

Public Document Pack

7 September 2018

Our Ref Planning 20.09.18
Your Ref.
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To: Members of the Committee: Councillors Mike Rice (Chairman), Michael Muir (Vice-Chairman), Allen, Brown, Paul Clark, Bill Davidson, Sarah Dingley, Jean Green, Cathryn Henry, Mike Hughson, Tony Hunter, Ian Mantle, Sue Ngwala, Harry Spencer-Smith and Michael Weeks

Substitutes: Councillors David Barnard, Val Bryant, Faye Frost, Gary Grindal, Ben Lewis, Val Shanley and Terry Tyler

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE

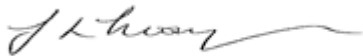
to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY**

On

THURSDAY, 20 SEPTEMBER, 2018 AT 7.30 PM

Yours sincerely,



Jeanette Thompson
Service Director – Legal and Community

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 19 JULY 2018 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 19 July 2018. These Minutes are to follow.	
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, wished to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION To receive petitions and presentations from members of the public.	
6. 17/01622/1 - THE STATION INN, STATION APPROACH, KNEBWORTH SG3 6AT REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of 3 storey building to provide 9 x 2 bed flats; conversion and extension of store to 1 bed house and new vehicular access off of Station Approach (as amended by drawings received 12th and 25th October 2017).	(Pages 1 - 32)

- 7. 18/00584/FP - SANDON BURY FARM, SANDON, HERTFORDSHIRE SG9 0QY**
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Diversification of Sandon Bury Farm to provide an events venue and guest accommodation, comprising demolition of existing modern buildings within the Sandon Bury Farm complex, change of use of existing buildings from agricultural uses to an events venue, guest accommodation and alterations to listed and non-listed buildings (Black Barn, grain store and hay barn).

(Pages
33 - 72)
- 8. 18/00585/LBC - SANDON BURY FARM, SANDON, HERTFORDSHIRE SG9 0QY**
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Internal Alterations to Sandon Bury Farmhouse (grade II* listed). Refurbishment of the Black Barn (grade II* listed) to include overcladding, acoustic insulation work and alterations to existing openings. New building (Grainstore Barn) abutting northeast gable end of Black Barn. Link extension between Black Barn and Centre Barn. Alterations to Hay Barn and extension thereof to form covered entrance loggia. Internal and external alterations to the Dovecote (grade II listed) including the provision of a new roof. Internal and external alterations to the Couch House/garage Barn (grade II listed).

(Pages
73 - 96)
- 9. 18/01994/FP - 3 HOMEFIELD, HINXWORTH, BALDOCK, HERTFORDSHIRE SG7 5RX**
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Single storey side extension and single storey extension to existing garage to provide annexe

(Pages
97 - 104)
- 10. 18/00359/RM - LAND EAST OF GARDEN WALK AND NORTH OF NEWMARKET ROAD, GARDEN WALK, ROYSTON, HERTFORDSHIRE**
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Reserved Matters application for the approval of landscaping, layout, access, scale and appearance relevant to the implementation of Phase 2 of the development under outline planning permission 14/02485/1 for residential development and community open space with access onto the A505.

(Pages
105 -
120)
- 11. 18/01607/FP - RIDGE FARM, RABLEY HEATH ROAD, CODICOTE, WELWYN, HERTFORDSHIRE AL6 9UA**
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of 4 x 3 bedroom dwellings with attached garages, associated car parking spaces and new vehicular access onto Rabley Heath Road and ancillary works following demolition of existing buildings

(Pages
121 -
136)
- 12. PLANNING APPEALS**
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

(Pages
137 -
152)

ITEM NO:	<u>Location:</u>	The Station Inn, Station Approach, Knebworth
	<u>Applicant:</u>	Market Homes (knebworth) Ltd
	<u>Proposal:</u>	Erection of 3 storey building to provide 9 x 2 bed flats, conversion and extension of store to 1 bed hours and new vehicular access off of Station Approach (as amended by drawings received on 12th and 2th October 2017)
	<u>Ref. No:</u>	17/01622/1
	<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period: N/A

Reason for Delay

N/A. This application is now the subject of an appeal to be heard by Public Inquiry.

Background to Report and Reason for Referral to Committee

This planning application was originally reported to the Meeting of the Planning Control Committee held on 19 April 2018 (report attached as appendix 1). At that Meeting Members resolved to refuse planning permission for the reasons set out in the decision notice attached as appendix 2. Members will note that the decision of the Planning Control Committee to refuse planning permission for the reasons set out in the decision notice was made against the recommendation of the Development and Conservation Manager which was to grant planning permission with conditions.

Since this decision the appellant has lodged an appeal against this decision (start date for the appeal set by the Planning Inspectorate (PINs) is 2 August 2018). PINs have decided that the appeal is to be determined through a Public Inquiry.

At the time of writing there is no confirmed date for the Public Inquiry but by 28 September the Council is required to provide its full 'Statement of Case' to PINs and the appellant. The Statement of case is a brief document which sets out in broad terms the case that the Council will defend at the Inquiry. It needs to explain how the Council will provide expert evidence in the form of proofs of evidence to substantiate each reason for refusal.

The purpose of this report is to seek Members agreement to reduce the number of reasons for refusal and clarify other reasons that the Council seeks to defend at the Public Inquiry. By reducing the reasons for refusal to those set out in the recommendation the Council will reduce its costs risk at the Inquiry and be able to present a professional case to support the reasons for refusal rather than relying on Members having to present the evidence themselves.

As in all cases where Members have overturned officer recommendation under the professional code of conduct of the Royal Town Planning Institute (RTPI) officers cannot present evidence on behalf of Members or be cross examined on a case they cannot support. The Council will however need professional representation at the Inquiry and I have employed the services of a highly experienced planning consultant to review the case and in his view he is prepared to defend the reasons for refusal at the appeal but only based on the changes to the reasons I recommend below.

1.0 Relevant History

- 1.1 See committee report and decision notice attached as appendices 1 and 2.

2.0 Policies

- 2.1 See committee report and decision notice attached as appendices 1 and 2.

3.0 Representations

- 3.1 All representations received as a result of consultation on the planning application have been sent to the Planning Inspectorate and all interested parties have been provided with an opportunity to make further comments to PINs and attend and will be able to participate in the forthcoming public inquiry.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 See committee report attached as appendix 1.

4.2 Proposal

- 4.2.1 See committee report attached as appendix 1.

4.3 **Key Issues**

- 4.3.1 I set out below my assessment of each reason for refusal and the likely consequences of pursuing each reason in terms of evidence required to be presented at the Inquiry, the likely prospects of success and the costs risks that the Council will be exposed to should Members resolve to pursue the reason and seek to defend it at the forthcoming public Inquiry.

4.3.2 **Reason 1 Potential Loss of the Public House use**

The proposed development, due to the loss of most of the public house garden and the introduction of residential units in such close proximity to the public house, would be prejudicial to the retention and development of this important community facility, which is a designated Asset of Community Value and the only public house in Knebworth. As such, the development would be contrary to paragraphs 28 and 70 of the National Planning Policy Framework and contrary to Policy ETC7 of the submitted Local Plan 2011-2031.

- 4.3.3 The new NPPF published in July 2018 replaces the NPPF on which the decision to refuse permission was determined. The equivalent paragraphs to 28 and 70 in the new NPPF are paragraphs 83 and 92.
- 4.3.4 Whilst the development proposal would not lead to the loss of the public house the Committee were concerned about the development proposal encroaching onto the pub garden and threatening its long term viability.
- 4.3.5 Arguably paragraph 92 of the new NPPF could strengthen the Council's case in relation to this reason for refusal. Paragraph 92 replaces the provisions of old paragraph 28 of the previous NPPF but adds another element to the policy as follows:

'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs;

d) ensure established shops, facilities and services are to develop and modernise, and are retained for the benefit of the community;'

- 4.3.6 This new clause d) can in my view be used as a basis to support the Council's refusal reason at the appeal, which can be supported by paragraph 83 of the new NPPF which replaces paragraph 70 and reads as follows:

'Planning Policies and decisions should enable:

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'

4.3.7 Policy ETC7 of the submission Local Plan (2011-2031) is also referenced in the reason for refusal and this policy reads as follows:

'Planning permission for the loss or change of use of any shops, services, or facilities outside the defined retail hierarchy will be granted where:

a. There is another shop, service or facility of a similar use available for customers within a convenient walking distance; and

b. The proposed replacement use would complement the function and character of the area.'

4.3.8 In my view the appeal proposal which does not lead to the change of use or direct loss of public house does not conflict with this policy. The Council need to concede this point at the earliest opportunity (i.e. within the Statement of Case) in order to reduce the appellant's costs in seeking to demonstrate to the Inspector how the scheme does comply with the policy. The policy simply does not fit these circumstances, its criteria are only relevant to planning applications which propose the loss of facilities within the application, which is not the case here.

4.3.9 Overall therefore in relation to reason 1 of the decision notice I recommend that Members agree to present a Statement of Case which seeks to remove reliance submission Local Plan Policy ETC7 but presents an argument that the appeal proposal would be prejudicial to the aims of new NPPF paragraphs 83 and 92 (see recommendation 6.1 i) set out below).

4.3.10 **Reason 2 Poor Design and Layout**

The proposed block of flats, due to its size, would present a cramped appearance in the street scene and this, together with its overall design, would be out of keeping with the character and visual amenities of Station Approach and Park Lane. As such the development would be contrary to the National Planning Policy Framework, Section 7 'Requiring Good Design', Policy 57 – Residential Guidelines and Standards of the North Hertfordshire District Local Plan No. 2 with Alterations and Policy D1 – Sustainable Design of the submitted Local Plan 2011-2031.

4.3.11 This reason relates to design and layout and can be argued at an appeal as it does not require the submission of technical evidence that can be easily cross examined. Save for updating the relevant sections of the new NPPF I can recommend that the Council continues to defend this reason for refusal at the Inquiry.

4.3.12 **Reason 3 Lack of Parking leading to severe highway impacts**

The proposed development would fail to provide a sufficient number of parking spaces to serve the new flats, to meet the Council's current minimum car parking standards and would result in the reduction of the parking space available for the public house. This would result in severe harm upon the parking capacity of the local highway network. The development would, therefore, be contrary to the National Planning Policy Framework, Section 4 – Promoting Sustainable Transport; North Hertfordshire District Local Plan No 2 with Alterations, Policy 55 Car Parking Standards, and the submitted Local Plan 2011-2031, Policy T2 Parking.

4.3.13 The National Planning Practice Guidance (NPPG) sets out circumstances (not exhaustive) when a local planning authority may be at risk of an award of costs against it at an appeal. Two specific examples given are when a local planning authority withdraws a reason for refusal and when a local planning authority fails to produce evidence to substantiate each reason for refusal at an appeal.

4.3.14 To defend this reason for refusal under cross examination will require clear evidence that the effect of a slight deficiency in car parking on site would have a severe impact on the safe operation of the highway, in the face of no objections from the statutory consultee (Hertfordshire County Council Highway Authority). To continue to defend this reason beyond Statement of Case Stage (28 September 2018) leading up to exchange of proofs of evidence and presentation at the Inquiry, would add to the costs the appellant would accrue in providing their own expert evidence to counter the Council's case.

4.3.15 Taking account of the advice within the NPPG the Council is at risk of an award of costs by withdrawing this reason for refusal. However, at this early stage of the appeal and before the Statement of Case is submitted any costs claim on this element would be very limited as the appellant has not spent resource seeking to counter any evidence that the Council has put forward defending this reason refusal; Such as employing expert witnesses to explain the highway implications of the scheme and seeking legal advice on preparing proofs of evidence for those witnesses.

4.3.16 The higher risk of a greater award of costs is in my view incurred by continuing to pursue this reason for refusal and then attending the Inquiry without substantive, expert evidence to support the argument.

4.3.17 There is a balance of risk here but given that the Council is now faced with having to prepare for a Public Inquiry I am of the view that the most prudent course of action is to withdraw this reason for refusal at this early stage of the appeal process. I therefore recommend that Members agree to withdraw reason for refusal 3.

4.3.18 **Reason 4 Noise and Odour Impacts**

Due to the close proximity of the proposed flats and the residential conversion of the store building of the existing public house, the living conditions of the future occupiers would be prejudiced by the general noise and odour associated with the public house. In addition to this, insufficient outdoor amenity space would be provided to meet the needs of the future occupiers. The development would, therefore, be contrary to the National Planning Policy Framework, paragraph 17; North Hertfordshire District Local Plan No. 2 with Alterations, Policy 57 – Residential Guidelines and Standards; and the submitted Local Plan 2011-2031, Policy D3 – protecting living conditions.

4.3.19 The NPPG also advised that local planning authorities will be at risk of an award of costs being held against them if they:

‘[refuse] planning permission on a ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions enable the development to go ahead.’

4.3.20 The officer report to Committee set out in appendix 2 and the memorandum from the Council’s Environmental Health Officers (appendix 3) clearly explains how the Council’s Environmental Health Officers following an assessment of the applicants noise and odour assessment were satisfied that the noise and odour effects associated with this development can be mitigated by the imposition of suitably worded planning conditions. Members however decided to refuse planning permission on the basis of noise and odour impacts.

4.3.21 Given the advice of the NPPG set out above there is clear risk of an award of costs being awarded against the Council if the appeal Inspector concludes in line with the Council’s employed experts that any noise or odour impacts can be mitigated by conditions. Moreover, if the Council continues to pursue this reason for refusal the appellant will incur considerable costs associated with employing their own experts in seeking to explain how conditions would mitigate any impact.

4.3.22 As with the highway reason for refusal, there is a balance of risk here in withdrawing a reason refusal (but at an early stage of the appeal) or pursuing a reason for refusal to defend which would be very difficult to substantiate with clear expert evidence. I am of the view that the risk of a substantial award of costs being awarded against the Council is lower if this reason for refusal is withdrawn at this stage and then explained in the Statement of Case. I recommend that reason for refusal 4 is withdrawn.

4.3.23 The wider and more general point about poor amenity space can be incorporated into any design evidence associated with reason 2.

4.3.24 **Reason 5 Lack of Completed S106 Obligation**

The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of planning obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligations – tool kit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No 2 with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development contrary to the requirements of the National Planning Policy Framework (NPPF).

4.2.25 At present this reason for refusal still stands. It is however standard and expected practice that in the lead up to an appeal the appellant and local planning authority work towards securing a valid S106 Obligation in time for the appeal. On this basis I seek Members agreement to withdraw this reason for refusal if between now and the date of the Inquiry the parties have negotiated a valid S106 Obligation that delivers all the necessary elements.

4.3 Conclusion

4.3.1 A public inquiry throws considerable scrutiny on a local planning authority. A decision to refuse planning permission is opened up to cross examination and expert evidence is tested. Reasons for refusal must be robust and supported by evidence. In this case and having discussed the appeal with our appointed planning consultant who has considerable experience at giving expert evidence at Inquiry and indeed experience as Planning Inspector determining appeals he is prepared to represent the Council at this Inquiry but only the basis of the refined and reduced reasons refusal I recommend below. He will not be able to give expert evidence on noise, odour or traffic issues and indeed I consider that no such evidence on these matters would be credible given the facts of the case.

4.3.2 In my view if Members were minded to support my recommendation I do not consider it to be a weakening of the Council's case. In fact I consider that the Council by being professionally represented at the Inquiry and only arguing the key points that it has a case to pursue would present a more credible and robust defence of the decision to refuse planning permission.

- 4.3.3 Moreover, by narrowing the range of issues of dispute with the appellant the Council will reduce its risk to cost exposure.
- 4.3.4 If Members agree this recommendation I also request that Members agree that that I write to PINs and the appellant and ask that the appeal procedure is down graded to a Hearing as in such circumstances technical highway, noise and odour evidence does not need to be tested and on that basis a Hearing would seem more appropriate to avoid significant legal costs to all parties associated with a Public Inquiry.

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 the Council in its Statement of Case relating to this appeal adapts the reasons for refusal as follows:
- i. Refines reason for refusal 1 by withdrawing reference to Policy ETC7 of the Submission Local Plan (2011-2031);
 - ii. Supports Reason for refusal 2 on poor Design and Layout with the addition of lack of amenity space as part of the poor design and inappropriate development in relation to the continuation of the pub use;
 - iii. Withdraws reasons for refusal 3 and 4 at this early stage;
 - iv. Allows the Development and Conservation Manager in consultation with the Council's planning lawyer, appointed Counsel and planning consultant to withdraw reason 5 if and when a satisfactory completed S106 Obligation is finalised between now and the date of the Inquiry.
- 6.2 That the Members allow the Development and Conservation Manager to write to PINs and the appellant to request that the method of appeal is down graded from Public Inquiry to Hearing in light of the changes to the Council's case agreed under recommendation 6.1:

ITEM NO: 2	Location:	The Station Station Approach Knebworth SG3 6AT
	Applicant:	Market Homes (Knebworth) Limited
	Proposal:	Erection of 3 storey building to provide 9 x 2 bed flats; conversion and extension of store to 1 bed house and new vehicular access off of Station Approach (as amended by drawings received 12th and 25th October 2017).
	Ref.No:	17/01622/1
	Officer:	Kate Poyser

Date of expiry of statutory period : 26.09.2017

Reason for Delay (if applicable)

Reason for Referral to Committee (if applicable)

Submitted Plan Nos

SE-760-01 SE-760-03 SE-760-02 SE-760-20C SE-760-21B SE-760-22A SE-760-23A SE-760-24A 6098-1 SE-760-25C SE-760 revA

1.0 Policies

LP5 Excluded Villages

1.0 **Site History**

1.1 There is no relevant site history.

2.0 **Policies**

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

Policy 5 – Excluded Villages

Policy 26 – Housing Proposals

Policy 51 – Development Effects and Planning Gain

Policy 57 – Residential Guidelines and Standards

Supplementary Planning Documents

Vehicular Parking at New Development

2.2 **National Planning Policy Framework**

Core Planning Principles

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

2.3 **North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission**

Policy SP2 – Settlement Hierarchy

Policy ETC7 – Scattered local shops and services in towns and villages

Policy T2 – Parking

Policy HS2 – Affordable Housing

Policy D3 – Protecting living conditions

Policy HC1 – Community facilities

Policy NE8 – Sustainable drainage systems

Policy HE3 – Local heritage

3.0 **Representations**

3.1 **Environmental Health (contaminated land and air quality)** – raises no objections, but recommends two conditions should contamination be found during constructions and to provide an EV charging point in the three storey building. An EV charging point specification informative is also requested.

3.2 **Environmental Health (noise and other nuisances)** – requests further information and advises.

“Until noise has been assessed and appropriate noise mitigation measures agreed I would not like to see this application approved. In light of the above comments, I consider it appropriate to require noise assessment(s) for this application to determine the noise mitigation measures (such as improvements to sound insulation of ceiling / floor / glazing, modifications to kitchen extraction system, barriers, etc.) that will be necessary to achieve satisfactory internal and external amenity area noise levels for all the proposed dwellings, including the first floor residential units in the Station public house, the proposed new build flats and the outbuilding conversion.” (Extract)

Environmental Health have been re-consulted on a submitted noise assessment report and I shall up-date Members of any further comments at the committee

3.3 Waste Management – “The New Dwellings section states that the storage of bins is shown on drawing SE-760-20. This drawing does not appear on the list. It also states that the collection point for the first block of flats is 29.5m, and the second one is 17.5m from the carriageway. As stated below, this is too far, 15m is the maximum recommended length.” (Extract)

“No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.” (Extract)

3.4 County Highway Authority – Following an initial objection and the subsequent receipt of amended drawings, no objections are now raised and 5 conditions are recommended.

3.5 Planning Policy – “This scheme proposes to redevelop a brownfield site, with positive contributions of the scheme seen to outweigh any negatives of the scheme. There are no significant policy objections to this proposal.” (Extract)

3.6 Landscape and Urban Design – Raises no objections to the proposed scheme, but suggests the block of flats should be further from the footpath running down the side and that the opportunity to improve the street frontage to the PH, with some form of enclosure, should be taken.

3.7 Housing Development Liaison Officer – Prior to the receipt of amended drawings reducing the number of units to 10 - “Based on the provision of 14 new dwellings, the council’s affordable housing requirement is 25%, which equates to 4 affordable dwellings.

Within the overall 25% affordable housing the council requires a 65% rented/ 35% intermediate affordable housing tenure mix, in accordance with the proposed submission Local Plan, the 2016 Stevenage and North Hertfordshire Strategic Housing Assessment (SHMA) Update and the Planning Obligations SPD. This would equate to three rented units and one intermediate affordable tenure unit.” (Extract)

3.8 Hertfordshire Property Community Development – require the following to be secured by S106 Agreement.

- Youth Service towards art equipment at Bowes Lyon Centre (£129)
- Primary Education towards additional primary provision in Knebworth (£7,716)
- Library Service for Knebworth Library in order to develop the provision for IT users (£1,469)

3.9 Lead Local Flood Authority – “Infiltration tests have been carried out on site and results show that infiltration is not feasible. We acknowledge that there are no watercourses or surface water sewers within the vicinity of the site. Therefore the proposed drainage strategy is based upon attenuation and discharge into Thames foul water sewer utilising an existing connection restricted to the 2.5 l/s for the 1 in 100 year event. However we require confirmation from Thames Water regarding the reuse of the existing connection to foul sewer and ensure that they are satisfied with proposed rates and volumes.” (Extract) The LLFA have been re-consulted following the advice of Thames Water.

3.10 **Environment Agency** – “We have no objection to the proposed development. However due to its location within our highest vulnerability groundwater area (Source Protection Zone 1), we have some advice for the applicant concerning their intention to dispose of surface water via soakaways.”

3.11 **Thames Water** – Were contacted following the advice of the LLFA.
“We’re writing to tell you that reference 17/01622/1 The Station, Station Approach Knebworth SG3 6AT potentially have minor public sewers within three metres of the proposed building work.

As we don’t have confirmation of the exact drainage arrangements for this property, we’ll contact the applicant or agent for further information.

We’ll ask them to enter into a build over agreement if the work is within three metres of a public sewer or one metre of a lateral drain.

This could be an approved build over agreement or, if the property owner meets all of the criteria required in our online questionnaire, a self-certified agreement.”

3.12 **Knebworth Parish Council** – objects to the application. Their objections in full are attached as an appendix to this report. In summary, the areas of concern are as follows:

- ☐ The amount of development in the form of flats;
- ☐ The density of development on the site;
- ☐ Highways and access;
- ☐ The loss of the public house in its existing form;
- ☐ Visual impact.

The parish council were notified of the amended scheme, but their objections are maintained and in addition to the above are the following:

- ☐ Flat above the pub is independent and not tied to the pub
- ☐ Inadequate parking – the amended scheme loses 3 spaces and two spaces in the pub garden
- ☐ The pub garden provision is still inadequate
- ☐ Visibility splay across the pub car park does not demonstrate visibility on to the highway.

3.13 **Local Residents** – 239 comments have been received, 235 of which are objections. This includes a 27 page objection from Save Our Station Pub Action Group and an objection from CAMRA. There is 1 in support. The full comments are available to view on the Council’s website and include objections to the initial and amended scheme. The objections are summarised below.

- ☐ Object to the loss of the public house
- ☐ May lead to loss of only public house in Knebworth
- ☐ Loss of a community facility
- ☐ The retained public house is so inadequate that it would render its future use unviable
- ☐ Site registered as an Asset of Community Value
- ☐ The lack of proper servicing facilities
- ☐ Too close to neighbouring residential flats`.
- ☐ The lack of accommodation for a pub manager and lack of storage facilities would adversely affect the success/viability of the retained pub.
- ☐ Over development of the site
- ☐ Insufficient parking
- ☐ Insufficient amenity space for future residents
- ☐ Flats would be visually intrusive
- ☐ Flats would have overbearing impact on pub
- ☐ Flats are of a poor design

- ☐ Lack of information regarding hazardous materials and waste storage for pub
- ☐ Revisions do not address noise and odour concerns
- ☐ Flat above pub would be a House in Multiple Occupation

Local residents have been re-notified of amended drawings, those who have again written in maintain their objections.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is The Station Hotel public house in Knebworth and all the land associated with it. It is located in Station Approach opposite Knebworth Railway Station. To the west lie flats 1 to 8 Wordsworth Court and to the south lies Bridge House and flats 50 to 72 in Deanscroft. Knebworth is an Excluded Village and The Station PH is a Building of Local Interest and a registered Asset of Community Value. The public house is currently vacant, save for a residential occupation for security purposes. It is the only public house in the village.

4.2 **Proposal**

4.2.1 The applicant's agent advises that the existing public house is in need of refurbishment and that the proposed development of part of the site would enable the cost of this to be realised.

4.2.2 The application has been amended through negotiation. A proposal to extend The Station PH and provide four flats at first floor level has been omitted. The scheme now shows the building to remain unaltered and an existing single flat is shown to remain at first floor level, with the intension that this would be the pub manager's living accommodation.

4.2.3 The pub has a large garden to the side and it is proposed to erect a three storey block of 9 x 2 bedroom flats here. Following negotiations, the height of the building has been reduced. The land given over to the flats has also been reduced, in order to retain more garden to serve the pub. The building is shown to be set back into the site with parking and some landscaping to the front. A new vehicular access onto Station Approach is proposed to serve this.

4.2.4 Also, as part of the scheme, is a proposal to extend and convert the old store that lies between the pub and Bridge House, into a single, one bedroom dwelling, with a small garden to the side. An existing vehicular access would be used to serve this.

4.2.5 At present, the existing car park that serves The Station PH, has a tarmac surface hard up to the site frontage with the footway. The scheme shows a strip of soft landscaping to this frontage in order to soften the appearance of the site. Supporting information submitted includes: an Odour Assessment, Noise Assessment, Sustainable Drainage Strategy, Initial Biodiversity Report, Design and Access Statement and Refuse Collection Strategy. Please see the drawings on the Council's website.

4.3 **Key Issues**

4.3.1 The key planning considerations relate to:

- ☐ The principle of the development
- ☐ Any potential loss of the Asset of Community Value
- ☐ The appearance of the scheme in its context
- ☐ Residential amenity, existing and future

- ☐ Parking and highway matters
- ☐ Other matters.

4.3.2 Principle of the development

Knebworth is designated as an Excluded Village in the North Hertfordshire District Local Plan No. 2 and a Category A village, where general development will be allowed within the settlement boundary, in the Proposed for Submission Local Plan 2011 – 2031. Knebworth is well served with services and facilities, including a choice of shops, cafes, school, doctors' surgery, railway station and bus service. The site is well within the boundary of the settlement and close to these facilities. The construction of the development would provide some employment. It would provide an increase in local residents to support local services, without the loss of the pub (more about this later). Future residents would not have to rely on the private car for transport. **I consider that there can be no objection in principle to such development within Knebworth and that it is an economic, social and environmentally sustainable location for a small scale residential scheme.**

4.3.3 Any potential loss of the Asset of Community Value

There is great concern among the people of Knebworth that this application either involves the loss of the public house or is likely to lead to its loss. I can clarify the first matter and confirm that the application does **not** involve the loss of The Station Hotel public house. The pub is to remain with the existing floorspace. The scheme first submitted showed an extension to the building to provide four flats above. Following negotiations, the extension with flats has been omitted. The building would remain as it is with a manager's 3 bedroom flat above. A small rearrangement of the internal space at ground floor level does provide a separate entrance to the flat.

4.3.4 The Station PH is a public house that is listed as an Asset of Community Value. This means that the pub is considered to further the community's social well-being or social interests and is likely to do so in the future. If and when sold, the local community will have a fairer chance to make a bid to buy it on the open market. The Government document *Community Right to Bid: Non-statutory advice note for local authorities* advises of the following:

"The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for planning decisions – it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case."

4.3.5 The proposal does not include the change of use of the public house, but the scheme does include the loss of much of the large pub garden to a residential use. It is also the only public house to serve this large village. I therefore consider the fact that the pub as an Asset of Community Value is a material consideration.

4.3.6 Government advice and local plan policies of particular relevance to this consideration are: the NPPF, Section 3 – Supporting a prosperous rural economy, none in the NHDLP No. 2 and in the emerging Local Plan 2011 – 2031 some limited weight should be given to Policy ETC7 - Scattered local shop and services in towns and villages and Policy HC1 – Community facilities. These seek to promote the retention and development of local services and community facilities, including public houses.

4.3.7 It is, therefore, relevant to consider what effect the development would have on the future of the public house. This includes considering whether the reduction in the size of the garden or the residential conversion of the store building would be likely to lead to the loss of the public house.

4.3.8 The amount of garden proposed to remain to serve the pub would measure approximately 154 sq metres. It was originally shown to be smaller, but negotiations have increased the remaining size of the garden. It would now be similar in size to the restaurant and two seating areas within the public house (on the proposed floor plans, the public space without the area labelled pool room). I have no evidence to suggest that this amount of garden would significantly prejudice a public house business from continuing here.

4.3.9 The public house is a Building of Local Interest and the detached store building is included on this list. The store serves the pub and is located between the pub and Bridge House. It is an attractive small building with gable end abutting the footway. The proposal is to extend and convert the building into a one bedroom residential unit. A first floor would be created within the existing roof space to provide the bedroom. The ground floor would be altered internally to provide a kitchen/diner, shower room, hall and stairs. The proposed extension would be single storey and measure 3.3 metres by 4 metres and would provide a living room. The extension would be to the gable facing into the site. The existing sliding doors and attic door would be replaced with simple glazing units to provide windows and door. Two small rooflights would be installed in the roof slope facing the pub. A very small garden, bin storage area and car parking space are shown. The dwelling would just exceed the minimum standards for a 1 bedroom, two storey dwelling as set out in *Technical housing standards – nationally described space standard* (Dept. for Communities and Local Government).

4.3.10 Some local residents have expressed concern that the loss of this store would adversely affect the ability of the Station Hotel to continue as a pub. The pub has alternative existing storage areas; within the cellar and an enclosed yard, which are shown on the submitted drawings. The applicant's agent advises that this is sufficient for the business. I can see no sustainable planning objections to the proposal for this reason.

4.3.11 CAMRA are concerned that the close proximity of the proposed dwellings would prejudice the ability of the public house to continue here, due to noise. The Council's environmental services have been consulted and have requested noise and odour assessment reports to be submitted. These assessments have now been carried out by Accon UK Environmental Consultants and reports submitted. The odour report concludes as follows:

"With respect to odour, it has been identified that a suitable mitigated extract system will be required for the kitchen.

As the requirement for such systems is to maintain them on a regular basis in order to ensure that odour is reduced by its maximum potential, odour should not result in complaints from occupiers of the nearby proposed residential receptors in close proximity to the ventilation exhaust."

Environmental Health has been further consulted and advice on this report has yet to be received. There will be an oral update of their comments at the Meeting. However, at this stage it would seem this matter could be satisfied with a suitable condition relating to the installation and maintenance of an odour extraction system.

4.3.12 The noise assessment report carried out by Accon UK Environmental Consultants concludes that sound mitigation measures would be required and these could be provided in the form of appropriate insulation to floors/ceilings and building facades. Again, Environmental Health has been consulted and their further comments will be reported orally at the meeting. Subject to the advice of Environmental Health, it would seem satisfactory living conditions could be provided at this proximity to the pub. This being the case, the development would not prejudice the future of the business.

4.3.13 **Overall, I can see no sustainable planning objection to the proposed development on the grounds of leading to a loss of this Asset of Community Value.**

The application property is not a Listed Building and does not lie within a conservation area. It is, however, a Building of Local Interest. This includes the Station Hotel and the ancillary storage building. The scheme, as amended, proposes no external alteration to the Station Hotel. Alterations to the storage building are described in paragraph 4.3.9 above. The gable end fronting Station Approach would remain unaltered. The changes to the fenestration would largely use existing openings in the building, apart from two rooflights. The extension would largely be hidden from public view by the bulk of the existing building. With regard to the setting of the pub itself, a proposed planting strip to the front of the car park would improve the presentation of the site as seen from this part of the street.

4.3.15 To the west of The Station PH lies a three storey block of flats known as Wordsworth Court, which gained planning permission in 2007. The large pub garden lies between The Station PH and these flats. It is mostly laid to lawn, with a petanque court towards the rear. Probably due to the pub having been vacant for a while, the garden does have a slightly neglected appearance, particularly the planting at the front. There is a large, mature tree within the site and very close to the pub. The tree makes a significant, positive contribution to the appearance of the site. The proposed scheme involves the removal of this tree. The retention of the tree would require a significant rethink of the scheme. It is located uncomfortably close to the existing building; the proposed landscaping scheme shows several new trees; and the benefit of providing more dwellings, in my opinion, outweighs the retention of the tree.

4.3.16 The proposed block of flats would be positioned towards the rear of the site, not coming further forward of The Station PH and set further back than the front elevation of Wordsworth Court. Following negotiations, the overall height of the building has been reduced to 9 metres high. This is 0.6 metres lower than Wordsworth Court. The front elevation has a symmetrical form, with four dormer windows to serve the second floor and a central inset gable feature, containing the front entrance. It would have a crown and half hipped roof. It would largely be finished in brick, with the feature gable and rear section in render. I can see no objections to the architectural style of the building, its height and position in the street scene.

4.3.17 Similar to Wordsworth Court, the parking would be to the front of the building. The new vehicular access would be located central to the site frontage, with low level planting in beds of approximately 2.5 metres deep, either side. Parking spaces would be laid out to the sides and directly in front of the building. Further planting beds with trees are shown in front of the building, on either side. A planting strip with trees is shown running along the proposed boundary between the pub car park and the residential car park. **Taking into account the layout of the residential site, which follows a similar pattern to the adjacent site and the amount of proposed soft landscaping, both to the residential site and pub car park, I can see no objections to the overall appearance of the development.**

4.3.18 Living conditions of existing and future residents

The proposed flats show side facing windows to serve a lounge and a bedroom on the east elevation that would face Wordsworth Court. In Wordsworth Court the only windows in this side-facing elevation are high level bathroom windows. I consider the relationship between these two properties would provide satisfactory living conditions for the occupiers of both.

4.3.19 A three storey block of flats in Deanscroft lies side-on to part of the application site. There are two small windows per floor in this side elevation. The proposed flats would have two windows per floor in its rear elevation. I consider the staggered arrangement of the two blocks would be such that no significant loss of privacy would be caused for either.

4.3.20 The existing first floor flat over the pub has two windows facing the proposed flats and these would serve a landing and a bedroom. The proposed flats would be at a slight

angle to the pub. It would have a total of 11 facing windows, which would all serve lounges. Due to the nature of the facing windows in the pub manager's flat and the angled relationship, I consider satisfactory levels of privacy between the two buildings would be provided at first and second floor level. At ground floor level, the pub has windows serving the restaurant and pool room in the facing side elevation. At this level, I consider satisfactory privacy would be achieved for the flats with an appropriate height fence along the dividing boundary.

4.3.21 Consideration needs to be given to whether satisfactory living standards, including noise and odour could be provided for the flats at this close proximity to The Station PH. This also applies to the residential conversion of the store. The applicant has provided a professional Noise Assessment Survey and Odour Assessment Survey. The conclusion of both reports is that satisfactory living conditions could be provided, subject to conditions. These would relate to the insulation of the flats and maintained extractor units for pub kitchen. However, the Council's Environmental Health Officers are being consulted on these reports and their advice, when received, will be reported orally at the Meeting.

4.3.22 **Overall and subject to the further advice of Environmental Health, at this stage, I can see no sustainable planning objections relating to the living conditions of existing or future residents. Members will be further advised at the Meeting.**

4.3.23 Parking and highway matters

The proposal includes a new vehicular access onto Station Approach, to serve the flats. This requires a visibility splay, which runs across the front of the pub car park. It is proposed to fill this space with low level planting to avoid obstruction by parked cars.

4.3.24 To comply with the current car parking standards the flats would need 22 parking spaces. 16 are proposed. Parking for the existing flat over the pub and the converted store would be located to the rear of the building and would meet the current standards. The existing car park that serves The Station PH does not have marked bays. The proposed low level planting strip to the front of the site would lead to a loss of 1 or 2 spaces. When parking standards are not met it is relevant to take into account other factors such as the location of the development and how sustainable it is.

4.3.25 The application site is located close to the centre of the village and is within walking distance of a choice of shops, doctors surgery, school, cafes and other services. It is also just across the road from the railway station on the Kings Cross to Edinburgh line. There is also a bus service. I consider this to be in a sustainable location and a relaxation of the parking standards are justifiable. The Station PH is on a bend in the road and double yellow lines are marked around this bend. It is noted that Station Approach turns into Park Lane after the bend and that this street is often heavily parked, due to its close proximity to the railway station. However, the county highway authority has been consulted and has raised no objections, subject to conditions. The NPPF advises that development should not be prevented unless highway impacts are severe. Recent appeal decisions have supported reduced or even no provision of parking spaces, if located within easy walking distance of a range of services and facilities. For these reasons, I consider an objection relating to insufficient parking would not be sustained at appeal. **I, therefore, raise no objections on highway grounds or due to insufficient parking provision.**

4.3.26 Other matters

Concern is expressed by several local residents at the loss of the petanque court in The Station PH garden. It would be a loss of a facility, but on a small scale that would not outweigh the benefit of providing much needed dwellings.

4.3.27 An informal footpath is currently used by the public that connects Park Lane with Deanscroft, at the rear of the site. It is proposed to retain and surface the path for the public at a width of 1.5 metres.

4.3.28 Knebworth Parish Council has raised a concern about the density of the development. Apart from the parking, previously described, the development of the block of flats provides space for bin storage and cycle storage, soft landscaping and a garden area of 87 sq metres. I can see no sustainable planning objection on the grounds of over-development.

4.3.29 As required for a site of 10 new dwellings, a S106 Agreement has been prepared to make the following contributions to services:

Primary education	£7,945
Secondary education	£4,447
Library services	£1,567
Youth services	£135
Waste collection & recycling	£364

The amounts have been worked out in accordance with Planning Obligations Guidance – Toolkit for Hertfordshire and North Hertfordshire. Members will be updated orally on the progress of this at the Meeting. A contribution towards affordable housing is not required following the reduction in residential units from 14 to 10.

4.3.30 A waste storage point is shown in the car park, next to a landscaped area near the flats. Its location has been the subject of negotiation. It would be 2.5 metres further from the road than recommended by Waste Services. However, I consider the visual benefit gained by this location outweighs the slightly longer distance to travel on waste collection day.

4.4 **Conclusion**

Any negative aspects of the proposal are minor and are outweighed by the benefits of providing the dwellings. There are, therefore, no sustainable planning objections to raise to the proposal.

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 the completion of a S106 Agreement for planning obligations.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above. Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.
3. Prior to the commencement of any work on site, the subject of this application, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and shall include the following:
 - o Existing trees to be removed;
 - o Location, species and planting size of any proposed trees or plants;
 - o Proposed maintenance to establish the trees and plants;
 - o Any fences, hedges, walls or other boundary treatment;
 - o Location and materials of any hard surfaces.
 The landscaping scheme shall be implemented as approved. Reason: In the interests of the appearance of the completed scheme.
4. 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.
5. 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.
6. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement. Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.
7. Before the commencement of any other works on the site, trees 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 to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

8. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted 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.
9. Prior to the commencement of any work on site, drawings showing the existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out as approved. Reason: In the interests of the appearance of the completed work and the visual amenities of the locality.
10. The development hereby permitted shall not be brought into use until the proposed access has been constructed and the footway 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.
11. Before the access is first brought into use 2.4 metres x 36 metres vehicle to vehicle inter-visibility splays shall be provided and permanently maintained each side of the access. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway 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 access shall be 4.1 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.
13. The access shall be constructed in a hard surfacing material for the first 5 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.
14. Prior to the first use of the proposal the parking and turning area as shown on drawing number SE-760 25 revision B shall be provided and appropriately marked out within the curtilage of the site. The turning area should be kept free from obstruction and available for use at all times. Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A to E 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 to the converted outbuilding referred to as Unit 10 on drawing No. SE-760-20C, 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.

16. Any conditions recommended by the Council's Environmental Health Officer.
17. Any conditions recommended by the HCC Sustainable Drainage Systems Officer

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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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order
2015

DECISION NOTICE

Correspondence Address:

Mr Swann
Swann Edwards Architecture
Fen Road
Guyhirn
Wisbech
PE13 4AA

Applicant:

Market Homes (Knebworth) Limited

PARTICULARS OF DEVELOPMENT

Application: 17/01622/1

Proposal: Erection of 3 storey building to provide 9 x 2 bed flats; conversion and extension of store to 1 bed house and new vehicular access off of Station Approach (as amended by drawings received 12th and 25th October 2017).

Location: The Station, Station Approach, Knebworth, SG3 6AT

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 27 June 2017.

1. The proposed development, due to the loss of most of the public house garden and the introduction of residential units in such close proximity to the public house, would be prejudicial to the retention and development of this important community facility, which is a designated Asset of Community Value and the only public house in Knebworth. As such, the development would be contrary to paragraphs 28 and 70 of the National Planning Policy Framework and contrary to the spirit of Policy ETC7 of the submitted Local Plan 2011 - 2031.

2. The proposed block of 9 flats, due to its size, would present a cramped appearance in the street scene and this, together with its overall design, would be out of keeping with the character and visual amenities of Station Approach and Park Lane. As such the development would be contrary to the National Planning Policy Framework, Section 7. Requiring good design, Policy 57 - Residential Guidelines and Standards of North Hertfordshire District Local Plan No. 2 with Alterations and Policy D1 - Sustainable Design of the submitted Local Plan 2011 - 2031.
3. The proposed development would fail to provide a sufficient number of parking spaces to serve the new flats, to meet the Council's current minimum car parking standards and would result in the reduction of the parking space available for the public house. This would result in severe harm upon the parking capacity of the local highway network. The development would, therefore, be contrary to the National Planning Policy Framework, Section 4 - Promoting Sustainable Transport; North Hertfordshire District Local Plan No 2 with Alterations, Policy 55 - Car Parking Standards; and the submitted Local Plan 2011 - 2031, Policy T2 - Parking.
4. Due to the close proximity of the proposed flats and the residential conversion of the store building of the existing public house, the living conditions of the future occupiers would be prejudiced by the general noise and odour associated with the public house. In addition to this, insufficient outdoor amenity space would be provided to meet the needs of the future occupiers. The development would, therefore, be contrary to the National Planning Policy Framework, paragraph 17; North Hertfordshire District Local Plan No.2 with Alterations, Policy 57 - Residential Guidelines and Standards; and submitted Local Plan 2011 -2031, Policy D3 - Protecting Living Conditions.
5. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of planning obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary to the requirements 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 acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for

refusal but fundamental objections could not be overcome. 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.

Signed:



Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Simon Ellis
Development & Conservation Manager

Date: 1 May 2018

NOTES

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at www.planningportal.gov.uk/planning/appeals

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to

develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MEMORANDUM

To: PLANNING CONTROL AND CONSERVATION SERVICE Kate Poyser	From: HOUSING & PUBLIC PROTECTION SERVICE Rory Cosgrove
	Date: 16 April 2018
Our Ref: 1521/18	Yr Ref: 17/01622/1
Subject: Full Planning Permission: Erection of 3 storey building to provide 9 x 2 bed flats; conversion and extension of store to 1 bed house and new vehicular access off of Station Approach (as amended by drawings received 12th and 25th October 2017). The Station, Station Approach, Knebworth, SG3 6AT	

Thank you for your recent consultation regarding the above application. I have reviewed the Housing and Public Protection Service's records pertinent to this proposed development and I would like to make the following comments:

Areas of concern

My colleague, Patricia Howes, highlighted concerns of odour and noise regarding the above development in her memo to planning dated 19th July 2017 and requested more information prior to the planning application being determined. I understand that the original plans were amended to remove the residential development above the existing public house so my comments will focus only on the proposed flats and the one bedroom dwelling.

Odour

The odour concerns Patricia highlighted were related to the kitchen extract ventilation system that was previously used by the pub before it closed but would be used again should the pub re-open. Her main concerns related to prospective occupiers of the flats above the pub which are now not the subject of this planning application.

I have reviewed the odour assessment by Accon UK Environmental Consultants dated 16th February 2018. The assessment has adequately considered the odour impact on prospective occupiers of the flats above the pub as a 'worst case scenario' in line with Patricia's comments even though they are now not the subject of this planning application. A number of odour abatement measures have been recommended in Table 2.2 of the report which relate to a high risk impact following a risk assessment. One of the criteria of this risk assessment was the proximity of receptors and a score of 10 was given because the proposed flats above are within 20m of the kitchen discharge point. Aside from the fact that there will now only be a one bedroom dwelling and a block of flats, they are 10m and 19m from the kitchen discharge point so the risk rating and subsequent odour abatement measures still stand.

To this end, I have included a suitable recommendation below requiring the measures to be fully implemented prior to the kitchen extract ventilation being used again so that the odour abatement measures are in place irrespective of when first occupation of the dwellings

occurs. I trust that the below recommendation can be attached to any planning consent given even though the kitchen extract ventilation system doesn't technically form part of the planning application because the pub falls within the application boundary and is under the same ownership.

Noise

I have reviewed the noise assessment produced by Accon UK Environmental Consultants dated 14th February 2018 which has adequately assessed the noise sources of concern as highlighted by Patricia Howes and has demonstrated that residential occupation is possible at the application site. However, the report has focused on the noise sources affecting prospective occupiers of the flats above the public house (which are no longer part of the planning application) and has not included consideration of the proposed block of flats or the one bedroom dwelling. Given that the formerly proposed flats above the public house would have represented a worst case scenario in that they are above the public house and closest to the road/railway line and that the report demonstrates that residential occupation is possible there with appropriate noise mitigation measures, I feel that the noise issues relating to the one bedroom dwelling and the block of flats are surmountable because they represent a lower than or equal to noise risk and therefore residential occupation is appropriate. A subsequent scheme of specific noise mitigation measures for the residential dwellings will need to be submitted (i.e. glazing and ventilation specifications) and I have included a suitable recommendation below.

With regards to patron noise from the public house and specifically the restaurant garden should it re-open, again the above scheme of the noise mitigation measures which are to be a condition of the planning consent will help mitigate this. Occupiers of the dwellings may find that there is still some noise associated with the use of this garden area although some noise should be expected when living adjacent to a public house. If the public house is to re-open, depending on the status with the premises licence a new one may need to be applied for and Environmental Health can impose licence conditions to control noise in the restaurant garden area.

The noise assessment also covers plant for the public house and states that it is likely that all the existing plant will be replaced if it is to re-open. I understand that this would require a separate planning application in its own right so I do not propose to recommend a planning condition at this stage. There is a concern that if the existing plant is to be used should the public house re-open, it could give rise to unacceptable levels of noise at the nearest receptors but in this scenario it is likely that the noise mitigation measures at the proposed dwellings will be sufficient to combat this. The report does not state if plant is to be installed to serve the flats but in this eventuality a separate noise assessment will be required and I have included a recommendation below for this.

Finally, the noise assessment covers sound insulation between the public house and the previously proposed first floor flats. Sound insulation falls under the Building Regulations so I do not propose to comment on this aspect of the noise assessment and it is currently not relevant given that this aspect of residential development no longer forms part of the planning application.

Recommendations

1 Prior to first occupation of the dwellings, a scheme of noise mitigation measures shall be submitted for the Council's written approval and shall be in accordance with the findings of the Accon UK Environmental Consultants report reference A3239/N/02/V1 dated 14th February 2018 (The Station Public House Knebworth- Noise Assessment). Once

approved, the scheme of measures shall be fully implemented and maintained in accordance with the details in perpetuity.

Reason: to protect the residential amenities of future occupiers of the development.

2 Prior to any plant being installed to serve the flats, the developer shall carry out a noise assessment following the guidelines set out by BS4142: 2014 which shall take into account all proposed plant and shall include noise control measures which should be submitted for written approval by the Local Planning Authority (LPA). No plant shall be installed and operated at the flats until the noise assessment has been approved by the LPA. Noise mitigation measures shall be such as to achieve 5dB below existing background noise levels.

Reason: to protect the residential amenities of future occupiers of the development.

3 Prior to kitchen extract ventilation system serving The Station Public House being used, the odour abatement measures detailed in Table 2.2 of the Accon UK Environmental Consultants report reference A3239/O/001 dated 16th February 2018 (The Station Public House, Knebworth- Odour Assessment) shall be fully implemented. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: to protect the residential amenities of future occupiers of the development.

Informatives

During the construction and conversion phases the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the construction and conversion phases 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.

If you should consider that the above conditions would be inappropriate for this application, or that their wording should be altered, please contact me to discuss your concerns.

















Yours sincerely

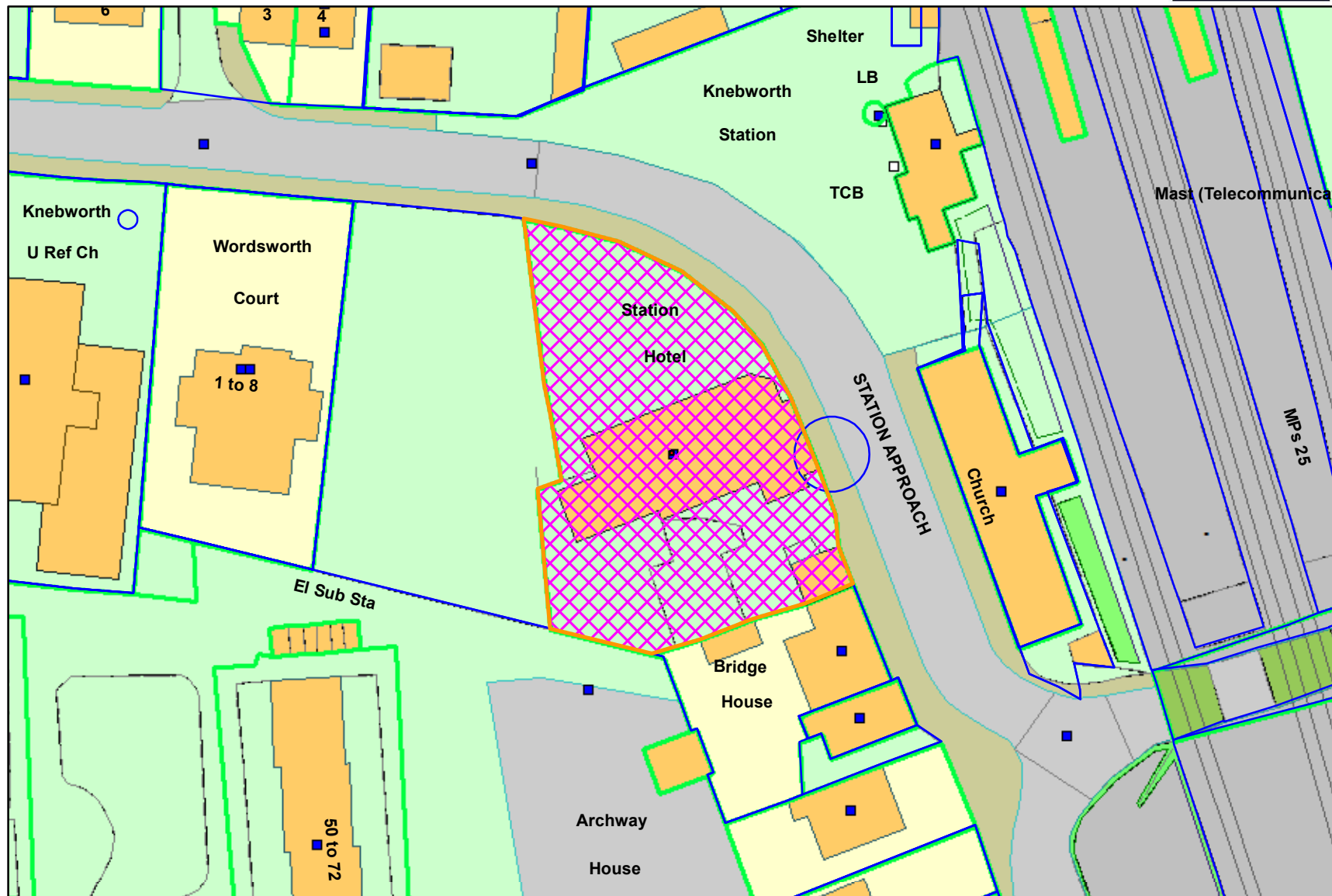
Rory Cosgrove
Senior Environmental Health Officer

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Application Validation Sheet

17/01622/1 The Station, Station Approach, Knebworth, SG3 6AT

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prldbid.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prcaarea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnbt.shp
-  Health & Safety Consultation Zone
Prjhzzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prmnis.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:625

Date: 03/09/2018

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ITEM NO:	
<u>Location:</u>	Sandon Bury Farm Sandon Hertfordshire SG9 0QY
<u>Applicant:</u>	Sandon Bury Farm Ltd
<u>Proposal:</u>	Diversification of Sandon Bury Farm to provide an events venue and guest accommodation, comprising demolition of existing modern buildings within the Sandon Bury Farm complex, change of use of existing buildings from agricultural uses to an events venue, guest accommodation and alterations to listed and non-listed buildings (Black Barn, grain store and hay barn).
<u>Ref. No:</u>	18/00584/FP
<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period: September 28

Reason for Delay

Extension of time to allow for further supporting documentation and consultation responses from Statutory Consultees.

Reason for Referral to Committee

Councillor Jarvis has requested to call this application in for public interest reasons

1.0 **Site History**

1.1 **14/02529/1PRE** Change of use of agricultural barn to events venue

1.2 **17/01315/1** Diversification of Sandon Bury Farm to provide a wedding venue, comprising the demolition of two existing concrete barns and the erection of a new building and conversion and extension work to the Hay Barn and Centre Barn to provide facilities to serve the wedding venue (use class D2), change of use and conversion of Sandon Bury Farmhouse, the Coach House and Dovecote to provide overnight event accommodation (use class C1), and provision of associated car parking and reinstatement of vehicular access. **WITHDRAWN**

- 1.3 **17/01316/1LB** Internal alterations to Sandon Bury Farmhouse (grade II* listed), refurbishment of the Black Barn (grade II* listed) to include overcladding, acoustic insulation work and alterations to existing openings, internal and external alterations to the Dovecote (grade II listed) including the provision of a new roof, and internal and external alterations to the Coach House/Garage Barn (grade II listed) including new and infilled window and door openings **WITHDRAWN**

Reason for the above applications were withdrawn:

“The applicants are acutely aware that the proposals have generated considerable public interest – both in support and in objection – and we have responded to the various responses that have been received from technical consultees during the course of the applications. To this end, revisions have been made to the scheme to ensure suitable access arrangements and the provision of an appropriate mitigation scheme for protected species, along with providing clarification relating to acoustics.”

- 1.4 **18/00585/LBC** Internal Alterations to Sandon Bury Farmhouse (grade II* listed). Refurbishment of the Black Barn (grade II* listed) to include overcladding, acoustic insulation work and alterations to existing openings. New building (Grainstore Barn) abutting northeast gable end of Black Barn. Link extension between Black Barn and Centre Barn. Alterations to Hay Barn and extension thereof to form covered entrance loggia. Internal and external alterations to the Dovecote (grade II listed) including the provision of a new roof. Internal and external alterations to the Couch House/garage Barn (grade II listed) **TO BE DETERMINED ALONGSIDE THIS APPLICATION**

2.0 **Policies**

National Planning Policy Framework (July 2018):

In general and with regard to:

Section 6 – Building a strong, competitive economy

Section 8 - Promoting healthy communities

Section 9 - Promoting sustainable transport

Section 12 – Requiring good design.

Section 15 - Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

Specifically paragraphs 83, 127, 184-85, 192-93

North Hertfordshire District Local Plan No. 2 with Alterations 1996:

Policy 6 - Rural Areas beyond the Green Belt

Policy 7 – Selected Villages

Policy 14 – Nature Conservation;

Policy 21 - Landscape and Open Space Patterns in Towns

Policy 25 - Re-use of rural Building

Policy 55 – Car Parking (SPD Car parking);

North Hertfordshire District Council Proposed Submission Local Plan 2011 – 2031

Policy SP1 Sustainable development in North Hertfordshire
Policy SP2 Settlement hierarchy (Cat A)
Policy SP6 Sustainable transport
Policy SP9 Design and sustainability
Policy SP12 Green Infrastructure, Biodiversity and Landscape
Policy SP13 Historic environment
Policy CGB4 Existing rural buildings
Policy T1 Assessment of transport matters
Policy T2 Parking
Policy D1 Sustainable design
Policy D3 Protecting living conditions
Policy D4 Air quality
Policy NE1 Landscape
Policy NE8 Sustainable drainage systems
Policy NE11 Contaminated land
Policy HE1 Designated heritage assets
Policy HE4 Archaeology

3.0 Representations

Statutory Consultees (full details of all representations can be found in full on our website)

3.1 Sandon Parish Council

Objection relating to the key concerns:
Highway and traffic issues -
No public transport
Access is now in the village
Car park – potential overspill and conflict with farm buildings
Noise
Ecology -
Impact on Bats
Drains -
Foul drainage is an issue
Breach of village boundary
Trees – report incomplete
Social and Economic benefits -
Little social benefit concerns of jobs
Local support – unpopular in the village

3.2 Conservation and Listed Building Officer

Raise **NO OBJECTION** on the basis that the proposal would meet the aims of Policy HE1: Designated Heritage Assets of the North Hertfordshire District Local Plan 2011-2013 Proposed Submission October 2016 and the aims of Section 16 of the NPPF.

(Note: Conditions have been proposed under the listed buildings application 18/00585/LBC)

3.3 Hertfordshire Highways

HCC as Highway Authority has considered that the proposal is of a low scale development. They are satisfied that the additional traffic generated can be accommodated within the highway network for a S2 standard carriageway such as Rushden Road, this is based upon guidance of recommended flow ranges for new rural road links, and as such HCC considers that the new development link operates within the range of its reserve capacity

No objection subject to conditions and recommended informative

3.4 Environmental Health – Noise

No objection subject to conditions and recommended informative

Please find full representation as Appendix 2 of this report.

3.5 Environmental Health – Contamination and air quality

Land Contamination:

The information submitted and the limited information available within the EP Team files indicates a low likelihood of environmental risk from ground contamination, although the previous farmyard land use and brownfield nature means that it can't be ruled out. Nevertheless, the proposed non-residential land use means that there is no requirement for a specific land contamination condition to be included on any planning permission.

Local 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 the minimum local air pollution mitigation is recommended. It is considered that the inclusion of condition is justified

3.6 HCC Historic Environment Advisory Team

Conditions have been recommended as the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest

3.7 HCC Ecology

Satisfactory information has been provided as part of the application to ensure bats are safeguard and mitigation/compensated for and that the LPA can apply and satisfy the Habitat Regulations prior to determination. Details will be agreed with natural England and the required EPS licence.

Informative has been recommended.

3.8 Herts and Middlesex Wildlife Trust

The ecological report contains an opinion from the Natural England discretionary advice service which considers the report to provide sufficient information to enable a planning decision to be made, and that if actioned would provide adequate compensation for the impacts on bat roosts. In order to ensure that the development proceeds in accordance with the report and the legislation, the inclusion of the recommended condition (derived from BS 42020) is required

3.9 Historic England

Do not wish to comment. Advise to seek advice from specialist conservation and archaeological advisers

3.10 Waste

Condition recommended – requesting for full details of the on-site waste storage facilities to be submitted and agree to in writing

3.11 LLFA

No objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk. Conditions have been recommended

3.12 HCC Fire & Rescue

Seek the provision of fire hydrant(s). All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments.

In the absence of a S106 a condition has been included

Non-Statutory consultees

3.13 British Horse Society

Objections to proposal due to potential conflict with Horse users on highway

3.14 Historic Houses Association

As a member of the Historic Houses we are writing to support the applications on the grounds that it will support the long term sustainability of the Sandon Bury Manor a Grade II listed building and Black Barn, also II*.*

We have examined and support the detailed heritage statement prepared by Hayson Ward Miller on the proposal which outlines grounds why this application should be approved. Over 300 historic houses are recorded in the UK as using their house, or building as a venue for private functions which include weddings. In the great majority of situations this use causes little inconvenience to neighbours which is often the main source of objection to the proposal; but the potential issues need to be managed in the design and building works. Increase in vehicles can often be overstated as many guests share cars, or use taxi's, while arrival of guests is usually within a short period, departure is staggered over an evening and the end of the event agreed as midnight. Noise for the building can also be managed by use of insulating material, measurement of decibels including automated shut down of music. Concerns of the local authority can be mitigated by the use of planning conditions, regarding capacity, number of events and construction.

3.15 The Country Land and Business Association (CLA)

Supports the application.

The conversion of these barns to an alternative use has been well thought out by the applicants and their professional advisers and we are confident that the proposal comprises a sympathetic design for the heritage assets whilst creating a unique event venue. We therefore consider that the development of this site and the plans to diversify into this niche market of the events sector will enable this established agricultural business to secure its viability through a well thought out diversification project. This will allow the farm to make a vital contribution to the local economy

3.16 Sandon Conservation Group

Proposal is not sympathetic to the conservation area or heritage assets

Impacts biodiversity

Car park encroaches on landscape conservation area – adverse effect on visual amenity

Removal of trees

Impacts on Icknield and Hertfordshire Ways

Removal of vegetation to create visibility splays

Impact on bats

Noise – concerns with methodology of noise report

Traffic issues and noise

Light pollution

Lack of social, and environmental and economic benefits

3.17 Sandon Action Group (SAG)

Highways and traffic

Noise and disturbance

Impact on the significance of heritage assets

Impact on biodiversity

Impact on character and appearance of the area

Economic sustainability

3.18 Neighbours (all representations can be found in full on our website)

At time of writing this report:
Numbers of comments received - 340
Number of objections – 202
Number of Support – 135

Main themes of objections include:

Highway impact and safety from additional traffic generation
Access to site is now within the village
No public transport to village
Noise impacts of events on neighbouring residential uses
Light pollution
No benefits to village
Outside settlement boundary
Unsuitable location
Parking clashes with farm buildings
Loss of amenity for neighbouring properties and village resident
Ecology impacts – Bats and other wildlife
Impacts on other highway users – horses, cyclists, walkers and vehicles
Number of events - too many

Petition submitted (some duplicate representations)

Main themes of support

Farm diversification
Supporting rural economy
Jobs for local people and businesses
More people can enjoy the heritage assets
Sandon is a diminishing village – lost shop/pub/businesses
Policy compliant
Sympathetic proposal to heritage assets
Show great sensitivity towards the village through plans
Safeguard heritage assets for future generations
Removal of post war structures will enhance heritage assets

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Sandon Bury Farm has been under the ownership of the applicant's family since the mid-19th Century and includes a number of historic buildings. The Bury is currently the family home and farm office for the working farm. As stated in the DAS, for the last few years the farm has not been economically viable and has needed subsidy from other sources of income in order to keep operating and to fund the maintenance of the listed buildings.

- 4.1.2 Sandon Bury is located on the edge of the settlement within the designated boundary of Sandon. It is located within the Conservation area. All Saints Church (Grade I Listed) is located to the north of the site situated behind the House and coach-house.
- 4.1.3 There are a number of listed buildings within the site and part of the proposal subject to this application.
- 4.1.4 The house was built in 1661 and extended in the 19th century and is a Grade II* listed building.
- 4.1.5 Former stables Grade II, coach-house and dwelling, now outbuilding and garage. Late C17, altered and extended in C20. Red brick, some weatherboarding.
- 4.1.6 Dovecote, Grade II - now garage. Late C17. Red brick, corrugated roofing. Square on plan. Plinth. Side away from road has a door with an upper blocked segmental brick arch under a stepped up plat band. Opposite side has plat band stepped up over blocked vertical oval opening. Shallow pitched gable ends with plat bands stepped up over blocked vertical oval openings. End away from house has inserted double doors. Interior: brick cotes with ledges intact on one side
- 4.1.7 Black barn – Grade II* - Aisled barn. C14 or earlier. Altered late C17 and C19. Timber frame, rendered brick base. Weatherboarded and red brick clad. Slate roof. 6 bays with a shorter bay to end nearest road. End wall facing road is C17 brick with plinth
- 4.1.8 Barley Barn – Grade II - Aisled barn. Late C17 or C18. Timber frame on part rendered brick base. Weatherboarded. Corrugated sheet roofing. 7 bays with aisles continuing at ends.

4.2 Proposal

- 4.2.1 Development seeks permission for the proposed diversification of Sandon Bury Farm to create an events venue with guest accommodation. The maximum number of events has been proposed at 75 per calendar year (events such as weddings, family functions and other small scale events). The proposed events space will have provision for up to 150 guests.
- 4.2.3 Proposed permanent staff numbers at the venue will be approximately 3 full time and 3 part time. On an event for 150 guests an additional 22 staff would be employed on site per event.
- 4.2.4 The elements of this application have been broken down into the different physical components of the site for ease of understanding (See Appendix 1 for plan of site and location of barns/buildings -extract from the Design and Access Statement page 3)

1. Sandon Bury – Conversion and change of use to guest accommodation and smaller events venue. There are 6 double bedrooms to be used for guests.

2. Black Barn – Conversion and change of use to an events venue. Insertion of a new purpose built freestanding acoustic enclosure to contain amplified music and dancing. The dining capacity is set for a maximum of 150 guests. Includes new bat lofts in western and eastern roof bays. The barn will have an over-cladding of the external envelope to improve acoustic isolation.

3. Dovecote – Conversion of the existing barn storage to guest accommodation. This will have one bedroom for 2 guests (Honeymoon Suite). The existing dovecotes are to remain in tact and exposed as a design feature. Permission is also sought for the rebuilding of original pyramid roof and remove the modern pitched roof structure.

4. Coach House and garage – Conversion to housekeeper accommodation. Including a store, laundry and administration office and reception.

5. Modern grainstore – The existing pre-cast concrete grain store will be demolished. This will be replaced with a new barn structure to facilitate the toilets and a space for the wedding ceremonies. The footprint and roofline have been design to relate to the listed Black Barn that it will attach onto. An entrance will be provided on the north elevation.

6. Modern fertiliser barn – to be demolished. This newly made space will recreate a historic courtyard framed by the replacement grainstore building (No.5) an open-fronted Hay Barn (No. 8), the Barley Barn (No. 9) and an extended Centre Barn (No. 7)

7. Centre Barn - Extension to the existing barn to facilitate a guest spa and studio space, a kitchen and, staff facilities

8. Hay Barn – This barn is to be retained. This will be open-fronted with an enclosed south bay which will provide a bat emergence zone adjacent to the Barley barn.

9. Barley Barn – This listed barn is to be retained – No development to this listed barn has been included as part of this application

10. Lower Barn – to be retained. Will contain waste facilities and office. This is adjacent to the service yard that will provide coach turning and embarkation and staff car parking.

11. Modern Agricultural sheds – to be retained and are part of the existing and continuation of the Farm business.

Access and Parking Area – Access to the site will be from the existing access which facilitates the House and the working farm. Parking for the House will accommodate 7 parking spaces with the majority of parking located around the existing farm buildings. 68 parking spaces will be provided for the event venue. An element of disabled parking has been provided. 14 staff parking spaces are located within the service yard. Coach turning area is also located within the service yard next to the proposed courtyard. Access from the car park to the venue will be accessed through the Barley Barn.

4.3 Key Issues

4.3.1 The key planning considerations have been divided into the following headings:

- Principle of development – policy compliance
- Planning issues – discussing the harm and benefits of each issue
- Planning balance

Principle of development

4.3.2 The National Policy Framework will frame the overarching policy context for determining this application. A revised version was adopted in July this year. Given the advanced stage of the emerging local plan, I consider that some weight can now be attached to the Submission Plan. In doing so I am mindful of the advice in paragraph 213 of the NPPF in terms of weight that can be applied to saved policies. Paragraph 213 states that ***due weight should be given to existing policies according to their degree of consistency with the NPPF (the closer the policies in the Saved Plan to the policies in the NPPF, the greater the weight that may be given).***

4.3.3 In considering whether an events venue with guest accommodation on this site is acceptable, regard must be had to the location of the site. Sandon village is classed as a Selected Village beyond the Green Belt (Saved Policy 7) and the site is also classed as a Category A village as identified in the emerging local plan (Policy SP2; Settlement Hierarchy). Both policies state that ***general development will be allowed within the defined settlement boundary***. Sandon Bury is located within the settlement boundary as shown on the proposals map. A very small section of the proposed car park (along the southern boundary) is located just outside the settlement boundary. It is proposed that a new hedgerow and tree line is to be planted to create a defined boundary to the south edge of the car park and to safeguard the open countryside at this point.

4.3.4 Policy 7 of the Saved Local Plan states that that development within the village boundary would normally be permitted where development involves retaining and improving an existing building which contributes to the character or visual quality of the village and would maintain or enhance the character of the conservation area. It is my opinion and that of the Conservation Officer that the development, as amended, would create a positive contribution especially with the removal of two modern agricultural buildings and the erection of a well designed barn and extension to an existing barn that would complement the listed buildings and allow for the creation of a traditional historic courtyard that would better enhance the context of listed buildings and their surroundings.

4.3.5 It is acknowledged that the proposed scheme would significantly change the use of the site described above. National Policy is strongly in support of the sustainable growth and the expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Paragraph 83 of the NPPF states that decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;***
- b) the development and diversification of agricultural and other land-based rural businesses;***
- c) sustainable rural tourism and leisure developments which respect the character of the countryside***

4.3.6 This sentiment is echoed in Policy 25 of the saved local plan for the Re-use of Rural Buildings. This states that ***the re-use of rural buildings for commercial, industrial, or recreational purposes will be permitted provided that:***

- a. the form, bulk and general design of the building are in keeping with its surroundings;***
- b. the building has not become so derelict that it could be brought back into use only by complete or substantial reconstruction;***
- c. the new use will not have an adverse effect on the environment or on highway safety.***

4.3.7 Representations were received from The Country Land and Business Association (CLA) whom are a leading authority on the rural economy. The CLA state that ***“the development of this site and the plans to diversify into this niche market of the events sector will enable this established agricultural business to secure its viability through a well thought out diversification project. This will allow the farm to make a vital contribution to the local economy”.***

4.3.8 The NPPF recognises the importance of diversification projects to the viability of the rural economy as a significant source of employment and in supporting the prosperity of rural communities. These are ***social*** and ***economic*** benefits. Paragraph 4.35 of the emerging local plan also encourages rural business within Category A villages.

4.3.9 Despite this positive policy backdrop, there are, however, other considerations that must be taken into account for the development to be wholly acceptable in principle.

4.3.10 Given the scheme includes a number of listed buildings and that the Bury is located within the Sandon Conservation Area the proposed development will affect heritage assets. Paragraph 184 of the NPPF states that ***heritage assets are an irreplaceable resources, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*** (this is echoed by the Planning (Listed Buildings and Conservation Areas) Act 1990).

4.3.11 The framework continues with paragraph 185 which states that decisions:

Should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. LPAs should take into account:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation***
- b) The wider social, economic and environmental benefits that conservation of the historic environment can bring***
- c) The desirability of new development making a positive contribution to local character and distinctiveness***

4.3.12 Paragraph 192 of the NPPF states that

In determining planning applications, LPAs should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage asset and putting them to viable uses consistent with their conservation***
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- c) The desirability of new development making a positive contribution to local character and distinctiveness***

4.3.13 Paragraph 193 states ***that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset. The greater the weight should be).***

4.3.14 Having established that the proposed development would result in less than substantial harm to designated heritage assets this, harm should be weighed against any public benefits arising from the development in accordance with paragraph 196 of the NPPF.

Planning Issues

4.3.15 The following section discusses the planning issues that are relevant to this proposed scheme. I have separated the key issues into seven sections, whereby I will discuss both the harm and benefits and conclude with a separate planning balance:

- Intensification and scale of use
- Design and impact on the character and appearance of the site and surrounding area
- Heritage Assets and archaeology
- Environmental Issues including noise, odour, light, contamination and waste
- Highways, access and parking
- Ecology - bats
- Landscaping

Intensification and scale of use

4.3.16 The proposed scheme and scale of events has been significantly reduced from the previous withdrawn scheme. A maximum of 75 events will take place per calendar year with a maximum guest capacity of 150 guests.

- 4.3.17 This scale of use would occasion a change in the way the site is used and perceived as compared with its use for agriculture or other enterprises which would occupy the site mainly during the day. This said the level of use is not in my view inconsistent with many rural event / wedding venues and on this basis I consider that it is acceptable subject to the authority being satisfied that there are no external impacts associated with this level of use such that would give rise to unneighbourly conditions – principally noise and traffic.

Design and impact on the character and appearance of the site and surrounding area

- 4.3.18 As noted, the site is situated within a designated conservation area and the site contains a number of listed buildings. Paragraph 127 of the NPPF states that

Planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development***
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping***
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change***

- 4.3.19 The proposed development includes the demolition of a modern concrete grain store and modern fertiliser Barn in the courtyard which are no longer in agricultural use and would be replaced with a new timber-boarded barn that would compliment and enhance the surrounding listed buildings. The proposal also includes the conversion and extension of existing barns and outbuildings to incorporate the proposed use and provide a courtyard area. All of the proposed buildings would be finished with timber boarding to match the existing barn buildings. These proposals would improve the functionality of the existing barns and improve the layout by reintroducing a courtyard element.
- 4.3.20 The listed dovecote's roof is proposed to be restored to its original design – with a plain tile pyramidal roof and oak framed glazed clerestory. Currently the existing dovecote has a modern low-pitched corrugated roof and modern garage doors that disguise the former historical use of the building as a dovecote. The location of the dovecote is a prominent location at the front of the site next to the main access will provide a gateway into the site and the proposed changes will enhance the site significantly in my view.
- 4.3.21 I consider that each of the proposed buildings would be of a suitable design and would certainly represent a significant improvement on the appearance of the existing listed buildings on site and is compliant with the NPPF as stated above.
- 4.3.22 In conclusion, I am of the view that the proposed development would not harm the character and appearance of the site or the surrounding area and so would be acceptable in this regard.

Heritage Assets and archaeology

- 4.3.23 The proposed scheme involves a number of alterations, conversions and new buildings within the curtilage of the listed buildings within the Bury site. This manorial group is of national significance and the grade II* listed building possess exceptional architectural and historic interest. The proposals would facilitate the use of Sandon Bury Farm as an event and guest accommodation venue. The key issues are to assess the impact of the proposal in terms of their direct impact upon the building to which the works relate and in the case of external works, the impact upon the setting of other listed buildings in the group and upon the character and appearance of the Sandon Conservation Area.
- 4.3.24 The Conservation and Listed Buildings Officer concludes the following in terms of the proposed scheme:

"It is considered that this is a generally well-conceived proposal that pays sufficient regard to a particularly important group of listed and curtilage-listed buildings and would ensure that these Designated Heritage Assets are put to a viable use which is consistent with their conservation (para 131, NPPF). In supporting this proposal, I have given great weight to the conservation of these Heritage Assets (para 132, NPPF). I consider that the development proposals will lead to some harm, however, this would be less than substantial harm to the significance of Designated Heritage Assets. The degree of harm should be weighed against the benefits of retaining these buildings within one ownership and one use which would secure, as far as is possible, a use which is viable (para 134). It is difficult to determine whether the proposal would, in fact, be the optimum viable use.

The removal of the Fertiliser Barn will satisfy the aims of para 137, NPPF i.e. would enhance the setting and better reveal the significance of nearby heritage assets. It would be a fair comment to say that had Barns 1 & 2 on drawing no. EX06 also been proposed to be demolished then the aims of para 137 would have been more or less met in full. In concluding that there would be an element of harm arising from the proposal, it may be said that the proposals would be contrary to the provisions of Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, however, this is clearly a paragraph 134 case.

I have taken a similar approach to that when commenting on a similar scheme at Redcoats Farmhouse and barns, Little Wymondley where a recently implemented hotel scheme has resulted in a new use for barns considered to be 'At Risk'. In my opinion, the proposal would result in some public benefit by securing a long term viable use for this important group of Heritage Assets and the wider setting of the listed building and indeed the character and appearance of the Sandon Conservation Area would not, in my opinion, be adversely affected by the use proposed to warrant an objection.

I, therefore, raise NO OBJECTION on the basis that the proposal would meet the aims of Policy HE1 : Designated Heritage Assets, of the North Hertfordshire District Local Plan 2011-2031 Proposed Submission October 2016 and the aims of Section 12 of the NPPF. As stated at 5.0 of the Heritage Statement, “....The stewardship of both historic agricultural buildings and the surrounding rural farming landscape is an important responsibility; the proposed development will allow the applicants to go on meeting that responsibility in the years ahead”.

- 4.3.25 In my opinion that the proposed development would comply with both The National Policy Framework and local plan policies (current and emerging) in safeguarding and securing this historic site and preserving the significance of the heritage assets. As I have stated above, paragraph 184 of the NPPF states that ***heritage assets are an irreplaceable resources, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations***”
- 4.3.26 In regards to archaeological matters, the County Historic Environmental Team have recommended conditions as the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest.

Environmental Issues including noise, odour, lighting, contamination and waste

Noise

- 4.3.27 One the major reasons for objection relates to noise. The Parish Council, and many objections received from the public are concerned with the level of noise from increase traffic, event noise – music etc. and people noise when leaving events. The applicant have submitted a SLR noise assessment produced by REC Ltd.
- 4.3.28 The assessment concluded that in regards to operational noise; noise from music, public address systems, people and car park activities; off site traffic noise; would result in low noise impacts and would only have a minor impact of nearby residents. It also concludes that the highest noise source would be associated with vehicle pass-by events on Rushden Road. The assessment concludes that the car-pass-by would not exceed the WHO limit of 45 dB (A).
- 4.3.29 The proposal includes a number of mitigating solutions to noise. Acoustic consultants were employed by the applicant to specify such solutions. The majority of the events will take place within the Black Barn. Overcladding of the external envelope has been proposed to improve the acoustic isolation. Also a new structurally-independent acoustic enclosure has been proposed to house all amplified music. This enclosure has been designed to provide the very highest levels of attenuation across the frequency range with lobbied entrance/exit and noise-attenuated ventilation. Acoustic fencing has also been proposed at 1.8 metres along the driveway and car park. I have recommended that a condition that will provide the details of this fencing if required.

Landscaping provision along the car park southern boundary and driveway has also been proposed. This will also help screen the site and attenuate any noise from the car park to the open countryside. I have also conditioned details of the density and species of this boundary planting and a condition to safeguard this new vegetation for the first five years.

- 4.3.30 The Environmental Health Service was consulted and has submitted a comprehensive commentary including recommended conditions. (see full comments as Appendix 2) Their role is to make an objective assessment of the application. In this case, the officer considering the application has not objected but has recommended a range of conditions in order to protect the amenity of existing residents living in the vicinity. The conditions are complementary to each other and together are intended to provide effective controls to protect residential amenity. The primary focus is to ensure that any development does not adversely impact on residents.
- 4.3.31 In light of the views of the Environmental Health Officer I would conclude that with the proposal would comply with the NPPF, specifically paragraph 180 which require new development to ***“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”***. I would also conclude that the proposal would satisfy the emerging policy D3 ‘protecting living conditions’ which require the proposed mitigation measures to mitigate the harm to an acceptable level.

Odour

- 4.3.32 Details have been submitted by the applicant in regards to ventilation provision of the kitchens. The NH Environment Officer does not feel that there are any conditions needed to control odour issues ***“The only concern I have identified relating to odour is from the proposed kitchen extract ventilation system which is to serve the kitchen situated centrally within the application site. I am satisfied this is located a sufficient distance from any nearby residents so that any cooking odours will go to atmosphere before they reach said residents, even in windy conditions or during a temperature inversion. To this end, I do not consider there is a need for the planning condition requiring the approval of this system as standard filtration should be sufficient. The type of cuisine that is likely to be cooked at this venue would also not be considered high risk from an odour nuisance perspective.”***

Lighting

- 4.3.33 A number of representations have highlighted the issue of light pollution in relation to the use of the site as an events venue. Sandon is a rural village which has little light pollution. The applicant has stated in the DAS that outdoor lighting in the site will be limited and carefully designed to minimise light pollution. Any lighting within the courtyard will be screen by the barns. The proposal states that low level path marking in the Bury gardens and car park will be provided.

- 4.3.34 North Herts Environment Health Officer has recommended conditions with the following comment:

“Any new lighting installations at the application site have the potential to impact adversely upon nearby residents and cause light intrusion into windows, especially those at receptor location 5 (as detailed in the noise report). I therefore recommend that conditions are attached to any planning consent given to ensure that said lighting installations are approved by the LPA prior to them being installed and that they meet certain lighting limits as per the ILE guidance notes for the reduction of obtrusive light.”

Waste

- 4.3.35 The commercial bin storage facilities have been proposed in the centre Barn and any overflow in the Barley Barn. The Waste team were consulted and have recommended a condition to provide full details of the facilities to be approved by the LPA.

Drainage and Contamination

- 4.3.36 A Flood Risk Assessment and Preliminary Drainage Strategy were submitted as part of this application. The LLFA were consulted and stated that
“we have no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk.” Two conditions and an informative have been recommended by the LLFA.
- 4.3.37 The Environmental Protection Team has stated that there is a low likelihood of environmental risk from ground contamination and due to the proposed non-residential land use means that there is no requirement for a specific contamination condition to be included.

Highways, access and parking

- 4.3.38 It is noted that the Parish Council and the objecting neighbours have raised concerns about increased traffic generation due to the change of use to an events venue and subsequently the potential levels of vehicle activity in the village at certain times of the day/night. The highway authority has been consulted. I consider that the proposal is for a relatively modest scale of development that would not have an unreasonable impact on the safety and operation of the adjoining highway. Paragraph 109 of the NPPF, states that ***“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”***
- 4.3.39 A Transport Statement was submitted as part of the application and the detail contained within the report are deemed satisfactory and have been approved by the Highways Authority.

- 4.3.40 The location of the parking in this application is different to the original proposed location. As part of the withdrawn application the parking was located behind the site and located beyond the village boundary. Following discussions before this current application was submitted the location of the car park was deemed more appropriate being within the site and within the designated village boundary.
- 4.3.41 The proposed scheme includes provision for coach drop off and pick up of guests in the lower service courtyard. A small extension to the existing hard-surfaced working farmyard is proposed. This is proposed to be screened with new hedge planting with native species to the south and east. Materials for the car park are specified as stabilised gravel.
- 4.3.42 The proposed scheme specifies that there will be provision for 68 car parking spaces of which 4 are disabled spaces and 14 Staff car parking spaces. Electric Charging points have been conditioned and agreed to by the applicant. Using the current parking standards of the SPD, a total of 50 spaces would be required for the maximum of 150 guests (Table 54. Page 23 - 1 space per 3 fixed seats plus 3 spaces per 4 staff Members). The scheme, would therefore be over the required standard. Paragraph 110 of the NPPF states ***“that the site addresses the needs of people with disabilities and reduced mobility in relation to all modes of transport, allows for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”***
- 4.3.43 There is a balance to be achieved between the need for parking spaces and their impact on the openness of the countryside. Overall, I can conclude that an appropriate balance has now been struck in this regard and that there are no sustainable objections relating to parking on highway.

Ecology

- 4.3.44 Concerns have been raised to the potential impact the proposed development would have on the existing ecology of the area. Proposals within the Black barn include new bat lofts in western and eastern roof bays. Also, within the Hay Barn, an enclosed bay will provide a bat emergence zone adjacent to the Barley barn. Landscaping has been proposed along the car park southern boundary to enhance biodiversity and help screen any local wildlife from the development site. Also the applicant has proposed the provision of a new screen of native trees and hedging to provide shelter bat flight corridors along the rear elevation of the Hay Barn. Having consulted HCC Ecology no objections were raised. HCC Ecology was satisfied with the level of information that has been provided as part of the application, to ensure bats are safeguarded, and mitigation/compensated is acceptable. Details will be agreed with Natural England and the required EPS licence.

Landscaping

4.3.45 A Tree Survey report has been prepared by Hayden's Arboricultural Consultants and submitted as a supporting document. This report outlines works to be undertaken to the existing trees within the site. It also outlines the root protection methodology and criteria that should be adhered to when carrying out engineering works that are in close proximity to the existing trees. Tree works including the felling of one poplar and one rowan. Three common limes and one ash tree to be felled to allow the proposed car park to be sited on the southern boundary of the site. These trees will be replaced with new native trees and hedgerows to create a defined boundary to the car park and the existing arable fields south of the proposed car park. Details of this boundary treatment have been conditioned.

4.3.46 I would therefore conclude that the proposed landscaping would be appropriate to the site and enhance the setting of the proposed scheme while providing adequate screening of the car park from the remaining open countryside, once the trees and hedgerows have matured.

Planning Balance

4.3.47 Within the preceding paragraphs I have set out the key areas of consideration and broadly concluded that, following extensive negotiation, how the current scheme is now broadly policy compliant and therefore acceptable in planning terms.

4.3.48 The proposed development site would fall within the village boundary (as proposed in the emerging local plan). Sandon is a Category 'A' village as identified in the local plan as a village within which development will be allowed. I consider that the site is a suitable and sustainable location for an events venue and guest accommodation development taking into account the above factors.

4.3.49 The proposed development would in general meet the aims of policies set out in the NPPF, and local plan.

4.3.50 In my opinion therefore the harm of the proposed events venue would not significantly or demonstrably outweigh the benefits it would deliver socially, environmentally or economically. Supporting the diversification of rural enterprise is one of the key aims of the NPPF.

4.3.51 It is acknowledged that the development proposal would result in less than substantial harm to heritage assets namely the listed Buildings and the Sandon Conservation Area. However I consider that this harm is at the lower end of the scale of less than substantial having regard to the separation of the proposed built form from the conservation area and the proposals to manage and maintain the significance of the assets. Paragraph 196 of the NPPF allows for the public benefits of the proposals to be weighed against the less than substantial harm. In this case I consider the environmental, economic and social benefits including the provision of jobs, farm diversification and the safeguarding and reuse of listed buildings would outweigh the identified harm. Overall then, I consider that the development would be in general accordance with local plan policies and the NPPF as a whole and recommend that planning permission should be granted subject to appropriate conditions.

4.4 **Conclusion**

- 4.4.1 The NPPF contains a presumption in favour of sustainable development and there are no impacts arising from the development which can be considered significant in my view. Those which would occur can be adequately mitigated by condition. Therefore as stated above in the planning balance, I consider there to be no sustainable planning objections to raise to the application and I recommend that planning permission be granted for this scheme, subject to certain safeguards set out in the conditions recommended below.

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. The development hereby permitted is limited to uses falling within use class D2 of the Town & Country Use Class Order (1987 as amended) unless approved in writing by the Local Planning Authority

Reason: To prevent deemed change of uses that may have different environmental impacts.

4. HIGHWAYS

Prior to occupation of the new proposal the highway works involving the resurfacing of the existing access shall be complete for the first 12 metres from the edge of the carriageway of Rushden Road, to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction. These works shall be secured and undertaken as part of the s278 works.

Reason: In the interests of highway and pedestrian safety.

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

Reason: To ensure that the development complies with the sustainable development policy requirements.

6. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning 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 details of:

- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Timing of construction activities to avoid school pick up/drop off times;
- g. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

7. ENVIRONMENTAL HEALTH

Prior to the first use of the events venue, the noise mitigation measures detailed in the SLR report reference 418.07763.00001.002 version 5 dated February 2018 (Sandon Bury Farm Noise Assessment), including a purpose built acoustic enclosure, shall be fully implemented. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: to protect the amenities of existing residents.

8. Prior to the installation of any fixed plant, a noise survey following the guidelines set out by BS4142:2014 shall be undertaken. This survey shall take into account all proposed fixed plant as part of the development and shall include noise control measures which should be submitted for written approval by the Local Planning Authority (LPA). No fixed plant shall be installed and operated at the site until the noise survey has been approved by the LPA. Noise mitigation measures shall be such as to achieve 5dB below existing background noise levels.

Reason: to protect the amenities of existing residents.

9. Goods vehicle deliveries and refuse vehicles shall only be permitted between 08.00hrs and 20.00hrs Monday to Friday, 08.00hrs and 18.00hrs Saturdays and no deliveries on Sundays and Bank Holidays.

Reason: to protect the amenities of existing residents.

10. Hours of use of the events venue shall only be permitted between 08.00hrs and 23.00hrs Sunday to Thursday and 08.00hrs to 00.00hrs Friday, Saturday and any day preceding a Bank Holiday.

Reason: to protect the amenities of existing residents.

11. A maximum of seventy-five (75) events (one event not exceeding 24 hrs) shall take place per calendar year with no more than three (3) events taking place per calendar week.

Reason: to protect the amenities of existing residents.

12. Amplified live and recorded music shall not be permitted to take place in the outside areas (in the open air) of the venue at any time.

Reason: to protect the amenities of existing residents.

13. A detailed lighting scheme shall be undertaken and submitted to the Local Planning Authority for approval with details of all external lighting, including lighting required for the pedestrian walkways, parking areas and security lighting and there shall be no external illumination erected, installed or operated on any part of the site other than in accordance with these approved details.

Reason: to protect the amenities of existing residents and the character of the rural area.

14. The following limits shall not be exceeded by the exterior light installations:

Sky Glow ULR (Max%) 2.5

Max light into windows Ev (lux)
07.00- 23.00hrs 5
23.00- 07.00hrs 1

Source Intensity I (kcd)
07.00- 23.00hrs 7.5
23.00- 07.00hs 0.5

Building Luminance 07.00- 23.00hrs
Average, L (cd/m²) 10

Reason: to protect the amenities of existing residents.

15. ENVIRONMENTAL HEALTH (contamination/air quality)

Prior to the commencement of the permitted activity the venue shall incorporate Electric Vehicle (EV) ready charging points sufficient to serve:

- o one staff car parking bay within the courtyard
- and
- o two car parking bays for guests, within the guest parking area

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.

16. Prior to the commencement of development, full details of the on-site storage facilities for commercial waste, including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point and, the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason - To protect the amenities of nearby residents/occupiers and in the interests of visual amenity, source segregation of waste in accordance with pre-treatment regulations.

17. LLFA

The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by Flood Risk Assessment and Preliminary Drainage Strategy carried out by CTC Infrastructure reference 2017-C-252 dated April 2017, submitted and the following mitigation measures detailed within the FRA:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

18. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;
1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
 2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

19. LANDSCAPE

The landscape details to be submitted and approved in writing prior to commencement and shall include the following:

- a) which, if any, of the existing vegetation is to be removed
- 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 required acoustic fences or other means of enclosure and any hardscaping proposed

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

20. The approved details of landscaping shall be carried out before the end of the first planting season following 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.

21. The landscaping scheme approved in accordance with condition 20 will be carried out and completed in full prior to the first occupation and use of the site for an event.

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

22. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme and methodology of site investigation and recording as suggested by the evaluation
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: to provide properly for the likely archaeological implications of this development proposal.

23. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (22)

Reason: to provide properly for the likely archaeological implications of this development proposal.

24. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (22) and the provision made for analysis and publication where appropriate.

Reason: to provide properly for the likely archaeological implications of this development proposal.

25. 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.

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.

Informative/s:

1. HIGHWAY INFORMATIVES

Hertfordshire County Council (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:

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development> or call on 0300 1234 047 to obtain the requirements for an appropriate highway agreement for the associated access works as part of the development. This should be carried out prior to any development work is carried out. Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway. 2. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

2. LLFA INFORMATIVES

For further information relating to ordinary watercourse consents, please visit our Ordinary Watercourse Webpage on the link below; www.hertfordshire.gov.uk

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/flooding-in-hertfordshire/managing-the-threat-and-impact-of-floods/ordinary-watercourses/ordinary-watercourses.aspx>

3. ENVIRONMENTAL HEALTH INFORMATIVES

During the demolition and change of use phases the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the demolition and change of use phases 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.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

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)

- o 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.
- o 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).
- o 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.

The above condition is considered relevant and reasonable for the following reasons:

- o Paragraph 120 of the NPPF which refers to the effects (including cumulative effects) of pollution on health, the natural environment or general amenity.
- o 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'.
- o 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'.

- o 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.
- o Reflects the limited options available for travel to the site by foot, cycle and public transport, by providing a more sustainable means of traveling to the site by private car.

4. ECOLOGY INFORMATIVE

The demolition or renovation of buildings, and the removal or severe pruning of trees should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of works by a competent Ecologist and if active nests are found, the location should be cordoned off (minimum 4m buffer) until the end of the nesting season or until the birds have left the nest.

Any 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.

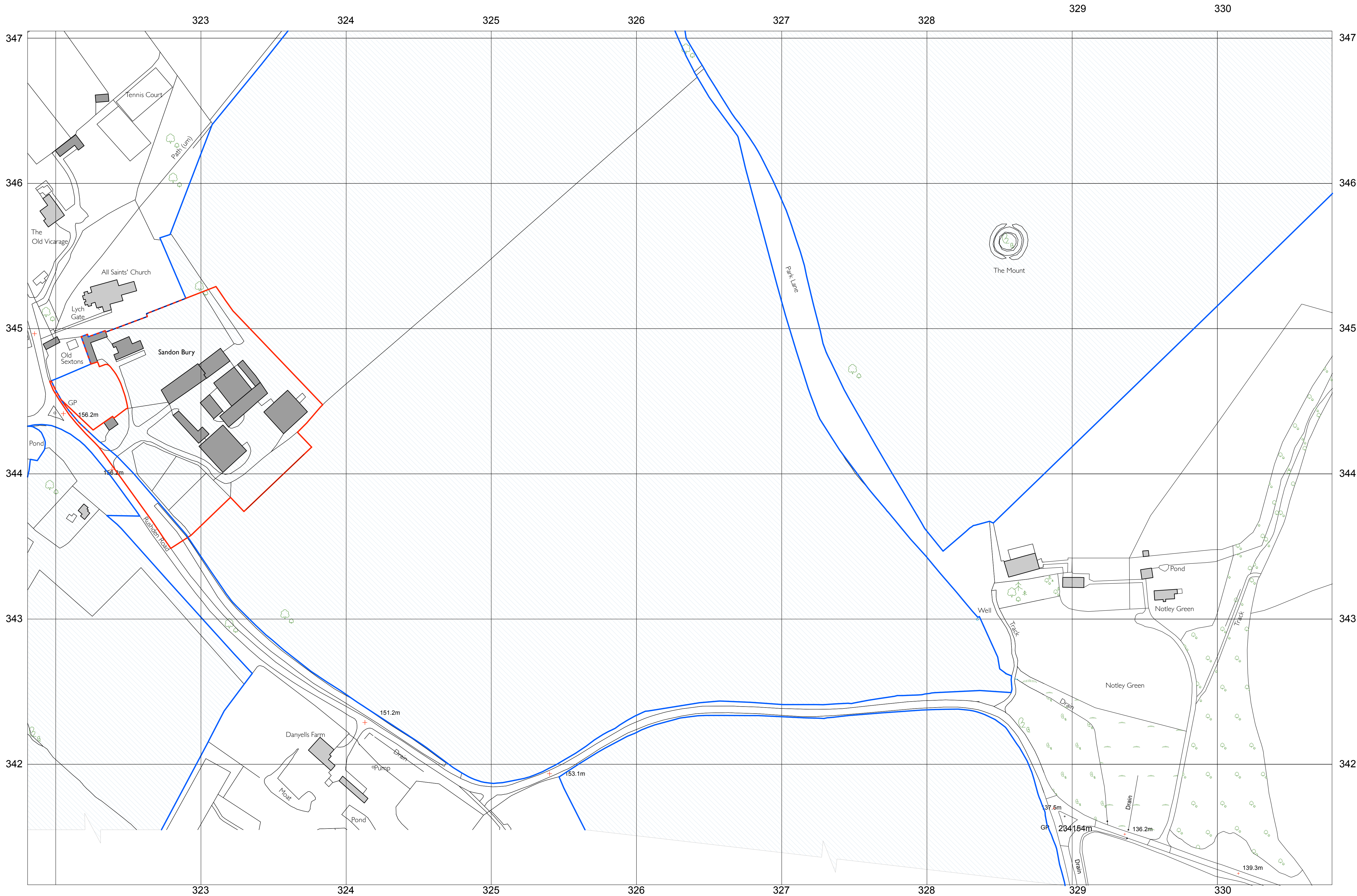
Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

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. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

7.0 **Appendices**

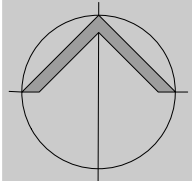
7.1 Appendix 1 – Plan of site (extract from DAS)

7.2 Appendix 2 – Environmental Health Comments



Notes

- 1: This drawing must not be scaled - work only to figured dimensions
- 2: Dimensions must be verified on site by the contractor before preparation of shop drawings
- 3: The architect must be notified of any discrepancies immediately
- 4: This drawing applies only to this job and site
- 5: This information on this drawing is copyright protected



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HaysomWardMiller Architects

7 Downing Place Cambridge CB2 3EL

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email : info@haysomwardmiller.co.uk

Project

For

Scale

Site Location Plan 2

Sandon Bury

Mark Faure-Walker & Kate Redfern

1:1250

Paper Size

A1

Job no.

Drawing no.

Revision no.

15.565

















P01

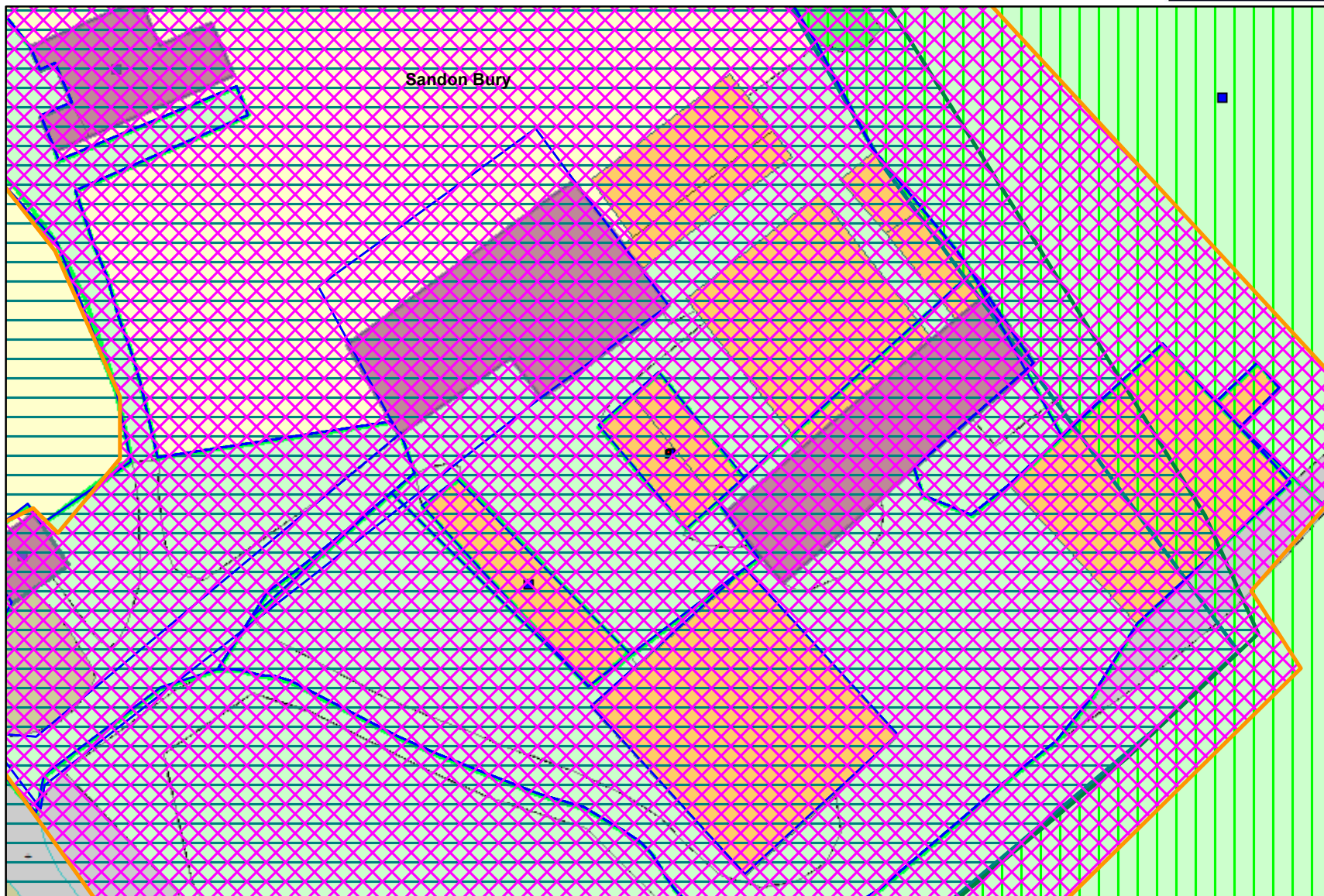
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Application Validation Sheet

18/00584/FP Sandon Bury Farm, Sandon, Herts, SG9 0QY

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistbld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prcaarea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnblt.shp
-  **Health & Safety Consultation Zone**
Prjmzone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:625

Date: 03/09/2018

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KEY PLAN - EXISTING

- | | |
|----|--|
| 1 | Sandon Bury |
| 2 | Black Barn |
| 3 | Dovecote |
| 4 | Coach house and outbuilding |
| 5 | Modern grainstore (to be demolished) |
| 6 | Modern fertiliser barn (to be demolished) |
| 7 | Centre Barn |
| 8 | Hay Barn |
| 9 | Barley Barn (listed Grade 2, not part of this application) |
| 10 | Lower Barn |
| 11 | Modern agricultural sheds |

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

MEMORANDUM

To: PLANNING CONTROL AND CONSERVATION SERVICE Melissa Tyler	From: HOUSING & PUBLIC PROTECTION SERVICE Rory Cosgrove
	Date: 18 June 2018
Our Ref: 1565/18	Yr Ref: 18/00584/FP
Subject: Full Planning Permission : Diversification of Sandon Bury Farm to provide an events venue and guest accommodation, comprising demolition of existing modern buildings within the Sandon Bury Farm complex, change of use of existing buildings from agricultural uses to an events venue (use class C3 accommodation) and alterations to listed and non-listed buildings (Black Barn, grain store and hay barn). Sandon Bury Farm, Sandon, Hertfordshire, SG9 0QY Please quote the following reference: 18/00584/FP on all correspondence.	

Thank you for your recent consultation regarding the above application. I have visited the application site and reviewed the Housing and Public Protection Service's records pertinent to this proposed development and I would like to make the following comments:

Areas of concern

Noise

I would consider that the following noise sources associated with this application for a change of use to an events venue could adversely impact on the amenity of nearby residents:

- Noise from the general operation of the venue i.e. service yard activities, deliveries/collections.
- Noise from fixed plant i.e. kitchen extract ventilation system and air handling units.
- Noise from events i.e. live/recorded music, PA system noise, people noise, vehicle noise from cars arriving and leaving and travelling through Sandon village.

I have reviewed the noise assessment report by SLR dated February 2018 which covers the above noise sources as part of the noise assessment. I have also reviewed the Noise Assessment Technical Review produced by REC Ltd dated 30th April 2018 which was commissioned by Pegasus Group on behalf of the Sandon Action Group and the subsequent memorandum by SLR dated 29th May 2018 addressing the criticisms identified in their original report by a number of representations.

Prior to covering each aspect of noise in reference to the noise reports, it is important to first provide some comments on the robustness and reliability of the original noise assessment by SLR. I would not normally provide such comments but I feel it is important to address the competing arguments from both SLR and REC Ltd (and other representations) and to outline what is acceptable from the point of view of Environmental Health.

- **Time of year of the noise assessment-** it was undertaken in winter and it has been suggested that it should have been undertaken in spring/summer which is more representative of when the events venue will be used. I would not request a seasonal noise assessment for the purposes of a planning application but would require that it is undertaken during suitable weather conditions. To this end, the time of year of the noise assessment has not been deemed relevant.
- **Weather affected data-** despite there being a number of days where noise data had to be disregarded; overall I consider that the amount of data collected that can be used as part of the noise assessment is acceptable. I would not normally require 13 days worth of background noise data for this type of application in any case but it may have been necessary given the adverse weather conditions. REC Ltd mentions the need for a temporary weather station but I consider that it is acceptable to rely on the local weather data that is available.
- **Lack of Sunday noise data-** I think it is important that background noise data is available for a Sunday given that the application is for an events venue which will typically be in use at weekends. I note that the only Sunday noise data available is from Sunday 21st January 2018 at monitoring location 1 only and that a fair portion of the noise data from this day was omitted due to adverse weather conditions. Whilst this is not ideal, there is still some data that can be relied upon and I accept the point from SLR that the background noise level was not the lowest measured so I am not concerned that there is no Sunday noise data from monitoring location 2. It is my view that it would be unfair to ask for a subsequent noise assessment to be undertaken for a Sunday.
- **Background noise data from the Sandon Fields Festival Noise Management Plan-** REC Ltd have referenced this in their technical review and I feel it should be disregarded. The noise monitoring location was approx 1km away from the application site and so there is no way that it can be assumed that the background noise levels would be similar. I am surprised that REC Ltd would rely on noise data that they haven't collected first hand.
- **Background noise has only been estimated and not measured at sensitive receptors-** I am satisfied that the monitoring locations (1 and 2) are representative of all the identified noise sensitive receptors. I agree that this is common practice and is seen in many acoustic reports.

The remaining issues with the original SLR noise assessment as identified by REC Ltd and other representations concern the potential noise sources from the events venue and will be discussed in turn. The above comments were intended to address the acceptability of the way in which the noise data was collected which I consider is sufficiently robust and can be relied upon. I do not propose asking the applicant to commission another noise assessment.

Noise from general operation of the venue i.e. service yard activities, deliveries/collections.

This noise source can be adequately controlled by imposing a condition restricting the hours in which deliveries and waste collections can take place at the application site. I have included a suitable recommendation below. Any activity from staff at the venue can be controlled by limiting the operating hours. Again, I have included a suitable recommendation below for hours of use of the events venue.

Noise from fixed plant i.e. kitchen extract ventilation system and air handling units.

Section 5 of the SLR noise report covers a BS4142:2014 noise assessment for proposed fixed plant which is to serve the events venue (i.e. kitchen extract ventilation system and air handling units). The predictions demonstrate compliance with the aforementioned standard that will result in a low noise impact but the report does state that the plant specification has not been finalised. If larger plant is installed it could give rise to higher noise levels as a result and so a planning condition will be required to ensure that any proposed plant (once this is finalised) is noise assessed prior to installation (see recommendation below). If the plant to be installed is as per the SLR noise report then re-submission of this in support of discharging the condition is acceptable. However, if larger plant or indeed more units are to be installed then a separate BS4142:2014 noise assessment will be required. I am happy for this assessment to rely on the background noise data already gathered.

Live/recorded music and PA system noise

I do not have concerns over background music being played in the ceremony barn (grain store) as it is unlikely to be audible outside of this building.

My main concern with music noise is that which is played within the reception barn (black barn). The SLR noise report and the plans detail a purpose built acoustic enclosure which also included an acoustic lobby. It is my opinion that this enclosure will be sufficient to ensure that nearby residents are not adversely affected by music noise from events held in this barn. I also note that the applicants are intending to add over-cladding to this barn which will also reduce noise outbreak from it. I would not necessarily require the latter to be included unless it is to serve other purposes i.e. visual improvements. Changes to the Licensing Act 2003 a few years ago allows premises of this type to have live and recorded music until 2300hrs without a licence (and therefore no noise related conditions are possible i.e. a noise limiter) so I feel it is necessary for this acoustic feature to be implemented as it is in line with the intended use of the application site. I have included a suitable recommendation below.

There has been little mention of music noise originating from the external areas of the events venue i.e. Bury Garden or the courtyard other than being highlighted by REC Ltd. In light of the above comment about live and recorded music until 2300hrs which also applies outdoors, I would like to recommend a condition restricting this activity as part of any planning consent given if this is considered appropriate and enforceable by planning. I only consider it necessary to restrict amplified live and recorded music as this would have the most significant impact. Any acoustic music i.e. violinists who wish to play for an outside

ceremony or similar would still be able to take place and I do not feel there would be a significant adverse impact from this. Post 2300hrs, live and recorded music taking place inside and outside can be controlled at the licence application stage as can the requirement to have windows and doors closed except for ingress, egress or in the case of an emergency.

People noise

The impact of people noise is difficult to predict but I note that the SLR noise report has included a prediction for several areas of the events venue. REC Ltd have outlined concerns over this noise source being underestimated. As much of the events venue will be licensed under the Licensing Act 2003, Environmental Health will be able to impose conditions restricting the timings for where guests are permitted so I feel that this issue should be dealt with at the licence application stage. In any case, a condition restricting the hours of use will also assist with this noise source.

Noise from cars entering and leaving the site and driving through Sandon

I am satisfied with the noise predictions for traffic movements on and off the application site and through Sandon. Whilst this may bring about more traffic noise incidences, I do not feel that it will lead to significant adverse impacts or noise levels outside of relevant guidelines. In any case, I do not feel that this would be a sufficient reason to refuse planning permission. The aforementioned restriction of the hours of use will limit the times at night where cars will be leaving the events venue and I have also recommended a restriction on the number of events that should take place per calendar year. The latter is in line with what the applicant has requested and it will limit the impact of all the noise sources from the events venue, not just vehicle movement noise.

In summary, I do not have any objections to this application but ask that the below recommendations are included on any planning consent given in order to protect the amenities of nearby existing residents.

Odour

The only concern I have identified relating to odour is from the proposed kitchen extract ventilation system which is to serve the kitchen situated centrally within the application site. I am satisfied this is located a sufficient distance from any nearby residents so that any cooking odours will go to atmosphere before they reach said residents, even in windy conditions or during a temperature inversion. To this end, I do not consider there is a need for the planning condition requiring the approval of this system as standard filtration should be sufficient. The type of cuisine that is likely to be cooked at this venue would also not be considered high risk from an odour nuisance perspective.

Light

Any new lighting installations at the application site have the potential to impact adversely upon nearby residents and cause light intrusion into windows, especially those at receptor location 5 (as detailed in the noise report). I therefore recommend that conditions are attached to any planning consent given to ensure that said lighting installations are approved by the LPA prior to them being installed and that they meet certain lighting limits as per the ILE guidance notes for the reduction of obtrusive light. Please see my recommendations below.

Recommendations

- 1 Prior to the first use of the events venue, the noise mitigation measures detailed in the SLR report reference 418.07763.00001.002 version 5 dated February 2018 (Sandon Bury Farm Noise Assessment), including a purpose built acoustic enclosure, shall be fully implemented. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.
Reason: to protect the amenities of existing residents.
- 2 Prior to the installation of any fixed plant, a noise survey following the guidelines set out by BS4142:2014 shall be undertaken. This survey shall take into account all proposed fixed plant as part of the development and shall include noise control measures which should be submitted for written approval by the Local Planning Authority (LPA). No fixed plant shall be installed and operated at the site until the noise survey has been approved by the LPA. Noise mitigation measures shall be such as to achieve 5dB below existing background noise levels.
Reason: to protect the amenities of existing residents.
- 3 [Discuss hours with applicant before imposing these suggested hours of use] Goods vehicle deliveries and refuse vehicles shall only be permitted between 08.00hrs and 20.00hrs Monday to Friday, 08.00hrs and 18.00hrs Saturdays and no deliveries on Sundays and Bank Holidays.
Reason: to protect the amenities of existing residents.
- 4 [Discuss hours with applicant before imposing these suggested hours of use] Hours of use of the events venue shall only be permitted between 08.00hrs and 23.00hrs Sunday to Thursday and 08.00hrs to 00.00hrs Friday, Saturday and any day preceding a Bank Holiday.
Reason: to protect the amenities of existing residents.
- 5 A maximum of seventy-five (75) events shall take place per calendar year with no more than three (3) events taking place per calendar week.
Reason: to protect the amenities of existing residents.
- 6 Amplified live and recorded music shall not be permitted to take place in the outside areas of the venue at any time.
Reason: to protect the amenities of existing residents.

- 7 A detailed lighting scheme shall be undertaken and submitted to the Local Planning Authority for approval with details of all external lighting, including lighting required for the pedestrian walkways, parking areas and security lighting and there shall be no external illumination erected, installed or operated on any part of the site other than in accordance with these approved details.

Reason: to protect the amenities of existing residents.

- 8 The following limits shall not be exceeded by the exterior light installations:

Sky Glow ULR (Max%) 2.5

Max light into windows Ev (lux)

07.00- 23.00hrs 5

23.00- 07.00hrs 1

Source Intensity I (kcd)

07.00- 23.00hrs 7.5

23.00- 07.00hrs 0.5

Building Luminance 07.00- 23.00hrs

Average, L (cd/m²) 10

Reason: to protect the amenities of existing residents.

Informatives

During the demolition and change of use phases the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the demolition and change of use phases 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.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

If you should consider that the above conditions would be inappropriate for this application, or that its wording should be altered, please contact me to discuss your concerns.

Yours sincerely

Rory Cosgrove
Senior Environmental Health Officer

ITEM NO:	
<u>Location:</u>	Sandon Bury Farm Sandon Hertfordshire SG9 0QY
<u>Applicant:</u>	Sandon Bury Farm Ltd
<u>Proposal:</u>	Internal Alterations to Sandon Bury Farmhouse (grade II* listed). Refurbishment of the Black Barn (grade II* listed) to include overcladding, acoustic insulation work and alterations to existing openings. New building (Grainstore Barn) abutting northeast gable end of Black Barn. Link extension between Black Barn and Centre Barn. Alterations to Hay Barn and extension thereof to form covered entrance loggia. Internal and external alterations to the Dovecote (grade II listed) including the provision of a new roof. Internal and external alterations to the Couch House/garage Barn (grade II listed)
<u>Ref. No:</u>	18/00585/LBC
<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period: September 28

Reason for Delay

Extension of time to allow for further supporting documentation and consultation responses from Statutory Consultees.

Reason for Referral to Committee

Councillor Jarvis has requested to call this application in for public interest reasons

1.0 Relevant History

1.1 **14/02529/1PRE** Change of use of agricultural barn to events venue

1.2 **17/01315/1** Diversification of Sandon Bury Farm to provide a wedding venue, comprising the demolition of two existing concrete barns and the erection of a new building and conversion and extension work to the Hay Barn and Centre Barn to provide facilities to serve the wedding venue (use class D2), change of use and conversion of Sandon Bury Farmhouse, the Coach House and Dovecote to provide overnight event accommodation (use class C1), and provision of associated car parking and reinstatement of vehicular access. **WITHDRAWN**

- 1.3 **17/01316/1LB** Internal alterations to Sandon Bury Farmhouse (grade II* listed), refurbishment of the Black Barn (grade II* listed) to include overcladding, acoustic insulation work and alterations to existing openings, internal and external alterations to the Dovecote (grade II listed) including the provision of a new roof, and internal and external alterations to the Coach House/Garage Barn (grade II listed) including new and infilled window and door openings **WITHDRAWN**

Reason for the above applications were withdrawn:

“The applicants are acutely aware that the proposals have generated considerable public interest – both in support and in objection – and we have responded to the various responses that have been received from technical consultees during the course of the applications. To this end, revisions have been made to the scheme to ensure suitable access arrangements and the provision of an appropriate mitigation scheme for protected species, along with providing clarification relating to acoustics.”

- 1.4 **18/0054/FP** Diversification of Sandon Bury Farm to provide an events venue and guest accommodation, comprising demolition of existing modern buildings within the Sandon Bury Farm complex, change of use of existing buildings from agricultural uses to an events venue, guest accommodation and alterations to listed and non-listed buildings (Black Barn, grain store and hay barn). **TO BE DETERMINED ALONGSIDE THIS APPLICATION**

2.0 **Policies**

National Planning Policy Framework (July 2018):

In general and with regard to:

Section 12 – Requiring good design.

Section 16 – Conserving and enhancing the historic environment

Specifically paragraphs 83, 127, 184-85, 192-93

North Hertfordshire District Local Plan No. 2 with Alterations 1996:

Policy 25 - Re-use of rural Building

North Hertfordshire District Council Proposed Submission Local Plan 2011 – 2031

Policy SP13 Historic environment

Policy D1 Sustainable design

Policy HE1 Designated heritage assets

3.0 **Representations**

Statutory Consultees (full details of all representations can be found on our website)

3.1 **Sandon Parish Council**

Objection – See planning application 18/00584/FP for full comments

3.2 Conservation and Listed Building Officer

Raise **NO OBJECTION** on the basis that the proposal would meet the aims of Policy HE1: Designated Heritage Assets of the North Hertfordshire District Local Plan 2011-2013 Proposed Submission October 2016 and the aims of Section 16 of the NPPF.

Conditions have been recommended

3.3 Historic England

Do not wish to comment. Advise to seek advice from specialist conservation and archaeological advisers

Non-Statutory consultees

3.4 Historic Houses Association

As a member of the Historic Houses we are writing to support the applications on the grounds that it will support the long term sustainability of the Sandon Bury Manor a Grade II listed building and Black Barn, also II*.*

We have examined and support the detailed heritage statement prepared by Hayson Ward Miller on the proposal which outlines grounds why this application should be approved. Over 300 historic houses are recorded in the UK as using their house, or building as a venue for private functions which include weddings. In the great majority of situations this use causes little inconvenience to neighbours which is often the main source of objection to the proposal; but the potential issues need to be managed in the design and building works. Increase in vehicles can often be overstated as many guests share cars, or use taxi's, while arrival of guests is usually within a short period, departure is staggered over an evening and the end of the event agreed as midnight. Noise for the building can also be managed by use of insulating material, measurement of decibels including automated shut down of music. Concerns of the local authority can be mitigated by the use of planning conditions, regarding capacity, number of events and construction.

3.5 Neighbours (all representations can be found on our website)

At time of writing this report:
Numbers of comments received - 134
Number of objections – 19
Number of Support – 114

Main themes of objections include:

Highway impact and safety from additional traffic generation
Access to site is now within the village
No public transport to village
Noise impacts of events on neighbouring residential uses
Light pollution
No benefits to village
Outside settlement boundary
Unsuitable location
Parking clashes with farm buildings
Loss of amenity for neighbouring properties and village resident

Ecology impacts – Bats and other wildlife
Impacts on other highway users – horses, cyclists, walkers and vehicles
Number of events - too many

Petition – 199 signatures (some duplicate representations)

Main themes of support

Farm diversification
Supporting rural economy
Jobs for local people and businesses
More people can enjoy the heritage assets
Sandon is a diminishing village – lost shop/pub/businesses
Policy compliant
Sympathetic proposal to heritage assets
Show great sensitivity towards the village through plans
Safeguard heritage assets for future generations
Removal of post war structures will enhance heritage assets

3.6 Sandon Conservation Group

Proposal is not sympathetic to the conservation area or heritage assets
Impacts biodiversity
Car park encroaches on landscape conservation area – adverse effect on visual amenity
Removal of trees
Impacts on Icknield and Hertfordshire Ways
Removal of vegetation to create visibility splays
Impact on bats
Noise – concerns with methodology of noise report
Traffic issues and noise
Light pollution
Lack of social, and environmental and economic benefits

3.7 Sandon Action Group (SAG)

Highways and traffic
Noise and disturbance
Impact on the significance of heritage assets
Impact on biodiversity
Impact on character and appearance of the area
Economic sustainability

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 Sandon Bury is located on the edge of the settlement within the designated boundary of Sandon. It is located within the Conservation area. All Saints Church (Grade I Listed) is located to the north of the site situated behind the House and coach-house.

4.1.2 There are a number of listed buildings within the site and part of the proposal subject to this application.

- 4.1.3 The house was built in 1661 and extended in the 19th century and is a Grade II* listed building.
- 4.1.4 Former stables Grade II, coach-house and dwelling, now outbuilding and garage. Late C17, altered and extended in C20. Red brick, some weatherboarding.
- 4.1.5 Dovecote, Grade II - now garage. Late C17. Red brick, corrugated roofing. Square on plan. Plinth. Side away from road has a door with an upper blocked segmental brick arch under a stepped up plat band. Opposite side has plat band stepped up over blocked vertical oval opening. Shallow pitched gable ends with plat bands stepped up over blocked vertical oval openings. End away from house has inserted double doors. Interior: brick cotes with ledges intact on one side
- 4.1.6 Black barn – Grade II* - Aisled barn. C14 or earlier. Altered late C17 and C19. Timber frame, rendered brick base. Weatherboarded and red brick clad. Slate roof. 6 bays with a shorter bay to end nearest road. End wall facing road is C17 brick with plinth
- 4.1.7 Barley Barn – Grade II - Aisled barn. Late C17 or C18. Timber frame on part rendered brick base. Weatherboarded. Corrugated sheet roofing. 7 bays with aisles continuing at ends.

4.2 **Proposal**

- 4.2.1 Internal Alterations to Sandon Bury Farmhouse (grade II* listed). Refurbishment of the Black Barn (grade II* listed) to include overcladding, acoustic insulation work and alterations to existing openings. New building (Grainstore Barn) abutting northeast gable end of Black Barn. Link extension between Black Barn and Centre Barn. Alterations to Hay Barn and extension thereof to form covered entrance loggia. Internal and external alterations to the Dovecote (grade II listed) including the provision of a new roof. Internal and external alterations to the Couch House/garage Barn (grade II listed).

4.3 **Key Issues**

- 4.3.1 The key considerations relate to the impact of the proposed work on the special character of the listed buildings and the setting of Sandon Bury, which is a grade II* listed building. Please see the detailed comments of the Conservation Officer (Appendix 1)

Policy

- 4.3.2 Sandon Bury Farm has been under the ownership of the applicant's family since the mid-19th Century and includes a number of historic buildings. The Manor house is currently the family home and farm office for the working farm. As stated in the DAS for the last few years the farm has not been economically viable and has needed subsidy from other sources of income in order to keep operating and to fund the maintenance of the listed buildings.

National Planning Policy Framework

4.3.3 The following sections of the NPPF are also considered relevant:

Paragraph 184 states that *heritage assets are an irreplaceable resources, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations* (this is echoed by the Planning (Listed Buildings and Conservation Areas) Act 1990)

Paragraph 185 of the NPPF states that decisions:

Should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. LP should take into account:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*
- b) The wider social, economic and environmental benefits that conservation of the historic environment can bring*
- c) The desirability of new development making a positive contribution to local character and distinctiveness*

Paragraph 192 of the NPPF states that

In determining planning applications, LPA should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage asset and putting them to viable uses consistent with their conservation*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) The desirability of new development making a positive contribution to local character and distinctiveness*

Paragraph 193 states *that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset. The greater the weight should be).*

Local Plan

4.3.4 Policy HE1 : Designated Heritage Assets, of the North Hertfordshire District Local Plan 2011-2031 Proposed Submission October 2016, states that Planning applications relating to Designated heritage assets shall be accompanied by a

Heritage Assessment/Justification Statement that:

- i. Assess the significance of heritage assets, including their setting, impacted by the proposal;
- ii. Justify and detail the impacts of any proposal upon the significance of the designated asset(s); and
- iii. Inform any necessary mitigation measures to minimise or mitigate against any identified harms;

Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they (as applicable):

- a. Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;
- b. Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified.

Conservation Officer recommendation

4.3.5 The Conservation Officer has made detailed comments which can be found as appendix A of this report. Below I have set out his recommendation and conclusion.

"It is considered that this is a generally well-conceived proposal that pays sufficient regard to a particularly important group of listed and curtilage-listed buildings and would ensure that these Designated Heritage Assets are put to a viable use which is consistent with their conservation (para 185, NPPF). In supporting this proposal, I have given great weight to the conservation of these Heritage Assets (para 189, NPPF). I consider that the development proposals will lead to some harm, however, this would be less than substantial harm to the significance of Designated Heritage Assets. The degree of harm should be weighed against the benefits of retaining these buildings within one ownership and one use which would secure, as far as is possible, a use which is viable (para 196). It is difficult to determine whether the proposal would, in fact, be the optimum viable use.

The removal of the Fertiliser Barn will satisfy the aims of para 198, NPPF i.e. would enhance the setting and better reveal the significance of nearby heritage assets. It would be a fair comment to say that had Barns 1 & 2 on drawing no. EX06 also been proposed to be demolished then the aims of para 200 would have been more or less met in full. In concluding that there would be an element of harm arising from the proposal, it may be said that the proposals would be contrary to the provisions of Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, however, this is clearly a paragraph 196 case.

I have taken a similar approach to that when commenting on a similar scheme at Redcoats Farmhouse and barns, Little Wymondley where a recently implemented hotel scheme has resulted in a new use for barns considered to be 'At Risk'. In my opinion, the proposal would result in some public benefit by securing a long term viable use for this important group of Heritage Assets and the wider setting of the listed building and indeed the character and appearance of the Sandon Conservation Area would not, in my opinion, be adversely affected by the use proposed to warrant an objection."

4.4 Conclusion

- 4.4.1 No objection has been raised on the basis that the proposal would meet the aims of Policy HE1: Designated Heritage Assets, of the North Hertfordshire District Local Plan 2011-2031 Proposed Submission October 2016 and the aims of Section 16 of the NPPF. As stated at 5.0 of the Heritage Statement, "...The stewardship of both historic agricultural buildings and the surrounding rural farming landscape is an important responsibility; the proposed development will allow the applicants to go on meeting that responsibility in the years ahead".

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 If planning permission under application 18/00584/FP (ITEM 2) has been refused my recommendation is to defer the decision for this application to be considered through delegated powers following any subsequent appeal process.

- 6.2 That listed Building be **GRANTED** subject to the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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. A sample of the Anthracite grey corrugated steel sheet to the Grain Store Barn, Centre Barn and Kitchen 'link' shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the roofing works.

Reason: To safeguard the setting to this group of Heritage Assets

4. A sample of the clay tiles for the Dovecote Roof shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the roofing works.

Reason: To safeguard the listed building's special character.

5. Full details of the proposed steel heating/ventilation/lighting ducts system to be installed in Black Barn indicating how this would be fixed to the existing building and any interventions with the timber frame, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the scheme hereby approved.

Reason: To safeguard the listed building's special character.

6. Notwithstanding the approved drawings, joinery details (including glazing bar profile where appropriate) at an appropriate metric scale of all new windows to be installed at the Coach house, shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture and installation of new windows.

Reason: To safeguard the listed building's special character.

7. Details of the internal shutters to the windows in the north elevation of the Coach house shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture and installation of the shutters.

Reason: To safeguard the listed building's special character.

8. Details of all new internal doors at:
 - a. Sandon Bury;
 - b. Coach House & Garage Barn;
 - c. Between Black Barn and kitchen; and
 - d. Acoustic lobby forming part of Grain Store Barn

shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of new internal doors.

Reason: To safeguard the special character of these listed and curtilage-listed buildings.

9. Notwithstanding the over-cladding details on approved drawing no.P40A, vertical section(s) at a metric scale indicating the extent of build-up relative to the brick plinth, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the over-cladding works.

Reason: To safeguard Black Barn's special character.

10. Details of all new rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the alterations hereby consented.

















Reason: To safeguard the special character of this building group.

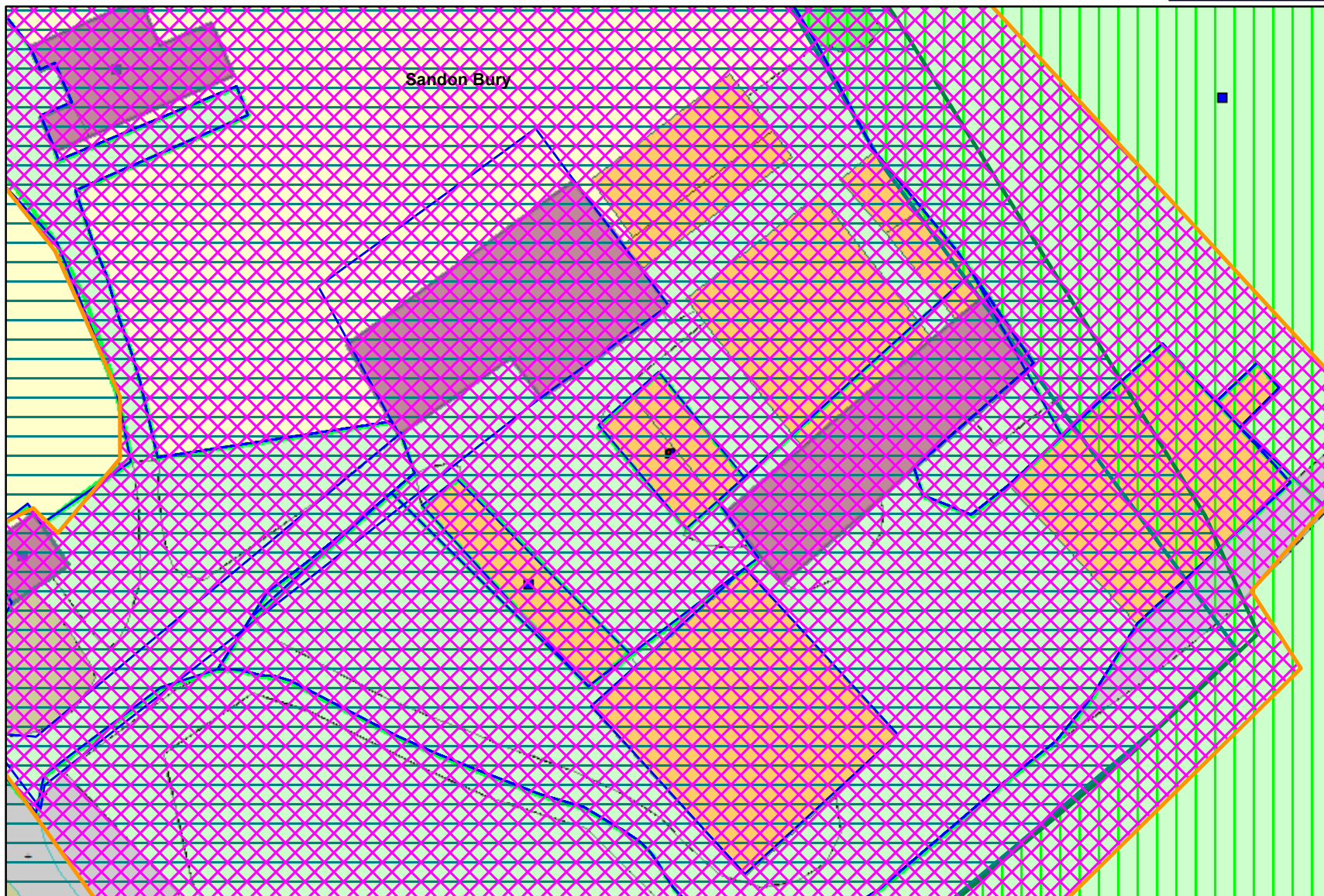
7.0 Appendices

- 7.1 Appendix 1 - Conservation and Listed Building Officer comments

Application Validation Sheet

18/00585/LBC Sandon Bury Farm, Sandon, Herts, SG9 0QY

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistbld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prcaarea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnblt.shp
-  **Health & Safety Consultation Zone**
Prjmzone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



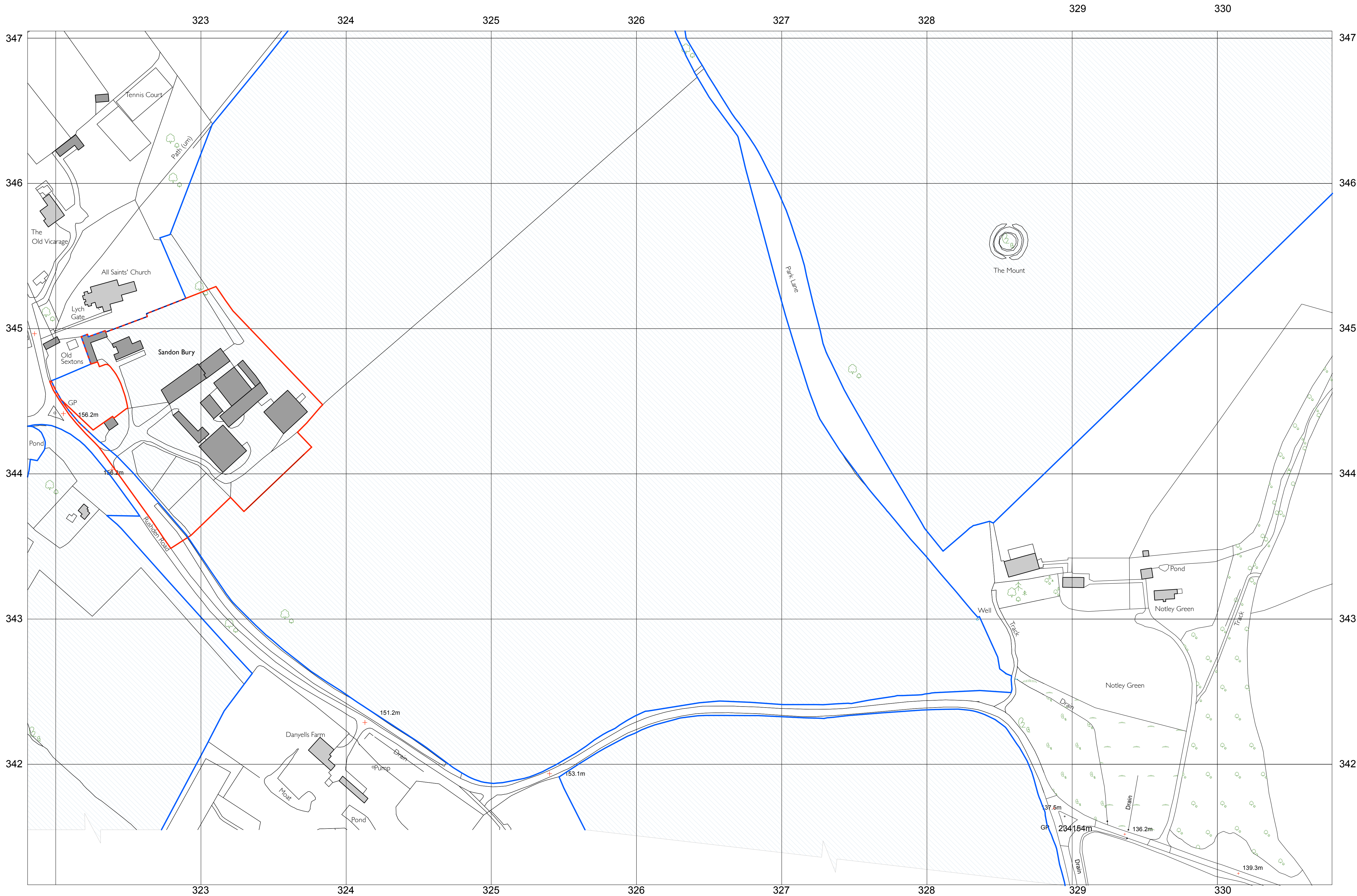
Scale 1:625

Date: 03/09/2018

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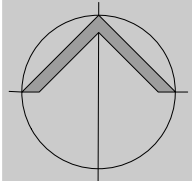


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Notes

- 1: This drawing must not be scaled - work only to figured dimensions
- 2: Dimensions must be verified on site by the contractor before preparation of shop drawings
- 3: The architect must be notified of any discrepancies immediately
- 4: This drawing applies only to this job and site
- 5: This information on this drawing is copyright protected



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HaysomWardMiller Architects

7 Downing Place Cambridge CB2 3EL

T : 01223 578545 F : 01223 351955

email : info@haysomwardmiller.co.uk

Project

Sandon Bury

For

Mark Faure-Walker & Kate Redfern

Scale

1:1250

Paper Size

A1

Site Location Plan 2

Job no.

15.565

Drawing no.

P01

Revision no.

F

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North Hertfordshire District Council

Building Conservation comments

File Ref: 18/00585/LBC

Date: 09/07/2018

Planning Officer: MT

Address: Sandon Bury Farm, Sandon, Hertfordshire SG9 0QY

Subject: Internal alterations to Sandon Bury Farmhouse (grade II* listed); refurbishment of the Black Barn (grade II* listed) to include overcladding, acoustic insulation work and alterations to existing openings; internal and external works to the Dovecote (grade II listed) including the provision of a new roof; internal and external alterations to the Coach House/Garage Barn (grade II listed) including new and infilled window and door openings.

As noted in the description above, 2no. grade II* listed buildings, a grade II listed dovecote and a number of other buildings (curtilage-listed and unlisted) are located on this site, most of which sits within the Sandon Conservation Area. The Barley Barn (also grade II) is also within the applicant's ownership but lies outside the current application site. This manorial group is of national significance and the grade II* listed building possess exceptional architectural and historic interest. The proposals would facilitate the use of Sandon Bury Farm as a wedding venue. The key issues are to assess the impact of the proposal in terms of their direct impact upon the building to which the works relate and in the case of external works, the impact upon the setting of other listed buildings in the group and upon the character and appearance of the Sandon Conservation Area.

I previously commented under withdrawn application ref: 17/01316/1LB on 19/07/2017 and my sincere apologies for the delay in responding to the current application.

Firstly, and as was the case with the previous applications, **there is case to suggest that the description should be amended to include new build elements of the scheme where they would physically affect a listed or curtilage-listed building.** In the current scheme, the kitchen 'link' and rebuilt Grainstore Barn would be physically attached to Black Barn whilst the covered entrance loggia and extension to the Hay Barn would affect this curtilage-listed building. It may be worth clarifying with the agent as to what would be the most appropriate description for the LB application (may be the following?):

Internal alterations to Sandon Bury Farmhouse (grade II* listed). Refurbishment of the Black Barn (grade II* listed) to include overcladding, acoustic insulation work and alterations to existing openings. New building (Grainstore Barn) abutting northeast gable end of Black Barn. Link extension between Black Barn and Centre Barn. Alterations to Hay Barn and extension thereof to form covered entrance loggia. Internal and external alterations to the Dovecote (grade II listed) including the provision of a new roof. Internal and external alterations to the Coach House/Garage Barn (grade II listed).

My comments below take account of the attachments with Tom Miller's email dated 27 April 2018 to the case officer in which Mr Miller states:

".....I attach a summary document detailing the additional fire escape and protection measures that the fire consultant has advised us will be necessary. This includes some minor changes to the internal layout of the Black Barn and an additional exit door from each of the

Centre Barn and the new Grainstore Building. In the Bury itself he has suggested that two new fire doors would allow the stairs to be protected; we think these can be added without compromising the reading of the principal spaces and in a way that would avoid loss of historic fabric and be, ultimately, reversible.

.....in reviewing the fire strategy we realised that an existing door on the ground floor of the house (between the dining room and the north stair) had been omitted in error; this has been corrected....."

I have noted the content of the Supplementary design/Heritage Statement: Fire escape for Sandon Bury Farm Ltd dated April 2018 and I have considered the drawings to which this document refers. I raise no objection to the partition screen or to the 2no. additional doors proposed on drawing no.P15D and I raise no concerns with respect to the additional works now proposed to the barns.

Planning and Economic Statement (PES)

I note the explanation for this application provided at 1.4 and note the following amendments at page 13:

General

- *Maximum number of events per year halved from 150 to 75.*

Black Barn

- *Insertion of new acoustic enclosure;*
- *Reduction in dining capacity from 200 to 150 guests; and*
- *Bat lofts in westernmost and easternmost roof bays.*

Centre Barn and extension

- *Existing Centre Barn building converted to provide spa and studio space (previously kitchen admin and staff facilities); and*
- *Detail changes to kitchen layout.*

Grain Store

- *Change to footprint and roofline to improve relationship of roof with that of the Black Barn;*
- *Primary space now the wedding ceremony hall, with north window looking onto gardens;*
- *With acoustic enclosure no longer required within this building, lobbied entrances omitted; and*
- *New entrance from Bury gardens between Black Barn and Grain Store.*

Hay Barn

- *Enclosed south bay to provide bat emergence zone adjacent to Barley Barn; and*
- *Alterations to north end connection with reworked Grain Store Building.*

Upper Courtyard

- *Alterations to layout.*

Lower courtyard

- *Provision for coach turning and embarkation.*

At 4.2 it is noted that "... the scheme proposes the demolition of the existing modern concrete grain store and fertiliser barns (which have a total floor area of 553sq m) and conversion works to other buildings on site A freestanding, structurally independent and reversible purpose-built enclosure within the Black Barn will contain amplified music and dancing.... To the northeast, an existing pre-cast concrete grain

store will be replaced with a new building, designed to accommodate toilets and the wedding ceremonies themselves

At 4.17, it is noted that *“The fundamental difference is that the proposed scheme will be smaller in scale (in terms of the number of events, expected guests and parking provision)”*. Whilst at 4.20 it is important to note that *“Parking provision will also be within the existing courtyard and working farmyard as opposed to extending to the north-east, with the existing access used rather than the re-opening of the track to Notley Corner”*.

At 5.47 the PES states that *“In light of the above, therefore, it is considered that the important heritage assets of the site will be retained through the sympathetic proposals to re-use the listed buildings as part of a wider diversification scheme. It is considered that the character and appearance of the Conservation Area will be enhanced by virtue of the retention and improvement of the listed buildings within the site”*.

The proposed site layout plan indicates the location of the proposed parking which I consider more respectful of the wider setting to Sandon Bury and the adjacent barn group when compared with that previously proposed under the withdrawn application. Ultimately, however, it is for the case officer to determine the acceptability or otherwise of the car parking arrangement.



Whilst not a conservation matter as such, the proposed layout does, however, raise three questions (which should be considered under the planning application):

1. Due to the fact that the two large Atcost barns remain in agricultural use and with the car park access being the same as the working farm access, it would be presumably be the case that the Atcost buildings will not in use at the time of a wedding. In which case, this must surely limit the operational efficiency of these barns if access is not possible for up to 75 occasions each year and will also result in a rather undesirable first impression for guests arriving at the venue (see photo below). If the barns remain continually in use for what would be up to 75 events per year, then how is access achieved to both buildings considering the parking layout for guests?
2. What provision is there to accommodate parking overspill – how will this be managed if it occurs? and
3. If coaches are bringing guests to the venue, the service yard is identified as the 'dropping off point' which is close to the kitchen and with a relatively tight turning facility. I would have thought that if the central parking spaces are removed from the main parking area, would this not provide a sufficient turning area and negate coaches having to enter the service yard? Another

alternative would be to leave the coach drop off where it is and to perhaps consider omitting the 'outside' car parking bays in the 5no. group abutting the rear of the single storey building to the right of the service yard entrance.

Note: In terms of visitors arriving at the venue, I still consider that the Barley Barn could provide a better route through to the rear courtyard from the main car park and it is disappointing that this opportunity has not been considered further. The parking would be to the right and behind the large barn in the photo below.



Design and Access Statement (DAS)

This document states that *“Materials for the extended parking area will be appropriate for the rural context, using stabilised gravel to give an all-weather, permeable surface suitable for all users without resorting to tarmac. In areas where heavier vehicle loads require it (including those that might be over-run by heavy agricultural vehicles that use the yard as part of everyday farm activity), a surface of exposed-aggregate concrete will give a similar tone. Parking areas will be subdivided with native hedge species planting”.* Aesthetically, it would be desirable if there is visual consistency between the two types of surface treatment proposed.

Local Plan

Policy HE1 : Designated Heritage Assets, of the North Hertfordshire District Local Plan 2011-2031 Proposed Submission October 2016, states that Planning applications relating to Designated heritage assets shall be accompanied by a Heritage Assessment/Justification Statement that:

- i. Assess the significance of heritage assets, including their setting, impacted by the proposal;*
- ii. Justify and detail the impacts of any proposal upon the significance of the designated asset(s); and*
- iii. Inform any necessary mitigation measures to minimise or mitigate against any identified harms;*

Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they (as applicable):

- a. Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;*
- b. Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified.*

National Planning Policy Framework

The following sections of the NPPF are also considered relevant:

131. *In determining planning applications, local planning authorities should take account of:*
 - *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

- the desirability of new development making a positive contribution to local character and distinctiveness.
132. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.....*
134. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*
137. *Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*

Internal alterations to Sandon Bury Farmhouse (grade II* listed)

According to 3.1 of the submitted Heritage Statement, the Bury will principally be used to provide accommodation for up to 14no. guests staying to attend weddings or similar events. At the site meeting on 27 June 2017, much of the discussion focused on the internal reordering of the existing boiler/boot room (formerly the Bury's original kitchen). At the time concern was expressed regarding alterations to this space in that the two new cloakrooms would significantly intrude upon existing space resulting in a disproportionate narrow space in front of the inglenook. **The scheme has been amended to show only one new cloakroom and the layout on drawing no.P14E is considered acceptable.**

At second floor, I previously stated that "... an existing bathroom is proposed to be subdivided to form two new ensuite shower rooms and a further ensuite is proposed within the adjacent bedroom. The latter would be an unfortunate intervention and the applicant is discouraged from making this change...." **Drawing no.P16A takes the latter point on board and the proposal is considered acceptable.**

Refurbishment of the Black Barn (grade II* listed) to include overcladding, acoustic insulation work and alterations to existing openings

At 3.2 of the Heritage Statement it says that: "... The existing windows and doors, weatherboarding and roof slating are essentially sound but gappy; daylight is visible in many places in the walls. After discussion with the NHDC Conservation Officer and Historic England it is proposed to leave the existing weatherboarding and roof sarking boards in place to preserve the existing internal appearance, and overclad to improve draughtproofing, thermal performance and acoustic performance. The reversible overcladding will incorporate no more than 100mm mineral wool in the roof and no more than 75mm in the walls to ensure that the external appearance stays largely the same. Where wall boarding meets the brick southwest gable the insulation thickness will reduce to ensure that the existing relationship between the two surfaces does not change significantly.

Existing windows and doors will be moved out to the new cladding line and refitted. The windows are at high level and small and were probably reused from elsewhere; we propose that they could be fitted with minimally-framed secondary glazing to improve acoustic performance without significantly altering their appearance from outside. The two pairs of large doors will be retained; inside will be new purpose-made timber-framed screens with insulated translucent glazing to admit daylight but stop views out into the southern service yard.

Interior

In character the interior appearance will remain much as it is at present, with the existing structure unchanged and the existing boarding and sarking boards visible beyond. The presence of roosting bats in the roof structure at both ends of the building has been identified by survey. At the southwest end the tapered first bay will be partitioned off to form a store and electrics room at low level and a dedicated roost loft for bats above. The new partition, with timber boarding and exposed studs, will be a recognisably modern intervention but relate to the other walls adjacent. A similar roost loft for bats will be provided in the roof triangle of the eastmost bay.

The most significant intervention in the interior of the Black Barn will be the insertion of a new, structurally independent and reversible acoustic enclosure within the westmost bays of the barn to contain all amplified music. The acoustic "box" will be a clearly modern, timber-clad insertion with a glazed end wall facing the rest of the space. It will stand independently just inside the main post arcade, and its top will be below the level of the diagonal braces so that the entire frame structure (and the full length of the roof) is visible and can be clearly read from outside the box.

Services

It is proposed to heat the building during functions using warm air incorporated into a new ventilation system; the new air handling plant will all be housed in the roof space above the toilets in the new Grainstore building alongside to the northeast. The warm air will introduced through a new floor duct in the central trench that was previously used to transfer grain from the storage bins; this trench, almost a metre wide and a metre deep, was filled with rubble and concreted over as part of the 2012 works. Exhaust air will be drawn out through exposed circular galvanised ducts and pass out of the building through a panel at high level in the northeast gable that until 2012 was open for an access catwalk. The exposed ducts are a straightforward solution in keeping with the robust character of the space.

I am generally satisfied that the new steel heating/ventilation/lighting ducts system proposed to be installed at high level and as referred to on drawing nos. P10E, P30C & P41A will respect the building's special character. Drawing no.P41A also shows the purpose built acoustic enclosure in section whilst Drawing no.P10E shows this enclosure in plan form and both are considered acceptable.

Centre Barn

Clarification required as to whether this is a refurbishment or new build (see annotation on drawing no. P30C which states 'Centre Barn refurbished with new cladding and roof sheeting' whereas drawing no. P10E states 'Existing Centre Barn refurbished/rebuilt as new swimming pool/spa'). **If a swimming pool is to be provided, this is not shown in section on Elevation A of drawing no.P30C. It is also apparent that this facility would have no fenestration and where would the changing facilities be located?**

External cladding

On page 6 of the submitted Design and Access Statement it states that:

Black Barn

The Black Barn will be overclad to improve its thermal and acoustic performance in a way that is reversible and will not significantly alter its appearance either inside or outside. The addition of 75mm of insulation and batten space will inevitably push the cladding out slightly in relation to the brick plinth, but not enough to detract from the appearance. At the southwest end the thickness of insulation may be reduced to allow the boarding to meet the brick gable without projecting significantly.

Drawing no. P40A states that the Black Barn Wall Build up will be:

- Historic timber frame

- Existing retained featheredge weather boarding
- 75mm horizontal battens. Void filled with mineral wool insulation
- breather membrane
- 12.5mm Fermacell board
- 38 x 50 mm vertical battens
- 18mm featheredge weather boarding

The applicant was previously encouraged to produce a vertical section drawing that would illustrate the relationship between wall build up and plinth. I would need to be reassured that the build up would not occasion harm to the external appearance of the listed building if the build up sits significantly forward of the brick plinth, particularly on the east facing side.

New building (Grainstore Barn) abutting northeast gable end of Black Barn. Link extension between Black Barn and Centre Barn. Alterations to Hay Barn and extension thereof to form covered entrance loggia.

The formation of two distinct spaces (service yard and courtyard) has been well-justified and no objection is raised to the new build elements of the scheme.

Previous discrepancies between plans have been addressed:

- 3no. roof lights on the south side of the kitchen 'link' are now shown on drawing P30C; and
- The external outlet / external ventilation to the proposed plant equipment is not shown on Elevation B.

Having said that, I make the following comment with respect to Drawing no.P31B



Whilst I appreciate the design benefits of the large area of glazing towards the left hand end of Elevation D as depicted to the left, the framing of this opening including breaking through the eaves would introduce an overtly contemporary element to this elevation facing towards Sandon Bury. To ameliorate my concerns, I encourage consideration of a section of patent glazing the same width as the screen which follows the plane of the roof i.e. does not interrupt the eaves i.e. would not have a 'dormer-like' up-stand.

Internal and external alterations to the Dovecote (grade II listed) including the provision of a new roof.

As stated by the Council for British Archaeology on the previous application, the Dovecote has a very distinctive identity and function and that 'retaining the historic character of the Dovecote without the permanent loss of all fixtures and fittings or eroding all legibility of its former use is particularly challenging'. I am satisfied that the proposed mezzanine would ensure that the internal 'open' volume of the building would remain and I am pleased to note that the opportunity has been taken to incorporate the surviving brick cotes on the west elevation into the design of the accommodation. I am, however, still uncertain as to how the cotes will be 'presented' in the conversion.

Internal and external alterations to the Coach House/Garage Barn (grade II listed) including new and infilled window and door openings.

The detailing of the windows has not been altered in line with suggestions made under the withdrawn application but the proposal as it stands is not considered objectionable. It was previously agreed that a condition should be imposed to address the detailing of internal shutters to the north facing windows.

Suggested conditions

1. A sample of the Anthracite grey corrugated steel sheet to the Grain Store Barn, Centre Barn and Kitchen 'link' shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the roofing works.

Reason: To safeguard the setting to this group of Heritage Assets

2. A sample of the clay tiles for the Dovecote Roof shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the roofing works.

Reason: To safeguard the listed building's special character.

3. Full details of the proposed steel heating/ventilation/lighting ducts system to be installed in Black Barn indicating how this would be fixed to the existing building and any interventions with the timber frame, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the scheme hereby approved.

Reason: To safeguard the listed building's special character.

4. Notwithstanding the approved drawings, joinery details (including glazing bar profile where appropriate) at an appropriate metric scale of all new windows to be installed at the Coach house, shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture and installation of new windows.

Reason: To safeguard the listed building's special character.

5. Details of the internal shutters to the windows in the north elevation of the Coach house shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture and installation of the shutters.

Reason: To safeguard the listed building's special character.

6. Details of all new internal doors at:

- a. Sandon Bury;
- b. Coach House & Garage Barn;
- c. Between Black Barn and kitchen; and
- d. Acoustic lobby forming part of Grain Store Barn

shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of new internal doors.

Reason: To safeguard the special character of these listed and curtilage-listed buildings.

7. Notwithstanding the over-cladding details on approved drawing no.P40A, vertical section(s) at a metric scale indicating the extent of build-up relative to the brick plinth, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the over-cladding works.

Reason: To safeguard Black Barn's special character.

8. Details of all new rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the alterations hereby consented.

Reason: To safeguard the special character of this building group.

Recommendation

It is considered that this is a generally well-conceived proposal that pays sufficient regard to a particularly important group of listed and curtilage-listed buildings and would ensure that these Designated Heritage Assets are put to a viable use which is consistent with their conservation (para 131, NPPF). In supporting this proposal, I have given great weight to the conservation of these Heritage Assets (para 132, NPPF). I consider that the development proposals will lead to some harm, however, this would be less than substantial harm to the significance of Designated Heritage Assets. The degree of harm should be weighed against the benefits of retaining these buildings within one ownership and one use which would secure, as far as is possible, a use which is viable (para 134). It is difficult to determine whether the proposal would, in fact, be the optimum viable use.

The removal of the Fertiliser Barn will satisfy the aims of para 137, NPPF i.e. would enhance the setting and better reveal the significance of nearby heritage assets. It would be a fair comment to say that had Barns 1 & 2 on drawing no. EX06 also been proposed to be demolished then the aims of para 137 would have been more or less met in full. In concluding that there would be an element of harm arising from the proposal, it may be said that the proposals would be contrary to the provisions of Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, however, this is clearly a paragraph 134 case.

I have taken a similar approach to that when commenting on a similar scheme at Redcoats Farmhouse and barns, Little Wymondley where a recently implemented hotel scheme has resulted in a new use for barns considered to be 'At Risk'. In my opinion, the proposal would result in some public benefit by securing a long term viable use for this important group of Heritage Assets and the wider setting of the listed building and indeed the character and appearance of the Sandon Conservation Area would not, in my opinion, be adversely affected by the use proposed to warrant an objection.

I, therefore, raise **NO OBJECTION** on the basis that the proposal would meet the aims of Policy HE1 : Designated Heritage Assets, of the North Hertfordshire District Local Plan 2011-2031 Proposed Submission October 2016 and the aims of Section 12 of the NPPF. As stated at 5.0 of the Heritage Statement, *"....The stewardship of both historic agricultural buildings and the surrounding rural farming landscape is an important responsibility; the proposed development will allow the applicants to go on meeting that responsibility in the years ahead"*.

Mark Simmons
Senior Conservation Officer

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ITEM NO:	
<u>Location:</u>	3 Homefield Hinxworth Baldock Hertfordshire SG7 5RX
<u>Applicant:</u>	Mr Nick Tiffin
<u>Proposal:</u>	Single storey side extension and single storey extension to existing garage to provide annexe.
<u>Ref. No:</u>	18/01994/FPH
<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period: 24.09.2018

Reason for Referral to Committee

The applicant is a member of the Hinxworth Parish Council and is related to an employee of the Council who is working within the Planning department.

1.0 Relevant History

1.1 **95/00414/1HH** Side conservatory and garden shed **GRANTED**

2.0 Policies

National Planning Policy Framework

Section 12 - Requiring good Design

Saved Local Plan 2a 1996

Policy 30 - House Extensions

Policy 33 – Relatives and staff accommodation

Policy 57 - Residential Guidelines and Standards

Policy 16 - Areas of Archaeological Significance and other Archaeological Areas

Emerging Local Plan 2011-2031

D2 - House extensions, replacement dwellings and outbuildings

D3 - Protecting living conditions

HS6 - Relatives and dependents accommodation

3.0 Representations

3.1 **Hinxworth Parish Council** – No objection

3.2 HCC Natural, Historic and Environment Advisory Team -

Consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and therefore no comment to make upon the proposal. While the proposed development is within an area of archaeological potential, it has previously been subject to archaeological evaluation (RPS Clouston 1994) and no remains of interest were found.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 No 3 Homefield is a large detached property with a detached double garage located on the shared boundary with No 4 located to east of the host property. The property is located on a private road, outside the conservation area and backs onto fields to the rear.

4.2 Proposal

- 4.2.1 Permission is sought for a single storey side extension to facilitate the enlargement of the breakfast room. Two sets of bi-folding doors are proposed on the two elevations facing the garden. A small open porch area is also proposed to cover the back door entrance. The side extension projects 2 metres from the existing single storey side projection with the proposed roof designed as a continuation of the existing roof.
- 4.2.2 Permission is also sought of a single storey rear extension to the existing detached garage to facilitate the creation of an annexe following the demolition of an existing shed/summerhouse that is used as habitable accommodation. The annexe has a bedroom with small en-suite and a living area with kitchenette. The extension projects 4.45 metres from the rear elevation and the eaves and ridge match the existing garage. The existing two garage doors are to be replaced with a single double width garage door so that the existing garage space can be retained.
- 4.2.3 Materials include light grey coloured Eternit Cedral cladding to the new and existing walls of the garage and single storey projection with grey Marley Modern roof tiles to match the existing host property.

4.3 Key Issues

- 4.3.1 The key issues can be summarised as follows:

- Principle of the annexe
- Design relative to existing dwelling
- Impact on character of the area and street scene
- Impact on living conditions of neighbours.

Proposed Annexe

- 4.3.2 Policy 33 - Relatives and Staff Accommodation of the North Hertfordshire District Local Plan with Alterations states that

'For the accommodation of relatives, dependants or staff within the grounds of an existing dwelling, the Council will permit the development proposal if:

***-A genuine need can be shown; and
-Its size is small and it is physically related to the existing dwelling, normally by the adaptation or extension of existing accommodation; and
-Future occupancy is restricted, either to the purpose stated or to that ancillary to the existing dwelling, by condition with any planning permission.'***

- 4.3.3 The proposed extension to the garage is small and is designed to match the width and height of the existing garage. The garage is located in close proximity to the main dwelling therefore it is my opinion that it is well related to the existing dwelling.

- 4.3.4 Policy 33 states that ***"the Council will permit the development proposal if a genuine need can be shown"***. The supporting text to Policy 33 states: ***"Certain people, for example a family with elderly or infirm grandparents, may wish to have their relatives living nearby. Similarly, with larger houses, separate accommodation for staff may be desired. In looking to the long term, the Council wishes to avoid the creation of separate and independent dwellings which would be unsatisfactory in terms of access, parking, privacy, amenity, and the established character of the area."*** A genuine need would need to be shown at the planning application stage.

- 4.3.5 The agent has demonstrated a genuine need for the annexe, I received the following from the agent;

"The applicants wife has an elderly mother who comes to stay on a regular basis and whilst she enjoys the security of being near her daughter and family she also enjoys an element of independence which is why it has been decided to provide a small "annexe" area where she can come to stay rather than her being integrated into the main dwelling house. The area is a single bedroom with a shower / basin / WC together with a small living area with some kitchen units. There is no wish to divide the site and a condition to that effect would be acceptable if you consider it necessary. Should the area not be required in the future it can be used as guest accommodation for family members who visit for social events"

- 4.3.6 I consider that future occupancy of the annexe can be restricted by condition. The proposal extension on the detached garage could have enough facilities to be converted to a separate dwelling. It is my opinion, therefore that a condition is recommended where the use of the annexed extension is to stay ancillary to the use of the main dwelling and is not to be divided to two separate dwellings. It is therefore my view that the proposal complies with Policy 33 of the current local plan.

Design and street scene

- 4.3.7 Policy 30 stated that house extensions would normal be refused if a "*materially greater impact would occur*" or the extensions would result in a "*size, scale and design out of keeping with the original building*" The proposed extensions in my view comply with Policy 30. The scale and design of the additions are not inappropriate and would not raise any sustainable objections.
- 4.3.8 Although the proposed materials do not match the existing brickwork the proposed cladding would not be so detrimental to the visual amenities of the area of the dwelling itself to justify a refusal of planning permission in my view.
- 4.3.9 The side extension is single storey only and of a modest projection. The addition is not visible in public views. The extension is of a scale and nature that would not be of significance to the overall street scene.
- 4.3.10 I therefore would conclude that the form, roof design and fenestration of the scheme would reflect the character of the original house. The design of the proposal is acceptable and would be in keeping with the existing dwelling and the general character of the property.

Impact on living conditions of neighbours

- 4.3.11 Policy 30 and 57 are intended to safeguard against extensions that would have an unacceptable impact or harm the amenities of the neighbouring properties. I do not consider that the additions would have a poor relationship to the neighbouring property in terms of privacy. I do not consider that the proposed additions would have any adverse impact on the neighbour's amenity given its single storey design and the existing orientation of the properties here.
- 4.3.12 I therefore do not consider that the additions would have any sustainable impact upon the neighbouring residential amenity and it would be difficult to sustain any objections on residential amenity grounds in my view. The proposals therefore comply with both Policy 30 and 57 of the current local plan.
- 4.3.13 No representations from adjoining neighbours have been received.

Parking

- 4.3.14 The provision of parking within the site is not changing as part of the proposed extensions therefore the parking provision is acceptable and no issues are raised.

4.4 Conclusion

- 4.4.1 Subject to conditions, I consider the proposals are acceptable in terms of there design and form. It would not have a materially adverse impact on the living conditions of neighbours or the character of the area.

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. The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse known as 3 Homefiled, Hinxworth.

Reason: To avoid the creation of a new dwelling contrary to the planning policies applicable to the area and to avoid the occupation of two separate dwellings by persons unconnected with each other as this would result in an unsatisfactory relationship and inadequate standard of amenity for both properties.

















Proactive Statement:

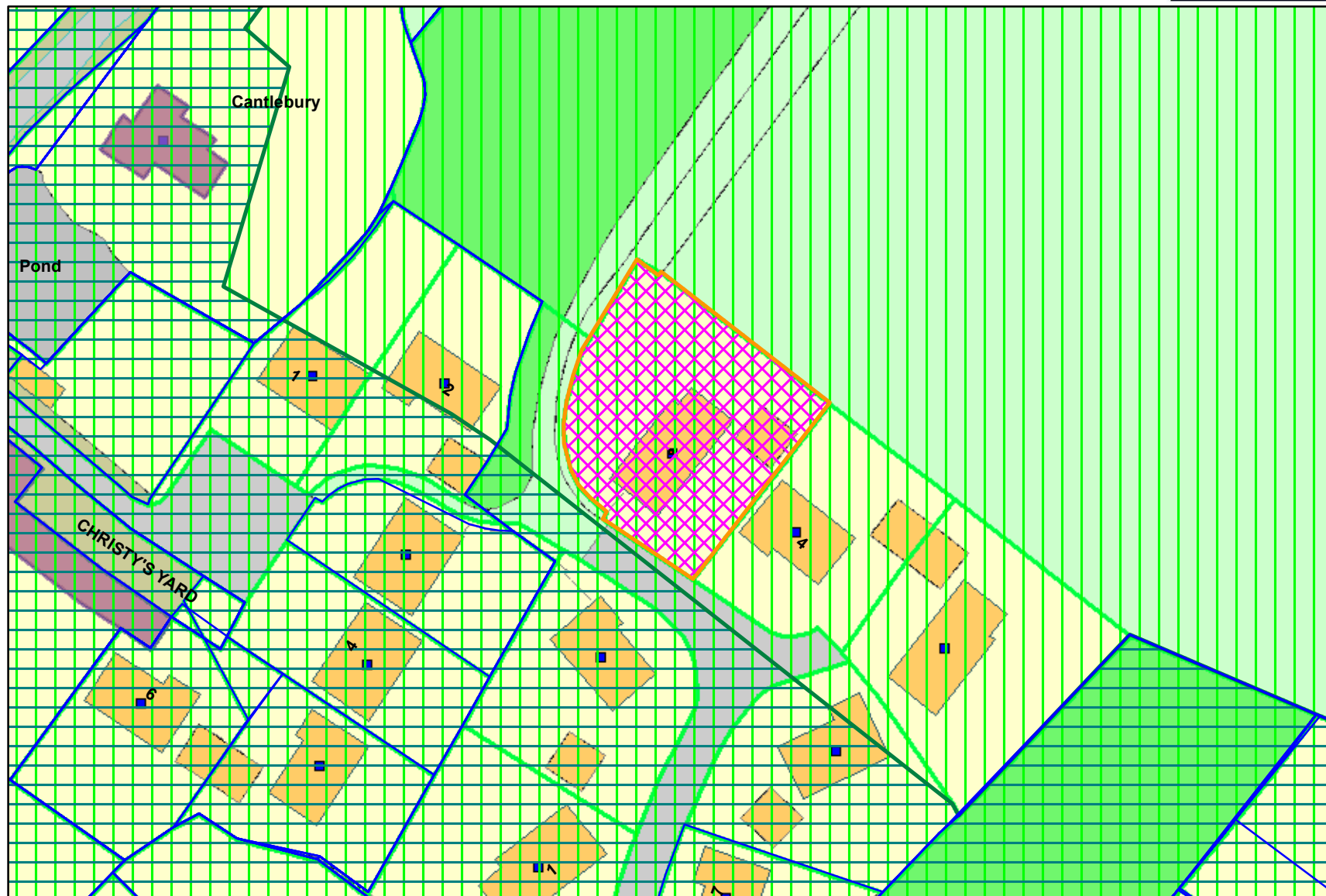
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town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

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Application Validation Sheet

18/01994/FPH 3 Homefield, Hinxworth, Baldock, Herts, SG7 5RX

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistbld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prconarea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbelt.shp
-  **Health & Safety Consultation Zone**
Prhjszone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:750

Date: 03/09/2018

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ITEM NO:	
<u>Location:</u>	Land East Of Garden Walk And North Of Newmarket Road Garden Walk Royston Hertfordshire
<u>Applicant:</u>	Mr J Baines
<u>Proposal:</u>	Reserved Matters application for the approval of landscaping, layout, access, scale and appearance relevant to the implementation of Phase 2 of the development under outline planning permission 14/02485/1 for residential development and community open space with access onto the A505 as amended by plans received on 25th May 2018.
<u>Ref. No:</u>	18/00359/RM
<u>Officer:</u>	Sam Dicocco

Date of expiry of statutory period: 14/05/2018

Extension of statutory period: 24/09/2018

Reason for referral to Committee: Major development with a site area over the 0.5 hectare threshold.

1.0 **Relevant History**

- 11 14/02485/1 – Residential development and community open space with new access amended by documents and plans received 27 February 2015) – Conditional Permission subject to Section 106 Agreement granted December 2015.
- 1.2 17/02688/1DOC - Condition 6 - Noise Mitigation Measures (as Discharge of Condition of Planning permission 14/02485/1 granted 7/12/16) – Agreed 18 January 2018
- 1.3 17/02689/1DOC - Condition 7 - Surface Water Details (as Discharge of Condition of Planning permission 14/02485/1 granted 7/12/2016) – Agreed 29 January 2018
- 1.4 17/02691/1DOC - Condition 12 - Reptile Study (as Discharge of Condition of Planning Permission 14/02485/1 granted 07/12/2016) – Agreed 18 December 2017

- 1.5 17/02470/1 - New roundabout and access from the A505 to serve residential development – Resolution to grant subject to approval of application referenced 17/02627/1 agreed at committee 17 January 2018, subsequently issued Conditional Permission 31/05/2018
- 1.6 17/02627/1 - Application for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016) as amended by plans received on 22 December 2017; 30 January 2018; 27 March 2018; 18 April 2018; and 02 May 2018 – Conditional Approval of Details agreed at committee 24/05/2018, issued 30/05/2018

2.0 **Policies**

2.1 **North Hertfordshire Local Plan No.2 with Alterations**

LP6	Rural Areas Beyond the Green Belt
LP9	Royston's Development Limits
LP14	Nature Conservation
LP21	Landscape Open Space Patterns in Towns
LP26	Housing Proposals
LP29A	Affordable Housing for Urban Local Needs
LP55	Car Parking Standards
LP57	Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

SECT5	Delivering a sufficient supply of homes
SECT9	Promoting sustainable transport
SECT11	Making effective use of land
SECT12	Achieving well-designed places

2.3 **Supplementary Planning Documents**

SPDDS	Design Supplementary Planning Document
SPDVP	Vehicle Parking at New Development

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

The Local Plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The policies of the Draft Local Plan therefore carry limited weight at this stage, however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

D1	Sustainable Design
D3	Protecting Living Conditions
HS1	Local Housing Allocations

HS2	Affordable Housing
HS3	Housing Mix
HS4	Supported, Sheltered, Older Persons House
HS5	Accessible and Adaptable Housing
NE1	Landscape
NE2	Green Infrastructure
NE5	New and Improved POS and Biodiversity
NE7	Reducing Flood Risk
NE8	Sustainable Drainage Systems
NE12	Renewable and Low Carbon Energy Dev
T1	Assessment of Transport Matters
T2	Parking

3.0 **Representations**

3.1 **Site Notices:** 15/03/2018 **Expiry:** 06/04/2018
Press Notice: 08/03/2018 **Expiry:** 29/03/2018

Consultee responses

- 3.2 Royston Town Council – No objection.
- 3.3 Lead Local Flood Authority – No objection.
- 3.4 Urban Design and landscape Officer – Comments enquiring as to master landscape plan and asking for further trees to be planted.
- 3.5 Housing Supply Officer – Comments regarding affordable housing mix and provision within the phase.
- 3.6 Hertfordshire County Council Ecology – No objection in regards to Phase 2.
- 3.7 Hertfordshire County Council as Highways Authority – No objection subject to conditions.
- 3.8 Hertfordshire County Council Historic Environment – No objection.
- 3.9 Environmental Health Land Contamination – No objection.

Neighbour representations

- 3.10 10 comments have been received from members of the public. Concerns raised can be summarised as –
- 3.11 The access onto Garden Walk should be gated with a physical barrier – **Officer comment – the access onto Garden Walk is for bus and emergency services only and the method of securing the access is subject to a condition on the Outline planning permission referenced 14/02485/1.**

3.12 Cannot see the exclusion for 50 metres above and below ground from the outlier badger sett – **Officer comment – Phase 2 is not in close proximity to the outlier badger sett.**

3.13 Overlooking into rear gardens.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is located to the east of Royston, enclosed by the A505 to the east; Newmarket Road to the south; Hawthorn Way, Garden Walk and a recreation ground to the west; and an enclosed private playing field associated with Meridian School to the north. The site has a relatively flat, low-lying topography to the north of the site, which rises steeply towards the southeast of the site. The site is bounded by a mature and strong tree and shrubbery line along the east, south, and the south part of the west. The site has informal pedestrian access points from Garden Walk, as well as the recreation ground to the south west of the site.

4.1.2 The wider site encompasses 17 hectares of arable agricultural land. The site subject to assessment within this application lies close to the east of the wider site.

4.2 **Proposal**

4.2.1 The application requests the approval of all reserved matters for phase 2 of the wider development site. For clarity, the reserved matters consist of the landscaping, layout, scale, access and appearance of the site.

4.2.2 The proposal would see the erection of 108 dwellings within the east section of the site including a play area. The dwellings would principally be two storeys in height, with a selection of the dwellings hosting second floors by means of small dormer windows.

4.3 **Key Issues**

4.3.1 The structure of this officer report is such that the background to the application will first be discussed. Following the introduction to the application and its background and associated matters, discussion and analysis will take place as to the reserved matters in the order of access, appearance, landscaping, layout and scale. Following this, any other matters which require attention based on details submitted with this application shall take place, followed by a conclusion.

4.3.2 The application seeks the approval of all matters reserved pursuant to the grant of outline planning permission referenced 14/02485/1. Some matters of principle remain following the grant of outline permission which impact matters reserved within this application. These matters crossover between the details approved within outline permission; this application for the approval of reserved matters; covenants within the section 106 agreement; and conditions to which the outline permission is subject to.

- 4.3.3 Section 1 of Schedule Two, Part I of the Section 106 agreement details the owners covenants made with the Council for the provision of affordable housing. This involves the provision of an affordable housing scheme detailing the provision of affordable housing for each phase of the development. An affordable housing scheme for phase 1 was submitted subsequent to the approval of phase 1 approval, and has been agreed subsequently for phase 1.
- 4.3.4 The proposed affordable housing provision in phase 2, subject to this application, represents a small under-provision of affordable housing as a percentage of the wider development. This small under-provision off-sets the over-provision within phase 1, and forms part of the wider strategy for affordable housing delivery in the site. As such it is recommended that approval of the matters within this application, including the proposed affordable units, will not prejudice the provision of a satisfactory proportion of affordable units throughout the site in line with the provisions of the section 106 agreement.

Access

- 4.3.5 The main access and egress point of the wider development site has been agreed within applications referenced 17/02470/1 and 17/02627/1 as shown in the planning history above. Furthermore, access details have been approved for phase 1 of the wider site, which provided good quality internal access for pedestrians, cyclists and vehicles within the proposed residential area, as well as the circular footpath around the perimeter of the site and the chalk grassland community open space.
- 4.3.6 Access, in relation to reserved matters applications, is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –

“the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made”

- 4.3.7 The main access road is continued within phase 2, maintaining its curvature in line with the topography of the site. This curve for the main access road, while maintaining suitable sight lines for vehicular traffic, would lower speeds for vehicular traffic. The access onto phase 2 of the development from the main entrance road onto the site would be 60m from the entrance onto phase 1 of the wider development site. The proposed site layout would see a central road splitting the residential development of phase 2 running northbound from the aforementioned access from the spine road of the wider site. This road would connect to phase 1 midway through the phase 2 site as well as at the north-most extent of phase 2. Where the central road of phase 2 turns west towards the boundary with properties along Hawthorn Way, the streets close, with driveway access to dwellings only.

- 4.3.8 I consider that the access both into and out of the site, as well as circulation within the site, is more than adequate for the occupiers of the dwellings proposed and visitors. Furthermore, features have been incorporated in to the design of the scheme to encourage slow vehicular speeds, thereby providing a safe space for vehicles, bicyclists and pedestrians to share.
- 4.3.9 Phase 2 would provide connections to pedestrians and cyclists utilising the footpath around the perimeter of the wider site. The road and footpath layouts allow for vehicular, cyclist and pedestrian circulation throughout all public areas of the site. The design of phase 2 of the wider development is considered to be of good quality, increasing the permeability and legibility of the wider site for future occupiers and visitors.
- 4.3.10 Hertfordshire County Council as Highways Authority have responded to consultation following amendments recommending the application be approved subject to conditions. The conditions recommended have been reviewed to ensure they are not already covered by conditions applied through the outline planning permission.
- 4.3.11 Consideration has been had as to whether the conditions requested meet the six tests laid out within paragraph 55 of the NPPF. Following review, some of the wording of the conditions has been altered to ensure any conditions on any potential approval are reasonable and precise. Following these amendments, the conditions recommended are considered reasonably related to the planning and development subject to this application, necessary and enforceable.

Appearance

- 4.3.12 Appearance is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –
- “the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”*
- 4.3.13 The sites lies on the edge of Royston. The character of the nearest residential developments are relatively mixed. In terms of materials, gault and red bricks are relatively common, as are gable flanked pitched roofs. The dwellings largely comprise of semi-detached and terraced dwellings.
- 4.3.14 The proposed mix of dwellings, consisting of terraced, semi-detached, detached as well as maisonettes is considered representative of the requirements for the area. The appearance of the buildings, in regards to the spacing between buildings, a predominance of gabled pitched roofs, alongside hipped roofs where appropriate to reduce bulk, is considered to take account of the sites surroundings. The design of the buildings has given sufficient attention to the sense of place and history of Royston.

- 4.3.15 The materials proposed would be representative of the mix available in the surrounding area, consisting of two material themes; two different coloured pan-tiles; as well as both gault and red facing bricks. The themes, in terms of both predominant facing brickwork and roof tile colour are evenly spread, and are considered sensible in terms of how the themes would appear moving through the development. The off-white render features proposed, as well as the black timber boarding on the blocks of flats would not result in incongruous additions which would harm the material themes, rather serving to add some punctuating features on larger buildings, as well as on buildings in key positions.
- 4.3.16 The blank rear elevation on plot 187 would not appear overly apparent in the street scene or unduly impact the visual quality of the resultant built environment. On balance, it is considered that the proposed buildings would appear as good quality design which would result in a visually attractive place which relates sufficiently in terms of architectural detailing, materials, colour and texture to the sites surroundings.

Landscaping

- 4.3.17 Landscaping, in relation to reserved matters applications, is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –
- “the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—*
- (a) screening by fences, walls or other means;*
 - (b) the planting of trees, hedges, shrubs or grass;*
 - (c) the formation of banks, terraces or other earthworks;*
 - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
 - (e) the provision of other amenity features”*
- 4.3.18 The site slopes gently upwards in a southerly direction. This results in little in the way of need for the formation of banks, terraces or other earthworks usually associated with more drastic changes in topography.
- 4.3.19 By reason of the significant amount of active frontages proposed the development would not result in large amounts of hard landscape features such as fencing facing streets. The lack of hard landscaping features within the street scenes is testament to the design of the development, and indicative of the amount of soft landscaping proposed.
- 4.3.20 The soft landscaping proposed within the built development has been designed to differentiate the main road and main entrances. The planting proposed in frontages would provide a mix of evergreen and perennial planting, providing year round interest and colour.
- 4.3.21 No concerns are raised in landscaping terms to the layout of gardens. The layout of the site is considered to contribute to the landscape quality.

- 4.3.22 Some details of the positions of lighting columns in relation to potential bat foraging areas has been provided within this application. Notwithstanding this, further details of the lighting columns proposed, their design, lighting hoods and heights are required in order to fully assess the impact of these hard landscaping features on the landscape, as well as the potential impact on ecology. These details can be secured through an appropriately worded condition.
- 4.3.23 The proposed LEAP area would be positioned relatively central within the wider development site, resulting in high discernibility, legibility and accessibility. The area would be secure and fenced in, which is important given its proximity to the main spine road in the wider development. The location of the LEAP has been negotiated through pre-application advice. The location was selected with the aim that further open space would be provided in phase 3 to allow public access from the LEAP to the community open space. The LEAP has been assessed and would meet the requirements of the LEAP as defined within the Section 106 agreement.

Layout

- 4.3.24 Layout is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –
- “the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development”*
- 4.3.25 It is considered that the proposed layout represents good quality design. The development has near complete active frontages, leaving no leftover or unplanned space within the clusters of residential development.
- 4.3.26 The layout is such that any user of the site would be able to differentiate between public and private spaces. Notwithstanding this, it is considered that the further details of road finishing could assist in navigation of the site, with some streets turning into shared private driveways which do not provide a vehicular, pedestrian or cyclist through route. It is considered that a change in road surfacing would assist in navigating these spaces. The buildings would be of reasonable height and spaced with relatively generous streets intersecting the active frontages so as to create a pleasant and safe space. Furthermore, the layout will be legible with landmark tall buildings on corners.
- 4.3.27 The layout is such that no individual dwelling within the development site would be unreasonably impacted by surrounding buildings in terms of outlook, lack of light or loss of privacy. The back to back distances are largely within 10m. Some properties will have more limited back to side distances, however, the benefits of active frontages and quality of the amenity of the development as a whole outweighs the harm in terms of outlook to and from these properties. Furthermore, the more limited back to side distanced would not result in loss of privacy by reason of the internal layout of the dwellings.

- 4.3.28 As opposed to phase 1, it is considered that the side to rear distances within the layout of phase 2 could prove capable of material harm if the flank windows are not obscured glazed and non-opening unless 1.7m above the finished floor level of the rooms which they serve. The obscure glazing and non-opening of first floor side windows on the specific plots is not to prevent casual overlooking from living areas to living areas, rather to prevent the perception of being overlooking into the living areas of nearby adjoining properties. Furthermore, as the windows serve non-living areas, it is not considered that the condition would harm the living conditions of the occupiers of the premises subject to the condition. The plot numbers required to be subject to the condition are 85 (S); 99 (S); 120 (E); 122 (N); 129 (S); 133 (N); 134 (S); 141(SE); 147 (N); 148 (W); 163 (NW); 164 (NW); and 171 (S).
- 4.3.29 Plot 187 is of some concern in terms of layout, with a blank rear elevation reasoned to preserve the living conditions of the occupiers of plot 188. The lack of fenestration will preserve potential loss of privacy to the occupiers of plot 188. The blank two storey wall may appear an imposing feature within a short distance of the rear boundary fence, however, it would not result in such an overly urban or obtrusive outlook to warrant refusal of the scheme as a whole.
- 4.3.30 The proposed dwellings are to be spaced at a minimum of 15m from the rear boundary of existing dwellings along Hawthorn Way. This minimum distance, by reason of the SUDs feature and informal path around the perimeter of the site, as well as the driveway access to properties abutting the rear of Hawthorn Way, would only be in locations where mature boundary trees and hedging are to be retained. The proposed distancing of the front and side of proposed dwellings to the rear elevations and gardens of dwellings along Hawthorn Way is considered satisfactory to prevent any material loss of privacy to the occupiers of existing premises.

Scale

- 4.3.31 Scale is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –
- “the height, width and length of each building proposed within the development in relation to its surroundings”*
- 4.3.32 It is considered that the scale of the development, as well as the individual buildings, is acceptable. Discussions within the recommendation for the outline planning application and subsequent permission suggested the maximum scale of buildings to be two and half storeys, and that such buildings should be included only on the areas of the site with the lowest topography. Phase 2 starts at a low topography, increasing in height to the south and east. The building heights respect the outline permission guidance, in that they are lower in ridge height than the larger buildings in phase 1, which had a lower topography.
- 4.3.33 It is not considered that the two buildings would appear drastically out of scale with the surrounding area, and would not harm the character of Royston.

- 4.3.34 Within the scale of development, consideration can be had to the density and housing mix. It is considered that the density of the development proposed would not be out of scale with the density of development within the sites surroundings. The details provided with the application have reasoned the slight variation in housing mix from the most recent Strategic Housing Market Assessment. It is considered that the proposed housing mix is well considered and represents an appropriate mix of dwelling sizes and types.

Ecology

- 4.3.35 As noted in section 3 of this report, the developable area of phase 2 of the development is not in close proximity to any identified badger sett. No ecological issues have been raised in response to consultation from Hertfordshire County Council Ecology within the site subject to this application (phase 2). Comments raised by the Ecology officer in regards to development in phase 1 of the wider developable site are noted, however, are not relevant to this application.

Noise and nuisance

- 4.3.36 No response has been received at this stage from North Hertfordshire District Council Environmental Health team in regards to noise and nuisance at the point of formulating this report. In the absence of a response from the Environmental Health team, the noise impact assessment submitted in support of the application is agreed. Any potential approval of this application will need to be supplemented by a condition requiring the mitigation measures as detailed in section 5 of the noise impact assessment to be implemented.

Any other matters

- 4.3.37 Matters raised within neighbour notifications have been considered as a part of this recommendation. The consideration has either been in the form of an officer note within section 3 of this report, or within the wider report, or both as the case may be.

Conclusion

- 4.3.38 Subject to appropriately worded conditions, it is considered that the proposed development would be of good quality design which would enhance and protect the amenities of the site and the area in which it is situated; be of a scale commensurate to the sites location on the edge of a settlement; have a layout which would be acceptable and functional to visitors as well as residents of the site; be of an appearance considerate of the sites surroundings; and host good accessibility to and within the site itself. Furthermore, the reserved matters link well with details already approved by way of discharge of conditions applications and would not prejudice legal covenants contained within the S106 agreement.
- 4.3.39 As a result, the proposed development is considered to accord with relevant policy provisions of the local development plan as listed above.

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 Reserved Matters be **APPROVED** subject to the following conditions:

1. 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.

2. 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.

3. Prior to the commencement of that part of the development hereby approved further details to be contained within an updated Lighting Design Strategy Plan shall be submitted to and approved in writing by the Local Planning Authority. Details should include the design of the pillars and hoods and an indication of the likely light spill to result. Details approved pursuant to this condition must then be implemented.

Reason: To ensure that the ecological value of the site is maintained and respected during construction and assess the quality of design of the hard landscaping feature.

4. Prior to the commencement of the works identified on the 'in principle' site plan numbers 618655 MLM ZZ XX DR D 0111 P05, 618655 MLM ZZ XX DR D 0112 P05, 618655 MLM ZZ XX DR D 0113 P05, 618655 MLM ZZ XX DR C 0130 P06, 618655 MLM ZZ XX DR C 0131 P06, 618655 MLM ZZ XX DR C 0140 P05, 618655 MLM ZZ XX DR C 0141 P05, 618655 MLM ZZ XX DR C 0142 P05, 618655 MLM ZZ XX DR C 0143 P05, 618655 MLM ZZ XX DR C 0144 P02, a detailed site layout shall be submitted to the highway authority with the ultimate design being technically approved.

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.

5. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

6. Prior to commencement of development, all adoptable estate roads should include service strips and footways, and full details including layout, dimensions, levels, gradients, surfacing, visibility splays, turning areas, loading areas and means of surface water drainage shall be submitted to and approved in writing by the Highway Authority.

Reason: To ensure roads/footways are constructed to an appropriate standard for Technical Approval and in the interests of highway safety.

7. The use of the land for vehicular parking shall not be commenced until the area has been laid out, surfaced and drained in accordance with details first submitted to, and approved in writing, by the Local Planning Authority and shall be maintained thereafter to the Authority's satisfaction.

Reason: To ensure that adequate and satisfactory provision is made for parking of vehicles within the curtilage.

8. Before first occupation or use of the development the access roads and parking areas as shown on the approved final Plan(s) shall be provided and maintained thereafter.

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

9. Notwithstanding the plans submitted the development shall not commence until details of design of pedestrian footway for all persons including disabled persons that connects the site with Hawthorn Way has been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

Reason: In the interests of access for all within the site.

10. Prior to commencement of the development hereby permitted, details of mitigation measures to prevent parking on footways within the site, including fixed features or similar, shall be submitted to and approved in writing by the Highway Authority.

Reason: To protect unobstructed access for pedestrians across the site and encourage walking.

11. The development shall not commence until details of the siting, number and design of secure/covered cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The approved details shall thereafter be installed and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport.

12. No development shall commence until a Construction Logistics Plan prepared in accordance with the Transport for London "Construction Logistics Plan Guidance" published in July 2017 has been submitted to and approved in writing by the local planning authority.

Reason: To minimise the impact of construction works upon highway safety, congestion and parking availability.

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

Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

14. Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

15. Development shall not commence until a scheme detailing how safe pedestrian and vehicle access will be managed for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: In the interests of pedestrian and vehicle safety.

16. Notwithstanding the plans hereby approved, an amended site plan and elevation details showing provision of covered external residential storage for dwellings must be submitted to and approved in writing by the Local Planning Authority. Such details should include provision for covered storage of residential paraphernalia (garden equipment), secure cycle storage for the occupants of the residential units, as well as covered bin stores. The details approved by way of this condition must be implemented prior to the occupation of any dwelling hereby approved

Reason: To ensure adequate outdoor storage as required in association with the residential use of the site and promote storage of waste receptacles off-street in the interests of the living conditions of future occupiers and the character and quality of the development.

17. The mitigation measures as set out within section 5 of the Noise Impact Assessment referenced AC103723-2R0 dated 31st January 2018 shall be implemented prior to the occupation of plot 84 of the development hereby approved. The mitigation measures shall thereby be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an acceptable living standard for the future occupiers of the premise.

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



NOTES				
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REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Updated to 'PLANNING' status	02/02/18	RP	-
B	Boundary updated to latest layout	24/05/18	RP	-



PLANNING



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architects

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Unit 5, Middle Bridge Business Park, Bristol Road, Portishead, BS20 6PN
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PROJECT

Land North of Newmarket Road
Royston

For: Linden Royston (LLP)

DRAWING

Location Plan
Phase 2

SCALE	DATE	AUTHOR	CHK'D
1:1250@ A1	Oct '17	RP	-
JOB NO.	DRAWING NO.	REV	
LIND170123	LPP2.01	B	
CLIENT REF.			

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ITEM NO:	
<u>Location:</u>	Ridge Farm Rabley Heath Road Codicote Welwyn Hertfordshire AL6 9UA
<u>Applicant:</u>	Mr Jonathan O'Neil
<u>Proposal:</u>	Erection of 4 x 3 bedroom dwellings with attached garages, associated car parking spaces and new vehicular access onto Rabley Heath Road and ancillary works following demolition of existing buildings
<u>Ref. No:</u>	18/01607/FP
<u>Officer:</u>	Tom Rea

Date of Expiry of statutory period: 24 September 2018

Reason for delay:

An extension of time has been agreed to allow the application to be reported to Planning Committee

Reason for referral to Committee:

Councillor Deakin-Davies supports the Parish Council objection.

1.0 Site History

- 10/02587/1: Change of use of former poultry farm building to Small drinks processing unit. Approved 15/02/2011. This approval relates to the building at the front of the site, labelled 'Building A' on the proposed plans. The officers delegated report, dated February 2011, states the following, indicating the agricultural use had already ceased at this time:

"The building in question is a former poultry building, one of 5 buildings, located on Ridge Farm, a former poultry farm off of Rabley Heath Road".

- 07/00150/1ENF: Planning Enforcement Investigation into 'Use of land and barns adjacent to Ridge Farm'. Case opened 23/07/2007.
- 16/00032/1ENF: Planning Enforcement Investigation into alleged 'Various commercial activities taking place without planning permission, including scaffolding company, builders, and car repairs'. Case opened 11/04/2016.

- 17/01183/1: Erection of 3 x 3 bedroom dwellings with detached garages, associated car parking spaces and new vehicular access onto Rabley Heath road and ancillary works following demolition of all existing buildings. Granted conditional permission 18/8/17
- 17/04210/FP: Erection of 5 x 3 bedroom dwellings with attached garages, associated car parking spaces and new vehicular access onto Rabley Heath Road and ancillary works following demolition of existing buildings. Refused 31.8.18

2.0 Policies

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

Policy 2 – Green Belt

Policy 14 – Nature Conservation

Policy 55 – Car Parking Standards

Policy 57 – Residential Guidelines and Standards

2.2 North Hertfordshire Submission Local Plan 2011 – 2031

Section 2 – Strategic Policies

- SP1: Sustainable development in North Hertfordshire;
- SP2: Settlement Hierarchy
- SP5: Countryside and Green Belt
- SP6: Sustainable Transport
- SP9: Design and Sustainability
- SP12: Green Infrastructure, biodiversity and landscape

Section 3 – Development Management

- D1: Sustainable design;
- D3: Protecting Living conditions
- NE1: Landscape
- T2: Parking

2.3 National Planning Policy Framework 2018

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting Sustainable Transport

Section 11: Making effective use of land

Section 12: Achieving well-designed spaces

Section 13: Protecting Green Belt land

Section 15: Conserving and enhancing the natural environment

2.4 Supplementary Planning Documents

Vehicle Parking Standards at New Development (2011)

3.0 **Representations**

- 3.1 **Codicote Parish Council** – Our previous objections (17/01183/1 & 17/04210/FP) still stand. The proposed development is in the Green Belt and would be overdevelopment of the site. We believe there to be highway safety issues.
- 3.2 **Site Notice / Neighbours** –
Letter received from CPRE Hertfordshire recommending that the application be refused because the development is inappropriate development and would not benefit from any permitted development rights allowed by the Town and Country Planning General Permitted Development Order 2018
- 3.3 **NHDC Environmental Health (Contamination and air Quality)** –
Advises no objection to the proposed development with regards to land contamination or local air quality. Recommends conditions and an informative.
- 3.4 **NHDC Waste Awareness Officer** – No objection. Requests a condition re circulation route for refuse vehicles. Provides advice on waste collection arrangements.
- 3.5 **HCC Highway Officer** – No objections, subject to conditions and informative. Concludes that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway.
- 3.6 **Hertfordshire Ecology** – Requests that an updated ecological survey is undertaken. This should be a nocturnal presence/absence survey, rather than a daytime Preliminary Roost Assessment (as we know there is potential for bats to be present already).
- 3.7 **Thames Water** – Advises that the development does not require any agreement from TW as the development does not affect public sewers or drains
- 3.8 **HCC Fire & Rescue Services** – Request fire hydrant provision via a planning obligation.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site in question is a former pig and poultry farm, known as Ridge Farm, located on the south-east side of Rabley Heath Road and which is to the east of the village of Codicote. The site currently consists of a number of single storey agricultural barn as well as silos and which are set away from the road as the site also includes a relatively large, open grass area at the frontage. The site is well enclosed by tall, mature vegetation, particularly to the north-western frontage of the site and the north-eastern side boundary.

4.1.2 The site sits within a row/ cluster of properties along the south-eastern side of Rabley Heath Road and sits alongside Codicote Heights, a cul-de-sac immediately to the north-east of the site and which comprises six two storey dwellings. The existing buildings on the site have been used for various industrial and storage purposes since it was last used for agricultural purposes, which is understood to have been at least ten years ago.

4.1.3 The existing buildings vary in height from 3 m to 5m. The two silo structures have a maximum height of 6.5m.

4.2 **Proposal**

4.2.1 This application seeks planning permissions for the erection of 4 no. detached 3 bedroom dwellings in place of the existing buildings and silos. The four proposed dwellings would be sited partly on the site of the existing buildings and partly on the open area at the front of the site. A new access is also proposed from Rabley Heath Road, which would be located approximately 7.8 metres further north along the road.

4.2.2 The four proposed dwellings would be of a matching design and each would be of one and a half storeys with the first floor accommodated within the roof structure and which would benefit from three rear dormer windows and multiple rooflights to the front elevations. Each property would be of three bedrooms and each would also feature a single attached garage to the side. Plots 3 & 4 would be located towards the rear of the site whilst Plots 1 & 2 would be located partly on the footprint of the existing buildings and partly on the current open area at the front of the site with their rear elevations facing Rabley Heath Road.

4.2.3 The proposed dwellings would have a maximum height of 6.3m to the main ridge. Chimney height would be 8.0m above ground level.

4.2.4 The new vehicular access would contain a turning head for refuse vehicles in the central area of the site and two visitor parking spaces.

4.3 **Key Issues**

4.3.1 The key planning consideration of the development relates firstly to the principle of the development within the Green Belt. Taking account of the development plan policies, central government policy guidance and the representations received from statutory consultees reported above, I consider the other main issues to be addressed in the determination of this planning application are as follows:

- sustainability;
- visual impact and character and appearance
- highway matters;
- residential amenity;

4.3.2 **Principle of the development within the Green Belt**

4.3.3 When considering the previous application for 3 dwellings on this site the Council concluded that the usage of the buildings and land on site had changed from agricultural use to industrial use following a period of at least 10 years having elapsed during which the buildings had been used to various degrees for the purposes of production and storage. It was considered by the Council that the existing development on the site could reasonably be described as 'previously developed land'.

4.3.4 As such the Council considered with application ref: 17/01183/1 that construction of three new dwellings in the Green Belt would not be considered inappropriate development because of the one exception in Paragraph 89 of the NPPF (2012 version) which allowed for the following:

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

4.3.5 The situation has not changed in terms of the status of the site as previously developed land and therefore in terms of the principle of the development as far as the current application is concerned there can continue to be no objection to residential development replacing the existing buildings and structures.

4.3.6 Impact on the openness and the purposes of the Green Belt

4.3.7 It is accepted that circumstances have not changed since the determination of the previous application ref: 17/01183/1 in so far as the existing development could be considered previously developed land. The key question with this current application for an additional dwelling over the 3 already approved under ref: 17/01183/1 is whether the development as now proposed will have a greater impact on the openness of the Green Belt than the existing development (paragraph 145 of the revised NPPF).

4.3.8 The planning statement accompanying this application is helpful in clarifying the difference between the existing footprint and volumes of buildings on the site compared to the proposed footprint and volumes. The house types have not changed. The calculation is as follows:

	Footprint (sq m)	Volume (cubic metres)
Existing buildings	767	2386
Proposed dwellings	456	2128
Decrease	311 (40.5%)	258 (10.8%)

4.3.9 The above figures show that there is an actual decrease in footprint and volume compared with the existing development on site. Effectively this will result in a greater proportion of the site being open in character.

4.3.10 The submitted Planning Statement advises that the two 6.5 metre high silos on site are not included in the above calculations but acknowledges that the proposed dwellings would be higher than the existing buildings. I would agree with the applicants view that that at 6.3m in height the proposed buildings would not be excessive in height and that the reductions in volume and footprint would have a positive impact on openness, or at least have no greater impact.

4.3.11 The proposed access road into the site varies from the approved scheme in that it is routed alongside the existing access and does not extend into the current open area at the front of the site which I consider an additional positive aspect of the development.

4.3.12 Given the overall reduction in volume and footprint and together with the more favourable alignment of the access road resulting in more retention of the green space at the front of the site than the approved scheme I believe that the proposed development would have an acceptable impact on the openness of the Green Belt and would not undermine any of the five purposes of the Green Belt as identified by paragraph 134 of the NPPF.

4.3.13 Visual impact

4.3.14 The proposed development is by and large no further towards Rabley Heath Road than the existing building line of the storage buildings and a gap of at least 24 metres is retained between the rear elevations of plots 1 & 2 and the site frontage with Rabley Heath Road. This is a similar separation distance as the approved scheme for 3 dwellings and would be far less prominent and visually obtrusive than the previously refused scheme for 5 dwellings. The set back would also be generally in keeping with the building line established by the flanking properties of Bees Place to the south and Codicote Heights to the north. As such I consider that the visual impact of the development when compared to the existing development is acceptable. The removal of external storage and vehicles and provision of additional landscaping has the potential to considerably improve the appearance of the site.

4.3.15 Sustainability

4.3.16 When considering the previously approved application the Council took the view that the provision of three dwellings would achieve the three overarching objectives to achieve sustainable development. With this revised proposal I maintain that the development would still achieve the economic and social roles required by the Framework through the construction work generated by the provision of the dwellings and the increased spending by the occupants on local services and facilities. In terms of the environmental objective there would inevitably be more comings and goings associated with four dwellings than the approved three however one has to balance this against the vehicular and pedestrian movement associated with the existing use which, if used to its full potential, is likely to result in more vehicular trips to and from the site. Furthermore, paragraph 8 c) of the NPPF seeks more effective use of land as part of the environmental objective which I believe will be the case here as the existing site is underused with buildings in poor condition or redundant. The original ecological survey concluded that the development was unlikely to have an adverse impact on bats and although an updated survey has been commissioned it is likely that appropriate mitigation / enhancements can offset any loss of habitat. Indeed, with the

proposed gardens and additional planting it is likely that there would be a net gain to biodiversity in my opinion. Accordingly I consider that the environmental objective required by the NPPF can also be met and therefore the proposals can achieve sustainable development.

4.3.17 Living conditions

4.3.18 Given the separation distances from neighbouring properties and the existing screening together with the low density proposed, it is considered that the proposal would not result in any significant harm to the amenity of existing properties. In fact the proposed development is more readily compatible with the adjoining dwellings than the current storage use with its associated traffic and unrestricted hours of use.

4.3.19 The proposed gardens would comfortably exceed the amenity space requirements set out in Policy 57 of the local plan and sufficient parking is provided. The orientation and space around the buildings allows for adequate levels of daylight and sunlight. I consider that the living conditions of the proposed residents would be satisfactory.

4.3.20 Highway safety, access and parking

4.3.21 The four new dwellings would be served by a new access from Rabley Heath Road to a width of 5 metres and provision is made for a turning head and visitor parking spaces.

4.3.22 The application has been considered by the Highway Officer who has not raised any objections, on the basis that the proposed access is of a suitable width and it would allow two way vehicle movement. In addition, the Highway Officer is satisfied that the addition of four 3-bedroom dwellings would not result in a significant generation of traffic onto the local road network and so the proposal would not result in harm to matters of highway safety. However, several conditions have been recommended to ensure that the access is of an acceptable standard and to control construction traffic.

4.3.23 In terms of parking, it is noted that each dwelling would be served by three off-street parking spaces, with the single garages and two spaces to the front of each house. This level of parking is considered appropriate and in keeping with the Council's minimum standards.

4.3.24 It is acknowledged that Codicote Parish Council believe there to be highway safety issue, however no information has been provided to substantiate this view. Paragraph 109 of the NPPF states :

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The Highway Authority raises no objections and considers that with appropriate conditions the development would not have an unreasonable impact on the safety and operation of the surrounding highway. Given the opinion of the highway authority, the lack of evidence to support a highway objection and the above guidance in the NPPF, I consider there to be no sustainable grounds to refuse permission based on highway safety.

4.3.25 **Other matters**

- 4.3.26 The Council's Environmental Health officer is satisfied that, in connection with land contamination issues, the required investigation and mitigation can be required via suitable conditions. In terms of ecological considerations, an 'Emergence and Activity Bat Survey Report' by Cherryfield Ecology and dated June 2017 has been submitted with the application. This found that 'bats are not using the existing buildings and in addition bats are hardly using the surrounds' and finds that 'no impacts are foreseen' from the proposed development on ecology and that 'no further surveys are considered necessary and no mitigation or compensation is required'. On the advice of Hertfordshire Ecology however an updated survey is to be carried out to ensure that there has been no change in circumstances which may affect biodiversity. Should permission be granted it is recommended that this is conditional on the results of the updated survey being acceptable following consultation with Hertfordshire Ecology and any additional conditions found to be necessary.

4.4 **Conclusion**

- 4.4.1 The proposed development would be an exception to Green Belt policy as defined by paragraph 145 of the NPPF and it would amount to sustainable development. I consider there to be no sustainable planning objections to raise to the application and so I recommend that planning permission be granted for this scheme subject to certain safeguards as set out in the recommendation and conditions below.

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:
- (A) The submission of a satisfactory updated ecological report and any further conditions required;
 - (B) The applicant agreeing to extend the statutory period to allow for the submission of the ecological and any necessary consultation;
 - (C) The following conditions and informatives:

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/or samples of materials to be used on all external elevations and the roof of the development hereby permitted 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. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and the 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In order to ensure that the proposed development would not have an adverse impact on protected species.

5. No development shall commence until full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:
 - Confirm permission for and relocation position of existing telegraph pole.
 - Plan showing vehicular to vehicular visibility splays of 2.4m by 43m at the proposed access both directions.
 - Plan stating that a standard vehicle crossover (rather than a formalised bellmouth) would be acceptable and that the access / highway works are to be agreed with HCC as Highway Authority as part of S278 agreement process.

Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

6. Visibility splays measuring 2.4m x 43m shall be provided each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

(HCC as Highway Authority recommends that the visibility splays are provided prior to any full works commencing. This is to improve vehicle visibility during the construction process)

7. Prior to the first occupation of the development hereby permitted the vehicular access and other necessary highway works shall be completed in accordance with the Hertfordshire County Council residential access construction specification. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interest of highway safety and traffic movement.

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

8. The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

9.
 - (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
 - (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology.
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

- 10. Prior to occupation, the 4 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.

- 11. No development shall take place until landscaping details have been submitted to and approved in writing by the Local Planning Authority and the details 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, including any retaining walls. The landscaping scheme shall be implemented as approved.
The development shall be carried out in accordance with the approved details.

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

- 12. 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.

- 13. 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.

- 14. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

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

- 15. Before the commencement of any other works on the site, trees 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 to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

16. 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, C, D and E 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.

17. 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.

18. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections.

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.

Informatives:

Environmental Health 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.

Highway Informative

AN) 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 under Section 278 of the Highways Act 1980 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/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Application Validation Sheet

18/01607/FP Ridge Farm, Rabley Heath Road, Codicote, Welwyn, Herts, AL6 9UA

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistbld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prcaarea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbld.shp
-  **Health & Safety Consultation Zone**
Prjmzone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prmnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:1,250
Date: 03/09/2018



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**PLANNING CONTROL COMMITTEE
20 SEPTEMBER 2018**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: PLANNING APPEALS

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Five planning appeals have been lodged and three planning appeal decisions have been received.

Details are attached.

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PLANNING CONTROL COMMITTEE**DATE: 20 September 2018****PLANNING APPEALS LODGED**

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr M Mile	02 August 2018	Erection of 1 x 2 bedroom attached dwelling with associated works. Part two storey part single storey rear extension and single storey front extension.	28 Ermine Close Royston, SG8 5EE	18/00529/FP	Written Representations
Market Homes (Knebworth) Limited	02 August 2018	Erection of 3 storey building to provide 9 x 2 bed flats; conversion and extension of store to 1 bed house and new vehicular access off of Station Approach (as amended by drawings received 12th and 25th October 2017).	The Station, Station Approach, Knebworth, SG3 6AT	17/01622/1	Public Inquiry
Mr Day	13 August 2018	Outline application (including Access) for the erection of up to 25 dwellings	Land North Of Mill Croft, Royston Road Barkway	17/00700/1	Hearing
Mr S Packenas	23 August 2018	Erection of two storey two bedroom detached dwelling with provision of two parking spaces and ancillary works.	68 Danescroft Letchworth SG6 4RQ	17/04216/FP	Written Representations
Mr Bradly- Russell	28 August 2018	Erection of detached double garage and bike store.	The Folly Willian Road Great Wymondley SG4 7ET	18/01233/FPH	Householder Appeal Service

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PLANNING CONTROL COMMITTEE

DATE: 20 September 2018

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr S Johnson	Outline application (landscaping and appearance reserved) for the erection of 1 x 4 bedroom detached house with detached garage and existing vehicular access onto Raymouts Lane.	The Woodman Inn Raymouts Lane Nuthampstead Royston SG8 8NB	17/01289/1	Appeal Dismissed on 18 July 2018	Delegated	The Inspector concluded that although the loss of the garden space and potential parking area would not have a materially harmful effect on the future vitality and viability of the Woodman Inn this would not outweigh the harm to the setting of the listed building, the character and appearance of the area and the harm caused by the location of the proposed house in the open countryside.
Mr & Mrs Coughlin	Rear dormer window and front rooflight to facilitate conversion of loft into habitable space.	20 Gower Road Royston Hertfordshire SG8 5DU	18/00170/FPH	Appeal Dismissed on 30 July 2018	Delegated	The Inspector concluded that the proposal would be harmful to the host dwelling, contrary to the design objectives of Saved Policy 28 of the North Hertfordshire District Local Plan and also relevant design advice in Chapter 12 of the National Planning Policy Framework, 2018.
Mr Lee Varley	First floor rear extension and single storey rear extension following demolition of existing garage.	29 Haselfoot Letchworth Garden City Hertfordshire SG6 4DE	17/04019/FPH	Appeal Dismissed on 29 August 2018	Delegated	Appeal against imposition of a condition. The Inspector concluded that the condition requiring the first floor windows in the east facing elevation to be permanently obscure glazed. is necessary and reasonable and its imposition is in accordance with the

						development plan, specifically saved Policies 28, 57 and 58 of the North Hertfordshire District Local Plan No.2 with Alterations (1996) which seek to ensure good design and safeguard the living conditions of nearby residents.
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Appeal Decision

Site visit made on 26 June 2018

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2018

Appeal Ref: APP/X1925/W/18/3193322

The Woodman PH, Nuthampstead, Herts SG8 8NB

- 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 Stuart Johnson against the decision of North Hertfordshire District Council.
 - The application Ref 17/01289/1, dated 18 November 2016, was refused by notice dated 19 October 2017.
 - The development proposed is the erection of one detached 4 bedroom house and garage.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline form with matters of appearance and landscaping reserved for future consideration. I have determined the appeal on that basis. Although a plan has been submitted showing the appearance of the dwelling I have treated this as illustrative only.

Main Issues

3. The main issues are:
 - The effect of the proposal on the setting of the Woodman Inn a Grade II listed building
 - Whether the proposal would provide a suitable site for housing with particular regard to its location
 - The effect of the proposal on the character and appearance of the area
 - The effect of the proposal on the vitality and viability of the Woodman Inn with regard to the loss of garden space and potential parking space

Reasons

Setting of listed building

4. The Woodman Inn (PH) is a Grade II listed building set in a relatively isolated location in the open countryside. The original part of the building has been extended, so that it has been subsumed by later additions. Nevertheless, the form of the original cottage is apparent, particularly in views when approaching

from the north east along the narrow country lanes. From the south west views are more intermittent due to the tree cover, although this would be different when the deciduous trees lose their leaves. To the rear of the building is a complex of buildings known as Bee Farm. These are predominantly low single storey buildings which are set back from, and do not compete with, the PH.

5. From the evidence before me, the significance of the listed building is largely derived from its historic form and particular architectural features. However, the buildings location surrounded by mainly open countryside contributes to its significance, allowing an appreciation of the building on its approach roads. Furthermore, there appears to be some link to the use of the local area by the 398th Bombardment group, and others, during the second world war with the presence of two memorials within the grounds of the PH.
6. The proposal is to divide the plot of the PH on its south west side to provide for a detached four bedroom house and garage. The layout plan shows that although the house would be set back from the front of the PH the garage would project in front of it and would be clearly visible in views from the road. Furthermore, even though the house would be slightly set back, the scale of the proposed four bed house would be large. Together with the garage therefore it would unnecessarily compete with the heritage asset, and would not be subordinate to it. Consequently, the position and scale of the proposal means that it would intrude into and erode the open isolated setting of the PH to an unacceptable degree, and consequently harm its significance.
7. In the parlance of the National Planning Policy Framework (the Framework) the harm to the designated heritage asset would be less than substantial. The harm I have found carries great weight in my decision, but in accordance with Paragraph 134 of the Framework this harm should be weighed against any public benefits of the proposal.
8. The appellant states that the money from the sale of the house would be used to pay off existing debts and put capital into the business to achieve investment for the future. The Framework seeks to promote the retention and development of local services and community facilities in villages such as public houses, and seeks to guard against the unnecessary loss of valued facilities and services. I note the high level of support from the local community for this proposal, particularly given the lack of local facilities within the village.
9. Nevertheless, although some figures have been included in the design and access statement, no substantive evidence has been provided to enable a meaningful assessment of the business's viability. Therefore, in the absence of any further information, such as financial accounts or an indication of net profits or liability levels which reflect the operation of the business over its operating period, and its future projections based on the input of capital from the sale of the land, I cannot be satisfied that the proposal would be capable of ensuring the future operation of the business, and secure the future of the heritage asset, as alleged by the appellant.
10. Even if I was satisfied that the proposal would provide sufficient funds to ensure the continuation of the business there is no mechanism in front of me, such as a S106 legal agreement to require the proceeds from the sale of the land to be spent on the PH.

11. Other public benefits would include the contribution of one house towards the Council's housing supply, and the provision of employment during the construction of the proposed house. However, given that this would be restricted in scale and time, such benefits would be limited.
12. The Framework notes that heritage assets are an irreplaceable resource and that great weight should be given to their conservation. Therefore, in this instance, on the basis of the evidence before me, the limited benefit of the additional housing would not in this instance outweigh the resulting harm to the setting of the listed building.
13. For the reasons above, I conclude that the proposal would be harmful to the setting of the Woodman Inn a Grade II listed building. It would therefore be contrary to section 12 of the Framework which seeks to conserve and enhance the historic environment.

Location

14. The appeal site is located to the south-west of the built up area of Nuthampstead. There is a considerable gap between the appeal site and the edge of the built form of the settlement formed by open countryside. As a result, even though the dwelling would be viewed in association with the Woodman Inn and Bee Farm it would be physically isolated from the settlement, which would be reinforced by the lack of any segregated footway from the appeal site to the village, contrary to paragraph 55 of the Framework. This seeks to avoid new isolated homes in the countryside unless there are special circumstances.
15. I have already found that a convincing case has not been presented to demonstrate that the development would secure the future of the business and the heritage asset. Furthermore, there is limited other evidence to suggest that the proposal would enhance or maintain the vitality of the rural community. Based on the evidence before me therefore the proposal would not meet the requirements of paragraph 55.
16. In addition, I saw at my site visit that Nuthampstead has very limited facilities that would be unlikely to cater for the day to day needs of the future occupiers of the houses. Instead occupiers would need to travel further afield to settlements such as Royston, Buntingford or Barley which I saw would be some distance from the appeal site, where a wider range of services would be available.
17. I saw that the obvious routes to these settlements would be mostly along narrow, unlit country lanes with no or limited footway or cycleway. The distances involved and the specific conditions I have identified means they are unlikely to be attractive or realistic for pedestrians or cyclists. Furthermore, I have not been advised of any bus services which run through Nuthampstead.
18. Therefore, I consider it more likely that future occupants would be reliant on the car for most of their journeys. Whilst I recognise that there is generally a greater reliance on the private car in more remote rural areas, and the car journeys may be relatively short, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. The appeal proposal would therefore undermine the aims of paragraphs 7 and 17 of the Framework of locating new

dwelling in rural areas close to services and facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change.

19. For the reasons above, I conclude that the proposal would not provide a suitable site for housing with particular regard to its location. It would therefore be contrary to paragraphs 7, 17 and 55 of the Framework.

Character and appearance

20. The appeal site is located within an area designated as Rural Area Beyond the Green Belt outside of a settlement. Saved Policy 6 of the North Hertfordshire District Council District Local Plan No. 2 with Alterations originally adopted April 1996, Written Statement 2007 (DLP) restricts development in this area to that meeting a number of criteria in order to protect the character of the countryside. None of the criteria apply to the appeal proposal.
21. The landscape character assessment for Nuthampstead states that the key characteristics of the area are gently rolling landform, arable land use with extensive woodland cover, irregular pattern of farm boundaries and dispersed scattered farmsteads. I saw this to be the case at my site visit with the appeal site located in the open countryside with open fields, and some enclosed by hedgerows. Although the appeal site forms part of the grounds of the PH it is mainly laid to grass, and contributes to the open rural character of the area.
22. Consequently, the introduction of a substantial house and garage on the appeal site, would have a significant visual impact in the countryside location and create a more continuous and intensive built frontage which would reduce the openness particularly as the site adjoins fields and has extensive views across open countryside. This would be reinforced through the introduction of further residential paraphernalia such as washing lines, car parking and refuse bins and be accompanied by further traffic generation and more intensive domestic activity in and around the building, all of which would detract from the rural character of the area.
23. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to the aims of Policy 6 of the DLP, Policy 57 of the DLP and section 7 and paragraph 17 of the Framework. These seek to safeguard the character of the rural area, secure high quality design, relate to the character of the surroundings and recognise the intrinsic character and beauty of the countryside.

Vitality and Viability

24. The Council raises concerns regarding the loss of the area covered by the appeal site in terms of its use as garden space and potential parking area. I saw at my site visit that an area to the side and rear of the PH, separate from the appeal site, is used for car parking. At the time of my site visit just before midday a large number of spaces were available. I appreciate that this is only a snap shot in time and the PH is likely to be busier at other times of the day. Furthermore, given its relatively isolated location, and lack of footway it is likely that the majority of the customers would travel to the PH by car.
25. Nevertheless I have seen nothing to suggest that the existing car parking is not sufficient to cater for demand without having to rely on parking on the appeal site. Part of the appeal site is grassed and capable of being used as a sitting

out area and play space for the pub. However, I have seen no evidence to demonstrate that the considerable area that would remain at the front and rear of the pub would not provide sufficient space for customers in the future.

26. The Council refer to an unspecified appeal decision regarding a proposed dwelling on the car park for the Fox and Hounds Public House. The Inspector dismissed the appeal with concerns about the loss of an area to form a sitting out space for the pub. However, from the limited information before me, I note that the area concerned was the only one available for sitting out. In this respect it is different to the proposal before me now.
27. Therefore, for the reasons above, I conclude that the proposal would not have a materially harmful effect on the vitality and viability of the Woodman Inn with regard to the loss of garden space and potential parking space. There would therefore be no conflict with paragraphs 28 and 70 of the Framework which seek to promote the retention of local services and community facilities.

Other matters

28. The appellant refers to other public houses which have received planning permission for residential development in support of his proposals (Tally Ho at Barkway, Fox and Hounds and Chequers at Barley and the Blind Fiddler at Anstey).
29. The Council have provided further details of each application. I note that three of the sites were considered to be a sustainable location being located either within or on the edge of settlements. Furthermore, both the Chequers and the Tally Ho are not listed buildings. The fourth, The Blind Fiddler is located within the administrative area of a different Council and therefore would have been determined with reference to a different development plan. Furthermore, the Council advises that the application was accompanied by a S106 agreement to secure the investment of some money into The Blind Fiddler. This is not the case here. I am satisfied therefore, that there are sufficient differences between these cases and that before me now in order for me to reach a different decision.

Conclusion

30. Although I have found that the loss of the garden space and potential parking area would not have a materially harmful effect on the future vitality and viability of the PH this would not outweigh the harm I have found to the setting of the listed building, the character and appearance of the area and the harm caused by the location of the proposed house in the open countryside.
31. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR

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Appeal Decision

Site visit made on 19 July 2018

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2018

Appeal Ref: APP/X1925/D/18/3201589
20 Gower Road, Royston, SG8 5DU

- 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 David Coughlin against the decision of North Hertfordshire District Council.
 - The application Ref 18/00170/FPH, dated 18 January 2018, was refused by notice dated 29 March 2018.
 - The development proposed is described as '*Loft Conversion*'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal's description on the application form does not address the actual development involved. The proposal would actually involve the erection of a rear dormer extension to enable the proposed loft conversion which would provide additional habitable floorspace.

Main Issue

3. This is the effect of the proposal on the character and appearance of the host dwelling.

Reasons

4. Nos 20, 22 and 24 Gower Road form an attractive period-age terrace. Nos 22 and 24 already have rear dormer extensions which the Council indicates would have been built under previous permitted development entitlements. The appellant mentions that these developments have necessitated the raising of both dwellings' ridgelines. However, at my site visit I noted that any increase is virtually imperceptible and the terrace remains largely intact in terms of its appearance from the street.
5. Admittedly, it would appear that the coping stones covering No 24's ridgeline are very slightly higher than the adjoining ridge at No 22, but it is difficult from ground level to identify any height difference between Nos 20 and 22.
6. In the circumstances the terrace's ridgeline appears roughly constant. The current proposal would, however, result in No 20's ridgeline being raised significantly so as to position the roof extension behind and allow for the necessary head height within. The appellants comment that without this alteration the dormer extension would rise above the existing ridgeline.

7. The Council has calculated that the height increase would be approximately 0.4m, which the appellants have not disputed. I find that the heightened ridgeline would be substantial, significantly more than has apparently occurred at the other dwellings along the terrace. It would therefore represent a discordant material alteration to the dwelling's appearance which, in turn, would create an imbalance in the terrace.
8. Whilst the ridgeline of No 24 may be slightly higher than originally built this would pale into insignificance when measured against a height increase of 0.4m. In the circumstances I find that the proposal would be detrimental to the host building and out of character with the terrace of which it forms part.
9. I note the appellants' concerns arising from their perception as to how the Council dealt with the application. However, this matter can have no bearing on my assessment of the proposal whereby I have reached my decision on the resultant impact of the extension proposed. The appellants have also provided a photograph of 'a street in Cambridge' where ridgelines along a terrace have been raised slightly against that of the respective neighbouring dwellings. However, I have not been provided with any specific details of this case and, besides, it does not outweigh the harm I have identified would result from the current proposal.
10. Accordingly, I conclude that the proposal would be harmful to the host dwelling, contrary to the design objectives of Saved Policy 28 of the North Hertfordshire District Local Plan and also relevant design advice in Chapter 12 of the National Planning Policy Framework, 2018.
11. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR



Appeal Decision

Site visit made on 21 August 2018

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2018

Appeal Ref: APP/X1925/W/18/3196530

29 Haselfoot, Letchworth Garden City SG6 4DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Lee Varley against the decision of North Hertfordshire District Council.
 - The application Ref 17/04019/FPH, dated 10 November 2017, was approved on 12 January 2018 and planning permission was granted subject to conditions.
 - The development permitted is a first floor rear extension and single storey rear extension following demolition of existing garage.
 - The condition in dispute is No 4 which states that: The proposed windows at first floor level on the east facing elevation of the extension hereby permitted shall be permanently glazed with obscure glass; and non-openable unless above a height of 1.7m from the finished floor level of the room which they serve.
 - The reason given for the condition is: To safeguard the privacy of the occupiers of the adjacent dwelling.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission for the extensions included a condition requiring the first floor windows in the east facing elevation to be permanently obscure glazed. The reason given for imposing the condition is to safeguard the privacy of neighbouring residents, specifically the occupants of No 27 Haselfoot (No 27).
3. The main issue is therefore whether the condition is reasonable or necessary in the interests of safeguarding the living conditions of the occupants of No 27 with particular regard to privacy.

Reasons

4. I acknowledge there is an existing window at first floor level in the side elevation of the appeal dwelling facing No 27. I note the appeal property is set further back from the road than No 27 and thus the proposed new first floor side window serving the proposed bedroom will not be directly opposite No 27. I also note that the occupants of No 27 have not objected to the proposal or any of the windows being clear glazed. I have also considered the detailed photographic evidence submitted with the appeal.
5. However, in my view the proposed first floor master bedroom window in the east facing elevation without obscure glazing would afford views into parts of

the private rear garden of No 27 and towards the first floor side windows of No 27 which serve main habitable rooms. I acknowledge the existing first floor bedroom window in the east facing elevation of the appeal property already has a similar view. However, this does not justify an additional viewpoint so close to the neighbouring property windows and looking out over part of the rear garden having the effect of further reducing the privacy enjoyed by the occupiers of No 27.

6. Thus without the first floor windows in the east facing elevation being obscurely glazed I find the proposed extension would be harmful to the living conditions of the occupants of No 27 with particular regard to privacy.
7. I therefore find the condition is necessary and reasonable and its imposition is in accordance with the development plan, specifically saved Policies 28, 57 and 58 of the North Hertfordshire District Local Plan No.2 with Alterations (1996) which seek to ensure good design and safeguard the living conditions of nearby residents.

Conclusion

8. For the reasons given having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR