearance, design and fenestration these are reserved matters therefore without the detail I cannot comment further on this point. These elements can be negotiated at the reserved matters application in order to safeguard the amenities and privacy of all residents.
- 4.3.32 Also I would comment that Plots 3 and 4 of the Flint House development have two first floor windows on the rear elevation facing the development site. These windows facilitate a bathroom for each of the pair of semis. With careful layout design at reserved matters stage, privacy of all properties can be maintained.
- 4.3.33 In terms of the new residents, it is important to ensure that this development provides a satisfactory living environment. In my view the scheme would be in line with the residential guidelines and standards set out in Policy 57. The proposal would not have an adverse built impact on neighbouring properties, given the distance between them and vegetation surrounding the property. The majority of the proposed units would have rear gardens over 100 square metres. Whilst the two affordable housing properties would have smaller rear gardens in my view the amenity space would be acceptable. The majority of the properties would still have more than 75 square metres of amenity space (as recommended by Policy 57).

Landscape and Ecology

- 4.3.34 In the original scheme an Ash Tree on the front boundary was proposed to be removed to allow for the access onto Cambridge Road. Following a site visit I considered that the tree was a fine specimen and warranted a Tree Preservation Order because it had high amenity value to the tree lined aspect to the entrance into the village. I consulted with NHDC Tree Officer for a second opinion. Mr Wilkin stated that the tree

- 4.3.35 ***“Visually it appears to be in good condition with no signs of die back and no indication of any fungal bodies and is an overall good specimen. If the tree is removed it will create a significant gap to detract from the mature tree lined effect of this particular area. If left the ash will also add to softening any new build projects.”***
- 4.3.36 In light of the TPO on the Ash Tree (T1) the scheme was amended by changing the access point and removing the front dwelling to allow for the access to be compliant with Highway conditions. The removal of the front plot also helps soften the development on the frontage by providing amenity area alongside plot 1.
- 4.3.37 On the amended site plan it is shown that the existing hedgerows are to be retained and improved. I have recommended a number of conditions to safeguard the existing and proposed vegetation during construction. These conditions are imposed are also to safeguard and enhance the appearance of the completed development and the visual amenity of the locality.
- 4.3.38 In terms of the ecology impacts of the development, HCC Ecology have recommended a number of informatives to safeguard existing and future habitats.

Outstanding Technical Matters

- 4.3.39 As can be seen from the technical consultation responses outlined above. All technical consultees have been satisfied with the applicants submission and there are no objections from any of the technical consultees apart from the Lead Local Flood Authority LLFA. The applicant has continued to liaise with the LLFA in order to overcome their objections and any further updates will be reported orally at Committee.

Waste and recycling

- 4.3.40 The site plan shows bins and boxes to be stored at the rear of the proposed garages. Occupiers would present these to the frontage on collection day. These arrangements would minimise the presence of waste and recycling receptacles in the streetscene of the development, retaining an attractive appearance to the development. The Waste Officer had recommended a condition requesting further details at reserved matters stage to protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

Affordable Housing

- 4.3.41 The Council is moving towards a revised affordable housing policy with Policy HS2 of the emerging local plan where a development of this size will require 25% of the dwellings to be affordable. The new local plan has been submitted to the Secretary of State and the new policy will, as part of the new plan, have to be the subject of an Examination in Public later in 2017. Paragraph 216 of the NPPF allows decision makers to give weight to policies in emerging local plans and therefore officers have asked the applicants to make an affordable housing offer in recognition of the advanced stage of the new local plan policy.
- 4.3.42 The proposed development has 2 affordable units, one at affordable rent, and the other shared ownership. In discussions with the agent and applicant off site contributions were initially offered. Through consultation with the Housing Officer it was preferred that onsite provision was met in accordance with the Submitted Local Plan policies. Through these negotiations the provision of onsite was agreed. Although two affordable units on site does not meet the requirements for 25%, in order to provide onsite affordable units the view was taken along with the reduction of the number of units on the site from 13 to 12, two units could be supported.

Planning Obligations

4.3.43 Outlined in the table below are the agreed heads of terms. The S106 at the time of writing this report is awaiting agreement by all parties.

Element	Details	Justification
Affordable Housing	Two units provided on site 1x 3 bed Affordable Rent 1x3 bed Shared Ownership	Policy HS2 North Hertfordshire Submission Local Plan (2011-2031) Planning Obligations SPD As required by housing enabling officer
Open Space management and maintenance	Private management body	Planning Obligations SPD
HCC First School education	Expansion of Barkway School: £27, 624 based on 12 dwellings or apply table within SPD if lower number (index linked)	HCC toolkit and Planning Obligations SPD
HCC Middle School contribution	Expansion of Roysia Middle School from 3fe to 4fe: £23,804 based on 12 dwellings or apply table in SPD if lower (index linked)	HCC toolkit and Planning Obligations SPD
HCC Youth Services	Towards Meridian Youth Centre – to update facility to support the delivery of youth curriculum: £722 based on 12 dwellings or apply table in SPD if lower (index linked)	HCC toolkit and Planning Obligations
Fire hydrant provision across the site	HCC requirement	HCC toolkit

4.4 Conclusion

4.4.1 Following lengthy negotiations between officers and the applicants I consider that the development proposals are acceptable. Although in outline enough details have been submitted to demonstrate that this development will have a sufficiently high standard of environment and meet the sustainable development aspirations as set out in the NPPF. It will also provide much needed homes on a site which is deliverable and allocated in the Submission local Plan 2011-2031. Overall I consider this development to be in accordance with local plan policies and the Framework as a whole.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission be GRANTED subject to the following conditions and to the applicant entering into the necessary S106 Obligation with the Council to secure the delivery of additional services and infrastructure and contributions as set out in the above Heads of Terms table and to the applicant agreeing any necessary extensions to the Statutory period to allow the completion of the S106 Obligation. Also subject to the objections from the Lead Local Flood Authority being overcome.

6.2 In the event that the applicant fails to agree any necessary extensions to the statutory determination that powers are delegated to the Development and Conservation Manager to refuse planning permission on the basis of an absence of a completed Section 106 Obligation:

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission or subsequent approval of reserved matters.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class (es) A-F of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

5. Notwithstanding the approved layout plan, as part of the Reserved Matters application full details must be submitted of the on-site storage facilities for **household waste** including waste for recycling. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/ refuse collection vehicle access point or within 10m for communal bin storage areas. Such works shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

6. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (b) Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (e) Any contamination, other than that reported by virtue of condition (a), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

7. **EV Recharging Infrastructure Condition:**

Prior to occupation, each of the thirteen residential properties shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

8. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

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

Reason: To prevent damage to or destruction of trees and hedgerows to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

10. The development hereby permitted shall not be occupied until the proposed access has been constructed as identified on the in principle drawing number 101 revision G to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

11. Prior to occupation a footway shall be provided 1.8 metres wide along the frontage of the new development that will connect the site with the existing bus stops in the village High Street as part of the application. The improved footway link will need to be joined to the development's own footway. These works shall be secured and undertaken as part of the s278 works.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for New Developments.' Section 2 part 1 chapter 9 para 9.4

12. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 43 metres in a both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the

carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

13. The gradient of the main access from the Cambridge Road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

14. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

15. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;

b. Construction and storage compounds (including areas designated for car parking);

c. The Siting and details of wheel washing facilities;

d. Cable trenches within the public highway that affect traffic movement of existing residents;

e. Foundation works that may affect traffic movement of existing residents;

f. Cleaning of site entrances and the adjacent public highways and,

g. Disposal of surplus materials.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

16. Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:

I. Roads, footways, foul and on-site water drainage.

II. Proposed access arrangements including visibility splays, with acceptable Stage 2 Road Safety Audit;

III. Servicing areas, loading areas and turning areas for all vehicles.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

17. Before the occupation of any of the dwellings hereby permitted, the car parking facilities, including garage spaces shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

HIGHWAY INFORMATIVES:

HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

1. Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service (Tel: Direct line 01992 555243) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way adjacent to the site access.

REASON:

1. To ensure the surface of the Public Right of Way does not deteriorate as a result of an increase in vehicle movements passing the crossing point in the interests of pedestrian safety on a Public Right of Way.

2. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

REASON:

2. To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

3. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

WASTE MANAGEMENT INFORMATIVE

Further advice on waste provision for developments is available on our website.

<http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30 metres to a bin storage area, or take their waste receptacles more than 25 metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.

ECOLOGY INFORMATIVE:

Birds

- ***The removal of trees & shrubs should be avoided during the bird breeding season (March to September inclusive.) If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.***

Bats

- ***If bats or evidence for them is discovered during the course of any tree works, work must stop immediately and advice sought on how to proceed lawfully from: Natural England: 0300 060 3900 or an appropriately qualified and experienced Ecologist.***

Trees and soft landscaping

- ***Retained trees (including roots and overhanging branches) should be protected from harm/damage during construction. New planting should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.***

Lighting

- ***Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.***

Badgers and other animals

- ***Trenches should have escape ramps to provide an escape opportunity for any animals that may have become trapped.***

ENVIRONMENTAL HEALTH INFORMATIVE

1) EV Charging Point Specification:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF).
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

2) The above condition is considered relevant and reasonable for the following reasons:

- Section 7 of the Planning DAS submitted with the application mentions that the development intends to positively encourage energy efficient modes of transport and Section 9 acknowledges that climate change mitigation will be incorporated into the development.
- Paragraph 120 of the NPPF which refers to the effects (including cumulative effects) of pollution on health, the natural environment or general amenity.

- The aim of Section 4 'promoting sustainable development' of the NPPF, which includes in paragraph 35 'developments should be designed where practical to incorporate facilities for charging plug-in and other ultra low emission vehicles'.
- HCC Local Transport Plan (LTP3) 2011-2031 which includes an aim 'to reduce transport's own contribution to greenhouse gas emissions and improve its resilience'.
- It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.
- The proposed plans for the development include garages/dedicated parking spaces associated with all thirteen properties, which means that they are suited to the incorporation of EV charging infrastructure. The assessment of reasonable is also based on the approximate costs for installing appropriate cabling to a new build property would be expected to be approximately £400.00 per property and installation of a wall-mounted point approximately £400.00 per property.

During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the construction phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

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ITEM NO:	<u>Location:</u>	Land to the rear of 44, Wymondley Road, and 1 The Aspens, Hitchin, SG4 9PR
	<u>Applicant:</u>	Mr Burgess John Burgess & Co Ltd
	<u>Proposal:</u>	Erection of 4 x 4 bedroom detached dwellings with garages. Erection of detached garage and two storey side extension to 1 The Aspens (as amended).
	<u>Ref. No:</u>	16/01932/ 1
	<u>Officer:</u>	James Gran

Date of expiry of statutory period: 30 September 2016

Reason for Delay

Submission of amended plans and consultation period - Extension of time agreed to 5/7/17.

Reason for Referral to Committee

Called in by Councillor Clark for being backland development, having concerns about the density of the site and the location in relation to other properties in the area. - Original reason from the original 6 dwelling scheme.

1.0 Relevant History

- 1.1 16/00533/1PRE - Pre-application advice for a 6 dwellings scheme, stating no general objection to scheme as proposed, subject to protection of the main mature trees on site and those subject of the existing Tree Preservation Order.

Application submitted for that same scheme. After consultation responses and further advice from an independent arboricultural consultant, the impact upon trees was considered too detrimental to their root protection areas and the proposed houses would be subjected to excessive shading.

2.0 Policies

2.1 North Hertfordshire District Local Plan with Alterations

Policy 8 – Development in Towns

Policy 26 - Housing Proposals

Policy 57 – Residential Guidelines and Standards

2.2 Supplementary Planning Guidance:

Supplementary Planning Document - Vehicle Parking Provision at New Development

Supplementary Planning Document - Design

2.3 National Planning Policy Framework

Generally and specifically:

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 11 - Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

2.4 New Local Plan 2011-2031 (proposed submission for examination):

Policy SP1 'Sustainable Development in North Hertfordshire'
Policy SP8 'Housing'
Policy SP9 'Design and Sustainability'
Policy T2 'Parking'
Policy HS3 'Housing Mix'
Policy D1 'Sustainable Design'
Policy D3 'Protecting Living Conditions'

3.0 Representations

3.1 Local Residents / Site Publicity Notice - From initial consultation on 6 dwelling scheme - Objections received from properties in The Aspens, Wymondley Road, Willoughby Way and The Chilterns stating the following points:

- Impact of plot 1 dwelling upon roots of T1 a Copper Beech tree, unsure as to where conservation area boundary lies in relation to the previous trees that have been felled on the site
- Building line for plots 1-3 is not in keeping with the neighbouring properties and would be overbearing to the Aspens and would lead to loss of light as this is set on higher land.
- Loss of privacy to properties in Wymondley Road
- Patios are not shown to rear gardens and these would be above the root protection area of retained trees, with drainage proposed within protection area also
- Foundations are wider than footprint of houses, so area of root area to be removed would be increased
- Request for independent arboriculturalist to assess the impact of the houses upon the trees
- Decking to rear gardens should be avoided as this encourages habitat for rats, next to heavy cropping trees
- Request for retained trees to be issued with Tree Preservation Order (TPO)
- Concern over this development's construction times and parking of contractor vehicles in The Aspens and storage of materials, just like the previous development of four dwellings in The Aspens.
- Query on whether the street light by the proposed access is to be moved.
- Lack of pavement in development
- Access road so close to 3 The Aspens is a danger to children
- The protected Beech trees are protected but left unmanaged and need reducing
- The clearance of trees within the site has already led to loss of wildlife
- Impact upon neighbouring trees, not just within the site
- Hedges to southern boundary should be retained for privacy and wildlife
- Garage of plot 3 would loom over rear garden of 44 Wymondley Road
- Run off down the hill from The Chilterns can be quite severe at times so additional drainage should be made for the houses which are lower than the houses of Chiltern Road.
- A high fence should be required to not blight view from The Chilterns.

Comments received on amended scheme for 4 dwellings:

- The plans do not seem clear on the nature of the boundary between the new development and the houses in Willoughby Way onto which they back. We are concerned as to what level of privacy this boundary will provide.
- No bat or other wildlife surveys have been carried out by Spires Ecology and no such other surveys have been published with this planning application. It is regrettable that this is the case as protected species exist on this site. Bats are regularly seen in the gardens backing on to this proposed development site.
- There is no reference to a footpath entering the new development from The Aspens, so the 5.5m carriage way is just for vehicles. A footpath is essential for the

safe passage of pedestrians, at least along the primary interface zone. By example, this was provided for the set of 4 new homes recently built by Court Homes Ltd, at the end of The Aspens.

- We would like you to please clarify the location of the rear boundary to no 1 The Aspens, the conservation area boundary and the boundary to 50 Wymondley Road. The drawings shows a 1m gap between the boundaries and to avoid any future land ownership/maintenance issues this should be clarified. There is currently a double fence but the gap is no more than 20 cm which is not shown on the drawings. This is important as it will determine what requires permission under conservation in the future.

- Our other comment is to query the height of the garages on the development which appear to be over 5 m in height. We would like to gain some assurance that these spaces are not designed to be converted into habitable spaces as this would lead to loss of privacy to surrounding neighbours. The proposed roof height is overbearing in combination with the scale of the houses. It also increases the shading of the gardens within the development in combination with the existing mature trees to be maintained and those in neighbouring gardens. A lower roof height would be less dominant and allow more light to the gardens and enhance the enjoyment of the outdoor space for these new residents and we would like the plans revised to reflect this.

- The 'Design Statement' point 7.16 states that 'include the retention of mature site boundary trees and hedges'; however the 'Site and Location Plan' appears to show the southern boundary without the mature hedges that currently exist, what is being proposed? The hedges do act as an amenity for both the wildlife and the residents.

3.2 **Highway Authority** - No objection, subject to several conditions

3.3 **Landscape and Urban Design Officer** - No objection, subject to safeguarding the retention of the existing trees of the site.

3.4 **Environment Agency** - No comments to make in this location

3.5 **Herts Ecology** - No objection, with recommended Informatives

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The site comprises former rear garden land of 44 Wymondley Road (a 'Building of Local Interest'), which is a large detached dwelling, historic for the area and once had a large side and rear garden to include this site. The dwelling of 46 Wymondley Road has since been built to the side of 44 and this remaining land has been left as disused garden. The site has been partly cleared of trees within the more central area of the site which were all outside of the Conservation Area. A strip of the site of some 9.5 metres depth is within the Conservation Area to the northern boundary.

4.2 Proposal

4.2.1 The proposal is for the erection of 4 detached houses with garaging, parking provision for occupiers and visitors, access from The Aspens using part of the driveway of 1 The Aspens and turning area within the site, and hard and soft landscaping. The houses would be two storey in form but with set down eaves heights and roof slopes with 'through eaves' dormer window features and front and rear gable projections. The maximum ridge height of the dwellings, as two house types, would be 8.5 metres with chimneys. The garages would consist of a double garage for plot 1, a triple garage for plot 2, with a quadruple garage shared

between plots 3 and 4. The ridge height of all garages would be 5.35 metres. A contemporary design is proposed and a mix of materials by way of soft red facing brickwork, off white render, timber cladding, with slate roof tiles. A landscaping plan for hard and soft landscaping has been submitted, together with tree and ecology reports. Also proposed is the extension of 1 The Aspens with a two storey side extension and new single garage set back into the rear garden, with two parking spaces to front of the new garage.

4.2.2 Concerns with the originally proposed scheme for 6 houses related to their impact upon the trees to be retained, in terms of root protection area encroachment and the quality of resulting garden area from leaf litter, shading and dominance of the trees for occupiers. This may have led to pressure to fell the trees in the future. In order to safeguard the trees and seek a better development for the site, the three mature trees along the southern boundary, 2 x horse chestnuts and a Deodar Cedar, have since been considered worthy of a Tree Preservation Order. This TPO has since been served and confirmed by the Council. This is in addition to the existing TPO for three Beech trees to the south-west corner of the site.

4.3 **Key Issues**

4.3.1 The key issues in this case are set out as follows:

4.3.2 Principle of residential use of the site

There is no objection to the principle of residential development on the land in my view, with the site being within the urban area of Hitchin. The site is also proposed for allocation in the submission draft Local Plan (2011-2031). This site would be providing its own access to the public highway. Although situated between existing residential development, I do not consider the proposal to be backland development in the typical sense. This would be an extension of the existing residential development of The Aspens and would not be tandem development with not having to run past the donor property to access the site. Subject to other material considerations, I therefore consider that residential development is acceptable in principle and appropriate for the site.

4.3.3 Form and design, layout and amenity

The form and design being of through eaves details for dormers and gables, and with 8.5m maximum ridge heights, respects the form of the adjacent Aspens development in my view. I consider that the internal layout and external garden spaces, would afford occupiers of the proposed development a high standard of residential amenity in my opinion. The garden sizes would range from 12.5 to 17.5 metres in depth, and from 18 to 32 metres in width. This is acceptable in my view as these sizes would far exceed the minimum area of 75sqm required in Policy 57 and would be of a high quality. Some shading would be inevitable due to retention of the large trees bounding the site but this would be a case of buyer beware for future occupiers of the development having to retain the trees and, not in my view demonstrably harmful to living conditions of future occupiers. The scale and density of the proposal is in keeping with development on The Aspens and Westwood Avenue in my opinion. This has been lessened from the reduction of 6 to 4 dwellings proposed. The northern plots continue the building line along the side of The Aspens and the southern plots facing them create a simple layout and efficient use of the site. The mix of materials is acceptable in my view, subject to samples required by condition, as these are sympathetic to the materials of properties in the area of both The Aspens and of Wymondley Road.

4.3.4 Impact upon neighbouring properties

The site would be bounded by rear gardens to three main boundaries. The back to back distance to the surrounding dwellings is acceptable in my opinion at between 24 and 28 metres with the Willoughby Way dwellings, between 19 and 26 metres side to rear relationship with properties in The Chilterns, and 26 metres to the rear of 44 Wymondley Road. The triple garage to plot 2 close to the rear boundary of this property would have a pit dug and a ramp leading away from the boundary and would

not be overbearing in form and height in my view, not materially affecting the enjoyment of the garden of 44 Wymondley Road. The impact upon 1 The Aspens would also be acceptable with their new garage forming a buffer between proposed plot 1 rear gable and the rear of 1 The Aspens. Overall, the impact upon the living conditions of neighbouring properties would be acceptable from the development in my view.

4.3.5 Impact upon the setting of the Conservation Area

As stated above, only a small section of the site is located within the Conservation Area. From the good quality design and acceptable layout of the proposed development, I do not consider that the proposal would harm the overall setting of either the Conservation Area or the setting of the Building of Local Interest of 44 Wymondley Road.

4.3.6 Access

The Highway Authority raise no objection to the proposed access from The Aspens, together with the proposed turning area to accommodate large servicing vehicles. This is subject to conditions regarding pedestrian and vehicle visibility splays, access width, gradient and material and requirement for a surface water drain. There is therefore no objection to the proposed development in terms of access and turning areas for vehicles for servicing and occupiers / visitors of the development. I note the comments from No. 3 The Aspens regarding lack of pavement safety concern for pedestrians but, the Highway Authority raise no objection to this for a minor development of four dwellings in this case.

4.3.7 Car parking provision and waste collection

The proposed car parking provision of at least two spaces per dwelling meets the minimum standards within the Supplementary Planning Document – Parking provision at New Development. The two visitor spaces would also meet the minimum standard for 0.25 spaces per dwelling to be provided. Visitor spaces would also be possible on each plot, depending on car ownership of occupiers, with plots 1, 3 and 4 having 4 spaces each and plot 2 having 3 spaces. This is subject to the garages being kept available for vehicle parking, which has been conditioned below. With regard to waste and recycling collection, bins would be collected from each plot as a sufficient turning area is provided within the site to collect from the kerbside and for the refuse collection vehicle to exit the site in forward gear. There are dedicated spaces for the storage of bins and boxes on each individual plot.

4.3.8 Impact on trees and ecology

A tree report has been submitted with the application, which details all works proposed to the existing trees on the site. Trees outside of the Conservation Area were removed and were predominantly smaller specimens than those being retained. Further to a site visit with the Council's Tree Officer and from local resident comments received, there were concerns relating to the impact of the 6 houses upon the trees of the site. The opinion of an independent arboricultural consultant was sought on the proposal. Their conclusion was that excessive shading would occur for the proposed gardens, and unacceptable encroachment of tree root protection areas would also result. The scheme was consequently reduced to 4 houses to address these issues. The consultant was asked to comment on this now proposed scheme and they have no objection or concerns regarding shading or tree root protection areas. The three Beech trees the subject of the existing Tree Preservation Order, together with all the trees to remain, which is all apart from one Cotoneaster (originally a shrub), would be safeguarded with the attached condition regarding a detailed site specific Arboricultural Method Statement to be submitted to the Planning Authority and agreed prior to commencement of works. Overall, I consider the impact upon the trees including all the TPO trees at the front left corner of the site and to the southern boundary, can be adequately safeguarded from the information received in the amended arboricultural method statement measures required by condition. The dwellings would now not encroach upon any root protection areas and the more spacious gardens would have less shading in terms of garden area and times of the day. I

therefore find no objection to raise to the development in terms of impact upon the retained trees.

4.3.9 For ecology, the submitted report states that the presence of protected species is unlikely. I consider the protection of any found as part of the development process, is safeguarded by separate legislation but I understand there may be bats in the trees of the site, from comments received. On this basis, a condition is recommended for the mitigation measures for bat boxes, as stated in the ecology report, to be carried out in full.

4.3.10 Landscaping

A hard and soft landscaping scheme has been submitted with the application. A variety of shrubs and planting is proposed and the scheme is acceptable in my view. A condition for hardsurfacing samples has been incorporated into the condition for samples of materials for the dwellings themselves. Hardsurfacing has been kept to a minimum, allowing for road access, front paths, bin collection points to front of plots and parking spaces on plot and for visitors. Permitted development rights for hardstanding is recommended to be removed by the condition below, in the interest of the existing trees of the site. I consider the landscaping and the provision for adequate front garden areas would enhance the development and create a pleasant street scene as an extension of the existing development of The Aspens. In regard to the query of the southern boundary, this is currently denoted by a hedge with a secondary hedge inset by a few metres. The main boundary hedge is to be retained but the inset hedge removed.

4.3.11 Extension and garage to 1 The Aspens

The two storey side extension proposed would be of full depth and 2.6 metres in width, following the same ridge line and height of the existing dwelling. The addition would provide for family room, side entrance and utility at ground floor, with enlarged bedrooms at first floor. Being to the opposite side of its neighbours in The Aspens, the side extension and garage would have no harm to neighbouring occupier living conditions in my view. The new garage to side would also be of matching form and design to the unusual roof pitch of this housing development. An adequate space for vehicles to enter the garage and park to front would be provided with the shared access with the proposed adjacent development. A sufficient garden area would remain from the positioning of the new garage partly into the rear garden.

4.3.12 Planning Obligations / affordable housing

Planning obligations and affordable housing would not be applicable in this case as there are no specific projects to which contributions can be levied and the amount of development is below Local Plan and emerging Local Plan thresholds for affordable housing.

4.4 **Conclusion**

4.4.1 In summary of the proposal:

- There is no objection to the principle of residential development on this site, which is in a sustainable location and proposes access to the public highway of The Aspens.
- The layout, design and form is appropriate for the location and its surroundings
- There would be a high standard of amenity for occupiers, with no material adverse impact upon the living conditions of neighbouring properties.
- The trees of the existing site are an important feature and are either protected by TPO or by Conservation Area designation and their protection during construction works, with an acceptable separate landscaping scheme submitted
- The impact upon the ecology of the site is safeguarded by separate legislation for any protected species found as part of the development process, but also by condition for mitigation measures.
- The waste and recycling collection vehicle can enter the site, turn and egress in

forward gear and there is no Highway Authority objection to the proposed access onto The Aspens.

- Conditional planning permission is therefore recommended to be granted.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. **Details and samples of materials to be used on all external elevations and the roof of the dwellings hereby permitted, together with details and samples of hardsurfacing and details of boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.**

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and D, E and F of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

5. None of the trees to be retained on the application site shall ever be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed, without the prior written agreement of the Local Planning Authority. Any replacement trees shall be agreed in writing by the Local Planning Authority and shall be maintained for the lifetime of the development.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. **A detailed site specific Arboricultural Method Statement regarding protection of the existing trees on the site, together with a fully detailed schedule of proposed tree reduction works, shall be submitted to and approved in writing by the Local Planning Authority, before the development is commenced and the approved details shall be implemented on site. The tree works shall be undertaken by only Arborcare, or such other competent and suitably qualified arboricultural contractor or tree surgeon, as may be agreed in writing by the Local Planning Authority as capable of carrying them out to an acceptable standard.**

Reason: In order to safeguard the existing trees on the site and, in order that the agreed works are undertaken by a suitably qualified contractor.

7. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

8. Before the occupation of any of the dwellings hereby permitted, the car parking facilities, including garage spaces shown on the approved plans, shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

9. The development hereby permitted shall not be brought into use until the proposed access has been constructed and the footways have been reinstated as identified on the engineering drawing number 16/48/01 to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

10. Before the driveways are first brought into use, 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the new access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level.

Reason: To provide adequate visibility for drivers entering and leaving the site.

11. Before the access is first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 36 metres in a southern direction and 2.4 metres by 25 metres in a western direction shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriage way level. These measurements shall be taken

from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

12. The gradient of the access shall not be steeper than 1 in 20 for at least the first 12 metres from the back edge of the footway.

Reason: To ensure a vehicle is approximately level before being driven of and on to the highway.

13. The access shall be 5.5 metres wide and the kerb radii shall be 6.0 metres that shall include an informal pedestrian crossing complete with tactile feature.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

14. The access shall be constructed in a hard surfacing material for the first 5 metres from the edge of the carriageway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

15. Prior to use the access road shall include a surface water cut off drain at the back edge of the highway boundary.

Reason: To prevent excess water run off entering the highway system.

16. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers / routing of construction traffic and shall be carried out as approved.**

Reason: In order to protect highway safety and the amenity of other users of the public highway.

17. **Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement. The Construction Method Statement shall address the following matters:**
 - a. **Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;**
 - b. **Construction and storage compounds (including areas designated for car parking);**
 - c. **The Siting and details of wheel washing facilities;**
 - d. **Cable trenches within the public highway that affect traffic movement of existing residents;**
 - e. **Foundation works that affect traffic movement of existing residents;**
 - f. **Access to electric substation/control building;**
 - g. **Cleaning of site entrance and the adjacent public highways and,**

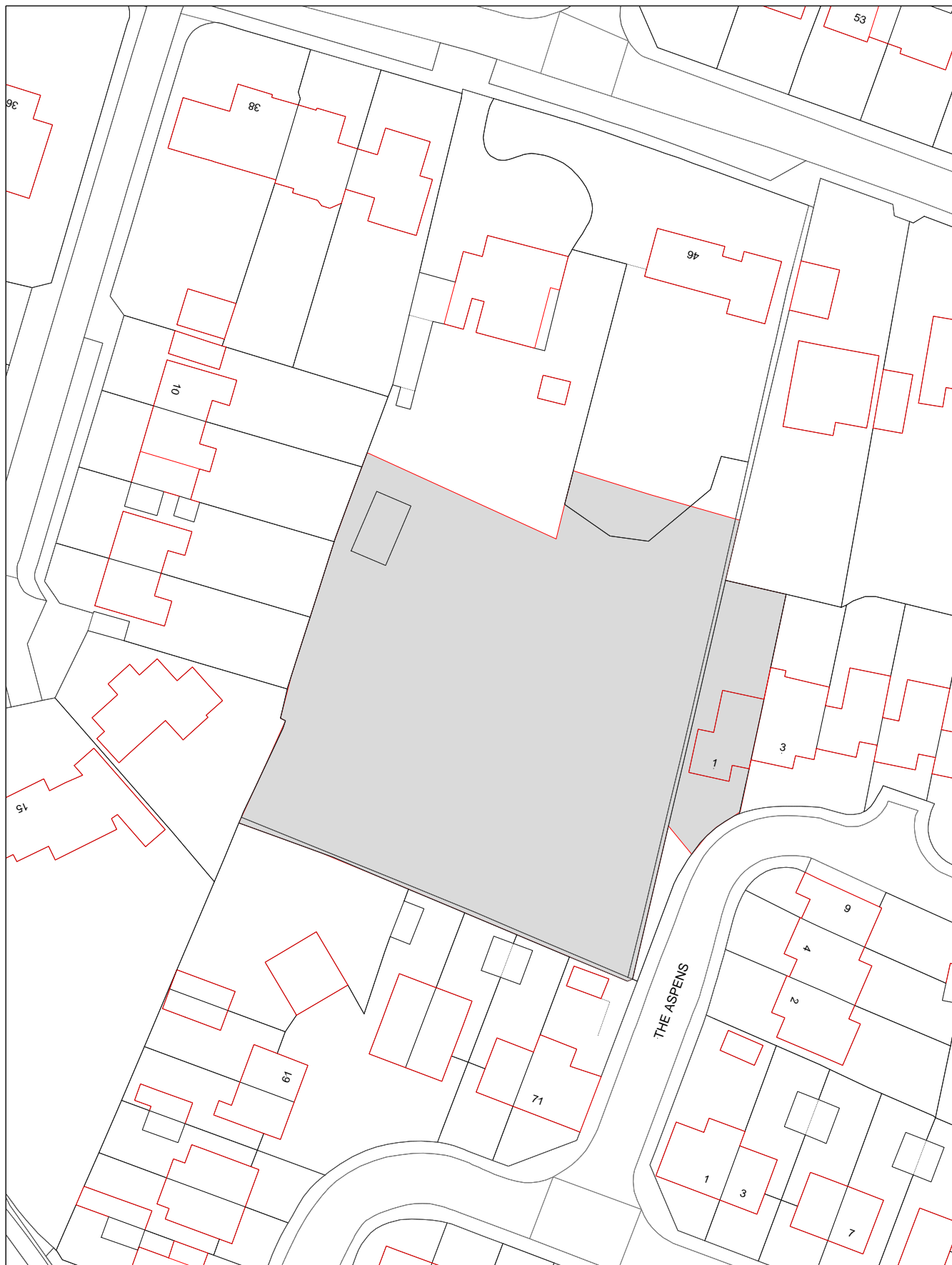
Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

18. The ecology mitigation measures as set out in the Spires Ecology Report dated 22nd June 2016, shall be implemented in full, in line with the timings within the report.

Reason: In the interests of the ecology of the site.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 10
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TITLE OF REPORT: PLANNING APPEALS

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Three planning appeals have been lodged and five planning appeal decisions have been received.

Details are attached.

PLANNING APPEALS LODGED

Ms Angela Rigg	26 May 2017	Erection of 3 x 2 bed terrace dwellings with associated access, parking and landscaping.	Land Adjacent To Ash Mill, High Street, Barkway	16/02588/1	Written Representations
Mr T Ball	17 February 2017	Retention of wooden shed in front garden	Thatchers Cottage, Jacksons Lane, Reed, Royston, SG8 8AB	16/02936/1H H	Householder Appeal Service
Peter David Homes 2 Limited	22 February 2017	Detached bungalow with associated parking (in addition to houses approved under outline planning permission reference 15/01755/1 and Reserved Matters 16/02023/1)	The Coach House, London Road, Langley, Hitchin, SG4 7PP	16/03205/1	Written Representations

PLANNING APPEAL DECISIONS

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr Walsh-Waring	Outline planning application for the erection of up to 45 residential units (Use Class C3) with details of access (Appearance, Landscaping, Layout and Scale reserved).	Land south of the High Street, including the curtilage of 33A and part of the rear garden of 33 , High Street, Whitwell, SG4 8AJ	15/02020/1	Appeal Dismissed on 11 May 2017	Committee	The Inspector concluded that the site is not suitable for housing, as the proposal would neither preserve nor enhance the character and appearance of the Whitwell Conservation Area and would cause harm to the settings, and therefore the significance of Nos 22 & 24 High Street and No 33 High Street. Such harm would not be outweighed by the public benefits of the scheme. In addition, the proposal would also cause minor harm to the intrinsic character and beauty of the countryside.
Mr & Mrs C Winter	Single storey rear extension, replace utility room window with external door opening and insertion of additional ground floor window on eastern elevation. Internal alterations.	Goodfellows Farm, Church Lane, Reed, Royston, SG8 8AR	16/01244/1LB	Appeal Dismissed on 22 May 2017	Delegated	The Inspector concluded that given the expiration of the previous consent the proposed works as presented would not preserve the special architectural or historic interest of the Grade II listed building, and would be contrary to the Framework and Policy 28 (House Extensions) of the Local Plan.

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr & Mrs B Writer	Erection of detached timber double garage and store.	6 Walnut Tree Road, Pirton, Hitchin, SG5 3PX	16/02209/1HH	Appeal Dismissed on 31 May 2017	Delegated	The Inspector concluded that the proposal would harm the character and appearance of the area and would harm the settings of designated heritage assets. It would therefore fail to accord with paragraph 132 of the National Planning Policy Framework (the Framework), which attaches great weight to the conservation of designated heritage assets and their settings.
Mr G Cannon	Erection of 1 x 4 bed dwelling with attached double garage and creation of new vehicular access off Nuthampstead Road.	Barkway Golf Club, Nuthampstead Road, Barkway, Royston, SG8 8EN	16/01870/1	Appeal Allowed on 7 June 2017	Delegated	The Inspector concluded that as the proposal would provide an additional dwelling, it would have an effect on the shortfall in housing land supply, albeit a limited one. The Inspector also concluded that the proposed house would not harm the character and appearance of the settlement or the countryside.
Bryden Design	Single storey rear extension to existing Sikh temple (as amended by plans received 4th November 2016)	7 Gernon Walk, Letchworth Garden City, SG6 3HW	16/02068/1	Appeal Dismissed on 7 June 2017	Delegated	The Inspector concluded that the proposal would preserve the setting of the listed buildings identified. It would, in this regard, generally accord with North Hertfordshire District Local Plan No. 2 with Alterations (1996) Policy 58 (Letchworth Garden City Design Principles). However, the proposal would fail to preserve the character and appearance of the Letchworth Conservation Area. For this

						reason, it would be contrary to LP Policy 58, which aims for development in Letchworth Garden City to reflect the Garden City Principles.
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Appeal Decision

Site visit made on 3 April 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 May 2017

Appeal Ref: APP/X1925/W/16/3164043

Land south of High Street, Whitwell SG4 8AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr George Walsh-Waring against the decision of North Hertfordshire District Council.
 - The application Ref 15/02020/1, dated 24 July 2015, was refused by notice dated 27 May 2016.
 - The development proposed is the erection of up to 45 residential units (Use Class C3) with details of access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved apart from access. I have dealt with the appeal in the same manner, and have thus treated all plans, apart from those relating to access, as indicative only.
3. A revised plan has been submitted concerning the access road for the proposed development. This has been consulted upon as part of a subsequent application for up to 25 homes. The plan does not alter the proposed point of access but changes the internal layout of the road to access the site, which could in any event be altered by any subsequent reserved matters application. When considering that the access point to the site remains the same I do not consider that any party would be prejudiced by my considering this plan as an alternate.

Main Issue

4. The main issue in this case is whether the site is a suitable site for housing, having regard to if the proposal would preserve or enhance the character or appearance of the Whitwell Conservation Area and its effect on the setting of the Grade II listed buildings of Nos 22, 24, and 33 High Street.

Reasons

5. Whitwell is a linear village, primarily based around High Street/Lilley Bottom Road and Horn Hill. The historic core of the village is centred on the High Street, which runs roughly parallel to the Mimram River just to the north. The Whitwell Conservation Area (WCA) is centred on this area of the settlement. The WCA is a linear one and primarily covers the High Street and the buildings

fronting the street, with land to the rear to the north between the street and the river included. The WCA has a dense character along the High Street, with many buildings, including various listed buildings directly fronting the highway, with numerous parked cars along the street adding to this character. Due to this dense character, the WCA is enhanced by the limited landscaping sited along the road. To the north along and around the river the character alters to a more peaceful, pastoral landscape, away from the hustle and bustle of the High Street.

6. The appeal site lies to the south of the High Street, and mainly consists of No 33a High Street, some of the garden land of no 33 High Street, including a tennis court, and a large field to the rear of No 33. The land rises steeply from the road edge, and continues to rise towards the rear of the field. This field is tracked on its eastern and southern sides by public footpaths. The WCA boundary follows the rear boundary of No 33a and cuts across the garden land of No 33, excluding the tennis court area and the field. The proposal seeks to construct an access in front of No 33a, demolishing this property and building up to 45 houses on the land to the rear.
7. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
8. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
9. No 33 is a Grade II listed building constructed in the early 18th century according to the listing, heightened to 3 storeys in the early 19th century, and is constructed of painted brick with a tiled roof. The house has two parallel blocks lying roughly north to south, with the northern gables facing towards the road. The property is distinctively set back from the High Street, and is sited higher than the street due to the topography of the area. A 'U' shaped drive serves the property, with accesses at both ends. The western end of the access also serves No 33a, which has a steeply rising drive and parking area. No 33a is a fairly modern red brick 2 storey property which has a neutral effect on the character and appearance of the WCA. A dense range of trees and vegetation largely hides No 33 from the High Street. The special interest of No 33 derives chiefly from its varied architectural form and its setting above and set back from the High Street.
10. The Grade II listed buildings of the Old Brewery and the Brew House (Nos 22 & 24 High Street) lie virtually opposite the access to No 33a. Stated in the listing to have previously been one house, the 3 storey property dates from the early 17th century, with substantial alterations dating from the early 18th century and

from around 1800. The slate hipped roof is partially hidden behind a noticeable red brick façade and parapet wall, which also has a moulded cornice sited just below. The 3 storey building has a pleasing symmetrical façade, with the two pedimented entrance doors located between the 3 bayed frontage. An eastern extension is noted as previously being used as a straw plait school. The special interest of the properties arises from their architectural quality, historical features and history and their setting directly on the High Street in the dense centre of the village.

11. At present the access to Nos 33a and 33 is reasonably characteristic of a private drive, being fairly low key and informal within the street scape; this impression is considerably aided by the surrounding landscaping, including various trees on both the east and west sides of the access. The access is bordered by brick piers. These piers, and the attached brick wall to the west also contribute to the character of the WCA. The proposed access, in serving some 45 dwellings would necessarily widen this access fairly considerably, removing some 5 tall cypress trees on the west side of the boundary.
12. The widened access and its bellmouth would be directly opposite No 22. This would introduce a fairly heavily engineered modern road into the direct setting of Nos 22 and 24, adversely affecting the setting and therefore the significance of these listed buildings. In creating such an access, and by the removal of the treed western verge to the existing informal track, the proposal would also cause harm to the character and appearance of the WCA. The introduction of an access road in such a way at perpendicular to the High Street would also be a new feature in the dense character of the WCA; whilst other roads also join the High Street in the WCA such as Horn Hill and the Valley to the south, these roads are fronted and cornered by houses maintaining the dense pattern of development in the WCA.
13. The current informal access slopes up to Nos 33a and 33, with the track having a focal stop in the form of No 33a. The proposed access road would be wider than this track, removing No 33a and a brick outbuilding located in front of this property, extending roughly in a straight line to approximately the back of where No 33a currently stands. The road would be a prominent feature, and whilst I note that some of the trees adjacent to the access may need to be removed in any case and landscaping proposals would seek to plant and soften the new verges, such landscaping would take time to establish and would need to allow for visibility splays. The plans also show significant areas of cutting slope that would be required to construct the new road. Such artificial slopes would appear out of place and alien within the historic character of the WCA.
14. The setting of No 33 itself would be less affected than that of Nos 22/24, with the new access set off to the side and well hidden behind landscaping. Nevertheless, the widening of the existing informal western access to the property and introduction of the access road would still cause harm to the setting and therefore the significance of No 33. To the rear, the proposed alignment of the access road would retain a significant area of back garden to the heritage asset. The revised plan would increase this area of back garden, and subject to landscaping would cause little harm to the setting of No 33.
15. Having regard to the advice in planning practice guidance I consider that the scheme would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the heritage assets. However, though less

than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.

16. The proposal would deliver some 45 dwellings, of which 40% would be affordable housing. There is no dispute between the parties that the Council are unable to demonstrate a 5 year supply of deliverable housing sites, with the deficit being noteworthy at only some 2.2-3.5 years supply. 45 dwellings is not an immaterial number, and would produce fairly significant economic and social benefits in the Council area with an acknowledged substantial lack of housing supply, both in terms of construction of the dwellings, and also in terms of the socio-economic benefits of the new residents of the houses to the village. The 18 proposed affordable housing units would also be a considerable benefit of the scheme. I place significant weight on these benefits. The provision of a village green at the centre of the indicative design is submitted as a public benefit, as well as access routes through the trees to the rear of the sites. However, whilst I acknowledge such benefits, I also consider that they would primarily serve the future residents of the site.
17. Such justification is clear; however, I do not consider it is convincing. Whilst noting the need for market and affordable housing in the District area, the proposal would cause serious harm to the WCA and to Nos 22 & 24 High Street, with lesser harm caused to No 33. Less than substantial harm does not equate to a less than substantial objection, and as heritage assets are irreplaceable any harm or loss requires clear and convincing justification. When considering the totality of the harm caused, I consider that the public benefits of the scheme, although significant, do not outweigh the harm caused and as such the proposal would be contrary to paragraphs 132 and 134 of the Framework.
18. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. Furthermore, no development plan policies are listed in the decision notice, and accordingly the development plan in this case is silent. Paragraph 14 of the Framework states that where the development plan is silent or relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted. Footnote 9 specifically refers to policies relating to designated heritage assets in this context.
19. The Council raise concerns over the effect of the development on the character of the countryside when viewed from the Hertfordshire Way. This footpath ascends the Mimram valley on the land to the north of the appeal site, such that from the higher parts of this path the appeal site is reasonably visible. I walked this path as part of my site visit.
20. Despite the elevated position of the appeal site, not all the site is visible from this footpath due to the levels of screening, even at my visit which took place in early Spring. However, a large area of green field of the site could be seen from this footpath. The development would inevitably fill a large area of this land with built form, filling more of the horizon visible from the footpath with housing.

21. However the site is clearly, even from this distance, bordered by trees on its southern and eastern boundaries such that it is separated and detached physically from the wider areas of more open countryside to the east. Furthermore, the built development would follow a similar building line of that surrounding the 'Bradway' estate to the west. I therefore consider that although the proposal would have a harmful effect on the intrinsic character and beauty of the countryside, such an effect would be minor.
22. I have concluded that the proposal would be contrary to the policies in paragraphs 132 and 134 of the Framework, and paragraph 14 therefore indicates that development should be restricted. Consequently it follows that the proposal does not constitute sustainable development for which there is a presumption in favour of within the Framework. The minor harm to the character of the countryside adds weight to my decision.
23. I therefore conclude that the site is not suitable for housing, as the proposal would neither preserve nor enhance the character and appearance of the Whitwell Conservation Area and would cause harm to the settings, and therefore the significance of Nos 22 & 24 High Street and No 33 High Street. Such harm would not be outweighed by the public benefits of the scheme. In addition, the proposal would also cause minor harm to the intrinsic character and beauty of the countryside.

Other Matters

24. A unilateral undertaking has been submitted concerning the delivery of affordable housing, as well as contributions and details relating to various other subjects, including open space, education and sustainable transport. I have considered the benefits of the proposed affordable housing above, and as I am dismissing the appeal on other grounds I have not considered this matter further.
25. I note that the site has previously been proposed in various consultation and option documents as being suitable for housing. However, I also note that the emerging Local Plan, which has been or is, imminently being submitted for examination, proposes to include the site in the Green Belt. I note in this context that the plan has not yet been examined and there remain outstanding objections to the proposed inclusion of the appeal site within the Green Belt, limiting the weight to which I can apply to this matter in line with paragraph 216 of the Framework.

Conclusion

26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

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Appeal Decision

Site visit made on 3 April 2017

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 May 2017

Appeal Ref: APP/X1925/Y/16/3163703

Goodfellows Farm, Church Lane, Reed, Herts SG8 8AR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Anna and Chris Winter against the decision of North Hertfordshire District Council.
 - The application Ref 16/01244/LB, dated 12 May 2016, was refused by notice dated 12 August 2016.
 - The works proposed are: 1) construction of single storey rear extension to enable creation of family room, 2) provision of new external door to utility room in place of original window, 3) insertion of new window to eastern flank of approved extension at ground floor level, 4) increase in size of opening in rear wall of existing kitchen.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposed works would preserve the special architectural or historic interest of the Grade II listed building.

Reasons

3. The village of Reed has a distinctive shape, with linear development largely located along a roughly square shaped network of lanes. The Reed Conservation Area (RCA) covers much of the village, being based around the network of lanes and the open space that these contain. Goodfellows Farm is a Grade II listed 18th century home, situated on Church Lane, just to the south of Reed Green. The property is sited gable on to the Lane, with its main façade facing to the south in front of a courtyard/parking area. The rendered clunch property has a tiled roof with noticeable hip to a right return, off which a single storey extension is located, parallel to Church Lane. From the front the 3 bay façade has a prominent gabled tiled porch.
4. Although extended and altered over the years, I consider that the architectural quality, the distinctive hip return to the roof and integrity of the original 18th century linear core of the building are important parts of the buildings' special interest and significance
5. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses. Section 72(1) of the Act states that special attention must be paid to the

- desirability of preserving or enhancing the character or appearance of a conservation area. Policy 28 of the Local Plan¹ states that extensions should be sympathetic to the existing house in height, form, proportions, windows details and materials.
6. A previous consent was granted in 2013 to increase the height of the existing single storey rear extension to 2 storeys, and construct an additional single storey extension off this 2 storey element. This would create a stepped design of 3 pitched roof elements to the building, with the 2 storey design being lower than the original building roof pitch and eaves, and the single storey roof being lower again.
 7. I have limited evidence on this previous consent but it appears that critically this consent has recently expired. The proposed works before me seek to construct the extension previously granted consent, but also construct a flat roofed extension in part of the 'L' shape that the extensions would create. However, the development description for this appeal only relates to the single storey elements of the scheme.
 8. I do not consider that the proposed family room would harm the character of the listed building. The essential character and pattern of the layout of the original cottage would be maintained, and the proposal in its form in a largely flat roof design with glazed doors and small octagonal roof lantern, materials, and footprint would appear as a modern extension to the vernacular cottage, separate in both its form and design to the original building. The splayed corner would create an area of interest to help the footprint of the proposal remain subordinate, and the property would retain its character of an extended 18th century farmhouse. I also note that the Council recognise that the widening of the kitchen wall to access the family room would only involve the removal of blockwork as opposed to historic fabric.
 9. However, this does not resolve the issue of the expired consent, which the appellant acknowledges would not enable the scheme to be implemented. The proposal if allowed would provide permission for the single storey element of the scheme, leaving the previously consented but now expired 2 storey extension unresolved. The previous 2 storey extension with its stepped roof design allows each phase/area of the proposed extensions to be subordinate to the higher elements. However, in the absence of this the proposal would result in an overly long and wide single storey extension to the building, whose excessive single storey proportions would detract from the original cottage, adversely affecting its significance. The side of the extension would also be fully visible from the RCA, neither preserving nor enhancing its appearance.
 10. With reference to paragraphs 131- 134 of the National Planning Policy Framework, I consider that the proposal as it stands would lead to less than substantial harm to the significance of the listed building and the RCA. In such circumstances this harm should be weighed against the public benefits of the scheme. I can appreciate that the proposal would provide the home with more space for a family home. Putting aside the issue of whether such matters would constitute public benefits, the property appears in good condition at present and appears fully in residential use. As a result the public benefits identified would be insufficient to outweigh the less than substantial harm caused.

¹ North Hertfordshire District Council District Local Plan No.2 with Alterations. Originally adopted April 1996.

11. I therefore conclude that given the expiration of the previous consent the proposed works as presented would not preserve the special architectural or historic interest of the Grade II listed building, and would be contrary to the Framework and Policy 28 of the Local Plan. For the same reasons nor would the proposed works preserve or enhance the character and appearance of the Reed Conservation Area, to which the property makes an important contribution.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

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Appeal Decision

Site visit made on 16 May 2017

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 May 2017

Appeal Ref: APP/X1925/D/17/3169309

6 Walnut Tree Road, Pirton SG5 3PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Bruce Writer against the decision of North Hertfordshire District Council.
 - The application Ref 16/02209/1HH, dated 25 August 2016, was refused by notice dated 6 December 2016.
 - The development proposed is a two bay detached heritage style timber garage with storage bay to be constructed in the side garden area.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area bearing in mind it would be within the Pirton Conservation Area (CA) and within the settings of the Toot Hill scheduled monument and the grade II listed 4-6 Walnut Tree Road (Nos 4 to 6).

Reasons

3. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings. Moreover, monuments listed under section 1 of the Ancient Monuments and Architectural Areas Act 1979 are designated heritage assets of national importance.
4. The appeal property is a semi-detached dwellinghouse and garden which forms part of the grade II listed Nos 4 to 6. The proposed building would be positioned to the south of the appeal dwelling on a narrow triangular area of garden at the entrance to the CA. A public footpath crosses the appeal site and leads to a large open area with mounds and ditches which are the earthworks of the castle motte Toot Hill scheduled monument (SM).
5. When travelling north along Walnut Tree Road alongside the appeal site entering the main built up part of Pirton, gaps in the boundary trees and hedging afford glimpses of the SM to the west. Furthermore, upon approaching the village there are relatively long range views of Nos 4 to 6 an attractive white rendered slate roof dwelling adjoining a larger timber framed thatched roof dwelling. The buildings in the CA display a range of traditional

- architectural details, are finished in complementary materials and are mainly set back from the road with mature planting in front gardens.
6. In my view, the significance of the CA and the listed buildings within it is derived from the architectural interest of the buildings grouped together in a traditional street pattern within a verdant rural setting. The significance of the SM is derived from its history as a medieval fortification and the associated landscape features that remain.
 7. I acknowledge that the scale of the proposed garage has been reduced from that originally proposed. However, it remains a large building which would be prominently located at the entrance to the CA and relatively close to Nos 4 to 6. Whilst incorporating a slate roof its contrasting timber clad finish would draw attention to a significant bulk of development in the foreground of the grade II listed Nos 4 to 6.
 8. Through its scale and contrasting finish the proposed building would compete with Nos 4 to 6 and draw attention away from it upon entering the village. This would harm the setting of the grade II listed building and its significance. Furthermore, the proposed building at the entrance to the CA in place of a relatively open green area would erode the verdant and rural setting of the village, thus failing to preserve the character or appearance of the CA.
 9. I have considered the photographic evidence provided by the appellant showing views to and from the SM and views in and around the village. However, gaps in the appeal site boundary vegetation afford glimpses of the open and varied topography of the SM. Whilst additional landscaping would screen views of the development from the SM, when approaching from Walnut Tree Road to access the SM through the public footpath the proposed building would appear as a large solid and stark feature amongst soft mature landscaping. Through its prominence and contrasting form in the foreground and on a main route to the SM the proposed development would harm its setting and its significance.
 10. Thus, overall I find the proposal would harm the character and appearance of the area and would harm the settings of designated heritage assets. It would therefore fail to accord with paragraph 132 of the National Planning Policy Framework (the Framework), which attaches great weight to the conservation of designated heritage assets and their settings.
 11. For the same reasons the proposal would not accord with saved Policy 57 of the North Hertfordshire District Council District Local Plan No. 2 with Alterations Originally adopted April 1996 Written Statement (2007) which among other things seeks to achieve good design.
 12. That said, in the context of the significance of the heritage assets as a whole, I would calibrate the harm arising from the proposed development, in accordance with paragraphs 133 and 134 of the Framework, as less than substantial. In these circumstances, the Framework requires the degree of harm to be balanced against any public benefits the development may bring.
 13. There would indeed be some benefits, such as the removal of the existing garage, additional planting and the opportunity to store cars and domestic paraphernalia away from public view. There may also be economic benefits associated with construction. However, these combined benefits are modest,

and do not outweigh the great weight I must attach to the harm I have identified to the designated heritage assets and their settings.

Conclusion

14. For the reasons set out above having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

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Appeal Decision

Site visit made on 28 March, 2017

by **S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th June, 2017

Appeal Ref: APP/X1925/W/16/3165952

Barkway Golf Club, Nuthamstead Road, Barkway, SG8 8EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Geoff Cannon against the decision of North Hertfordshire District Council.
 - The application Ref: 16/01870/1 dated 25 July, 2016 was refused by notice dated 4 October, 2016.
 - The development proposed is erection of a detached two-storey four-bedroomed house with attached double garage.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a detached two-storey four-bedroomed house with attached double garage at Barkway Golf Club, Nuthamstead Road, Barkway, SG8 8EN in accordance with the terms of the application, Ref: 16/01870/1 dated 25 July, 2016 and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues in this case are whether; having regard to national and development plan policies, the development would comprise sustainable development with particular respect to its effect on the character and appearance of the area.

Reasons

Character and Appearance

4. Barkway Village is a linear settlement stretched out along the High Street (the B1368). The appeal site sits outside and to the south of the settlement boundary, close to the junction of the B1368 and Nuthampstead Road. It is an

area of thorny scrub with a high and thick hedgerow on its boundary with Nuthamstead Road.

5. The proposal would create an averagely sized house with an attached double garage, intended to provide staff accommodation for the manager of the golf club. It would set in a large garden area and located behind a small group of large detached houses with generous gardens. Although the proposed house would be some distance from the main area of linear development along the High Street, and would form a very minor lateral extension to the settlement, these are not an exceptional forms of development within the village. It would therefore be a very minor extension of the settlement at its margins. It would also, due to its location in the extreme north-west corner of the Barkway Park Golf Course, form a very small intrusion into the open land of the golf course.
6. It appears to me therefore that the appeal proposal would have a very limited effect on the established character of the settlement or the countryside, which would not cause harm. It would not therefore conflict with saved Policy 6 of the North Hertfordshire District Council District Local Plan No. 2 with Alterations 1996 (the LP) which seeks to maintain the existing countryside and villages and their character.

Whether the development would comprise sustainable development

7. The site is outside the identified village boundary of Barkway in a rural area beyond the Green Belt. Local Plan policy seeks to resist development within such areas unless it can be shown to be necessary to meet a defined need. While the appellant has suggested that "special circumstances" apply in this case, it does not meet the circumstances set out in saved Policy 6 of the LP.
8. However, it is not disputed that the Council cannot demonstrate a five year deliverable supply of housing land, and I have therefore been mindful of the provisions of paragraphs 14 and 49 of the National Planning Policy Framework (The Framework) in this respect. The Framework generally encourages the supply of new housing, and states that housing applications should be considered in the context of the presumption in favour of sustainable development.
9. The appeal dwelling would be within a cluster of existing buildings which includes a garage and pub to the north, Howletts Farm to the north east, and within walking distance of the Golf Club. I conclude therefore that it would not be isolated within the countryside, and that its occupiers would be likely to make some contribution to the viability of the adjacent services and facilities and to others within the village, and to the vitality of the settlement as a whole.
10. There is no footpath on Nuthampstead Lane, but one runs from close by into the village centre, which is at a walkable distance from the site. There are bus stops in the vicinity, with access to a weekly bus service between Bishops Stortford and Royston. It appears to me likely therefore that future occupiers of the dwelling would be reliant on private car journeys for much of the time to access a range of services and facilities. However, the additional trips generated by a single dwelling would be unlikely to generate movements sufficient to conflict with the aims of the Framework to minimise the need to travel and maximise the use of sustainable transport modes. Furthermore, as

the house is intended to provide staff accommodation for the golf club, access to employment could be obtained on foot.

11. As the proposal would provide an additional dwelling, it would have an effect on the shortfall in housing land supply, albeit a limited one. However, in the light of this shortfall, and because it would also meet the aims of paragraph 55 of the Framework, I therefore find considerable weight in favour of the proposal. While not in compliance with Policy 6 of the LP, I have also concluded that the proposed house would not harm the character and appearance of the settlement or the countryside. It would not, either, give rise to significant levels of private car journeys. As, in accordance with Paragraph 14 of the Framework, these effects do not therefore significantly and demonstrably outweigh the benefits, I conclude that the balance lies in favour of allowing the appeal.
12. Although the Council mentions a number of appeal decisions where the application of this balance has led to the opposite conclusion, no details of these have been put before me.

Other Matters

13. It has been suggested that the site has value as a wildlife habitat, but no convincing evidence has been put before me to confirm this. Concern has been expressed by third parties that the dwelling would set a precedent for development in other locations outside settlement boundaries. However, this is a generalised rather than a specific fear, since each proposal has to be considered on its merits. The existence of a permissive path through the development site is not a matter for determination through the planning system. While the site was not identified for housing as part of the emerging local plan, the presumption in favour of sustainable development set out in the Framework means that development is not precluded outside such sites. Issues of security or surveillance are operational matters for the Golf Club and not to be determined through the planning system.

Conclusion

14. For the reasons given above, therefore, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Conditions

15. The Council has provided a list of conditions, which the appellant has had the opportunity to consider. I have taken these conditions, and the relevant tests into account. In the interests of clarity, a condition is attached requiring the implementation of the scheme in accordance with the approved plans. In the interests of protecting the character and appearance of the area, a condition is attached requiring details or samples of materials to be used in external elevations.
16. I have added conditions relating to the width, surfacing and gradient of and gates to the access to the site from the highway, to visibility splays, and to the vehicle turning area, as they appear to me to be reasonable and necessary in the interests of protecting highway safety. Evidence of a small risk of ground contamination has been put before me, and I have, accordingly added a condition requiring the completion of a risk assessment, and any remedial action arising from it, prior to the beginning of development.

17. The Framework is clear that the use of planning conditions to restrict national permitted development rights should not be used unless there is a clear justification to do so, and that such conditions will rarely pass the test of necessity. No such justification has been put before me, and I can see none, and I have not, accordingly added such a condition.
18. No justification has been put before me for the requirement for the development to provide an electric vehicle charging point, including any policy justification or details of how it would offset the adverse impacts of the operational phase of the development on local air quality. It does not therefore appear to me to be reasonable. I have not added such a condition.

S J Buckingham

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CBSD/OP/GC/1, 2, 3, 4 & 7.
- 3) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 4) The access shall be 3.6 metres wide and shall be constructed in a hard surfacing material for at least the first 6 metres from the edge of the carriageway. The gradient of the access shall not be steeper than 1 in 20 for at least the first 6.0 metres from the edge of the carriageway, and any gates provided to the access shall be set back a minimum of 6 metres from the edge of the carriageway and shall open inwards to the site.
- 5) Before the access is first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 215 metres in both directions, within which there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway level, shall be provided and permanently maintained. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.
- 6) Prior to the occupation of the approved dwelling, the proposed turning area as identified on drawing number CBSD/OP/GC/2 shall be provided, and it shall be permanently retained as provided thereafter.
- 7) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation, including timescale, shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and the measures shall be implemented prior to the occupation of the site.

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Appeal Decision

Site visit made on 18 May 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th June 2017

Appeal Ref: APP/X1925/W/17/3171310

7 Gernon Walk, Letchworth Garden City SG6 3HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Davinder Singh against the decision of North Hertfordshire District Council.
 - The application Ref 16/02068/1, dated 12 August 2016, was refused by notice dated 19 December 2016.
 - The development proposed is described as 'single storey rear extension to the existing Sikh temple'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. Whether the proposed extension would preserve or enhance the character or appearance of the Letchworth Conservation Area and preserve the setting of 7-17 and 19-25 Lytton Avenue, which are grade II listed buildings.

Reasons

3. The appeal site includes a single storey building currently in use as a Sikh Temple. It has been extended, in the past, with a large rear single storey addition with a flat roof. The building covers almost the full width of the plot and leaves an area of hardsurfacing at the front and rear and limited space for planting, such that, together with its front wall, it appears rather more urban than other properties in the area.
4. The character and appearance of the Conservation Area includes a planned layout of attractive development, set out in a landscaped setting, in accordance with Garden City principles and 'group design'. This includes the picturesque layout and design of buildings, which are grouped together to form a sequence of outdoor spaces and related to each other and the overall setting. Generally properties include large front and rear gardens, green spaces and trees and planting, both in private and public open spaces, such that the Conservation Area has a spacious, green and verdant character and appearance. Boundary treatments are generally low level walls, picket fences, hedges and trees, which together with the rural cottage design of dwellings, gives the Conservation Area a semi-rural feel. High quality design and the use of a limited palette of mainly natural materials, result in a cohesive feel.
5. The short terrace of listed buildings at 7-17 and 19-25 Lytton Avenue comprise cottages of a similar ilk to one another, with rendered elevations and

prominent pitched roofs. They are set out in a planned arrangement, with one terrace set forward of the other behind a green space. They have long rear gardens and planting which contribute to their spacious, green and semi-rural landscaped setting.

6. The proposed extension would result in more development on this limited plot and less open space to the rear of the existing building, such that it would appear cramped. This would detract from the spacious qualities of the Conservation Area. It would diminish the opportunities for planting at its rear, which would erode the green and verdant qualities of the Conservation Area. Further, its flat roof, even though it would replicate that on the existing building, would fail to reflect the generally pitched roofed development seen locally. The general design and detailing, including the roof, window and door details, fail to duplicate the high quality design and attention to detail seen elsewhere in the Conservation Area. All in all, for all these reasons, the appeal development would fail to preserve the special qualities of the Conservation Area that I have identified.
7. As the proposed addition would be some distance from the listed properties in Lytton Avenue and separated by a wall and some planting, no material harm would result to the setting of those listed buildings.
8. In coming to these findings I have had regard to the conclusions of my Colleague in allowing an appeal for an extension at the appeal site¹. However, that appeal was some time ago, and the appeal site has been extended since then. My conclusions, however, accord with those of another Inspector in dismissing an appeal for a covered seating area in the rear garden.²
9. I conclude that the appeal development would preserve the setting of the listed buildings identified. It would, in this regard, generally accord with North Hertfordshire District Local Plan No. 2 with Alterations (1996) Policy 58. However, for all the reasons given, it would fail to preserve the character and appearance of the Letchworth Conservation Area. For this reason, it would be contrary to LP Policy 58, which aims for development in Letchworth Garden City to reflect the Garden City Principles.

Public Benefits

10. In accordance with paragraph 132 of the National Planning Policy Framework (the Framework), I accord great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the Conservation Area would be less than substantial, a matter to which I attach considerable importance and weight. However, in this case, no public benefits, as identified in paragraph 134 of the Framework, are before me, sufficient to outweigh that harm. In coming to this conclusion, I have had regard to the provision of enhanced accommodation for a community use.

Other Matters

11. I have noted the concern of local residents with regard to noise and disturbance amongst other matters. However, on the basis of my previous findings I have no reason to consider these further.

¹ APP/X1925/A/84/14595

² APP/X1925/A/91/194118

Conclusion

12. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR

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