

# Public Document Pack

1 March 2019

Our Ref Planning Control Committee  
Your Ref.  
Contact. Amelia McInally  
Direct Dial. (01462) 474514  
Email. amelia.mcinally@north-herts.gov.uk

To: Members of the Committee: Councillors Mike Rice, (Chairman) Michael Muir, (Vice-Chairman) Daniel Allen, Ruth 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**

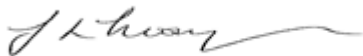
to be held in the

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

On

**THURSDAY, 14TH MARCH, 2019 AT 7.30 PM**

Yours sincerely,



Jeanette Thompson  
Service Director – Legal and Community

## **Agenda Part I**

<b>Item</b>	<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. NOTIFICATION OF OTHER BUSINESS</b> 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.	
<b>3. CHAIRMAN'S ANNOUNCEMENTS</b> 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.	
<b>4. PUBLIC PARTICIPATION</b> To receive petitions and presentations from members of the public.	
<b>5. 18/02916/RM LAND ON THE NORTH EAST SIDE OF PRIORS HILL AND OPPOSITE HILL FARM, PRIORS HILL, PIRTON, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</b>	(Pages 5 - 26)
Residential development comprising of 24 dwellings (including 8 affordable dwellings), together with provision of open space with seating, a perimeter path, archaeological information boards, footpath link and access to Priors Hill.	
<b>6. 19/00204/FP LAND EAST OF HAYLING DRIVE, PUTTERIDGE PARK, LUTON, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</b>	(Pages 27 - 32)
Change of use from school playing fields (D1 use) to public open space (D2 use).	

7. **18/03282/FP NATIONAL GRID, CADWELL LANE, HITCHIN,  
HERTFORDSHIRE, SG4 0SL** (Pages  
33 - 40)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  
  
Construction and operation of an urban reserve 2x 2MW gas fired power  
plant.
8. **19/00003/S73 THE GABLES, HIGH STREET, BARLEY, ROYSTON,  
HERTFORDSHIRE, SG8 8HY** (Pages  
41 - 58)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  
  
Section 73 Application: Relating to Application 17/02316/1 granted on  
30/05/2018 - Variation of Condition 2 (Approved Plans) to facilitate a change  
of design and appearance of plot 7 and variations to the dwelling type, scale  
and appearance of Plots 1, 2, 3 and 8 (as amended by drawings received  
22/02/2019).
9. **18/03349/S73 THE GABLES, HIGH STREET, BARLEY, ROYSTON,  
HERTFORDSHIRE, SG8 8HY** (Pages  
59 - 78)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  
  
Section 73 Application: Relating to Application 17/02316/1 granted on  
30/05/2018 - Variation of Condition 2 (Approved Plans) to facilitate a  
relocation and change of appearance of plot 7, switching it with the location of  
approved plots 4-6 and variations to the dwelling type, scale and appearance  
of Plots 1, 2, 3 and 8 (as amended by drawings received 22/02/2019).
10. **PLANNING APPEALS DECISIONS** (Pages  
79 - 80)

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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Land On The North East Side Of Priors Hill And Opposite Hill Farm Priors Hill Pirton Hertfordshire</b>
<u>Applicant:</u>	<b>Spitfire Bespoke Homes Ltd</b>
<u>Proposal:</u>	<b>Residential development comprising of 24 dwellings (including 8 affordable dwellings), together with provision of open space with seating, a perimeter path, archaeological information boards, footpath link and access to Priors Hill.</b>
<u>Ref. No:</u>	<b>18/02916/RM</b>
<u>Officer:</u>	<b>Heather Lai</b>

**Statutory Expiry Date**

13 February 2019

**Reason for Delay**

To report to Planning Committee

**Reason for Referral to Committee**

The application site is over 0.5ha and under the Council's scheme of delegation this application for residential development must be determined by the Planning Control Committee.

**1.0 Policies****1.1 North Hertfordshire District Council Local Plan No. 2 with alterations**

Policy 6: Rural areas beyond the Green Belt

Policy 7: Selected Villages beyond the Green Belt

Policy 11: Chilterns Area of Outstanding Natural Beauty

Policy 16: Archaeological Areas of significance and other Archaeological Areas

Policy 26: Housing Proposals

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

**1.2 National Planning Policy Framework**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong, competitive economy

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment

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

#### Strategic policies

SP1: Sustainable development in North Hertfordshire  
SP2: Settlement Hierarchy and Spatial Distribution  
SP5: Countryside and Green Belt  
SP6: Sustainable transport  
SP7: Infrastructure requirements and developer contributions  
SP8: Housing  
SP9: Design and sustainability  
SP12: Green infrastructure, landscape and biodiversity  
SP13: Historic environment

#### Development Management policies

T1: Assessment of transport matters  
T2: Parking  
HS2: Affordable housing  
D1: Sustainable Design  
D3: Protecting living conditions  
D4: Air quality  
NE3: The Chilterns Area of Outstanding Natural Beauty (AONB)  
NEEx: New and improved open space  
HE1: Designated Heritage Assets  
HE4: Archaeology

### 1.4 **Pirton Neighbourhood Plan**

PNP1: Meeting Local and Wider Needs  
PNP2: Design and Character  
PNP4: Hedgerows, Trees and Verges  
PNP6: Local Green Spaces  
PNP7: Key Views and Vistas  
PNP9: Community Facilities  
PNP8: Heritage Assets and Archaeological Heritage  
PNP11: Safety of Pedestrians, Cyclists, Equestrians and Motorists  
PNP12: Connectivity  
PNP13: Car Parking

### 1.5 **Supplementary Planning Document**

Vehicle Parking at New Development  
Design  
Chilterns Building Design Guide  
Nationally Prescribed Space Standards

## 2.0 **Site History**

- 2.1 **17/04239/OP:** Outline application for the erection of 24 dwellings (including 8 affordable dwellings), together with provision of open space with seating, a perimeter path, archaeological information boards, footpath link and access to Priors Hill. (All matters reserved except means of access.) (as amended by plan no. 10 C). Approved by committee on 21 June 2018, subject to conditions and a S106 legal agreement.
- 2.2 **18/02528/DOC:** Discharge of Condition 10: No demolition / development shall take place / commence until an Archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority (as attached to planning permission reference 17/04239/OP granted 01/08/2018). To be discharged.
- 2.3 **18/02761/DOC:** Discharge of Condition 7: No development shall take place until an Ecological Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details (as attached to planning permission reference 17/04239/OP granted 01/08/2018). Discharged on 06.11.2018
- 2.4 **18/02774/DOC:** Discharge of Condition 9: Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (as attached to planning permission reference 17/04239/OP granted 01/08/2018) Discharged on 29.11.2018
- 2.5 **18/02775/DOC:** Discharge of Condition 14: 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 (as attached to planning permission reference 17/04239/OP granted 01/08/2018). Discharged on 15.11.2018
- 2.6 **18/02783/DOC:** Discharge of Condition 17: The development hereby permitted shall not be commenced until detailed infiltration and ground condition tests have been submitted to and approved in writing by the Local Planning Authority (as attached to planning permission reference 17/04239/OP granted 01/08/2018). Under consideration.

## 3.0 **Representations**

- 3.1 **HCC Growth and Infrastructure (contributions):**  
Based on the information to date for the development of 24 dwellings would seek financial contributions towards primary education in Pirton, library services and youth services. This is automatically secured through the previously agreed S106 Obligation associated with the outline planning permission for this development.

- 3.2 **HCC Highways:**  
Requested additional details on the layout, namely revisions to the swept path analysis to confirm that fire/emergency and refuse vehicles could access/serve all the proposed dwellings. Following revised drawings raise no objections to the scheme.
- 3.3 **HCC Fire and Emergency Management:**  
Based on the information provided to date we would seek the provision of fire hydrant(s). This is secured through the S106 Obligation associated with the outline planning permission for this development.
- 3.4 **Design out Crime Officer:**  
Raised concerns that the development would result in illegal metal detecting, however had discussed this with the developer and is satisfied that the developer will seek to achieve 'Secured by Design.'
- 3.5 **HCC Archaeology:**  
Conditions from the Outline Permission (17/04239) have not yet been discharged. Request that these are not discharged and are able to cover the reserved matters proposals.
- 3.6 **Housing Supply Officer:**  
The affordable housing should be owned and managed by a Registered Provider, affordable housing should be allocated to applicants with a local connection to the parish of Pirton in the first instance, the affordable units are required to meet the nationally described housing space standards. This is not a matter for the determination of reserved matters and is controlled through the implementation of the S106 Obligation associated with the outline planning permission for this development.
- 3.7 **HCC SuDS Officer:**  
Consider insufficient information has been submitted in relation to surface water management.
- 3.8 **Noise and Nuisance Officer:**  
No comments or objections.
- 3.9 **Pirton Parish Council:**  
Initially raised the following objections/concerns. Were reconsulted following the receipt of amended plans, awaiting further comments:  
Want to see a footpath/cycle path directly into Baulk Gardens  
Would expect to see more modest dwelling heights deployed generally; due to rising ground dwellings will appear more prominent compared to Danefield Road dwellings and may impact important views  
Requested amendments to provide single storey dwellings, do not accept the comments in the Planning Statement justifying not providing these  
Generally a good mix of design styles and materials but question the variety of boundary treatments  
Development should maintain open aspects  
More open boundary treatments would be preferred to assist wildlife  
The car parking proposals do not meet Pirton NP policy 13.1 – houses of 3 bedrooms or more must have 3 car parking spaces.



Concerned that the construction of the proposed footpath on the SAM involves sinking wooden posts into the scheduled area at regular intervals- could damage archaeological assets

Tree planting should retain openness and views to surrounding areas – SAM and AONB

Overall the proposed work on the Scheduled Monument will result in a good facility for the village and visitors alike and enhance the character of Pirton

**3.10 Pirton Neighbourhood Parish Steering Group:**

Initially raised the following objections/concerns. Were reconsulted following the receipt of amended plans, awaiting further comments:

Requested amendments to provide single storey dwellings and the dwellings closest to Priors Hill to be reduced in height; concerned that the proposed development will interfere with important views.

More open boundary treatments would be preferred to assist wildlife

Concerned that the construction of the proposed footpath on the SAM involves sinking wooden posts into the scheduled area at regular intervals- could damage archaeological assets

Want to see a footpath/cycle path directly into Baulk Gardens

The car parking proposals do not meet Pirton NP policy 13.1 – houses of 3 bedrooms or more must have 3 car parking spaces.

**3.11 Waste and Recycling Officer:**

The swept path analysis is welcome, although we would like to see if it is able to make the turn down to plots 15 and 16.

**3.12 Chilterns Conservation Board:**

No response.

**3.13 HCC Ecology:**

Concerned regarding the lack of information over who will manage hedgerows and native hedge planting on the site, and lack of detail about where the bat box/tubes are going to be positioned.

**3.14 Environmental Protection Officer:**

The land contamination planning condition (Condition 14) on the Outline Permission has been fully discharged (18/2775/DOC).

The EV charging planning condition (Condition 15) on the Outline Permission has not been submitted or dismissed. As such the EV charging planning condition should be retained on any permission that is granted.

- 3.15 **Urban Design & Landscape Architect:**  
Initially raised concerns and requested amendments on: the boundary treatments of the developed area including adjoining the SAM; requested amendments to the green area adjoining the main access road and the rear of plots 3-6; considers having some of the dwellings facing away from the main access road less than ideal but raises no objection, would prefer to have the affordable housing spaced throughout the development; requested confirmation on the number and location of visitor parking spaces; requested confirmation of the management of landscaped spaces to the SAM and developed area.  
Following amendments to the scheme and revised details, considers the changes do not go as far as she would like but overall raises no objections.
- 3.16 **Historic England:**  
No application for scheduled monument consent for the landscaping works to the SAM has been received. Request clarification over the ongoing funding to maintain the SAM in the future.
- 3.17 **HCC Countryside & Rights of Way Officer:**  
The residents of this development will increase the pressure on the local public rights of way network, and, in addition, measures should be taken to encourage these residents and others to enjoy the benefits of countryside exercise. Opportunity should be taken to seal the footpath routes for public footpath Pirton 1 and to link Prior's Hill to the footway beside Shillington Road.
- 3.18 **Planning Policy:**  
No comment.
- 3.19 **Drainage Board:**  
No comment.
- 3.20 **Herts and Middlesex Wildlife Trust:**  
Objection: seed mix, establishment and management plan should be changed. Current plans will not achieve objectives.
- 3.21 **Anglian Water:**  
No response.
- 3.22 **UK Power Networks:**  
No response.
- 3.23 **The Hertfordshire Society:**  
No response.

3.24 **Local residents:**

3 objections:

- ☒ Will impact views to the AONB including obscuring views from Baulk Gardens
- ☒ Current archaeological investigations may preclude any development from occurring on the site
- ☒ Priors Hill is the main route to Shillington through the village. On of the roads leading off of Priors Hill is already confusing and concerned that this will be exacerbated if 24 more houses are built, increasing pressure on the roads
- ☒ Road access to the site should be provided from Baulk Gardens not Priors Hill
- ☒ There are no jobs in Pirton so anyone living there will have to travel outside the village to work, increasing congestion on the road into Hitchin, will require residents to have cars and pay for petrol etc.
- ☒ The village school is over subscribed as are two of Hitchin's secondary schools
- ☒ There is already one large housing development in Pirton, with another one being appealed, what justification is there for a third large housing development, increasing the population by at least 1/3?
- ☒ When Baulk Gardens was built there was difficulty tenanting the affordable housing units so tenants had to be sought from outside Pirton
- ☒ Object to the principle of additional housing in the village, is eroding the 'quality of rural life'
- ☒ Section 5.15 of the Planning Statement refers to all the dwellings being two storey, but of differing heights and scales. Disagrees with this statement 'the entire development consists of two storey dwellings'
- ☒ Plot two will overlook neighbouring property's bedroom
- ☒ Disagrees with the Planning Statement which states (s 5.17) that there is no precedent or justification for bungalows, as neighbour considers there is a demand for bungalows and chalet bungalows in the village
- ☒ Consider there is a more direct path that could provide access from the development to the village, via Baulk Gardens
- ☒ Location of development at the top of the hill makes it very prominent in the surrounding area; internal layout gives it more prominence too
- ☒ Is not sympathetic to surroundings including Pirton village including the use of red bricks
- ☒ Proposed development is poorly landscaped

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

- 4.1.1 The application site is located on the north western edge of Pirton village and comprises 3.85 hectares of agricultural land. The site adjoins residential property in Baulk Gardens and Danefield to the south and east and is opposite Hill Farm, a two storey detached residential property on the western side of Priors Hill. To the north west of the site is open land which adjoins Shillington Road further to the north. The site adjoins a public footpath to the north east (Pirton 001) which links Crabtree Lane with Shillington Road. The Pirton Conservation Area adjoins the footpath to the east.
- 4.1.2 The larger part of the site (approximately 2.5 hectares) located to the north west is a scheduled ancient monument (SAM, List entry no. 1434415) under the Ancient Monuments and Archaeological Areas Act 1979 as the Secretary of State considers the site of national importance. This SAM is described as 'Anglo-Saxon settlement and probable prehistoric ring ditches, west of Pirton village' and is proposed undeveloped area for public open space. The Chilterns Area of Outstanding Natural Beauty (AONB) borders Priors Hill and extends to the west.
- 4.1.3 Under the saved policies of the North Hertfordshire Local Plan 1996 all of the site is outside of the Pirton village boundary. However the village boundary is proposed to be altered under the emerging local plan (Submission Plan 2011 – 2031) and the 'made' Pirton Neighbourhood Plan so that the new village boundary includes the application site.

### 4.2 **Proposal**

- 4.2.1 The application seeks reserved matters approval for the erection of 24 dwellings (including 8 affordable dwellings) on the southern section of the site, south of the SAM and within the proposed new village boundary. Matters of layout, external appearance, scale and landscaping of the site were reserved from the outline planning permission which only granted the means of access and principal of residential development on the site.
- 4.2.2 On the northern part of the site, the SAM area is proposed to be secured as a public open space with a mown grass footpath and open recreation area, seating and a footpath link from the built portion of the site to the south across the schedule area linking onto Pirton footpath 001. Access will also be possible across this open space area into Baulk Gardens.
- 4.2.3 The reserved matters to be considered with this application (as defined in the Town and Country Planning Development Management Procedure Order (England) (2015)) are appearance, landscaping, layout and scale, including both the built area of the proposal and the SAM public access area. Condition 5a of the outline permission stated that a reserved matters application must consider details of all internal road layouts, details of turning areas to accommodate refuse vehicles and the location of all bin and recycling collection points and the location and specification of car parking and garaging facilities and cycle parking and storage facilities. These issues are also to be considered as part of this application.

4.2.4 The principle of the development, the means of access and construction traffic matters were considered at outline application stage.

4.2.5 The dwellings which are the subject of this application are proposed to be two storey in height and of detached and semi-detached design with two lots of 3-terraced properties sited around a central access road. The dwellings will comprise 16 open market units and 8 affordable/shared ownership units.

#### 4.3 **Key Issues**

4.3.1 There are several pre-commencement conditions which require further submission of information relating to the outline permission for 24 dwellings and means of access) on the granted permission 17/04239/OP. These conditions cover the following matters:

Conditions 6, 16, 17, 18, 19 – Flooding, drainage  
Condition 8 – highway safety  
Condition 13 – ecology (lighting scheme)  
Conditions 11&12 – archaeology

4.3.2 The following conditions have already been discharged (as detailed in the site history section above):

Condition 7 – ecology  
Condition 9 – Construction Traffic Management Plan  
Condition 10 – archaeology  
Condition 14 – contaminated land

4.3.3 Planning permission 17/04239/OP is subject to a Section 106 legal agreement involving various covenants and financial contributions.

#### 4.4 **Principle of the development**

4.4.1 The principle of the erection of 24 dwellings on the application site was established by the granting of outline planning permission on 1 August 2018. This application was agreed subject to condition by Planning Committee on 21 June 2018.

4.4.2 While I note the objections from neighbours on the grounds of additional development within the village, the means of access and impacts on the highway network, these were already agreed at outline permission stage and are not reserved matters considerations.

#### 4.5 **Appearance**

4.5.1 All the dwellings would be two storey, with a variety of front facing and gable end roof forms as well as several hipped roofs. There will be a variety of dwelling designs employed across the site and the overall scheme is designed to reflect its semi-rural context within the village. Most of the dwellings are to be finished in a variety of red brick, with Plots 3, 11, the first floor of Plots 21-22, and 24 to be rendered. Plots 4 and 5 are to be finished in timber as well as the entrance to Plot 6. The roofs are to be formed of concrete tiles or cement slate, and several dwellings are to have gabled timber porches to their front entrances.

4.5.2 It was originally proposed to use a wide variety of materials for the boundary treatments for each of the dwellings. This included white 'picket' timber fences, brick walls and hit and miss/close boarded fencing. It was considered this would not create a cohesive development and the variety of materials should be scaled back. This has now been agreed, with the boundary treatment predominantly formed of close boarded timber fencing, with sections fronting the main access road to be formed of picket fencing, hit and miss fencing and red brick. The boundary of the site – to the Priors Hill elevation and facing onto the SAM is to be formed of post and rail fencing. This is considered an acceptable compromise, it will form a more cohesive development and will relate better to the landscaping features that border the boundary treatments.

4.5.3 The development will have its own distinct character due to the style and materials of the properties but as Pirton has a variety of building styles and material it should add to the character of Pirton and would not in my view be out of keeping with the character of the village as a whole. Following the amendments discussed above I consider that the proposal is of an appropriate appearance for its location on the edge of Pirton village.

#### 4.6 **Landscaping**

4.6.1 The site lies on the north-west edge of Pirton. The south-east boundary abuts residential development on Danefield Road and Baulk Gardens; the north-east boundary abuts a residential area within the Conservation Area; beyond the north-west boundary is agricultural land which slopes down to development along Shillington Road; and Priors Hill forms the south-west boundary. There is little existing vegetation apart from trees and shrubs in adjoining gardens and some sparse hedgerows.

4.6.2 The scheme needs to consider the Chilterns AONB which lies on the western side of Priors Hill directly opposite the site, any development on this site will affect the setting of the AONB. The development is also restricted to the southern part of the site as the northern part is SAM.

4.6.3 A native species hedge is proposed along the Priors Hill frontage, the north-east boundary, and along the north-west boundary. Following amendments to this planting area there has been screening provided to the bin collection points (BCP) on the north west elevation, so these are not visible from the SAM and open space.

4.6.4 Additional screening to the boundary of the built area and the SAM has been provided, along with further greening around the application site including to the rear of plots 3-6, adjacent the access road. A tree to the rear of Plot 18 (shared ownership unit) has been removed as this will allow the rear garden to be larger than was originally proposed.

4.6.5 Regarding the SAM land, there are areas which are to be mown shorter seasonally, including a mown path across the site and timber seating will be provided. The access path to the south-eastern side of the SAM (to the north of the built up area) is to be raised timber with posts. While a query was received from the Neighbourhood Plan Steering Group and Parish Council regarding the impact of the timber posts on the SAM and any archaeological remains, the agents landscape consultants have advised this is the least intrusive method. No objection has been received from Historic England or the County Archaeologist regarding this point, and given the posts are to be timber this is considered acceptable.

- 4.6.6 The Landscape and Urban Design Officer queried who would maintain grassed/landscaped areas within the housing area. The agent confirmed during the course of the application that these would be managed by the appointed managing agent, and these details have been required as part of the s106 agreement.
- 4.6.7 Following the amendments to the scheme the Landscape and Urban Design Officer is willing to accept the proposals and raises no objection.
- 4.7 **Layout**
- 4.7.1 The layout of the proposed development has been influenced largely by the point of access agreed at the outline application stage with the creation of a singular vehicular access point from Priors Hill which will extend west to east across the site, with two spur roads to the north and south. The development is also contained to the southern side of the site as the northern part is designated SAM and is to be public access.
- 4.7.2 There will be a separate pedestrian access through the adjoining SAM site to the north which would link into the Public Right of Way (PRoW) Pirton 001 which runs along the eastern boundary of the site. There is an additional pedestrian access between plots 10 and 11 which could link through to Baulk Gardens via the amenity land. While comments have been received from neighbours, the Parish Council, the Neighbourhood Steering Group and also the Landscape Architect regarding the creation of additional footpaths, including direct access into Baulk Gardens, as these access points are beyond the application site, and access would need to be formally agreed it is outside the scope of this application to require that.
- 4.7.3 During the course of the application it was agreed to slightly re-site plots 19–23 to the south east together with the slight realignment of the spine road to allow for the introduction of a close boarded fence and planted hedge on the north western side of the spine road along plots three, four, five and six. This was to create a more functional road space and allow appropriate boundary treatment to these plots, while providing a strip of green to buffer the two.
- 4.7.4 The access road runs through the centre of the site with the two spur roads providing access to driveways off to the south and the north. The shared drive to the south services the affordable dwellings which are all grouped together in the eastern part of the site adjacent to Baulk Gardens. The shared drive to the north serves larger detached properties which front onto the SAM and public open space. These dwellings to the north back onto the access road with their rear gardens facing the access road and the front gardens of the properties opposite. Ideally these properties would face into the access road/development however in this context they have been designed to face onto the SAM, creating a better transition from the open space to the new development. This will allow these dwellings to have direct views over the SAM and will provide better natural surveillance and views into the development.

- 4.7.5 Throughout the rest of the site the remaining dwellings front onto the internal access road or the southern spur road, providing natural surveillance. All the market houses have a set back front garden, however the affordable/shared ownership dwellings are positioned to the front of their plots.
- 4.7.6 The properties fronting onto Priors Hill have been designed to be set back from the road, and are located behind a shared drive and a landscape buffer. This is considered in keeping with other properties along the Priors Hill.
- 4.7.7 The Landscape Architect had a number of issues with the overall layout of the scheme, including the dwellings fronting the SAM facing away from the access road, along with those fronting Priors Hill creating additional hard surfacing, and having the affordable housing units being located in one part of the development. However given the size of the site, that access has already been agreed and the constraints regarding the SAM and the existing dwellings to the south it is considered the overall layout of the site is on balance acceptable.
- 4.7.8 All dwellings have back gardens of at least 10 metres in width/depth and additional open space will be provided to the adjacent SAM.
- 4.7.9 Ten visitor parking spaces are provided across the site. The Parking Supplementary Planning Document requires 9.25 visitor spaces for a development of this size and therefore the provision of 10 spaces the development complies with the standards.
- 4.7.10 Each dwelling can accommodate 2 off street parking spaces and the market rate houses have garages. Whilst the applicant has acknowledged that not all of these garages are compliant with policy, in providing 6m x3m garages rather than the minimum 7m x 3m, given that all units with undersized garages have been provided with sufficient off street spaces, this is acceptable in this instance.
- 4.7.11 As each of the market rate dwellings are to be provided with a garage, this is considered capable of accommodating cycle storage. Each of the affordable/shared ownership units to be provided with a cycle storage shed. These details are considered to accord with the Vehicle Parking at New Developments SPD.
- 4.7.12 Access and delivery, including turning space for refuse and emergency vehicles is covered off in the internal access section below.
- 4.7.13 Outline permission has been granted for 24 dwellings and the density of the development is 17.7 dwellings per hectare (dph). This density has not changed since outline stage, and it is considered similar to that of the surrounding area and is therefore appropriate for this edge of settlement location. The layout of properties with front and back gardens, off street parking and garages is in keeping with the overall pattern of development in the area.



## 4.8 Scale

- 4.8.1 The proposal is for 12 terraced/semi-detached dwellings and 12 detached dwellings. All the dwellings are two storeys. The private market housing consists of detached properties with Plots 19-22 being formed of semi-detached pairs and 8-9 are linked-detached. The affordable housing comprises two short terraces and pair of semi-detached dwellings. The 24 dwellings range in size from 2 bed to 5 bed, all properties have allocated parking bays and all of the private market housing units have either integral or detached garages.
- 4.8.2 All of the dwellings would have a maximum ridge height of between 8.5 metres – 8.85 metres and have been designed to match the natural slope of the site. Eaves height would be 8.1-8.5m throughout the scheme. The detached garages to plots 1, 3, 4, 5, 6, 10 and 24 would have a maximum height of 5.4 metres. The development would incorporate a mixture of hipped and gables roof designs.
- 4.8.3 The proposed units fronting the site, facing onto Priors Hill have been set back from the front boundary of the site and their impact mitigated by landscaping. However it was considered that Plot 1 in particular, being the corner plot adjacent to the SAM, and also opposite the AONB was going to be too visually prominent. During the course of the application it was agreed to reduce the scale of this dwelling. Following amendments Plot 1 has been reduced in height and scale and is to have a semi-hipped roof. It will be a chalet-bungalow with first floor windows within the roof slope. While it is to be a chalet bungalow design it will still be viewed as a two storey dwelling, however I consider that the amended design is an acceptable compromise and will not have such a dominant visual impact on the surrounding open space and countryside.
- 4.8.4 The surrounding areas on this western edge of Pirton comprise predominantly of two storey detached and semi-detached housing with a variety of roof forms and external materials. I consider that the scale of the development is compatible with the prevailing form and appearance of surrounding development.

## 4.9 Mix of dwellings

- 4.9.1 The mix of dwellings, including the lack of bungalows has been raised by a number of consultees, and also objecting neighbours. The Pirton Neighbourhood Plan seeks the provision of housing of all dwelling sizes, including for young families and downsizers. The provision of bungalows on this development would have been welcomed, and while this is not a 'reserved matters' issue insofar as housing need is not a matter that can be considered at the reserved matters stage, this was raised with the developers during the course of the application. They have responded with the following points:
- 4.9.2 Original planning application form.  
Condition 3 of the outline planning permission confirmed that the development here by permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above in the decision notice. This included the detail provided in the outline planning application form, where at question 17 the residential mix for both the market housing and affordable housing was confirmed. This is one indication supporting the establishment of the housing mix at outline permission stage.

#### 4.9.3 Section 106 agreement.

The section 106 agreement at schedule 2 part 1 sets out the owners covenants to the Council. This includes the provision of affordable housing and at paragraphs 1.3.1 and 1.3.2 of the S106 the housing mix is confirmed, establishing that the social rented units comprise 4no. 2 bedroom houses and 1no. 3 bedroom house, with the shared ownership units comprising 3no. 3 bedroom houses.

4.9.4 The other obligations concerning financial contributions (community infrastructure) are calculated having regard to the number of bedrooms in each dwelling as set out in the Council's Planning Obligations Supplementary Planning Document. Given this was agreed at outline application stage, this fixes the dwelling mix for the reserved matters application for both market and affordable units.

#### 4.9.5 Site layout plan 10 revision C.

The outline planning permission lists the plan numbers which includes plan 10 revision C, the site layout plan. This plan includes a schedule of accommodation for both market and affordable housing. As noted condition 3 indicates that the development shall be carried out wholly in accordance with the details specified in the and supporting approved documents and plans listed above which includes plan no. 10 revision C.

4.9.6 Therefore, the planning application form, the affordable housing mix fixed through the S106 obligations, the S106 community infrastructure contributions based on the housing mix all agreed at outline permission stage as well as the inclusion of the mix on one of the approved plans have confirmed the mix, which is unchanged for this reserve matters application.

#### 4.9.7 Emerging local plan policy HS3: Housing mix.

This policy addresses housing mix but it does not set out a prescribed mix. Instead it is design lead and relates to density, scale and character of development and how this relates to location and surroundings. The density of the development (24 units) was agreed at outline application stage and has regard to the location of the site at the north western edge of the village adjacent to the scheduled monument and the Chilterns AONB. Given this and the above reasons it is considered the provision of two storey dwellings across the site has been accepted and accords with Policy HS3. To be clear though, housing mix and meeting identified need is not a matter of layout, scale or appearance and strictly speaking cannot be influenced by this decision.

### 4.10 **Internal access arrangements**

4.10.1 The site is bound to the south-west by Priors Hill, to the south-east by the gardens of the residential properties on Danefield Road, to the north-east by a Public Right of Way Footpath and Baulk Gardens and to the north-west by greenfield land.

4.10.2 Priors Hill to the south-east of the site is a class C unnumbered classified local access road, subject to a 30mph speed limit. Approximately 78 metres to the south-east of the site, Priors Hill forms a junction with Danefield Road. At the junction, vehicles turning onto or emerging from Danefield Road have priority over vehicles on Priors Hill. Travelling south-east, Priors Hill becomes Hitchin Road, which is also a class C unnumbered classified local access road, subject to a 30mph speed limit.

#### 4.10.3 Trip Generation and Distribution

As this is a Reserved Matters application, the applicant has obtained agreement on trip generation and distribution assumptions as part of the outline application stage.

Therefore, this information has not been provided as part of this application package and this is acceptable.

#### 4.10.4 Internal Layout

All roads that are intended to be adopted should be designed in accordance with the guidance provided in Roads in Hertfordshire: Highway Design Guide (3rd Edition).

However, due to the scale of development, it is unlikely that HCC would adopt the internal road.

4.10.5 The proposed internal layout has been reviewed and the following comments are provided:

- ☒ The first 30 metres of the proposed access road would need a tarmac finish and to remain private. It is not likely that HCC would adopt this access road, however it should still be constructed to adoptable standards if a refuse vehicle is expected to utilise the road.
- ☒ The minimum kerb radius should be 6 metres.
- ☒ The applicant is also required to provide details of the proposed drainage to connect to the existing highway drainage system.

The revised layout in the Design and Access statement is very similar to that which was submitted at outline stage.

#### 4.10.6 Swept Path Assessments

A swept path assessment has been carried out for the proposed site access junction and internal road layout. A swept path assessment has been provided for a 12.205m refuse vehicle, a 4.71m estate car and a 7.9m fire appliance.

4.10.7 The swept path for the refuse vehicle and the estate car are adequate; however, it was clear from the fire appliance plan (ITB14296-GA-002) that the internal layout is not able to accommodate the manoeuvrability of this appliance at certain areas of the site. Amendments and further information were requested which the applicant has subsequently provided.

4.10.8 The drawings have been reviewed and HCC are satisfied with the swept path analyses of the refuse vehicle. HCC has provided the Hertfordshire Fire and Rescue Services with the planning application information for comment on the accessibility of the fire tender; however, HCC are satisfied that the fire tender can access all dwellings, as necessary.

- 4.10.9 It is worth noting that the LPA consulted the Waste Management Contractor regarding the application. They welcomed the swept path analysis however they stated that they would have liked to see evidence that the refuse vehicle could make the turn down to plots 15 and 16. While this has not been provided, the Waste Management Contractor did not object to the application on these grounds, and HCC Highways have confirmed they find the provisions acceptable following the amended details. There is a bin collection point to the rear of plots 8 and 9 which is accessible by the refuse vehicle. Therefore it is considered the details provided for the refuse vehicle are sufficient.
- 4.10.10 Pedestrian and Cycle Access  
It is proposed that a new footway connection is provided along the north side of Priors Hill to connect from the proposed site access to the existing footway provision at the Priors Hill / Danefield Road junction. The footway at the site access junction will have a width of 2.0m, while the proposed footway along Priors Hill will have a width of 1.5m.
- 4.10.11 The proposed footway should have a width of 2 metres, at a minimum. The applicant is required to ensure that there is enough highway land to provide a footway of this width. If this is not possible, an alternative option should be considered, such as the provision of the footway on the opposite side of Priors Hill to connect to the existing provision. It is seen in the detailed landscaping plans that a new footway is factored in to the design.
- 4.10.12 A new footpath link to PROW Footpath 1 is also proposed. PROW Footpath 1 runs along the north-east boundary of the site and connects Shillington Road to Danefield Road. PROW Footpath 1 connects to PROW Footpath 14, which continues northbound along Docklands towards High Street and Pirton School. The proposed link will connect north-eastbound within the site through the SAM. The Transport Statement states that a no-dig method will be used to construct the footpath, which is proposed to be formed of bound gravel or similar. It is seen in the detailed landscaping plans that this footpath / cycleway has been factored in to the proposed layout.
- 4.10.13 HCC have received additional information and are satisfied with the proposals for the pedestrian access.
- 4.10.14 Walking and Cycling  
There are no footways along Priors Hill in the vicinity of the site. The development proposals include the provision of a 1.5 metre wide footway on the northern side of the carriageway, to the east of the site. The proposed footway will connect to the existing footway provision at the Priors Hill / Danefield Road junction.
- 4.10.15 There are a number of Public Right of Way (PROW) Footpaths in the vicinity of the site. PROW Footpath 1 runs along the north-east boundary of the site and provide connectivity between Crab Tree Lane and Shillington Road. PROW Footpath 10 is located approximately 44 metres south-east of the Priors Hill / Danefield Road junction. The PROW provides an off road route from the north side of Priors Road to Three Closes.

- 4.10.16 The site is in close proximity of the Chiltern Cycleway, which runs along Priors Hill. There are no other dedicated cycle routes or facilities in the vicinity of the site. However, Priors Hill is subject to a 30mph speed limit and is therefore considered suitable for cycling.
- 4.10.17 HCC Highways, as the Highway Authority considers the details provided for the reserved matters application are acceptable, and can discharge part a of Condition 5 of the outline permission.
- 4.11 **Other**
- 4.11.1 A number of other issues were raised by consultees which are not related to the reserved matters application. For the sake of completeness I have covered them off below.
- 4.11.2 Growth and Infrastructure contributions  
The comments of the Growth and Infrastructure Officer are noted, however these details were considered and agreed as part of the S106 agreement at outline permission stage.
- 4.11.3 Fire Safety:  
The request for fire hydrants is noted, this was agreed as part of the S106 agreement.
- 4.11.4 Design out Crime Officer:  
Raised concerns that the development would result in illegal metal detecting, however had discussed this with the developer and is satisfied that the developer will seek to achieve 'Secured by Design.'
- 4.11.5 Archaeology:  
Condition 10 of the outline permission (17/04239/OP) is currently been considered. Conditions 10-12 of this permission are pre-commencement conditions and no development can take place until these have been discharged. As the current application is for reserved matters, archaeological considerations have already been taken into account under the outline permission, and the granting of this permission does not supersede the outline application. Therefore the applicants are still required to discharge the original conditions and there is no requirement for them to be duplicated on the current application.
- 4.11.6 Housing Supply Officer:  
Affordable housing matters were covered off by the s106 agreement for the outline permission. This includes requiring the affordable housing to be owned and managed by a Registered Provider and for it to be initially offered to applicants with a local connection to the parish of Pirton.
- 4.11.7 SuDS/drainage:  
The concerns of the SuDS officer are noted, however these issues were covered off at the outline application stage, and a number of robust conditions were imposed (6, 16, 17, 18).

4.11.8 Environmental Protection:

The Environmental Protection Officer's comments requiring the conditions to be discharged are noted. These are to be discharged as imposed by the outline permission.

4.11.9 Historic England:

It is noted that HE have not received an application for scheduled monument consent however this is beyond the scope of planning and cannot be controlled by this application. The applicants have confirmed that the SAM is to be managed by the managing company as detailed in the S106 agreement.

4.11.10 Countryside & Rights of Way:

The comments of the Countryside and RoW Officer are noted, however these are outside the application site and cannot be controlled by the current reserved matters planning permission.

4.11.11 Ecology:

Ecology was considered at outline permission stage and two conditions were imposed (7, 13). While I note the concerns of the H&MWT, these issues have been considered by the County Ecologist who has raised no issue to this aspect of the development, and condition 7 of the outline permission has been agreed.

4.11.12 Regarding the concerns of the County Ecologist to the current application, the agents have confirmed the management of the hedging and hedgerows will be undertaken by the private managing agents who will oversee the whole of the application site- both the housing development and the SAM once the scheme is fully implemented and the dwellings occupied.

4.11.13 Furthermore the applicants have provided details of the location of bat tubes and sparrow boxes on the developed site, and starling boxes to the boundary of the SAM land. This is considered acceptable.

4.11.14 Neighbouring objections:

Several objections which are not reserved matters considerations have not been covered off above. For the sake of completeness I will respond to them:

4.11.15 Views are not a protected feature in planning in a residential context. The objections regarding the obscuring of views – in particular from Baulk Gardens to the AONB are noted, however this cannot be upheld as a reason to refuse a reserved matters application.

4.11.16 I note the objectors statement that Plot two will overlook neighbouring property's bedroom, however this Plot is located to the north west side of the development, at a significant distance from the southern and eastern boundaries which is where the closest existing residential dwellings are located on Danefield Road and Pollards Way. This objection however came from Hill Farm to the opposite side of Priors Hill. Plot 2, and the other Plots along the Priors Hill elevation have been set back from the road and front of the site. Plot 2 is at a distance of 24m to the dwelling at Hill Farm, and across a public highway. The proposed dwellings will therefore not have a

material amenity impact on Hill Farm or any other surrounding dwellings given the setback from the site boundaries.

#### **4.12 Conclusion**

4.12.1 The principle of development on this site has been agreed at the outline stage. The proposal for reserved matters is considered acceptable in terms of appearance, landscaping, layout and scale. It is considered the details provided to discharge Condition 5a of the outline permission, namely internal road layouts, swept path analysis for refuse and emergency vehicles, bin collection points, details of car parking/garage facilities and cycle storage are acceptable as detailed in the relevant paragraphs above.

4.12.2 The development proposes a modest range of house types with acceptable external materials. The form and architectural features of the development are sympathetic to the surrounding area. The development is compatible with local distinctiveness and adds to the overall quality of the area. The density of the development is acceptable and two storey housing is appropriate given the scale of surrounding housing, as discussed in the paragraphs above.

4.12.3 The relationship of the built area to the SAM land, and the use of this as public open space is acceptable, including the details of access across the SAM land. The internal access and pedestrian access are considered acceptable, and the development provides adequate parking in accordance with Policy T2 and Appendix 4 of the emerging Local Plan and the Vehicle Parking SPD.

4.12.4 The proposals for housing and public open space would enhance the quality of the area and accord with the relevant local and national policies.

#### **4.13 Alternative Options**

4.13.1 None applicable

#### **4.14 Pre-Commencement Conditions**

4.14.1 Samples of the proposed materiality were provided during the course of the application. Therefore no pre-commencement conditions are required; those necessary were imposed at outline stage.

#### **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 approval be **GRANTED** 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.

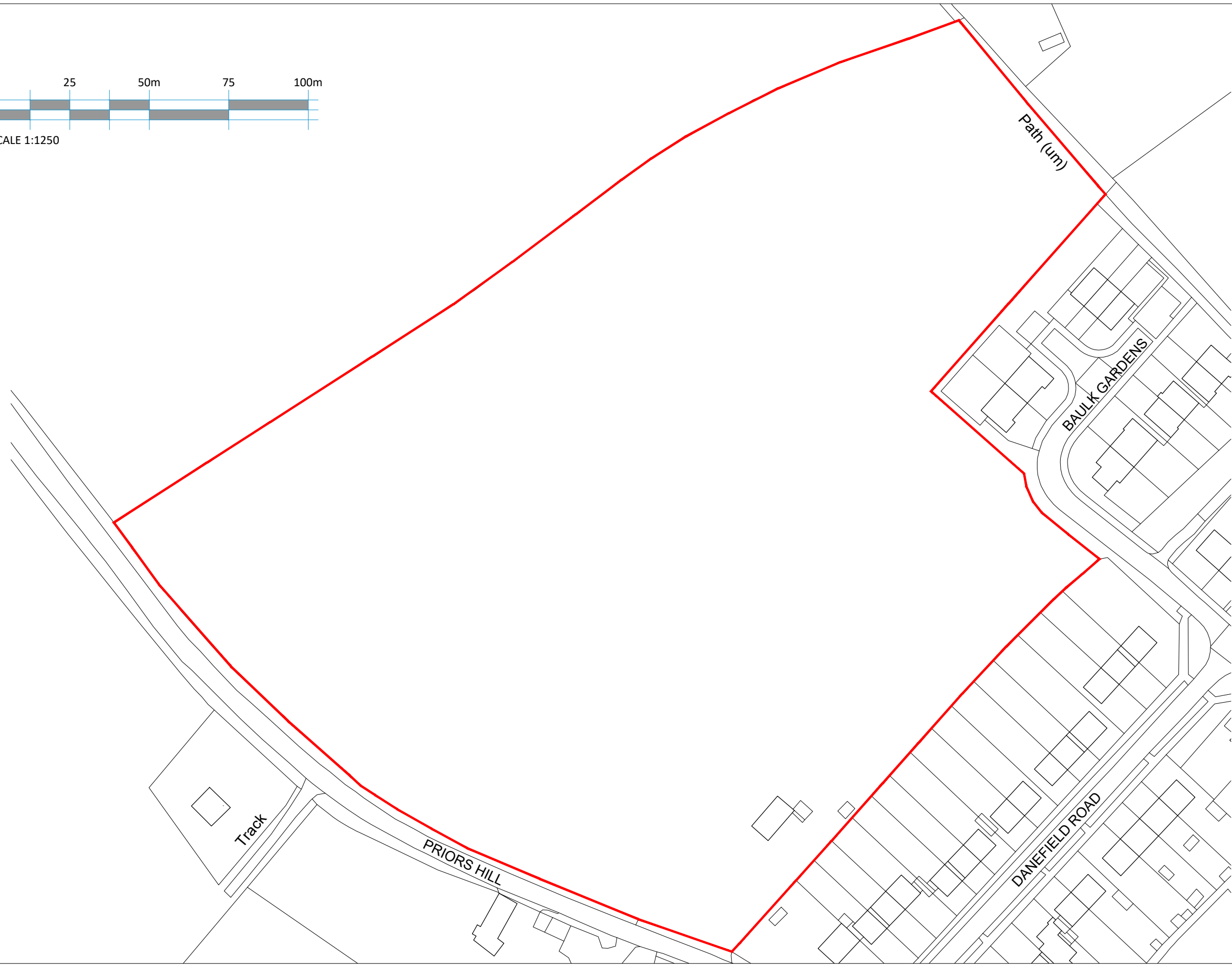
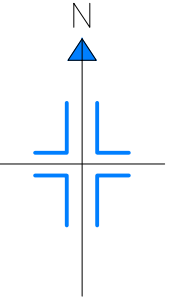
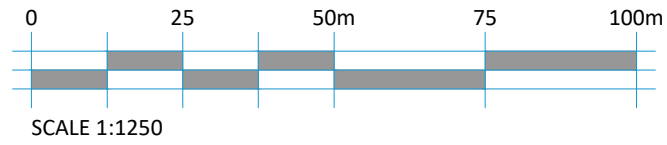
2. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion 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.

**Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.





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REV.	DATE	REVISIONS:	REV.	DATE	REVISIONS:	CLIENT:	SPITFIRE BESPOKE HOMES	PROJECT:	LAND OFF PRIORS HILL, PIRTON, NORTH HERTS	<p>O: +44 (0) 1276 415766  E: admin@2020architecture.co.uk  W: www.2020architecture.co.uk  A: Basepoint Unit 218; 377-399 London Road; Camberley; Surrey; GU15 3HL</p>
						SCALE:	1:1250 (A3 ORIGINAL)	DRAWING:	LOCATION PLAN	
						DRAWN:		JOB NO:	2018 / P0032	
						DATE:	OCT 18	DRAWING NO:	LP	
								REVISION:	-	

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<b>ITEM NO:</b>	
<u>Location:</u>	<b>Land East Of Hayling Drive Putteridge Park Luton Hertfordshire</b>
<u>Applicant:</u>	<b>Mr Roger Kirk</b>
<u>Proposal:</u>	<b>Change of use from school playing fields (D1 use) to public open space (D2 use).</b>
<u>Ref. No:</u>	19/00204/FP
<u>Officer:</u>	<b>Tom Donovan</b>

**Date of expiry of statutory period:**

26 March 2019

**Submitted Plan Nos.**

Site Plan; Location Plan.

**Reason for Referral to Committee**

The application site exceeds 1ha and as this development proposal is for a change of use under the Council's scheme of delegation it must be determined by the Planning Control Committee.

**1.0 Policies**

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

Policy 2 – Green Belt  
Policy 14 – Nature Conservation  
Policy 19 - Historic Parks and Gardens  
Policy 39 - Leisure Uses

**1.2 National Planning Policy Framework**

Chapter 13 - Protecting Green Belt land  
Chapter 15 - Conserving and enhancing the natural environment  
Chapter 16 - Conserving and enhancing the historic environment

**1.3 Proposed Submission Local Plan**

Policy SP5 – Countryside and Green Belt  
Policy SP13 – Historic environment  
Policy HE1 – Designated heritage assets

## 2.0 **Relevant History**

- 2.1 Planning permission was granted in 1974 for the school playing fields, located to the south of the walled Historic Park and Garden, which are presently used by Putteridge High School.
- 2.2 Planning permission was granted in 2015 for the change of use of the existing school playing fields to public open space.

## 3.0 **Representations**

### 3.1 **Public Notice/ Local Residents**

One letter of objection received on the following grounds:

- Proposal enables residential development elsewhere;
- The school will lose use of land;
- Impact on health of children due to loss of facilities;
- Question mark regarding under-utilised residential land in Luton.

### 3.2 **Offley Parish Council**

No response received.

### 3.3 **Sport England**

No objection.

### 3.4 **Planning Policy, (Landscape Officer)**

Comments from earlier identical application:

"The site is to the south of Putteridge Bury Estate. The main access would remain off Selsey Drive and there would be no alterations to the site other than the change of use. Therefore in landscape and visual terms the change of use of the playing fields to public open space should have limited impact."

### 3.5 **Hertfordshire Gardens Trust**

Comments from earlier identical application:

"Thank you for consulting HGT on this application within the setting of the Registered Putteridge Park. From the information supplied we consider that there should be no adverse impact on the park or its setting from the proposed change of use."

## 4.0 **Planning Considerations**

### 4.1 **Site & Surroundings**

- 4.1.1 The site is one of the playing fields which serve Putteridge High School. The playing field itself is a parcel of land to the east of Hayling Drive and to the south-east of Selsey Drive. It is immediately to the south of the grade II listed Putteridge Park.

### 4.2 **Proposal**

- 4.2.1 Change of use from school playing fields (D1) to public open space (D2).

### 4.3 Key Issues

#### 4.3.1 The key issues for consideration are as follows:

- The impact the proposed change of use would have on the openness and character of the Green Belt.
- The impact the proposed change of use would have on the living conditions of local residents.
- The impact the proposed change of use would have on the landscape value of the site.

#### 4.3.2 Green Belt

The fundamental aim of Green Belt policy is to keep land permanently open. Moreover, paragraph 146 of the Framework states that material changes in the use of land would not be inappropriate development providing that the proposal would preserve the openness of the Green Belt and not conflict with its purposes. In my view, the proposal would comply with both of these requirements and would therefore not be inappropriate development in the Green Belt. Consequently the proposal would be compliant with Chapter 12 of the Framework, Saved Policy 2 and Emerging Policy SP5.

#### 4.3.3 Impact on neighbouring residents

The closest neighbours are situated on Hayling Drive and would be separated from the site by the road and some fairly dense hedges and trees. In my view, the proposed change of use would have little impact on the living conditions of any of the neighbouring properties.

#### 4.3.4 Landscape impact

The proposed change of use would result in very little impact on the overall character, appearance or landscape value of the site. As a consequence, the proposal would not conflict with Policy 14 of the DLP.

#### 4.3.5 Impact on Putteridge Park

The northern boundary of the application site borders the southern boundary of the grade II listed Putteridge Park. Hertfordshire Gardens Trust have previously been consulted on the proposal commenting that the proposed change of use would not harm the setting of the park. I am minded to agree with the view of the Trust and as such consider that the setting of grade II listed park would not be harmed as a result of the proposed change of use.

### 4.4 Conclusion

#### 4.4.1 With due consideration given to the information submitted with the application and any representations received, it is my view that the proposed change of use would be compliant with the relevant local and national planning policy. In the absence of material planning reasons to the contrary, it is therefore my view that planning permission should be **GRANTED**.

## 5.0 **Legal Implications**

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

## 6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

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

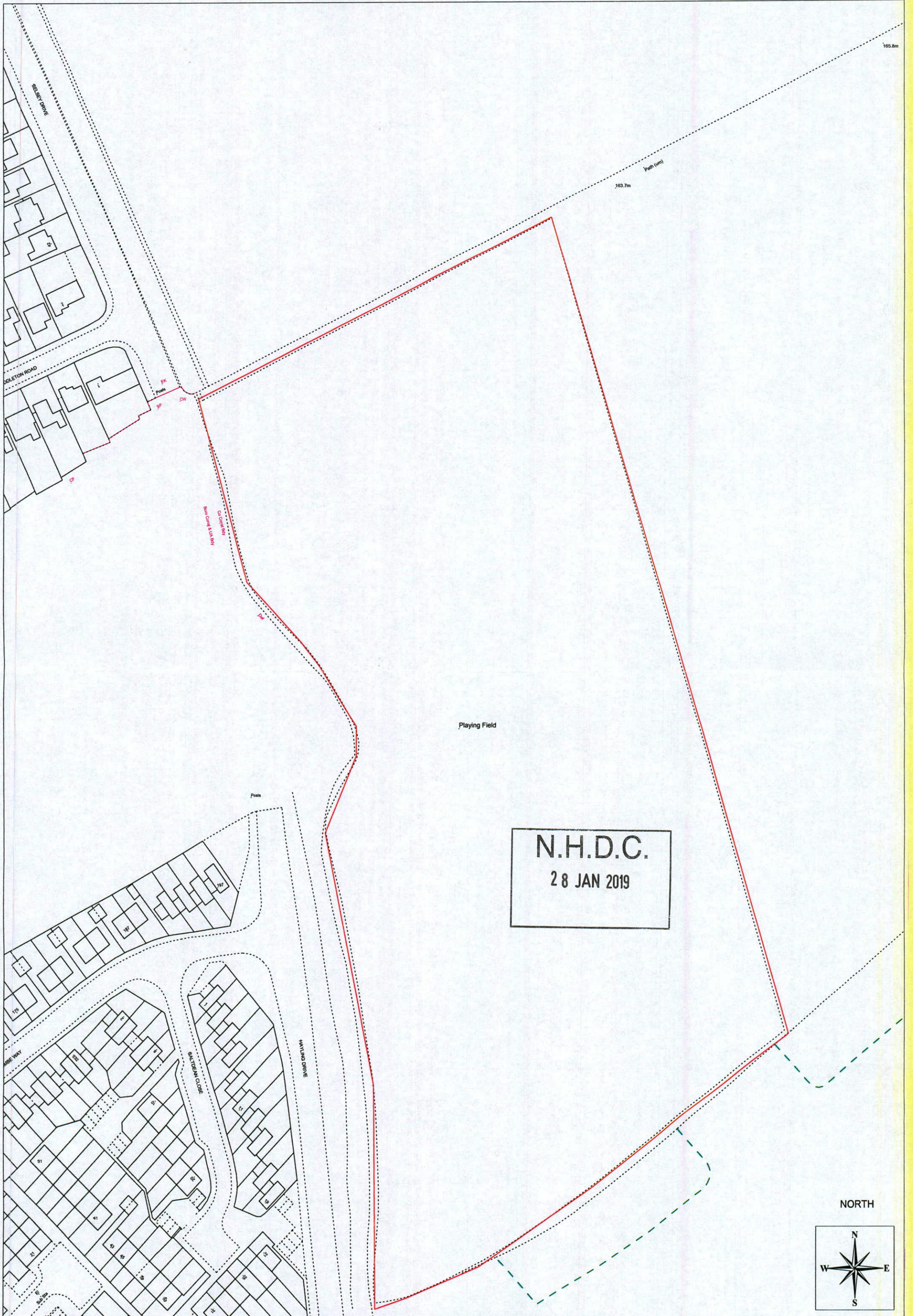
3. Prior to the first use of the public open space hereby permitted an ongoing Management and Maintenance plan shall be submitted to and approved by the Local Planning Authority. The agreed measures shall be observed in perpetuity.

Reason: To ensure that the land is maintained to an acceptable standard.

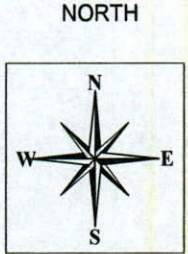
### **Proactive Statement:**

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.





N.H.D.C.  
28 JAN 2019



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<b>ITEM NO:</b>	
<u>Location:</u>	<b>National Grid Cadwell Lane Hitchin Hertfordshire SG4 0SL</b>
<u>Applicant:</u>	<b>Mr Ben Wallace</b>
<u>Proposal:</u>	<b>Construction and operation of an urban reserve 2x 2MW gas fired power plant</b>
<u>Ref. No:</u>	18/03282/FP
<u>Officer:</u>	<b>Tom Donovan</b>

**Date of expiry of statutory period**

29<sup>th</sup> March 2019

**Submitted Plan Nos.**

WAL-01; WAL-02; WAL-03; WAL-04; WAL-05; WAL-06; WAL-07; WAL-08.

**Reason for Delay**

Negotiations with applicant.

**Reason for Referral to Committee**

Councillor Collins has 'called-in' the application in the wider public interest with specific concerns in relation to the issue of air quality.

1.0 **Site History**

1.1 None relevant.

2.0 **Planning Policy**

2.1 **North Hertfordshire District Local Plan No.2 with alterations**

Policy 8 – Development in Towns

2.2 **National Planning Policy Framework**

Section 4 – Decision-making

Section 8 – Promoting healthy and safe communities

Section 12 – Achieving well designed places

Section 15 – Conserving and enhancing the natural environment

## 2.3 **Emerging Local Plan 2011-2031 (Proposed submission incorporating the main modifications)**

The policies of relevance in this instance are as follows:

### Strategic Policies

SP1: Sustainable development in North Hertfordshire  
SP2: Settlement Hierarchy  
SP9: Design and sustainability  
SP10: Healthy communities

### Development Management Policies

T1: Assessment of transport matters  
D1: Sustainable design  
D3: Protecting living conditions  
D4: Air quality  
NE11: Contaminated land

## 3.0 **Representations**

### 3.1 **Public Notice/ Local Residents**

One letter of objection based on air quality grounds.

### 3.2 **Hertfordshire County Council Highways**

No objection.

### 3.3 **Environmental Protection**

No objection subject to two recommended conditions.

### 3.4 **Environmental Health**

No objection.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

4.1.1 The application site is a rectangular parcel of land which is located adjacent to an existing warehouse at the far end of Wallace Way. The site currently appears to provide a car parking area in relation to the warehouse building next door to the site.

### 4.2 **Proposal**

4.2.1 'Construction and operation of an urban reserve 2x 2MW gas-fired power plant'.

4.2.2 Development required in association with the proposal as follows:

--2 x gas-powered generators;  
--1 x gas kiosk;  
--1 x transformer with 1m high concrete bollards;  
--Combined DNO ( ) and customer substation;  
--Double gates and 2.4m high palisade fence.

4.2.3 Section 3.1 of the Planning Statement describes the proposed development as follows:

--A fenced compound consisting of palisade fencing (2.4m) on all boundaries. A set of double gates will be located on the southern fence line of the site. The removal of trees necessary for the construction of the fence and installation of the plant would be undertaken outside the bird nesting season or under the direction of a suitably qualified ecologist;

--The compound would be accessed from Wallace Way, via an existing access;

--The compound would contain two 2MW generators in '40ft' steel containers (approximately 12.2m long, 2.45m wide) with exhaust stacks (7m high from ground level) and ventilation/cooling equipment mounted on the roof. These are referred to as 'gensets'; and

--Gas supply and sub-station connection points contained within kiosk/sub-station structures, along with a customer substation (within a '20ft' container). These are connected by underground gas pipelines and electricity cables, to the respective grids.

4.2.4 Section 1.1 of the Atmospheric Dispersion Modelling Report February 2019 provides the following information about the generators themselves:

--They will be natural gas fired generating sets and have a capacity of 2.0MW;

--The combustion emissions are discharged via individual 7m high exhaust stacks;

--The generators will comply with a nitrogen oxide (NO<sub>x</sub>) exhaust emission limit value (ELV) of <95mg/Nm<sup>3</sup> at 15% O<sub>2</sub>.

### 4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

--The principle of the development.

--The effect on the character and appearance of the area.

--The effect on the environment and on the living conditions of neighbouring properties.

--The effect on the safe operation of the highway.

#### 4.3.2 Principle

The proposal would not result in the loss of any usable employment or business floor space nor would it affect the delivery of such services. As such, I do not consider that there should be any objection to the principle of the proposed development.

#### 4.3.3 Design and appearance

The proposed development would not be aesthetically pleasing although clearly one must consider the industrial backdrop to the site and moreover, the fairly secluded nature of the application site. The site is small and the elements included as part of the proposal would appear fairly small in scale compared to the large industrial building which is located next to the site. Ultimately, given the fairly limited scale of the development and the context of the site I do not consider that there are compelling reasons to object on the basis of its impact on the wider character or appearance of the area.

#### 4.3.4 Effect on the environment: Air quality

An Atmospheric Dispersion Modelling report (Feb 2019 ref: 404.08678.00001) has been submitted in support of the application and this concludes that the impact of the proposal on air quality will be negligible. The objective of the study is to assess the impact of NO<sub>x</sub> emissions against the relevant Environmental Quality Standards for nitrogen dioxide (NO<sub>2</sub>) for the protection of human health and designated ecological receptors.

4.3.5 I have asked the Council's Environmental Protection Officer to review the submitted documentation and he agrees with the conclusions reached. However, to ensure that the development has an acceptable impact two conditions have been recommended. The first is to ensure that the flue stacks have a minimum height of 7m and the second is to ensure that NO<sub>x</sub> emission concentrations at 15% O<sub>2</sub> for the selected gas engines are  $\leq 95\text{mg.Nm}^{-3}$  and that they comply in all other respects with the Medium Combustion Plant Directive. On this basis I am satisfied that the proposed development would not have a negative effect on air quality in the area and would thus be compliant with the relevant sections of the Framework and Emerging Policy D4.

#### 4.3.6 Effect on the environment/ living conditions: Noise

A noise assessment report by SLR Consulting Limited has been submitted in support of the application and this has been considered by the Senior Environmental Health Officer as follows:

*"The report has concluded that noise from the plant at the nearest identified receptors will be very low and whilst no background noise levels were taken as part of the noise assessment, I am satisfied that the predicted levels are low enough such that the noise from the plant should be below or equal to the background noise level in each area. To this end, I agree with the conclusion reached in the report that the development is unlikely to have an adverse noise impact and I therefore have no objections to this application."*

I agree with the conclusions reached by the EHO and am satisfied that the proposed development would not cause harm to the living conditions of any of the neighbouring properties by way of noise associated with the plant.

#### 4.3.7 Effect on the safe operation of the highway

The Highways Authority has commented on the proposal raising no objection on highway safety grounds. The only caveat to this pertains to the provision of a visibility splay to the northern side of the existing access to ensure that visibility is sufficient for drivers entering and leaving the site. This is to be secured by way of condition.

#### 4.4 **Conclusion**

4.4.1 It is considered that the proposed development would be acceptable in land use terms and would moreover have an acceptable impact in highway safety terms and environmentally. Accordingly it is my recommendation that planning permission be **GRANTED**.

#### 4.5 **Alternative options**

4.5.1 Not applicable.

#### 4.6 **Pre-commencement conditions**

4.5.1 All agreed.

#### 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 Planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

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

3. Before the development hereby permitted is first brought into use a 2.4 metre x 22 metre vehicle to vehicle inter-visibility splay shall be provided and permanently maintained to the northern side of the existing access. It shall be measured from the point where the edge of the existing access crosses the adjacent carriageway, 2.4 metres into the site and 22 metre along the highway leading towards the builders merchants. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level.

Reason: To provide adequate visibility for drivers entering and leaving the adjacent site.

4. Notwithstanding the approved plans, each of the two (2) flue stacks shall be 7m high (measured from the finished ground level of the site). The flue stacks shall be maintained permanently on site at the stipulated height.

Reason: To ensure appropriate pollution dispersion and prevent adverse impacts from the emission of air pollution.

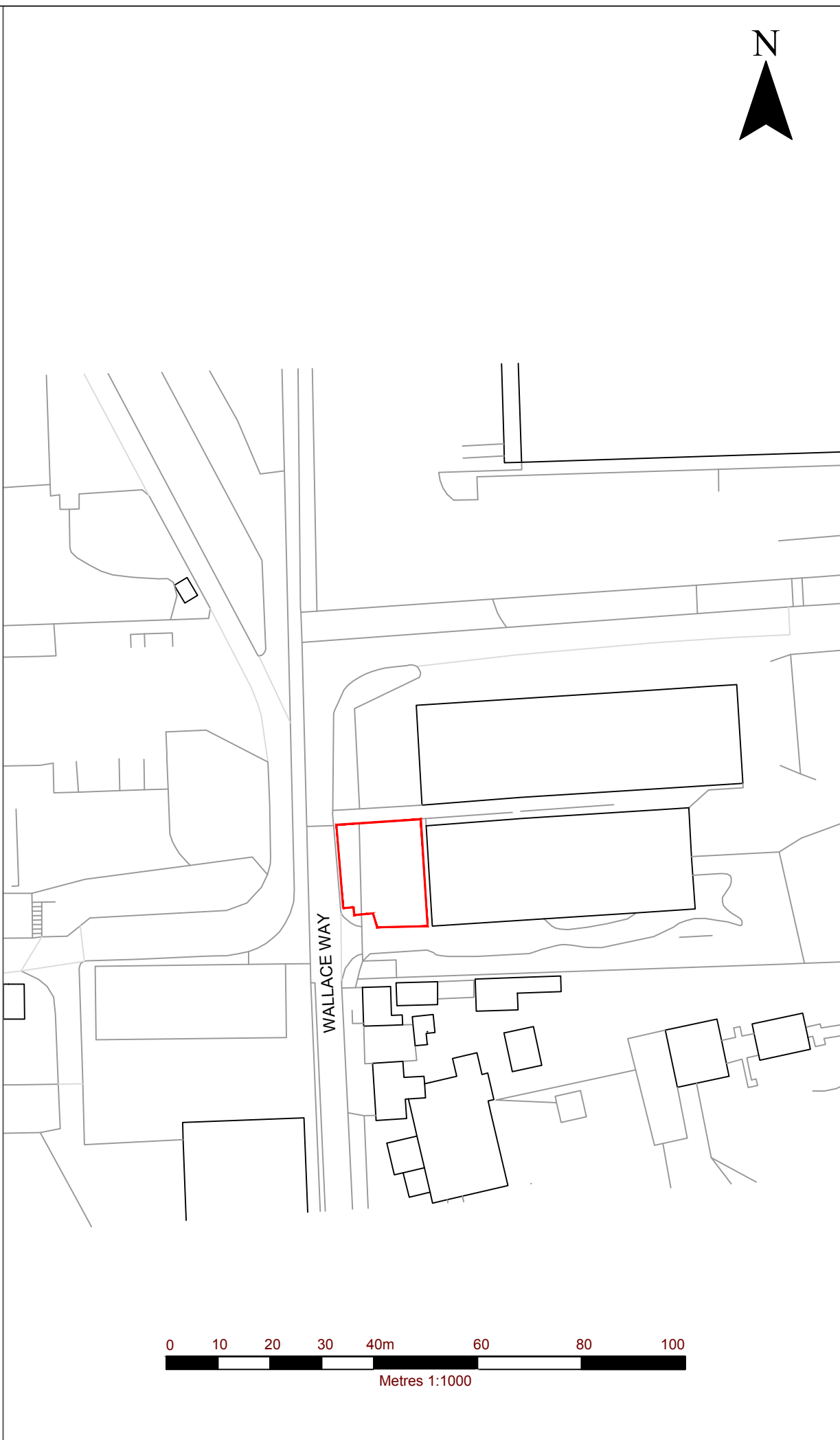
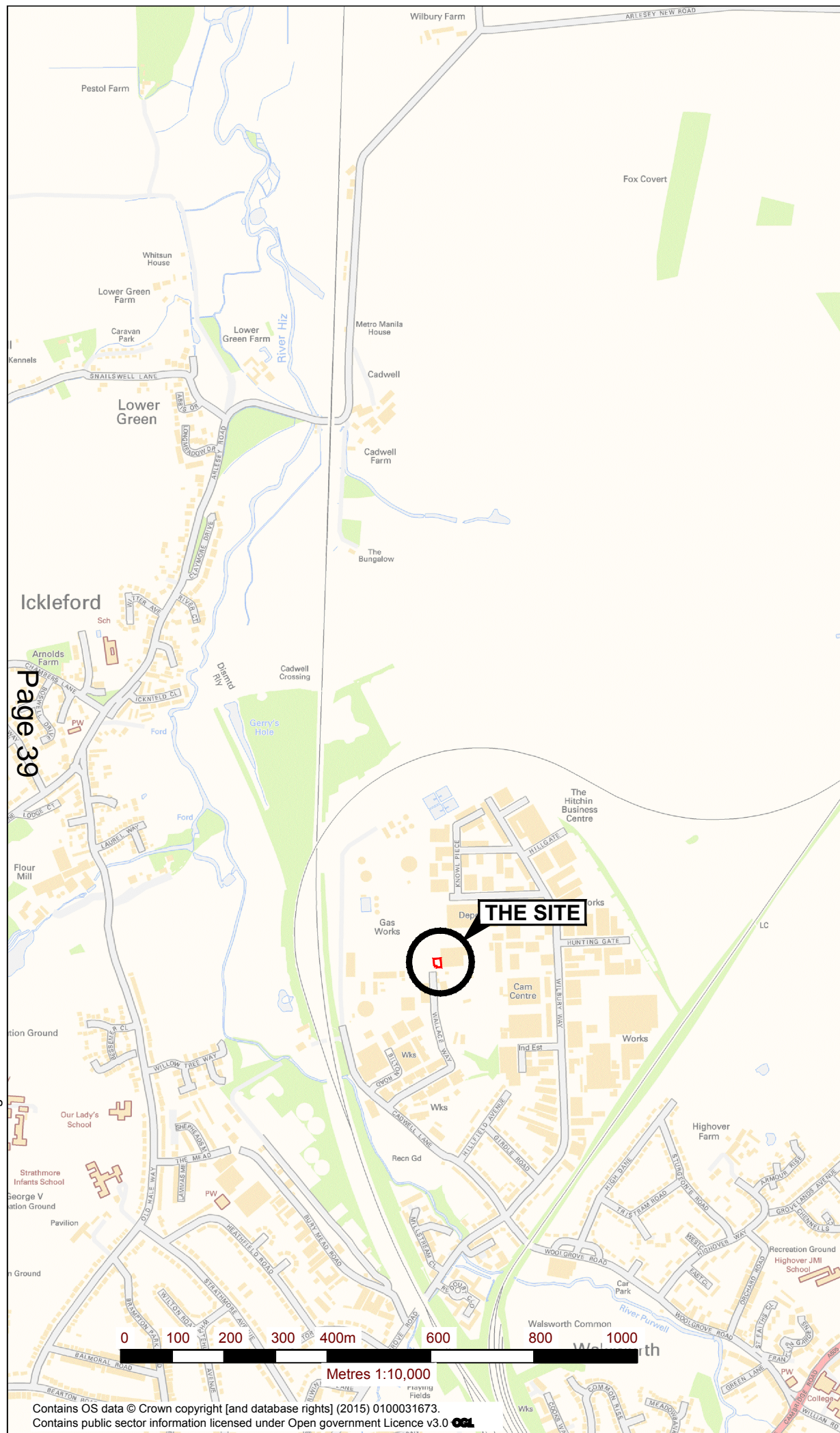
5. Prior to installation of the gas engines, evidence shall be submitted in writing to the Local Planning Authority that confirms that the NO<sub>x</sub> emission concentrations at 15% O<sub>2</sub> for the selected gas engines are < 95mg.Nm<sup>-3</sup>. And that they comply in all other respects with the Medium Combustion Plant Directive. Gas engines which do not comply with the above are not permitted to be installed at the site.

Reason: To control and minimise the generation of air pollution

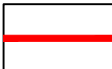
### **Proactive Statement**

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.






**NOTES**  
 1. DETAIL SHOWN HAS BEEN TAKEN FROM MODUS DRAWING, DRAWING REF: 715-CV-1301, DATED: 29.11.2018.

**LEGEND**  
 SITE BOUNDARY (0.03ha)

**URBAN RESERVE**  
 by  **AGGREGATED MICRO POWER**

**SLR** global environmental solutions  SUITE 5, BRINDLEY COURT  
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 WALLACE WAY, HITCHIN SG4 0SE**

**WALLACE POWER  
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**SITE LOCATION PLAN**

**WAL-01**

Scale AS SHOWN @ A3 Date DECEMBER 2018

08071.00001.16.WAL-01.0A Site Location Plan.dwg

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<b>ITEM NO:</b>	
<u>Location:</u>	<b>The Gables High Street Barley Royston Hertfordshire SG8 8HY</b>
<u>Applicant:</u>	<b>Mr &amp; Mrs J Winstanley</b>
<u>Proposal:</u>	<b>Section 73 Application: Relating to Application 17/02316/1 granted on 30/05/2018 - Variation of Condition 2 (Approved Plans) to facilitate a change of design and appearance of plot 7 and variations to the dwelling type, scale and appearance of Plots 1, 2, 3 and 8 (as amended by drawings received 22/02/2019).</b>
<u>Ref. No:</u>	19/00003/S73
<u>Officer:</u>	<b>Tom Allington</b>

### **Date of expiry of Statutory period**

27<sup>th</sup> February 2019

### **Reason for delay**

An extension of time has been agreed in order to allow the application to be presented to Planning Control Committee.

### **Reason for referral to Planning Control Committee**

The site area exceeds 0.5 hectares and under the Council's scheme of delegation this application for residential development must be determined by the Planning Control Committee.

### **1.0 Site History**

- 1.1 16/02760/1 - Residential development of nine dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick'. Withdrawn prior to determination.
- 1.2 17/00638/1PRE – Pre-application for 9 residential units. No formal/ written advice provided.

- 1.3 17/02316/1 - Residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick' (as amended by drawings received 7<sup>th</sup> November 2017, 1<sup>st</sup> January 2018, 9<sup>th</sup> February 2018 and 19<sup>th</sup> March 2018). Approved by Planning Control Committee 24<sup>th</sup> May 2018 (Decision notice issued/ dated 30<sup>th</sup> May 2018).
- 1.4 18/02299/FP - Erection of 10no. residential dwellings and provision of car parking area with all associated landscaping and ancillary works (as a revision to application 17/02316/1 approved on 30/05/18) (as amended by drawings received 8<sup>th</sup> November 2018). Refused by Planning Control Committee 13<sup>th</sup> December 2018.
- 1.5 18/03349/S73 – Section 73 Application: Relating to Application 17/02316/1 granted on 30/05/2018 - Variation of Condition 2 (Approved Plans) to facilitate a relocation and change of appearance of plot 7, switching it with the location of approved plots 4-6 and variations to the dwelling type, scale and appearance of Plots 1, 2, 3 and 8 (as amended by drawings received 22/02/2019). Under consideration (Officer recommendation of approval to Planning Committee 14/03/2019)

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan No.2 with alterations**

Policy 6 – Rural Areas beyond the Green Belt

Policy 7 – Selected Villages beyond the Green Belt

Policy 16 – Areas of Archaeological Significance and other Archaeological Areas

Policy 55 - Car Parking Standards

Policy 57 - Residential Guidelines and Standards

### 2.2 **National Planning Policy Framework (2019)**

In general and with regard to:

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong, competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

Specifically paragraphs 11, 77 and 78 ('Rural Housing'), 127 and 130 ('Achieving well designed places'), 163 ('Planning and Flood Risk'), 192 and 193 and 194 and 196 ('Conserving and enhancing the historic environment')

## 2.3 North Hertfordshire Draft Local Plan 2011-2031

This report considers and takes account of the Emerging Local Plan policies as modified by the Local Plan Examination Inspector. The Inspectors Schedule of Modifications for the Emerging Local Plan were published on 19<sup>th</sup> November 2018. The modifications were considered by the Councils Cabinet on 10<sup>th</sup> December, whereby the public consultation on the modifications was approved and which is currently taking place at the time of drafting this report (although which would have closed by the committee meeting). The policies of relevance in this instance are as follows:

### Strategic Policies

SP1: Sustainable development in North Hertfordshire  
SP2: Settlement Hierarchy  
SP5: Countryside and Green Belt  
SP8: Housing  
SP9: Design and sustainability  
SP10: Healthy Communities  
SP12: Green infrastructure, biodiversity and landscape  
SP13: Historic environment

### DM Policies

T2: Parking  
D1: Sustainable design  
D3: Protecting living conditions  
CGB1: Rural Areas beyond the Green Belt  
CGB2: Exception sites in rural areas  
HS2: Affordable Housing  
HS3: Housing Mix  
NE1: Landscape  
NE8: Sustainable drainage systems  
NE11: Contaminated land  
HE1: Designated heritage assets  
HE4: Archaeology

## 3.0 Representations

### 3.1 **Barley Parish Council** – Objection.

- In our opinion a Section 73 application is not the appropriate vehicle for the applicant to be using to seek these alterations to the consented scheme and we take issue with his interpretation of Section 73 of The Town and Country Planning Act 1990. By changing variously the location, massing, bulk, design and materials of the original composition that was consented, these changes are clearly not “minor material amendments” but rather are more fundamental.

- The impact of these proposals goes beyond being questionable; they would cause further demonstrable harm to the character and appearance of the village, the enjoyment of the adjoining green lane and the quality of the Barley Conservation Area. This is particularly so in relation to the proposed changes to Plot 7 which was originally proposed to be a 2 storey 3 bedroomed barn style house but which now becomes a 3 storey house of 5 bedrooms with a significant increase in the bulk and perceived height of the proposed dwelling, not to mention the radical change in materials.
- 3.2 **Neighbours/ Local Residents** – The application has been advertised via neighbour notification letters, the display of site notices and a press notice. No representations received.
- 3.3 **NHDC Conservation Officer** – No Objection. Although no written representations have been received, the Conservation officer has provided verbal advice, indicating that whilst the preference is the originally approved scheme (ref. 17/02316/1), the proposed changes under this scheme would not amount to any significant harm to heritage assets and so no objection is raised.
- 3.4 **NHDC Landscape and Urban Design Officer** – Concerns raised regarding the scale and bulk of the newly proposed Plot 7, compared to the remainder of the development
- 3.5 **HCC Highways** – No objection.
- 3.6 **HCC Historic Environment (Archaeology)** – No objection, subject to conditions.
- 3.7 **HCC Lead Local Flood Authority** – No objection.
- 4.0 **Planning Considerations**
- 4.1 **Site and Surroundings**
- 4.1.1 The application site is located towards the north-western edge of the village of Barley. The main portion of the site is made up of the large rear garden of the residential property 'The Gables' and the adjoining paddock land immediately to the north of this. This land sits behind properties along the west side of the High Street (B1368), including the Barley GP Surgery and the 'White Posts' Grade II Listed Building. The application site area shown within the red edge also includes the access road which leads from the High Street to the Surgery car park, around the northern side of the GP Surgery and leads to the paddock land and provides access to two further properties on the High Street, Chadwick and Barley Croft. The application site also includes the car park to the front of the surgery and the land immediately to the rear of the surgery building (however, the application site does not include the surgery building itself).

4.1.2 Under the saved polices of the North Hertfordshire Local Plan 1996 the main portion of the site (The Gables garden and the paddock) is located outside of the Barley village boundary (the access road and land at the surgery is within the village boundary). However, the village boundary is proposed to be altered under the Emerging NH Local Plan 2011-2031, which is currently under consideration by the Planning Inspectorate as part of the Examination in Public (this has not been altered/ amended under the Main Modifications). The Emerging Local Plan shows that the land within the curtilage of The Gables would be included within the village boundary, which accounts for approximately one half of the main part of the site, with only the paddock land remaining outside of the village boundary. The site is also located within the Barley Conservation Area, which also extends over the fields/ paddocks to the west of the site.

## 4.2 Proposal

4.2.1 This is an application under Section 73 of the Town and Country Planning Act 1990, seeking to amend Condition 2 of planning approval reference 17/02316/1 (approved by committee on 24<sup>th</sup> May 2018). Condition 2 required that:

*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.*

4.2.2 Hence, this application seeks to make amendments to the previous approved scheme and alter the approved plans. The proposed amendments are listed as follows:

- Plot 1 and 2: altered from a pair of semi-detached red-brick, 2-bedroom dwellings to a pair of semi-detached rendered, 3-bedroom dwellings.

- Plot 3: altered from a detached, red-brick 2-bedroom dwelling to a larger detached, part-rendered and part-timber clad 3-bedroom dwelling

(- Plots 4-6: Row of x3 terraced properties to remain as approved - x3 2-bedroom dwellings)

- Plot 7: altered from large, barn style detached dwelling of dark timber cladding, 2 storeys and of 3-4 bedrooms to a large, 2.5 storeys, detached, rendered 5-bedroom dwelling.

- Plot 8: altered from detached, red-brick 2-bedroom dwelling to a larger detached, timber-clad 3-bedroom dwelling.

To summarise, the previously approved scheme included for 4no. two bedroom dwellings, 3no. two/three bedroom dwellings and 1no. three/four bedroom dwelling. The proposed scheme would include 3no. two-bedroom dwellings, 4no. three-bedroom dwellings and 1no. five-bedroom dwelling.

4.2.3 All other aspects of the proposal would remain as previously approved (including works/ improvements to the access, improvements at the Doctors Surgery, a new double garage which would serve the neighbouring property at Chadwick and an open-green space at the centre of the site).

### 4.3 Key Issues

4.3.1 It is noted that the original application reference 17/02316/1, was recommended for approval (and subsequently approved by committee) on the basis that in the officers view, whilst it was finely balanced, the various public benefits outweighed the identified harm to the setting of the conservation area and to the Grade II Listed White Posts. Therefore, a tilted balance was applied in favour of the development, in accordance with former paragraph 14 of the older NPPF (now paragraph 11 of the revised NPPF 2019).

4.3.2 A subsequent application has since been refused for this same site, which proposed 10 dwellings under reference 18/02299/FP (refused by planning committee in December 2018). In that instance, the same planning balance was applied, however it was found that the harm to heritage assets was increased and the benefits of the scheme were reduced. As such, the tilted balance was not applied and subsequently the application was found to be unacceptable and was refused.

4.3.3 In considering the amended scheme as now proposed, whilst the scale, design and appearance of 5 of the 8 dwellings would be altered, overall, it is my professional view that the amended scheme would not result in any significant harm to the setting of heritage assets, in order to over-turn the original planning balance. The proposal would retain a good mix of housing type and size (3no. 2-bedroom dwellings, 4no. 3-bedroom dwellings and 1no. 5-bedroom dwellings). Additionally, the overall form and layout of the site would remain as originally approved (and as designed/ negotiated by the Council's Senior Planning Officer). Of particular importance and significance is that the central green space would be retained and the more sensitive north-western corner of the site would remain open.

4.3.4 It is noted that particular concerns have been raised by the Parish Council with regard to the change to Plot 7. It is acknowledged that this would comprise the most significant change, whereby a dark-timber- clad dwelling designed to reflect an agricultural barn is proposed to be replaced with a large, 2.5 storey 5 bedroom dwelling. However, the newly proposed building would be of a similar height and width to that previously approved and would sit within a generous, spacious plot at the end of the development and so would not result in a cramped form of development. Again, although the original approval is preferable in this instance, the amended proposal would also be of a suitable design and would not result in any significant harm so as to justify a reason for refusal and/or to over-turn the planning balance.

4.3.5 As noted at 3.3 above, the Council's Senior Conservation Officer has considered the amended proposals and is of the view that whilst the original proposals may be preferred, the scheme now under consideration would not cause undue harm so as to swing the planning balance. Officers are also of the view that in hindsight, the originally approved scheme included four dwellings which would have been of facing red-brick, all at the same part of the site (Plots 1 – 3 and Plot 8) which would not have been reflective of the Barley Conservation Area (which is largely of rendered and cladded properties). As such, it is considered that the proposed amendments to Plots 1- 3 and 8, whereby they would now be of render and painted timber cladding, would represent an improvement compared to the approved scheme and which would provide an overall scheme more in keeping with the conservation area.

4.3.6 In light of the above, although the appearance of the site would be materially changed (compared to that previously approved), it is considered that this would not, on balance, be any more harmful to the setting of heritage assets. Therefore, it remains that the benefits of the proposal would still outweigh the harm and so a tilted balance is applied in favour of the proposals, in accordance with Paragraph 11 of the NPPF. Accordingly, the proposal is considered acceptable in principle.

#### 4.3.7 **Further considerations**

##### 4.3.8 **The living conditions of adjoining and future occupiers**

As the layout of the site is to remain as originally approved, with the eight plots in approximately same position and of the same size, the impact on the amenity of existing and future residents would not be materially changed.

##### 4.3.9 **Access and Highway safety**

As clarified by the HCC Highway Officer, the number of units would remain at eight, as originally approved and so there would be no material impact on the highway safety and no material impact on the local and wider highway network.

4.3.10 As above, given that the number of units is not being altered, the general form and layout of the site is remaining as approved, there would be no material alteration to the impact on the remaining areas of consideration, such as Archaeology, Ecology, Surface Water Drainage and Land contamination, as has been confirmed by the relevant statutory consultees.

##### 4.3.11 **Nature of the application**

Concerns have been raised by the Parish Council with regard to the nature of this application. To clarify, it is my opinion that the application is suitable and falls within planning legislation and the extent of the changes can be considered under a Section 73 application. The description of the originally approved application reads as follows:

*Residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick' (as amended by drawings received 7th November 2017, 11<sup>th</sup> January 2018, 9th February 2018 and 19th March 2018).*

4.3.12 The proposed amendments fall within the remit of the approved description (i.e. the description does not need to be altered as a result of the amendments) and whilst material, the amendments are not so significant so as to fundamentally change the nature of the proposed development. As such, Officers are satisfied that the proposed amendments can be considered under this Section 73 application (rather than requiring a new application).

#### 4.3.13 **Conditions**

4.3.14 The original planning approval, reference 17/023161, included 21 conditions. All of these conditions remain relevant and so are to be carried over and included as part of any recommendation for approval. The only condition to be altered is Condition 1, which requires that 'the development shall be commenced within 3 years of the date of the permission'. This is to be altered so that it is not three years from the date of this permission, but three years from the date of the original approval (i.e. from 30<sup>th</sup> May 2018).

#### 4.4 **Conclusion**

4.4.1 The amended proposals would not result in any significant, additional harm to heritage assets, compared to the originally approved scheme. As such, as with the original approval under reference 17/02316/1, although it is acknowledged that the proposed development would result in less than substantial harm to heritage assets, when considering the overall planning balance, it is found that the significant public benefits would outweigh any harm. As such, the proposed development is considered to be acceptable. I consider there to be no sustainable planning objections to raise to the application and so I recommend that planning permission again be granted for this amended scheme, subject to certain safeguards set out in the conditions recommended below.

#### 4.5 **Alternative Options**

4.5.1 The scheme presented is affectively a re-submission of an alternative scheme which was found to be acceptable. As such, the only applicable alternative is considered to be that which already has permission under reference 17/02316/1 or an alternative scheme as also proposed under reference 18/03349/S73.

#### 4.6 **Pre-Commencement Conditions**

4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

#### 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 30th May 2021.

Reason: To comply with the provisions of Section 73(5a) of the Town and Country Planning Act 1990.

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. The development shall not begin until a scheme for the provision of at least 25% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- 1 the numbers, type and tenure on the site of the affordable housing provision to be made;
- 2 the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- 3 the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

5. No more than 4 of the 8 dwellings hereby approved shall be occupied until all of the car parking at the Doctors surgery has been properly formed and laid out and is available for use and the electricity sub-station has been relocated in accordance with drawings 396x36b and 396x30b.

Reason: In order to secure the wider public benefits of the development hereby approved.

6. 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.

e) details of on-site bin/ waste storage for each plot

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

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

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

8. Before the 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.

9. The development hereby permitted shall not be occupied until the reconfigured access and principal access road has been widened to 5.5 metres wide for the first 70 metres thereafter being narrowed to a minimum of 5.0 metres wide up to the new turning area as identified on the in principle drawing number 396 30 revision B to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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

10. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 43 metres in a both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

11. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

12. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The Siting and details of wheel washing facilities;
- d. Cable trenches within the public highway that affect traffic movement of existing residents;
- e. Foundation works that may affect traffic movement of existing residents;
- f. Cleaning of site entrances and the adjacent public highways and,
- g. Disposal of surplus materials.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

13. Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:
  - a. Roads, footways, foul and on-site water drainage.
  - b. Proposed access arrangements including visibility splays, with acceptable Stage 1 Road Safety Audit;
  - c. Servicing areas, loading areas and turning areas for all vehicles.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

14. No 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:
  - a. The programme and methodology of site investigation and recording;
  - b. The programme and methodology of site investigation and recording as required by the archaeological evaluation;  
[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)
  - c. The programme for post investigation assessment;
  - d. Provision to be made for analysis of the site investigation and recording;
  - e. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - f. Provision to be made for archive deposition of the analysis and records of the site investigation;
  - g. 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.

15. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 13.

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

16. 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 13 and the provision made for analysis and publication where appropriate.

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

17. The development permitted by this planning permission shall be carried out in accordance with the approved Pelham Structure Ltd. Dated October 2016 and the Flood Risk & Surface Water Assessment carried out by Base Energy dated 18 December 2017, submitted and the following mitigation measures detailed within the FRA:

- a. 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.
- b. 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.
- c. Provide a flood storage area to intercept and accommodate overland flows.

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

18. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Pelham Structure Ltd. Dated October 2016 and the Flood Risk & Surface Water Assessment carried out by Base Energy dated 18 December 2017, submitted and the following mitigation measures detailed within the FRA;

- a. Infiltration tests carried in accordance with BRE Digest 365.
- b. Full detailed engineering drawings of all SuDS features including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- c. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
- d. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

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

19. 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.

20. (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 (a) of this condition, 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 (a) and (b) of this condition, 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.

21. Prior to occupation, each of the 8 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.

**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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

1. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.
2. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

3. Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service (Tel: Direct line 01992 555243) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way adjacent to the site access.

4. EV Charging Point Specification:

The 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.

















5. The removal or severe pruning of trees and shrubs 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 vegetation clearance and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should stop until the birds have left the nest.

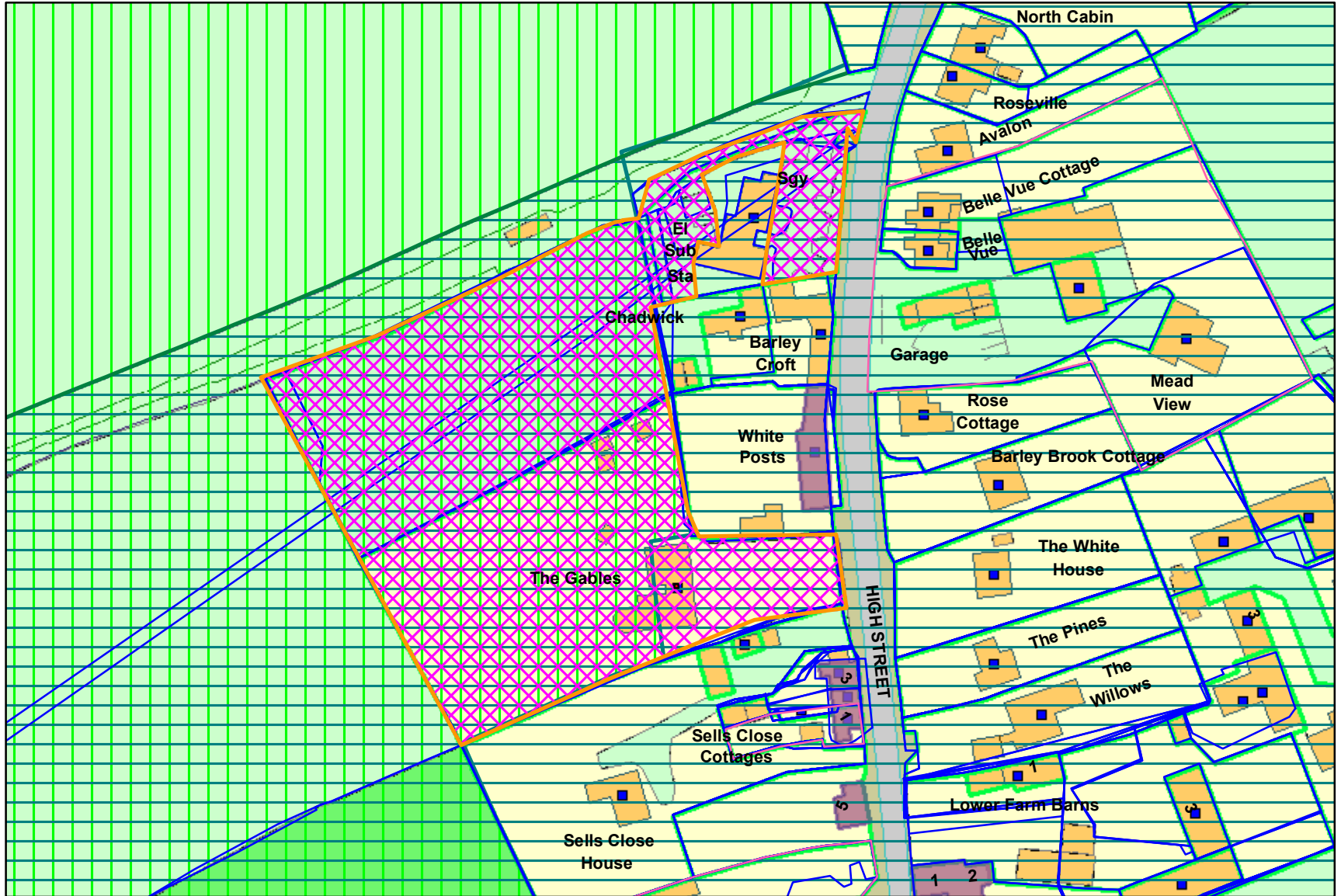




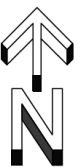
## Application Validation Sheet

19/00003/S73 The Gables, High Street, Barley, Royston, Hertfordshire, SG8 8HY

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



Scale 1:1,250  
Date: 28/02/2019



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<b>ITEM NO:</b>	
<u>Location:</u>	<b>The Gables High Street Barley Royston Hertfordshire SG8 8HY</b>
<u>Applicant:</u>	<b>Mr &amp; Mrs J Winstanley</b>
<u>Proposal:</u>	<b>Section 73 Application: Relating to Application 17/02316/1 granted on 30/05/2018 - Variation of Condition 2 (Approved Plans) to facilitate a relocation and change of appearance of plot 7, switching it with the location of approved plots 4-6 and variations to the dwelling type, scale and appearance of Plots 1, 2, 3 and 8 (as amended by drawings received 22/02/2019).</b>
<u>Ref. No:</u>	18/03349/S73
<u>Officer:</u>	<b>Tom Allington</b>

### **Date of expiry of Statutory period**

18<sup>th</sup> February 2019

### **Reason for delay**

An extension of time has been agreed in order to allow the application to be presented to Planning Control Committee.

### **Reason for referral to Planning Control Committee**

The site area exceeds 0.5 hectares and under the Council's scheme of delegation this planning application for residential development must be determined by the Planning Control Committee.

## **1.0 Site History**

- 1.1 16/02760/1 - Residential development of nine dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick'. Withdrawn prior to determination.
- 1.2 17/00638/1PRE – Pre-application for 9 residential units. No formal/ written advice provided.

- 1.3 17/02316/1 - Residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick' (as amended by drawings received 7<sup>th</sup> November 2017, 1<sup>st</sup> January 2018, 9<sup>th</sup> February 2018 and 19<sup>th</sup> March 2018). Approved by Planning Control Committee 24<sup>th</sup> May 2018 (Decision notice issued/ dated 30<sup>th</sup> May 2018).
- 1.4 18/02299/FP - Erection of 10no. residential dwellings and provision of car parking area with all associated landscaping and ancillary works (as a revision to application 17/02316/1 approved on 30/05/18) (as amended by drawings received 8<sup>th</sup> November 2018). Refused by Planning Control Committee 13<sup>th</sup> December 2018.
- 1.5 18/00009/S73 – Section 73 Application: Relating to Application 17/02316/1 granted on 30/05/2018 - Variation of Condition 2 (Approved Plans) to facilitate a change of design and appearance of plot 7 and variations to the dwelling type, scale and appearance of Plots 1, 2, 3 and 8 (as amended by drawings received 22/02/2019). Under consideration (Officer recommendation of approval to Planning Committee 14/03/2019)

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan No.2 with alterations**

- Policy 6 – Rural Areas beyond the Green Belt
- Policy 7 – Selected Villages beyond the Green Belt
- Policy 16 – Areas of Archaeological Significance and other Archaeological Areas
- Policy 55 - Car Parking Standards
- Policy 57 - Residential Guidelines and Standards

### 2.2 **National Planning Policy Framework (2019)**

In general and with regard to:

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

Specifically paragraphs 11, 77 and 78 ('Rural Housing'), 127 and 130 ('Achieving well designed places'), 163 ('Planning and Flood Risk'), 192 and 193 and 194 and 196 ('Conserving and enhancing the historic environment')

## 2.3 North Hertfordshire Draft Local Plan 2011-2031

This report considers and takes account of the Emerging Local Plan policies as modified by the Local Plan Examination Inspector. The Inspectors Schedule of Modifications for the Emerging Local Plan were published on 19<sup>th</sup> November 2018. The modifications were considered by the Councils Cabinet on 10<sup>th</sup> December, whereby the public consultation on the modifications was approved and which is currently taking place at the time of drafting this report (although which would have closed by the committee meeting). The policies of relevance in this instance are as follows:

### Strategic Policies

SP1: Sustainable development in North Hertfordshire  
SP2: Settlement Hierarchy  
SP5: Countryside and Green Belt  
SP8: Housing  
SP9: Design and sustainability  
SP10: Healthy Communities  
SP12: Green infrastructure, biodiversity and landscape  
SP13: Historic environment

### DM Policies

T2: Parking  
D1: Sustainable design  
D3: Protecting living conditions  
CGB1: Rural Areas beyond the Green Belt  
CGB2: Exception sites in rural areas  
HS2: Affordable Housing  
HS3: Housing Mix  
NE1: Landscape  
NE8: Sustainable drainage systems  
NE11: Contaminated land  
HE1: Designated heritage assets  
HE4: Archaeology

## 3.0 Representations

### 3.1 **Barley Parish Council** – Objection.

- In our opinion a Section 73 application is not the appropriate vehicle for the applicant to be using to seek these alterations to the consented scheme and we take issue with his interpretation of Section 73 of The Town and Country Planning Act 1990. By changing variously the location, massing, bulk, design and materials of the original composition that was consented, these changes are clearly not “minor material amendments” but rather are more fundamental.

- The impact of these proposals goes beyond being questionable; they would cause further demonstrable harm to the character and appearance of the village, the enjoyment of the adjoining green lane and the quality of the Barley Conservation Area. This is particularly so in relation to the proposed changes to Plot 7 which was originally proposed to be a 2 storey 3 bedroomed barn style house but which now becomes a 3 storey house of 5 bedrooms with a significant increase in the bulk and perceived height of the proposed dwelling, not to mention the radical change in materials.
- 3.2 **Neighbours/ Local Residents** – The application has been advertised via neighbour notification letters, the display of site notices and a press notice. No representations received.
- 3.3 **NHDC Conservation Officer** – No Objection. Although no written representations have been received, the Conservation officer has provided verbal advice, indicating that whilst the preference is for the originally approved scheme (ref. 17/02316/1), the proposed changes under this scheme would not amount to any significant harm to heritage assets and so no objection is raised.
- 3.4 **NHDC Landscape and Urban Design Officer** – Concerns raised regarding the scale and bulk of the newly proposed Plot 7, compared to the remainder of the development.
- 3.5 **HCC Highways** – No objection.
- 3.6 **HCC Historic Environment (Archaeology)** – No objection, subject to conditions.
- 3.7 **HCC Lead Local Flood Authority** – No objection.
- 4.0 **Planning Considerations**
- 4.1 **Site and Surroundings**
- 4.1.1 The application site is located towards the north-western edge of the village of Barley. The main portion of the site is made up of the large rear garden of the residential property 'The Gables' and the adjoining paddock land immediately to the north of this. This land sits behind properties along the west side of the High Street (B1368), including the Barley GP Surgery and the 'White Posts' Grade II Listed Building. The application site area shown within the red edge also includes the access road which leads from the High Street to the Surgery car park, around the northern side of the GP Surgery and leads to the paddock land and provides access to two further properties on the High Street, Chadwick and Barley Croft. The application site also includes the car park to the front of the surgery and the land immediately to the rear of the surgery building (however, the application site does not include the surgery building itself).

4.1.2 Under the saved polices of the North Hertfordshire Local Plan 1996 the main portion of the site (The Gables garden and the paddock) is located outside of the Barley village boundary (the access road and land at the surgery is within the village boundary). However, the village boundary is proposed to be altered under the Emerging NH Local Plan 2011-2031, which is currently under consideration by the Planning Inspectorate as part of the Examination in Public (this has not been altered/ amended under the Main Modifications). The Emerging Local Plan shows that the land within the curtilage of The Gables would be included within the village boundary, which accounts for approximately one half of the main part of the site, with only the paddock land remaining outside of the village boundary. The site is also located within the Barley Conservation Area, which also extends over the fields/ paddocks to the west of the site.

## 4.2 Proposal

4.2.1 This is an application under Section 73 of the Town and Country Planning Act 1990, seeking to amend Condition 2 of planning approval reference 17/02316/1 (approved by committee on 24<sup>th</sup> May 2018). Condition 2 required that:

*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.*

4.2.2 Hence, this application seeks to make amendments to the previous approved scheme and alter the approved plans. The proposed amendments are listed as follows:

- Plot 1 and 2: altered from a pair of semi-detached red-brick, 2-bedroom dwellings to a pair of semi-detached rendered, 3-bedroom dwellings.

- Plot 3: altered from a detached, red-brick 2-bedroom dwelling to a larger detached, part-rendered and part-timber clad 3-bedroom dwelling

(- Plots 4-6: Row of x3 terraced properties to remain as approved - x3 2-bedroom dwellings)

- Plots 4-6 and 7: Plot 7 altered from large, barn style detached dwelling of dark timber cladding, 2 storeys and of 3-4 bedrooms to a large, 2.5 storeys, detached, rendered 5-bedroom dwelling. Plots 4-6 remain the same as previously approved, however location altered and moved south so as to swap location with Plot 7 and Plot 7 moved north. As such, the detached dwelling becomes 'Plot 4' and the row of three terraced properties becomes 'Plots 5-7.'

- Plot 8: altered from detached, red-brick 2-bedroom dwelling to a larger detached, timber-clad 3-bedroom dwelling.

To summarise, the previously approved scheme included for 4no. two bedroom dwellings, 3no. two/three bedroom dwellings and 1no. three/four bedroom dwelling. The proposed scheme would include 3no. two-bedroom dwellings, 4no. three-bedroom dwellings and 1no. five-bedroom dwelling.

4.2.3 All other aspects of the proposal would remain as previously approved (including works/ improvements to the access, improvements at the Doctors Surgery, a new double garage which would serve the neighbouring property at Chadwick and an open-green space at the centre of the site).

### 4.3 Key Issues

4.3.1 It is noted that the original application reference 17/02316/1, was recommended for approval (and subsequently approved by committee) on the basis that in the officers view, whilst it was finely balanced, the various public benefits outweighed the identified harm to the setting of the conservation area and to the Grade II Listed White Posts. Therefore, a tilted balance was applied in favour of the development, in accordance with former paragraph 14 of the older NPPF (now paragraph 11 of the revised NPPF 2019).

4.3.2 A subsequent application has since been refused for this same site, which proposed 10 dwellings under reference 18/02299/FP (refused by planning committee in December 2018). In that instance, the same planning balance was applied, however it was found that the harm to heritage assets was increased and the benefits of the scheme were reduced. As such, the tilted balance was not applied and subsequently the application was found to be unacceptable and was refused.

4.3.3 In considering the amended scheme as now proposed, whilst the scale, design and appearance of 5 of the 8 dwellings would be altered (and the location of 4 of the dwellings, overall, it is my professional view that the amended scheme would not result in any significant harm to the setting of heritage assets, in order to over-turn the original planning balance. The proposal would retain a good mix of housing type and size (3no. 2-bedroom dwellings, 4no. 3-bedroom dwellings and 1no. 5-bedroom dwellings). Additionally, the overall form and layout of the site would remain as originally approved (and as designed/ negotiated by the Council's Senior Planning Officer). Of particular importance and significance is that the central green space would be retained and the more sensitive north-western corner of the site would remain open.

4.3.4 It is noted that particular concerns have been raised by the Parish Council with regard to the change to what is now Plot 4 and the location swap with the terrace of three properties of what is now Plots 5-7. It is acknowledged that this would comprise the most significant change, whereby a dark-timber-clad dwelling designed to reflect an agricultural barn is proposed to be replaced with a large, 2.5 storey 5 bedroom dwelling. In addition, the newly proposed 5-bedroom dwelling would now be located further north within the plot. However, the newly proposed building would be of a similar height and width to that previously approved and would still sit within a generous, spacious plot and so would not result in a cramped form of development. Again, although the original approval is preferable in this instance, the amended proposal would also be of a suitable design and would not result in any significant harm so as to justify a reason for refusal and/or to over-turn the planning balance.



- 4.3.5 As noted at 3.3 above, the Council's Senior Conservation Officer has considered the amended proposals and is of the view that whilst the original proposals may be preferred, the scheme now under consideration would not cause undue harm so as to swing the planning balance. Officers are also of the view that in hindsight, the originally approved scheme included four dwellings which would have been of facing red-brick, all at the same part of the site (Plots 1 – 3 and Plot 8), which would not have been reflective of the Barley Conservation Area (which is largely of rendered and cladded properties). As such, it is considered that the proposed amendments to Plots 1- 3 and 8, whereby they would now be of render and painted timber cladding, would represent an improvement compared to the approved scheme and which would provide an overall scheme more in keeping with the conservation area.
- 4.3.6 In light of the above, although the appearance of the site would be materially changed (compared to that previously approved), it is considered that this would not, on balance, be any more harmful to the setting of heritage assets. Therefore, it remains that the benefits of the proposal would still outweigh the harm and so a tilted balance is applied in favour of the proposals, in accordance with Paragraph 11 of the NPPF. Accordingly, the proposal is considered acceptable in principle.
- 4.3.7 **Further considerations**
- 4.3.8 **The living conditions of adjoining and future occupiers**  
As the layout of the site is to remain largely as originally approved, the impact on the amenity of existing and future residents would not be materially changed. Whilst plots 4-7 would be altered and swapped round, each of these proposed plots would still benefit from a suitable level of amenity and there would not be any adverse impacts on the amenity of existing properties which are in close proximity to the site.
- 4.3.9 **Access and Highway safety**  
As clarified by the HCC Highway Officer, the number of units would remain at eight, as originally approved and so there would be no material impact on the highway safety and no material impact on the local and wider highway network.
- 4.3.10 As above, given that the number of units is not being altered, the general form and layout of the site is remaining as approved, there would be no material alteration to the impact on the remaining areas of consideration, such as Archaeology, Ecology, Surface Water Drainage and Land contamination, as has been confirmed by the relevant statutory consultees (conditions relating to these matters are to be included on any grant of planning permission)..

#### 4.3.11 **Nature of the application**

Concerns have been raised by the Parish Council with regard to the nature of this application. To clarify, it is my opinion that the application is suitable and falls within planning legislation and the extent of the changes can be considered under a Section 73 application. The description of the originally approved application reads as follows:

*Residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick' (as amended by drawings received 7th November 2017, 11<sup>th</sup> January 2018, 9th February 2018 and 19th March 2018).*

4.3.12 The proposed amendments fall within the remit of the approved description (i.e. the description does not need to be altered as a result of the amendments) and whilst material, the amendments are not so significant so as to fundamentally change the nature of the proposed development. As such, Officers are satisfied that the proposed amendments can be considered under this Section 73 application (rather than requiring a new application).

#### 4.3.13 **Conditions**

4.3.14 The original planning approval, reference 17/023161, included 21 conditions. All of these conditions remain relevant and so are to be carried over and included as part of any recommendation for approval. The only condition to be altered is Condition 1, which requires that 'the development shall be commenced within 3 years of the date of the permission'. This is to be altered so that it is not three years from the date of this permission, but three years from the date of the original approval (i.e. from 30<sup>th</sup> May 2018).

#### 4.4 **Conclusion**

4.4.1 The amended proposals would not result in any significant, additional harm to heritage assets, compared to the originally approved scheme. As such, as with the original approval under reference 17/02316/1, although it is acknowledged that the proposed development would result in less than substantial harm to heritage assets, when considering the overall planning balance, it is found that the significant public benefits would outweigh any harm. As such, the proposed development is considered to be acceptable. I consider there to be no sustainable planning objections to raise to the application and so I recommend that planning permission again be granted for this amended scheme, subject to certain safeguards set out in the conditions recommended below.

#### 4.5 **Alternative Options**

4.5.1 The scheme presented is affectively a re-submission of an alternative scheme which was found to be acceptable. As such, the only applicable alternative is considered to be that which already has permission under reference 17/02316/1 or an alternative scheme as also proposed under reference 18/00003/S73.

#### 4.6 **Pre-Commencement Conditions**

- 4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

#### 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 30th May 2021.

Reason: To comply with the provisions of Section 73(5a) of the Town and Country Planning Act 1990.

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. The development shall not begin until a scheme for the provision of at least 25% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- 1 the numbers, type and tenure on the site of the affordable housing provision to be made;
- 2 the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- 3 the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

5. No more than 4 of the 8 dwellings hereby approved shall be occupied until all of the car parking at the Doctors surgery has been properly formed and laid out and is available for use and the electricity sub-station has been relocated in accordance with drawings 396x36b and 396x30b.

Reason: In order to secure the wider public benefits of the development hereby approved.

6. 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.

- e) details of on-site bin/ waste storage for each plot

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

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

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

8. Before the 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.

9. The development hereby permitted shall not be occupied until the reconfigured access and principal access road has been widened to 5.5 metres wide for the first 70 metres thereafter being narrowed to a minimum of 5.0 metres wide up to the new turning area as identified on the in principle drawing number 396 30 revision B to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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

10. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 43 metres in a both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

11. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

12. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The Siting and details of wheel washing facilities;
- d. Cable trenches within the public highway that affect traffic movement of existing residents;
- e. Foundation works that may affect traffic movement of existing residents;
- f. Cleaning of site entrances and the adjacent public highways and,
- g. Disposal of surplus materials.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

13. Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:

- a. Roads, footways, foul and on-site water drainage.
- b. Proposed access arrangements including visibility splays, with acceptable Stage 1 Road Safety Audit;
- c. Servicing areas, loading areas and turning areas for all vehicles.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

14. No 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:
- a. The programme and methodology of site investigation and recording;
  - b. The programme and methodology of site investigation and recording as required by the archaeological evaluation;  
[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)
  - c. The programme for post investigation assessment;
  - d. Provision to be made for analysis of the site investigation and recording;
  - e. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - f. Provision to be made for archive deposition of the analysis and records of the site investigation;
  - g. 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.

15. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 13.

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

16. 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 13 and the provision made for analysis and publication where appropriate.

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

17. The development permitted by this planning permission shall be carried out in accordance with the approved Pelham Structure Ltd. Dated October 2016 and the Flood Risk & Surface Water Assessment carried out by Base Energy dated 18 December 2017, submitted and the following mitigation measures detailed within the FRA:

- a. 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.
- b. 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.
- c. Provide a flood storage area to intercept and accommodate overland flows.

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

18. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Pelham Structure Ltd. Dated October 2016 and the Flood Risk & Surface Water Assessment carried out by Base Energy dated 18 December 2017, submitted and the following mitigation measures detailed within the FRA;
- a. Infiltration tests carried in accordance with BRE Digest 365.
  - b. Full detailed engineering drawings of all SuDS features including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
  - c. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
  - d. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

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

19. 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.

20. 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 (a) of this condition, 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 (a) and (b) of this condition, 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.

21. Prior to occupation, each of the 8 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.

**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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Informative/s:**

1. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.
2. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.
3. Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service (Tel: Direct line 01992 555243) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way adjacent to the site access.
4. EV Charging Point Specification:

The 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.

















5. The removal or severe pruning of trees and shrubs 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 vegetation clearance and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should stop until the birds have left the nest.

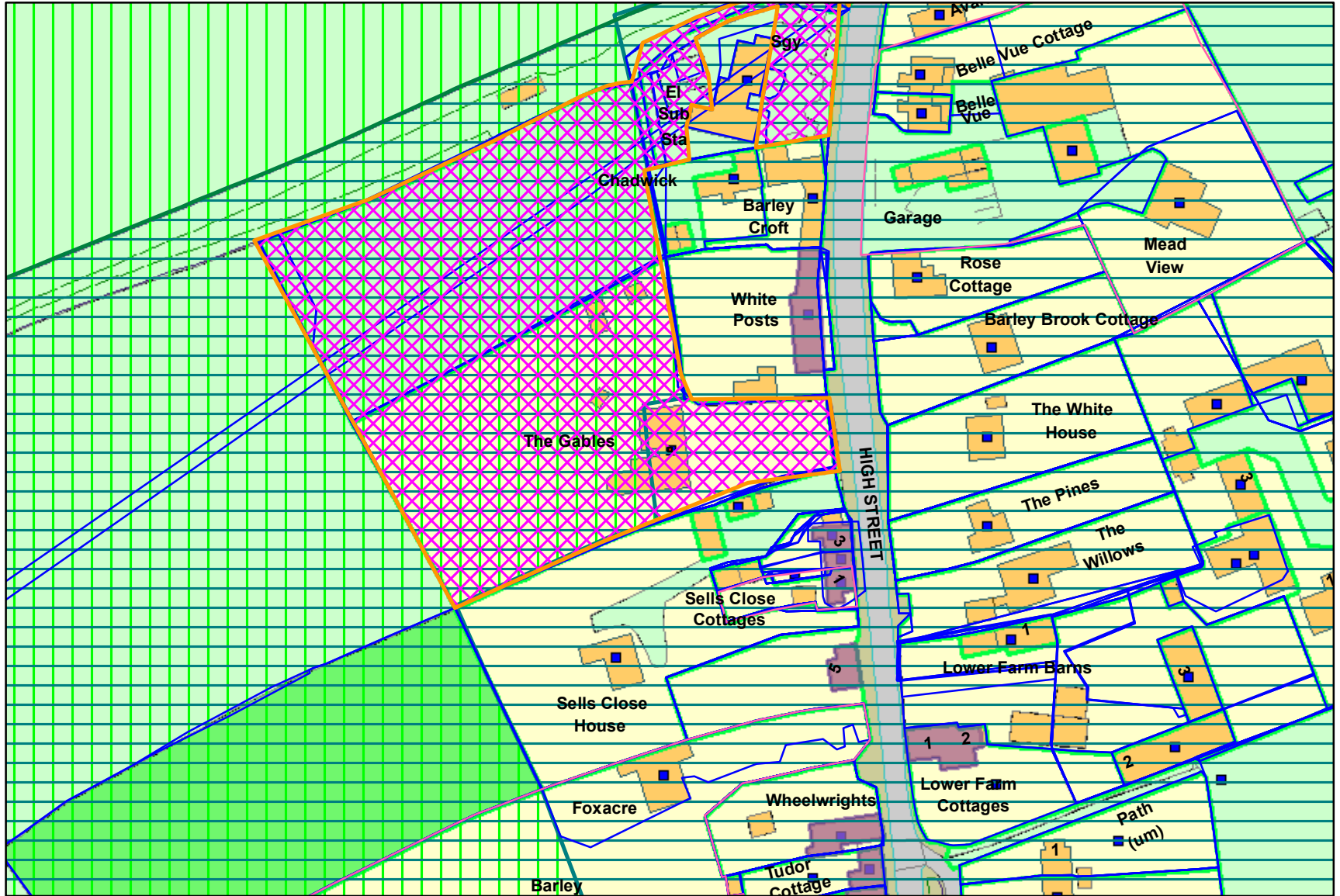
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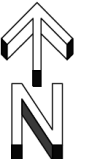
## Application Validation Sheet

18/03349/S73 The Gables, High Street, Barley, Royston, Herts, SG8 8HY

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



Scale 1:1,250  
Date: 21/02/2019



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**PLANNING CONTROL COMMITTEE**

**DATE: 14 March 2019**

**PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Mr M Mile	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 Hertfordshire SG8 5EE	18/00529/FP	Appeal Withdrawn On 31 January 2019	Delegated	

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