

NORTH HERTFORDSHIRE DISTRICT COUNCIL



15 May 2020

Our Ref Planning Control /28.05.2020
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To: Members of the Committee: Terry Tyler (Chair), Daniel Allen (Vice-Chair), Ruth Brown, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice, Val Shanley and Michael Weeks

Substitutes: Councillors David Barnard, Sam Collins, George Davies, Gary Grindal, Michael Muir, Kay Tart and Tom Tyson

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held as

A VIRTUAL MEETING

On

THURSDAY, 28TH MAY, 2020 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item		Page
1.	APOLOGIES FOR ABSENCE	
2.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II 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 Chair will decide whether any item(s) raised will be considered.	
3.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair 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, wishing 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.	
4.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5.	19/01172/HYA ANGLIAN BUSINESS PARK, ORCHARD ROAD, ROYSTON, HERTFORDSHIRE, SG8 5TW REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Hybrid application for the residential redevelopment of the Anglian Business Park to provide a total of up to 67 dwellings (of a range of sizes, types and tenures including affordable housing) and associated parking, landscaping, open space and ancillary works comprising: PHASE 1 - Application for full planning permission for the erection of two apartment blocks within the southern part of the site comprising a total of 28 units and associated parking, landscaping, open space and associated works; SUBSEQUENT PHASES - Application for outline planning permission on the remaining part of the site involving the demolition of the existing business park buildings and the provision of up to 39 dwellings including a mix of houses and apartments and associated parking, landscaping, open space and ancillary works (all matters reserved except for access).	(Pages 5 - 38)

6. **20/00603/FP 189 HIGH STREET, CODICOTE, HTICHIN, HERTFORDSHIRE, SG4 8UD** (Pages 39 - 54)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of three 4-bed dwellings with associated parking, bin/cycle storage and alterations to existing vehicular access following demolition of existing dwelling.
7. **19/03033/FP GLYFADA, GOSMORE ROAD, HITCHIN, HERTFORDSHIRE, SG4 9BE** (Pages 55 - 72)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of six 4-bed and two 5-bed dwellings including creation of new vehicular access off of Hitchin Road following demolition of existing dwelling (revision of previous scheme granted permission under 17/02466/1 and 18/02810/NMA).
8. **20/00292/S73 40 DACRE ROAD, HITCHIN, HERTFORDSHIRE, SG5 1QJ** (Pages 73 - 80)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Variation to Condition 2 (insertion of front dormer windows) of Planning Permission 19/00249/FP granted 02/04/2019 for erection of one terrace of three 2-bed dwellings following demolition of existing bungalow (as amended by plan nos. PL02 E & PL03 D).
9. **20/00012/FPH 11 COMMON RISE, HITCHIN, HERTFORDSHIRE, SG4 0HL** (Pages 81 - 90)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Part two storey, part single storey front extension, two storey rear extension, erection of single garage off existing access from Cooks Way following demolition of existing garage.
10. **20/00374/LDCP 3 LIMEKILN LANE, BALDOCK, HERTFORDSHIRE, SG7 6PG** (Pages 91 - 96)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Extension of existing rear dormer and insertion of new window to first floor bedroom to rear.
11. **20/00646/FPH GLEBEFIELD, LILLEY BOTTOM, LILLEY, LUTON, HERTFORDSHIRE, LU2 8NH** (Pages 97 - 104)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Two storey side extension, porch and car port following demolition of existing single storey side extension.
12. **PLANNING APPEALS** (Pages 105 - 130)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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ITEM NO:	
<u>Location:</u>	Anglian Business Park Orchard Road Royston Hertfordshire SG8 5TW
<u>Applicant:</u>	James Property Investments LLP
<u>Proposal:</u>	Hybrid application for the residential redevelopment of the Anglian Business Park to provide a total of up to 67 dwellings (of a range of sizes, types and tenures including affordable housing) and associated parking, landscaping, open space and ancillary works comprising: PHASE 1 - Application for full planning permission for the erection of two apartment blocks within the southern part of the site comprising a total of 28 units and associated parking, landscaping, open space and associated works; SUBSEQUENT PHASES - Application for outline planning permission on the remaining part of the site involving the demolition of the existing business park buildings and the provision of up to 39 dwellings including a mix of houses and apartments and associated parking, landscaping, open space and ancillary works (all matters reserved except for access).
<u>Ref. No:</u>	19/01172/HYA
<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 20.08.2019

1.0 Relevant History

- 1.1 The application site was subject to pre-application advice issued under ref 18/00346/PRE. The site is allocated in the Council's emerging submission local plan (ELP) as RY7.

2.0 Policies

2.1 North Hertfordshire District Local Plan No. 2 with Alterations 1996 (Saved):

Policy 8 – Development in Towns
Policy 26 – Housing Proposals
Policy 29A – Affordable Housing
Policy 36 – Employment provision
Policy 55 – Car Parking

Policy 57 – Residential Guidelines and Standards

Three supplementary planning documents are applicable. These are **Design, Vehicle Parking Provision at New Developments** and **Planning Obligations**.

2.2 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission Local Plan and Proposals Map:**

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy
Policy SP8 Housing
Policy SP9 Design and Sustainability
Policy SP10 Healthy Communities
Policy SP11 Natural Resources and Sustainability
Policy SP12 Green Infrastructure, Biodiversity and Landscape
Policy T1 Assessment of Transport Matters
Policy T2 Parking
Policy HDS2 Affordable Housing
Policy HS3 Housing Mix
Policy HS5 Accessible and Adaptable Housing
Policy D1 Sustainable Design
Policy D4 Air Quality
Policy HC1 Community Facilities
Policy NE5 New and improved public open space and biodiversity
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable Drainage Systems
Policy NE9 Water Quality and Environment
Policy NE10 Water Framework Directive and Wastewater Infrastructure

2.3 **NPPF:** Generally and specifically:

6. Delivering a wide choice of quality homes;
7. Design;

3.0 **Representations**

3.1 **Royston Town Council** – Has objected as follows:

“Members of Royston Town Council raised an OBJECTION to this development on the grounds of the change of use from industrial to housing, the overdevelopment of the site, the height of the proposed buildings and the lack of green space. There are also concerns that it is a phased development and for a considerable period the properties in front will remain industrial. It is already an area of extreme parking difficulty and congestion, and there are insufficient parking spaces.”

The Town Council has made a request for s.106 monies to be spent on cycle provision in the Town as follows:

The 2010 Royston Urban Transport Plan (<https://www.hertfordshire.gov.uk/media-library/documents/highways/urban-transport-plans/royston/royston-urban-transport-plan-vol-1.pdf>) describes a proposed measure entitled “Additional cycle parking in Market Square and at Rail Station”. This was identified through a public consultation exercise and was subsequently determined to be one of the lowest-risk short-term cycling improvements. Since the time of that report, cycle parking facilities at the rail station have been expanded substantially, however facilities in the Town Centre are believed to be unchanged.

Existing cycle parking facilities in the Town Centre are limited in the following ways:

Cycle racks outside the Jolly Postie, Coach & Horses and Morrisons

Good provision but quite far from the Market Place.

Cycle racks on Church Lane

Hidden from view of the road, so many cyclists may not be aware of them.

Railings outside Stationery Cupboard on the High Street

Parking cycles here could impede pedestrians.

Cycle rack on Market Hill, next to Dyson’s Menswear

Not sited perpendicular to the slope of the road, so cycles tend to roll down the hill while being parked.

None of the existing facilities provide cover to protect cycles during wet weather.

Final designs will require further work, but a preliminary quotation from Broxap with indicative costs is as follows:

£2108 for a Cambridge Junior Cycle Shelter including powder coating

£452 for 2x 6-hoop “toast racks” accommodating 24 cycles

£310 carriage

£767 installation

<https://www.broxap.com/cambridge-junior-cycle-shelter.html>

The total per shelter is £3637 (excluding VAT).

Two shelters of this design installed in different locations in the Town Centre would therefore cost approximately **£7274**.

3.2 **Environment Agency** – No objection subject to conditions and informative

3.3 **LLFA** – No objection subject to conditions.

3.4 **Police Architectural Liaison** – Concerns about the play area being surrounded by hedging which reduces natural surveillance and could encourage anti-social behaviour.

3.5 **Anglian Water** – No objection subject to an informative.

3.6 **Environmental Protection** –

Detailed proposal (28 units) recommend:

Standard contamination condition
EV charging infrastructure condition
Travel Plan condition
Informative

Outline (up to 39 units) recommend

Full contamination condition
In principle EV charging infrastructure condition
Informative

3.7 **Local residents and neighbours** – An occupier from Orchard Way has expressed concerns about traffic generation in an already congested area and overlooking.

Local Businesses – The adjacent business (Thermal Engineering) has expressed the following concerns:

- ☐ more on-street parking and congestion / lack of capacity on application site
- ☐ the impact of their business and its shift patterns on the reasonable living conditions of new residents given the shared boundary
- ☐ increased risk of conflict between vehicles and pedestrians, particularly heavy goods vehicles attending the industrial area and children.

The Board of Directors of Orchard Grange Residents Association have written in as follows:

I write to you on behalf of the board of Directors of Orchard Grange Residents Association Limited, who represent the 136 properties adjacent to this proposal development.

The residents of this estate already struggle to access their homes on a daily basis due to the councils lack of enforcement action on the junction of Orchard Way and Charding Crescent, reducing the road to a single lane. The addition of a further dwellings will compound this problem.

Our residents will also be inconvenienced by the works and have their privacy invaded by any dwellings overlooking our development as we have 24 flats that currently overlook the industrial estate.

The occupier of No 2 Orchard Way has written expressing some concerns over traffic, overdevelopment and overlooking from later phases of development.

“Having lived on Orchard road for 14 years I have definitely felt the impact of recent developments ie industrial -shops- housing. The traffic is constant throughout the day which at times makes it difficult if not dangerous pulling out of my driveway. Environmentally the extra pollution from cars will have an impact on myself and my families health surely? We moved here for a safer, happier and healthier lifestyle. I feel this over development would make this area far too busy. I totally understand the need for more housing but surely not next to a already very busy cluttered industrial estate. Can you please tell what speed restrictions, speed humps etc will be put in place IF this development goes ahead? Also at the moment our back garden- bedroom windows looks into large trees and in the winter when the leaves have dropped we only see a side of a large warehouse, I'm guessing we would have lots of windows from the development looking into our garden- bedroom windows? If so I think this a quite wrong and invade our privacy?”

3.8 **Health and Safety Executive (HSE)** – Has responded as follows:

In providing advice to planning authorities on proposed developments within the consultation distances of major hazard sites or major accident hazard pipelines, HSE considers that its advice should be based on the current facts and circumstances affecting public safety. The HSE consultation zones around the Johnson Matthey site at Orchard Road, Royston, are based on the existing hazardous substances consents which the site currently holds.

Although Johnson Matthey have engaged HSE as part of their review into the site’s requirements in terms of hazardous substances consent, the company have not yet submitted a new hazardous substances consent application; it will be for the company to decide whether to do so when they have completed their review. Until such time as a new application for hazardous substances consent is granted by North Hertfordshire District Council, and/or the existing hazardous substances consents are formally revoked or modified, the current consultation zones will remain in place and our advice on any planning applications in the vicinity of the Johnson Matthey site will continue to be based on them.

Having looked at the proposals set out in planning application 19/01172/HYA for a residential development on the Anglian Business Park site, I can confirm that HSE does not advise against the granting of planning permission in this case. [my underlining]._Formal confirmation of that advice can be obtained through the HSE Planning Advice Web App.

3.9 **Herts County Environment and Infrastructure** (planning obligations)

Has requested contributions toward youth, library and education services (see main report).

3.10 **Landscape Officer** – No objection subject to imposition of landscape condition.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site comprises a rectangular parcel of land, measuring 1.19 hectares in area, and which is currently occupied by a small industrial estate known as the Anglian Business Park. It forms part of the wider Royston Industrial Estate area which extends around the north western edge of Royston. The site is allocated for housing in the emerging local plan (ELP) as site RY7.
- 4.1.2 The site is bounded to the north by Orchard Road, to the east by existing residential development within Barnack Grove and Braeburn Walk, to the south by the London (King's Cross) to Cambridge railway line, and to the west by the industrial estate units currently occupied by Senior Aerospace Thermal Engineering. On the opposite side of Orchard Road, to the north, lies the Johnson Matthey industrial complex.
- 4.1.3 Access into the site is gained via a single entrance which occupies a central position within the sites Orchard Road frontage. The access road follows a route into the site at 90 degrees from Orchard Road before deviating approximately 45 degrees eastwards. It incorporates a further bend moving southwards to run parallel to, and within close proximity of, the site's eastern boundary.
- 4.1.4 In the north-eastern corner of the site is an employment unit, known as Unit 1, and currently occupied by Blacktrace Holdings. The north-western corner is occupied by a hard-surfaced car parking area. The central part of the site, to the west of the service road, is occupied by a larger employment building comprising Units 2–4 which are currently occupied by Euramco Ltd, Blacktrace Holdings and Intertek Melbourn. There is an enclosed and gated parking forecourt and servicing area to the east of this building, to which access is gained from the existing service road.
- 4.1.5 The southern portion of the site runs parallel to the railway line and comprises a vacant area that spans the entire width of the site.

4.2 Proposal

- 4.2.1 The submitted application is unusual in that it seeks permission both in detail (phase 1) and in outline (phases 2 and 3). The applicant explains this approach as follows:

***“The development will be delivered in three phases as detailed on drawing no. PL010. The first phase of development (‘Phase 1’) is the subject of the detailed element forming the application for full planning permission. This part of the site benefits from being free of any buildings or structures. As such, development in this area does not require the demolition or vacation of any buildings.*”**

Full details of the layout of the Phase 2 and Phase 3 areas are reserved for later determination under a reserved matters application. Notwithstanding this, the submitted illustrative masterplan drawing provides an indicative layout for the Phase 2 and Phase 3 areas and the site as a whole. Within Phases 2 and 3 it is envisaged that rows of terraced houses and blocks of apartments will be provided as set out in more detail above. The submitted parameters plan indicates the extent of the building envelopes.”

4.2.2 The application as submitted seeks permission in detail for the following (taken from the applicant’s DAS):

“The Phase 1 area, for which full planning permission is being sought, will comprise 28 one- and two-bedroom apartments by way of two separate four-storey blocks of apartments – each comprising 14 units. The proposed easternmost block (Block 1) will comprise 6 one-bedroom units and 8 two-bedroom units. The proposed westernmost block (Block 2) will comprise 7 one-bedroom units and 7 two-bedroom units. A total of 35 [now 42] car parking spaces will be provided within the Phase 1 area.”

The application also seeks permission in outline for the remainder of the site (phases 2 and 3) for up to 39 dwellings with all matters reserved save access (max total for allocation of 67). The number of car parking spaces has subsequently been increased to 42 (plus 4 dedicated electric vehicle charging spaces) following this statement.

4.3 Key Issues

4.3.1 The key issues in this case have been considered under the following headings:

- ☐ Principle of development
- ☐ Design
- ☐ Landscape and Layout
- ☐ Parking and access
- ☐ Planning obligations (including affordable housing).
- ☐ Other matters including conditions
- ☐ Planning balance

Principle of development

4.3.2 The application site is within the town boundary of Royston and the site is in the emerging local plan (ELP) as a housing site (RY7). This acknowledged, the site is also within an employment area as designated under Saved Policy 36 of the adopted Local Plan (ALP). Accordingly, any proposal to develop the site for housing would stand in some conflict with Policy 36 insofar as this policy seeks to promote re-development for employment purposes. The site is currently occupied by operating businesses and these businesses would be lost in their current situation following redevelopment for housing, albeit this application only considers phase 1 – the implication being that those businesses occupying land identified as phase 2 and 3 would remain for the time being as clarified in the applicant’s Design and Access Statement (DAS) :

“It is proposed for the allocated residential development site RY7 to be delivered in three phases as set out in further detail in Section 4 of this Statement. This will allow the site to be developed in stages so that works can commence on providing new homes (in the first phase) whilst allowing the existing commercial units to continue to be occupied until their leases expire.”

- 4.3.3 It must also be acknowledged at the time of writing this report that the Council is unable to demonstrate a 5 year supply of housing land (currently 1.3 years) and this being the case the ‘tilted’ presumption in favour of approving sustainable development is engaged (paragraph 11 of the NPF). This presumption requires that permission for housing should be given unless the harm of doing so would ***significantly and demonstrably outweigh the benefits*** of the development proposed.

Summary

- 4.3.4 **The allocation RY7 attracts some limited weight given the current status of the ELP. In counterweight, the ALP must also be afforded some weight in the planning balance. Accordingly, the development of the site for non-employment purposes would occasion policy conflict (Policy 36). This conflict would need to be reconciled in the overall planning balance applying the tilted balance.**

Design

- 4.3.5 The proposal seeks permission (phase 1) for two flatted blocks of 14 units each (28 in total) together with associated play area, landscaping and parking. The site is bordered to the north by commercial development - development on land which would later be re-developed as part of phases 2 and 3 (up to 39 units). There is residential development to the east (Braeburn Walk), the mainline railway to the south and established commercial development to the west (Thermal Engineering). The scheme has been developed to respond to these surrounding land uses and efficiently use the space to the south of the existing commercial building and car park (to be developed later as phase 2 and 3) as explained in the submitted DAS:

“The proposed layout utilises the existing access into the site on the Orchard Road frontage as well as the service road running through the site, which is well engineered and has pedestrian footpaths on either side. This service road will be extended to facilitate access to the new areas of development. Modifications to the road will allow the introduction of new surfacing treatment and enhancements to its junction with Orchard Road to help achieve a residential character. Shared surface ‘homezone’ areas will be created within the courtyard and forecourt areas.

Within the Phase 1 area, Block 1 (comprising Units 1–14) will be sited on the eastern side of the site and will be separated by a minimum distance of 16.5 metres from Block 2 (containing Units 15-28), which itself, will occupy a position on the western side of the site. Block 1 will be orientated so that its primary elevation faces north. Block 2's primary elevation will be that which faces east. The service road will run between each of the two blocks and will provide access to a parking forecourt area at the southern end of the site nearest to the boundary shared with the adjoining railway land (comprising 31 car parking spaces). A further 4 car parking spaces are to be provided to the east, and in front, of Block 2

A children's play area, measuring 150 square metres in area, will be provided within the Phase 1 area to the north of Block 1. The 'activity zone' within the play area will be separated from the surrounding residential properties by a minimum distance of 5 metres, in accordance with the Council's standards for Local Areas of Play (LAP) as set out within the North Hertfordshire Open Space Review & Standards 2016."

4.3.6 As to the scale of the proposed development, the DAS explains this as follows:

"The proposed apartments in Blocks 1 and 2 within the Phase 1 area will be configured over four storeys. Each of the two proposed blocks will measure 20 metres wide and 16 metres deep (excluding balcony projections). They will rise to a maximum height of 12.2 metres"

Sites sections indicate that the height of these four storey blocks will be comparable to the max height of the three-storey residential to the east. The inclusion of balconies is somewhat unusual in my view but the applicant has tested concerns expressed by officers in relation to overlooking from block 1 balconies across to properties in Braeburn Walk and has provided sufficient evidence that there would be no material loss of privacy experienced by these existing properties (see representation from residents association above). This said, I would advise a condition requiring that the specification and use of balcony screens to be approved separately as a precaution should permission be granted.

4.3.7 In terms of the appearance of the two blocks, the architect has specified building forms which, in my view, are contemporary and suitably accented to pick up on both the use of vernacular domestic facing materials (buff bricks) and the more utilitarian industrial forms which characterise the immediate area. In doing this, the scheme would establish a sense of place in my view without being formulaic or wholly out of context.

Summary

4.3.8 **The design of the two blocks is appropriate to the setting of the site in both scale and appearance and would not in my view occasion harm to the living conditions or well-being of existing residential occupiers by reason of dominance or overlooking. Accordingly, I find no conflict with national guidance (NPPF), saved policy 57 of the ALP or Policy D1 (sustainable design) of the ELP.**

Landscape and layout

- 4.3.9 In terms of landscaping the site does not currently offer much amenity and in this regard its redevelopment does offer an opportunity to address this – an opportunity identified by the applicant:

“The site currently features large expanses of hard surfaced areas including the road, car parking and forecourt areas as well as the roofs of the business units. The proposal provides the opportunity for an overall greening of the site when compared to the existing situation.”

My only concern regarding statements such as this centre on the observation that the site does not currently provide a home for people – its current landscape value is therefore of less concern. What is of concern however is the ability of the site, developed at the proposed density, to provide adequate amenity to new occupiers (and those living in adjacent development) and to positively affect their overall well-being. While I might take issue with the unqualified assertion that the current scheme provides an opportunity for ‘overall greening’, it would allow the introduction of a play area which is adequately overlooked and large enough to make a real difference to the lives of occupiers. Further, the development of the rest of the site (phases 2 and 3), being ‘up to’ 39 dwellings, does allow for further ‘overall greening’ (outside of private gardens) particularly, for example, around the area identified provisionally for units 48 – 51. In this regard, it should be noted by the applicant at this stage that the Authority may not be convinced that the upper indicative quantum of 39 units for phases 2 and 3 was compatible with this ‘overall greening’ objective cited by the applicant. Accordingly, it may be argued that a smaller number was more appropriate when dealing with any subsequent reserved matters application.

- 4.3.10 Car parking will dominate the site to the south adjacent to the railway line and the specification of a substantial hedge together with the retention of the existing western boundary conifer hedge will give the site a green boundary of sorts. The specification of a modest tree belt to north of the site (phase1) and adjacent to the existing car park will also enhance amenity.
- 4.3.11 The landscaping and open space will be managed by a private management company and be secured in the 106 agreement. The agreement will require the specification of the play area (LAP) to be reviewed by the Council’s Parks Team prior to implementation and first occupation.
- 4.3.12 The scheme specifies storage for cycles and mobility scooters. In the respect of the latter the agent confirms this provision as follows:

“The enclosed plans show the provision of purpose-built enclosures serving each of the two proposed apartment blocks. These enclosures have been carefully sited so as to be within close proximity of the entrances to the blocks so that they can be accessed by users in a convenient manner. Their siting will also ensure that these structures do not have any detrimental impact on visual amenity.”

Each enclosure will be large enough to accommodate 2 scooters (of class 1, 2 or 3). This would achieve a total provision for the storage of 4 scooters for the 28 units in Phase 1.

Summary

- 4.3.13 The presented scheme does have the potential improve the environment to a point that it would be satisfactory for residential occupiers as opposed to commercial users. This acknowledged, the development of subsequent phases must be predicated on the principle that 'overall greening' lies at the heart of the design process. This central theme should not be compromised by a strict adherence to the number of units indicated for these later phases. Insofar as the detail of the phase 1 (to be considered now) is concerned, I find no conflict with national guidance (NPPF), saved policy 57 of the ALP or Policy D1 (sustainable design) of the ELP.

Parking and access

- 4.3.14 The application proposes a total of 42 parking spaces for 28 dwellings. Applying the Council's SPD the requirement would be:

13 x 1 bed units = 13 spaces
15 x 2 bed units = 30 spaces
Visitor spaces (0.25 x 28) = 7 spaces.
TOTAL spaces = **50 spaces**

- 4.3.15 The application is therefore 8 spaces short of that recommended in the Council's adopted guidance. The SPD does allow for a reduction where:

"Relevant evidence is submitted by the applicant that supports a reduction in standard which considers existing and future car ownership and likely visitor demand) ..."

In this regard the applicant's transport consultant has argued as follows in favour of a reduction (summary):

"Car ownership data presented in the May 2019 TS demonstrates that 11% of households in the area which the site is located do not own a car. The assessment provides evidence that not all households require a car or use a car and alongside the accessibility of the site provides justification for a reduction in car parking."

(Cannon Consulting CCE/X821/TS ADDENDUM-01)

- 4.3.16 This approach is consistent with the NPPF insofar as it does encourage a site-specific approach to provision. However, as none of the new dwellings proposed in this case have garages and there will be a need to provide electric vehicle charging stations, some of the spaces provided will potentially be removed from use as parking spaces during vehicle charging. This concern has been discussed with the applicant and their solution to the problem is as follows:

“With regard to the EV charging, there is the option of providing 4 additional spaces that would allow 4 spaces to be fitted with EV charging points and be designated for electric vehicles. The additional spaces are shown on the attached sketch also. This would increase the total no. of spaces within the Phase 1 area to 46. Those additional spaces marked on the attached do not necessarily need to be the designated EV spaces as there may be others that are better located for EV charging.”

- 4.3.17 Accordingly, the scheme now has 42 parking spaces (see 4.3.13 above) and an additional 4 dedicated EV charging spaces. In terms of mobility scooter provision, the applicant responded to the suggestion that the scheme should make some provision for this need despite it being flatted in nature as follows:

“... we have looked into the option of providing scooter storage under the stairs in each of the apartment blocks and it is apparent that this will be difficult to achieve given the fairly limited amount of space there and the requirements for the scooter storage to be enclosed. We are, however, able to provide mobility scooter storage within purpose-built external enclosures adjacent to the bike stores – as shown on the attached sketch. These are within close proximity to the apartment blocks so that users would only have to travel a short distance between their apartments and the scooter storage.”

The drawings have been amended to reflect this provision.

- 4.3.18 Secure cycle parking has also been specified. Notwithstanding the specification of this provision I would recommend a condition requiring details to be submitted to and approved by the local planning authority in respect of:

- Secure cycle storage
- Mobility scooter storage and charging
- EV charging

Summary

- 4.3.19 **The application scheme does not meet the SPD minimum standard for vehicle parking. This said the development is relatively close to Royston Station and a range of services in the Town. In addition, the applicant has gone to reasonable lengths to accommodate electric vehicles, mobility scooters and cycles. Accordingly, while there is some conflict with adopted supplementary guidance and policy (saved policy 55 – parking) I see no significant conflict with emerging policy T1, T2, D1 and D4 of the NPPF as it relates to transport and parking matters.**

Planning obligations (including affordable housing).

4.3.20 The following table summarises the heads of terms agreed as part of the section 106 negotiations:

First Education	£53,314
Middle Education	£39,678
Library	£7994
Youth	£1183
Royston Town Council Cycle provision in the town centre	£7274
HCC fire and rescue	Hydrant provision
Waste	£26 per unit
Affordable Housing	At least 30% Phase 1: 5x1 bed 3x2 bed All units to be affordable rents

These obligations form part of a completed s.106 agreement.

4.3.21 The affordable housing offer started at 21% and the applicant was subsequently invited to fund a review of this quantum to be carried out by the Council's consultant. This review request was agreed and following a series of negotiations the offer was revised upward to 30% across all phases. Further, the applicant agreed that all units on phase 1 would be for rent (affordable rents) rather than shared equity.

4.3.22 A s.106 has now been agreed and is ready for completion (subject to planning permission being granted) based on these heads of terms.

Other matters including conditions.

4.3.23 The HSE has raised no objection to the scheme based on current safety zones and the proximity of the JM complex and its designation as a repository of hazardous substances.

4.3.24 As noted above, I would recommend that, if permission is granted, a number of non-standard conditions should be imposed including the following:

- ☐ Secure cycle storage (details)
- ☐ Mobility scooter storage and charging (details)
- ☐ EV charging
- ☐ Landscape completion and replacement
- ☐ Balconies (details)
- ☐ Implementation

Further, I would recommend a non-standard informative which sets the 'overall greening' of further phases as the central design objective specifically the retention of mature trees.

- 4.3.25 It is noted that the commercial occupier adjoining the site to the west (Thermal Engineering) has objected on the grounds that there may be complaints from the new residential occupiers on this site, particularly to their pattern of shift working. This concern acknowledged, the Council' Environmental Protection Team has raised no objection subject to the prior approval of noise mitigation measures. This business also raises concerns about the potential conflict between industrial traffic and pedestrians. However, there is already a significant amount of residential development off of Orchard Road and much pedestrian footfall throughout the working day from the businesses themselves. Further, the application site is specified with an internal shared open space which will assist in keeping families with younger children on the site.
- 4.3.26 Finally, there is the question of the implementation of the entire allocation. The application before the Council only specifies a detailed scheme on the currently open area of the site to the south – the remainder of the allocation (still occupied by working businesses) being subject of the outline element of the application before the Committee. Clearly, in allocating the entire site for housing, it is the Council's declared strategic objective that all of RY7 will be delivered in a timely fashion in order to make a valuable contribution to the Authority's pressing housing short fall. Moreover, from an urban design standpoint, all parties would agree that that the detailed scheme under consideration now is a better scheme if it is bordered by a carefully considered and well landscaped housing proposal on phases 2 and 3 (for which outline permission only is sought). My concern in approving the scheme before Members would be that the owner of the site may decide to simply let the outline lapse having secured permission on the open part of their site, particularly if economic circumstances dictate this to be a better option.
- 4.3.27 I have discussed this concern with the applicant in order that some form of encouragement might be built into any decision taken to approve the hybrid scheme before the Committee. It would, in my view, be unreasonable to obstruct the implementation of the detailed scheme if the resolution of the planning balance is positive overall (see below). However, I consider that a condition could be imposed which requires the submission of details for the remaining phases before first occupancy of the first phase – subject of detailed consideration here. While such a condition does not of course guarantee timely implementation, it would nonetheless demonstrate a commitment to progress subsequent phases. In this regard, Members will note the imposition of the last condition on the recommendation.

Planning Balance

- 4.3.28 As noted above, the Council cannot currently demonstrate a five-year supply of housing land (1.3 years at time of writing) and this being the case the titled balance set out at paragraph 11 of the NPPF applies. This dictates that permission be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits.

4.3.29 The benefits of delivering this scheme and its subsequent phases are significant in my view. It is a site allocated for housing in the ELP and would deliver 30% rented accommodation as affordable stock. The scheme does offer the opportunity to locate housing in a reasonably accessible and sustainable location without detriment to the local environment. Indeed, subject to the 'overall greening' caveat set out above for later phases, the development of this site has the potential to affect a marked improvement in the appearance of the site.

4.3.30 In terms of harm it is acknowledged that there is conflict with saved policy 36 of the ALP in its aim to protect employment areas and adopted guidance and policy relating to car parking. It is also noted that the housing mix is not compliant with the requirements of ELP policy HS3 (housing mix) although this can be re-balanced with the delivery of later phases. However, this harm is attenuated by the allocation of the site for housing in the ELP and the Council's need to maintain a housing supply. On balance therefore, and subject to the key aim of 'greening' the site on later phases, I am of the view that the identified harm does not 'clearly and demonstrably' outweigh the benefits of granting permission in detail for phase 1 and permission in outline for subsequent phases.

4.4 **Conclusion**

4.4.1 That permission be granted in detail for phase 1 and in outline for phases 2 and 3. **NOTE:** Most conditions apply only to the detailed permission for 28 units (phase 1) Conditions will be identified with the words 'Outline only' if they apply exclusively to the approval of the outline permission for phases 2 and 3.

Alternative Options

None applicable

Pre-Commencement Conditions

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 completion of a satisfactory s.106 agreement and the following conditions:

1. Detailed permission only

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. Detailed permission only

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. Detailed permission only

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.

4. Detailed permission only

Prior to commencement of works to implement this permission, details of balcony screens shall be submitted to and approved by the Local Planning Authority. These details shall be implemented as approved.

Reason: To safeguard the reasonable living conditions of neighbouring properties.

5. Detailed permission only

Prior to commencement of works to implement this permission, details of road and footpath surface materials shall be submitted to and approved by the Local Planning Authority. These details shall be implemented as approved.

Reason: To safeguard the appearance of the completed development.

6. Detailed permission only

Prior to commencement of works to implement this permission, details of secure cycle and mobility scooter storage and at least 4 electric vehicle (EV) charging spaces shall be submitted to and approved by the Local Planning Authority. These details shall be implemented as approved.

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.

7. Detailed permission only

Prior to commencement of the development as defined on Drawing Number 2613 PLO 10 revision D, detailed drawings of all highway works shall be submitted and approved in writing by the Local Planning Authority in conjunction with the Highway Authority.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

8. OUTLINE ONLY

Before the access is first brought into use, as defined on Drawing Number 2613 PLO 10 revision D, vehicle to vehicle visibility splays of 2.4 metres by 43 metres to the 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 carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

9. Detailed permission only

Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted 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 such as prohibition of construction traffic being routed through any of the country lanes in the area and shall be carried out as approved.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

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

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

11. Detailed permission only

Prior to first occupation of Phase 1, details of the noise mitigation measures set out in Section 4 and Appendix 4 of "Noise and Vibration Assessment - Anglian Business Park, Royston", Report reference RP01-17637, dated 29th April 2019 by Cass Allen, shall be submitted to and approved by the Local Planning Authority. The development shall not be occupied until the approved scheme is fully implemented in accordance with the details provided. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents.

12. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. The results of a site investigation based on the previously submitted Preliminary risk assessment (RSK (17 July 2019). Anglian Business Park Orchard Road Royston. Preliminary Risk Assessment. Ref: 28868 R02-01) and a detailed risk assessment, including a revised CSM.

2. Based on the risk assessment in (1) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (2). The long term monitoring and maintenance plan in (2) shall be updated and be implemented as approved.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, and the built and natural environment. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection

Position Statements.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the original remediation proposals. This condition will ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

14. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and proposed land use in line with National Planning Policy Framework (NPPF) and Environment Agency's Groundwater Protection Position Statements. Infiltration through contaminated land has the potential to impact on groundwater quality.

15. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and proposed land use in line with National Planning Policy Framework (NPPF) and Environment Agency's Groundwater Protection Position Statements.

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

Reason: To facilitate refuse and recycling collections.

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Cannon Consulting Engineers reference CCE/X821/FRA-02 dated April 2019 and Updated Surface Water Management Note 02 prepared by Cannon (submitted April 2020). The surface water drainage scheme should include;

1. Implementing the appropriate drainage strategy based on infiltration
2. 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.
3. Undertake the drainage to include tanked permeable paving, infiltration/storage blankets and soakaways as indicated in drawings X821-PL-SK-300 P01 Surface Water Management Plan (submitted April 2020).

Reason: To prevent flooding

18. No development of each phase shall take place until the final design of the drainage scheme for that individual phase has been submitted to, and approved in writing by, the local planning authority.

The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Cannon Consulting Engineers reference CCE/X821/FRA-02 dated April 2019 and the documents set out in the preceding condition. The scheme shall also include:

1. Full detailed engineering drawings 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.
2. Proposed SuDS features should be located in shared areas.
3. All calculations/modelling and drain down times for all storage features.
4. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event

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

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

19. Upon completion of the drainage works for each phase in accordance with the timing /phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

20. Detailed permission only

Prior to the commencement of works to implement this permission, the following details in relation to the proximity of the railway shall be submitted to and approved by the Local Planning Authority in conjunction with Network Rail:

drainage, boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping

Reason: To safeguard the safety and integrity of the railway

Note: See also Network Rail informative

21. OUTLINE ONLY

Before the development hereby permitted is commenced for phases 2 and 3, approval of the details of the siting, design and external appearance of the development, and the landscaping of the site in relation to those phases (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

22. OUTLINE ONLY

Application for approval of the reserved matters for phases 2 and 3 shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

23. Before the detailed scheme hereby approved for phase 1 is first occupied, an application for reserved matters for all subsequent phases, and approved in outline, shall be submitted for determination by the local planning authority within the time frame set out in condition 23 (standard outline time limit).

Reason: To support the Governments objective of significantly boosting housing supply by encouraging delivery of emerging local plan allocation RY7, both in a timely fashion and in a manner which will benefit the environmental and social setting of phase 1 hereby approved.

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:**FOUL DRAINAGE (Anglian Water)**

INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

GROUNDWATER (Env Agency)

Piling or any other foundation designs using penetrative methods can result in risks to controlled waters. It should be demonstrated that any proposed piling will not result in contamination of groundwater. We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

Groundwater and Contaminated Land Technical Comments We acknowledge that a preliminary risk assessment (PRA) for the entire site has been submitted and that it includes both an upgraded assessment of the risk to controlled waters receptors from on-site contamination sources (now ranked as medium) and a re-appraisal of the depth to groundwater (now anticipated to be around 18mbgl, in agreement with our estimate). Further comments regarding the southern and central/northern parts of the site are provided below:

Southern part of the site

We welcome the proposal to undertake a supplementary geo-environmental assessment (including soil leachate analyses) in this area in order to evaluate potential contamination associated with the former manure works on the eastern boundary of the site, the former railway sidings, and in the locations of proposed infiltration SUDs.

We emphasise once again that soil and leachate samples should be tested for contaminants relevant to the site land use history: as noted in Table 4 of the previously submitted geoenvironmental assessment (RSK report 28868-01(02) dated January 2017) contaminants of concern for this site include metals, ammoniacal nitrogen, acids, alkalis, solvents, PCBs, petroleum hydrocarbons and polyaromatic hydrocarbons.

Central and northern parts of the site

It is not immediately clear from the 2019 PRA whether a supplementary site investigation in these areas is planned. We recommend that an assessment be undertaken in order to evaluate potential on-site contamination sources, including the northerly extensions of the former railway sidings, the existing industrial units, and in the locations of any proposed infiltration SUDs. Both the historic and current industrial land uses should be taken into account when identifying contaminants of concern for soil and leachate testing programs.

1. Site Investigation

Land contamination investigations should be carried out in accordance with BS 5930:1999-2010 'Code of Practice for site investigations' and BS 10175:2011

'Investigation of potentially contaminated sites - Code of Practice' as updated/amended. Site investigation works should be undertaken by a suitably qualified and experienced professional. Soil and water analysis should be fully MCERTS accredited. Any further site investigation, demolition, remediation or construction works on site must not create new pollutant pathways or pollutant linkages in to the underlying principal aquifer to avoid generating new contaminated land liabilities for the developer. Clean drilling techniques may be required where boreholes, piles etc. penetrate through contaminated ground.

2. SuDS We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

Soakaways must not be constructed in contaminated ground where they could remobilise any pre-existing contamination and result in pollution of groundwater. Soakaways and other infiltration SuDS need to meet the criteria in our Groundwater Protection Position Statements G1 and G9 to G13.

Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components.

We recommend that developers should:

1. Refer to our 'Groundwater Protection' webpages, which include the Groundwater Protection Position Statements;
2. Follow the Land Contamination: Risk Management guidance when dealing with land affected by contamination;
3. Refer to the CL:AIRE Water and Land Library (WALL) which includes the Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
4. Refer to our Land Contamination Technical Guidance;
5. Refer to 'Position Statement on the Definition of Waste: Development Industry Code of Practice';
6. Refer to British Standards BS 5930:1999 A2:2010 Code of practice for site investigations and BS10175:2011 A1: 2013 Investigation of potentially contaminated sites - code of practice
7. Refer to our 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a 'Foundation Works Risk Assessment Report', guidance on producing this can be found in Table 3 of 'Piling Into Contaminated Sites';
8. Refer to our 'Good Practice for Decommissioning Boreholes and Wells'.
9. Refer to our 'Dewatering building sites and other excavations: environmental permits' guidance when temporary de

EV CHARGING AND TRAVEL PLANS

The emphasis of a Travel Plan must be on encouraging a shift away from private car journeys. However, at this time it is also important to recognise that, at this time, between 60-70% of journeys from domestic properties in North Hertfordshire are made by private vehicle. Therefore, it is important to encourage as many of those journeys that continue to be made by private vehicle are made using ultra low emission vehicles (ULEV) as opposed to internal combustion engine vehicles. This is important as a means of reducing greenhouse gas emissions and the emission of toxic air pollutants.

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

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

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- 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.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

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

- o Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).
- o Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra low emission vehicles'.
- o HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to 'preserve the character and quality of the Hertfordshire environment' and 'make journeys and their impact safer and healthier', as well as its Emissions Reduction Policy 19.
- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.
- o Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).
- o Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra low emission vehicles'.
- o HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to 'preserve the character and quality of the Hertfordshire environment' and 'make journeys and their impact safer and healthier', as well as its Emissions Reduction Policy 19.

o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

NOISE AND ASBESTOS

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

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

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

HIGHWAY INFORMATIVE

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

1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38/278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
2. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

WASTE COLLECTION

Doors to bin stores should be sufficient in widths to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available.

Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.

Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor.

Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.

For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.

General:

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

It is noted that in many areas residents are expected to pull bins past parking bays. This is not recommended and often leads to bins being left out on the pavements or grassed areas.

Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

Further advice on waste provision for developments is available on our website: <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>

LOCAL LEAD FLOOD AUTHORITY

We note that in the indicative plan for the outline application interconnected soakage trenches have been located within the rear gardens of the residential units. As part of detailed planning we would recommend that these features be relocated to shared areas.

There is a high uncertainty that individual house owners will have the means to undertake the maintenance required by drainage features within their property. As the drainage system is serving more than one property, the lack of maintenance would affect several properties.

NETWORK RAIL INFORMATIVE

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. No connection should be made to existing railway drainage without agreement with Network Rail prior to work commencing on site.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if

excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.
before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running

24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var, betulifolia*), Lombardy Poplar (*Populus nigra var, italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

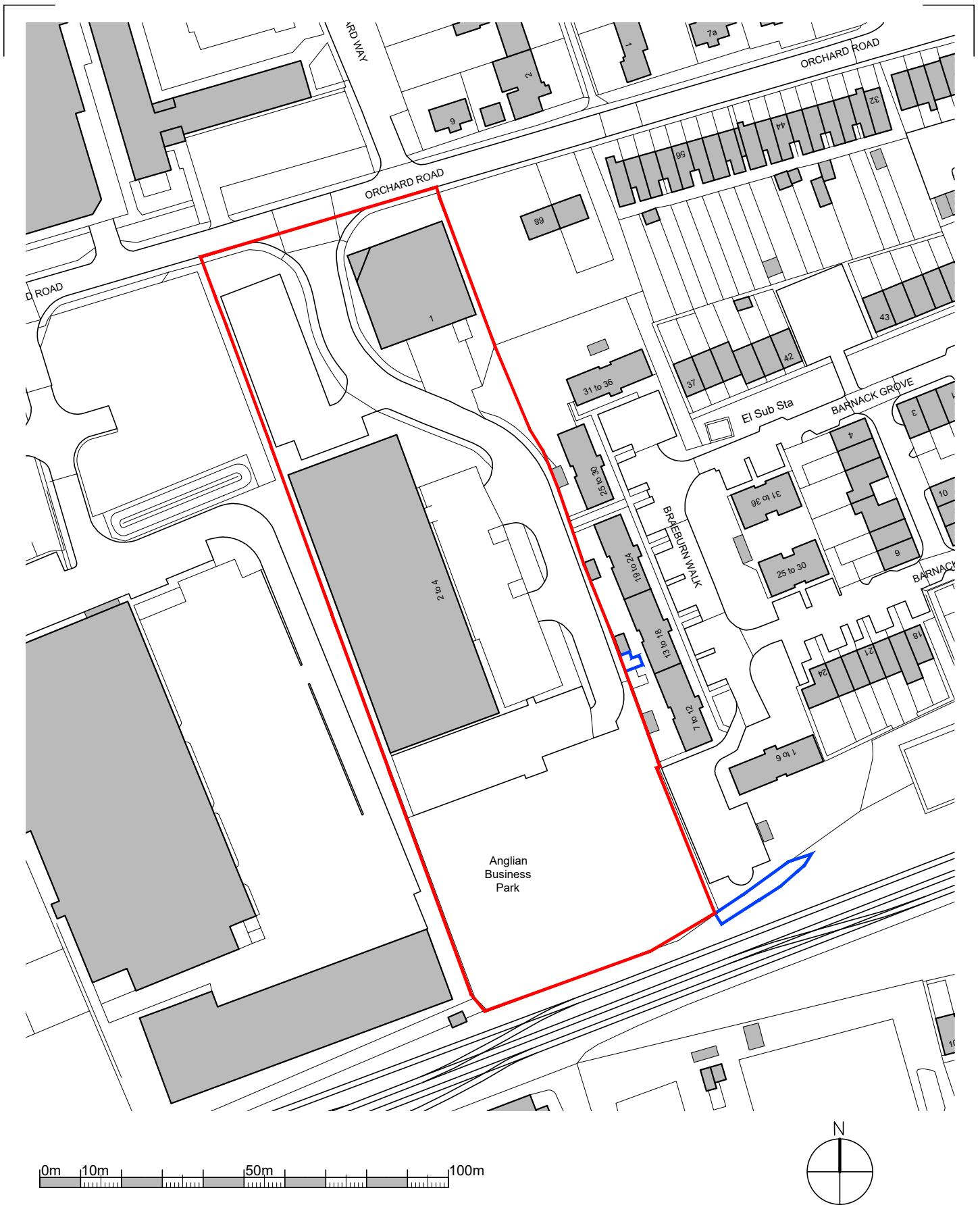
Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the drainage, boundary fencing, Armco barriers, method statements/OPE, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

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 Simon Bortle F:\2613 Anglian Building Park, Royston\Title\Planning\PL001 Site Location Plan

REVISIONS:				
Rev.	By:	Chk:	Date:	Description:

Project: Anglian Business Park Royston				
Title: Site Location Plan				
Drawn: SB	Checked: 	Date: 27.1.19	Scale: 1:1250	Size: A4
Project No: 2613	Drawing No: PL001		Revision: -	

PLANNING



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ITEM NO:	
<u>Location:</u>	189 High Street Codicote Hitchin Hertfordshire SG4 8UD
<u>Applicant:</u>	Aldenham Residential
<u>Proposal:</u>	Erection of three 4-bed dwellings with associated parking, bin/cycle storage and alterations to existing vehicular access following demolition of existing dwelling
<u>Ref. No:</u>	20/00603/FP
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 07.05.2020

1.0 **Submitted Plan Nos.:**

1416_A_0101 Rev P4; 1414_A_0102 Rev B; 1416_A_1000 Rev P5; 1416_A_1001 Rev P4; 1416_A_1002 Rev P5; 1416_A_1003 Rev P2; 1416_A_1004 Rev P2; 1416_A_2201 Rev P2; 1416_A_2202 Rev P2; 1416_A_2203 Rev P2; 1416_A_2204 Rev P2; 1416_A_2205 Rev P2; 1416_A_4501 Rev P2; 1416_A_4502 Rev P2; 1416_A_4503 Rev P2.

2.0 **Site History**

- 2.1 14/00401/1 - Erection of one number 4 bedroom dwelling and ancillary works following demolition of existing 3 bedroom dwelling – Granted Conditional Permission on 08/04/2014.
- 2.2 18/03347/FP - Erection of two 3-bed and two 4-bed dwellings with associated parking, bin/cycle storage and alterations to existing vehicular access following demolition of existing dwelling (as amended by plans received 15/03/2019) – Refused on 30/05/2019 and dismissed at appeal on 17/01/2020.

3.0 **Policies**

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

Policy 5 – Excluded Villages
Policy 14 – Nature Conservation
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

3.2 National Planning Policy Framework

Chapter 2 – Achieving sustainable development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Conserving and enhancing the natural environment

3.3 North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)

SP1 – Sustainable development in North Hertfordshire
SP9 – Design and sustainability
D1 – Sustainable Design
D3 – Protecting Living Conditions
T1 – Assessment of transport matters
T2 – Parking

3.4 Supplementary Planning Document

Vehicle Parking at New Development SPD (2011)

4.0 Representations

4.1 Site Notice:

Start Date: 26/03/2020

Expiry Date: 18/04/2020

4.2 Press Notice:

Start Date: N/A

Expiry Date: N/A

4.3 Neighbouring Notifications:

The owners/occupiers of No. 4, 5, 6 The Birches; 213, 215, 217, 219, 221, 223 Valley Road South; 181, 183, 185, 187, 189A, 191, 193 High Street were notified on 18/03/2020. Two neighbouring objections have been received and are summarised below:

189a High Street (Objection):

- The site is surrounded by Green Belt which is a mini nature reserve and will be affected by 3 large houses.
- The surrounding bungalows will have their existing privacy destroyed and lose some of their winter sunshine.
- Codicote is being greatly expanded anyway so I see no great need for this development except for personal gain

191 High Street (Objection):

- The plot is on the edge of the village abutting the Green Belt. the proposal negatively impacts on the green belt and adjacent properties.
- The height and scale of the proposed buildings far exceed the existing dwelling, which is a chalet bungalow. The plot is in an elevated position.
- The adjacent houses 189a, 191, 193 are all bungalows which sit lower than the development site.
- The height of the proposed dwellings is unnecessary and the same accommodation could be achieved by building 1 ½ storey houses.
- The impact of plot 3 on 191 and 193 would be immense. The bedroom windows of plots 1 and 2 would look directly into the bedroom of 191.
- The development would sit on top of a ridge and would give a hard edge to the village.

Parish Council / Statutory Consultees:

Herts and Middlesex Wildlife Trust – No comments received.

Codicote Parish Council – Objection “*properties appear overbearing and not in keeping with the surrounding 1 – 1.5 storey dwellings in the vicinity; Density not in keeping with an edge of the village development; Concerned at the future of a parcel of land without access for vehicles or animals*”.

HCC Highways – No objection subject to conditions and informatives.

Environmental Health (Contaminated Land) – No comments received.

Environmental Health (Noise) – No objection subject informatives.

Environmental Health (Air Quality) – No objection subject to conditions and informatives.

Waste and Recycling – No objection.

Hertfordshire Fire Service – No comments received.

Archaeology – No comment.

Ecology – No comments received.

5.0 **Planning Considerations**

5.1 **Site and Surroundings**

- 5.1.1 189 High Street is a detached chalet bungalow situated on the south-eastern edge of Codicote and is accessed by a shared access road from High Street. The site is split with residential garden surrounding the existing dwelling and paddock land situated to the rear of the site that is associated with 189 High Street.
- 5.1.2 The application site is gated with mature vegetation to the boundaries of the site. The existing property sits at a higher elevation than neighbouring properties that front High Street. The site then drops away to the rear into a valley that is predominately unused, although it is noted that there is an existing access road serving a building to the rear of the site. To the south and west of the application site, there exists a number of residential properties that exist in a variety of forms including bungalows, semi-detached dwellings and terraced groups.
- 5.1.3 The application site sits on the edge of the village boundary with the property and its residential garden being within the village boundary and the associated paddock being within the Green Belt.

5.2 **Proposal**

- 5.2.1 Planning permission is sought for the erection of three 4-bed detached dwellings following the demolition of the existing property and associated structures. Permission is also sought for alteration to the existing access to the application site from the High Street.
- 5.2.2 Plot 1 would consist of a two storey detached dwelling and single storey height detached double garage. Plot 1 would measure approximately 10m wide, 10m in depth and 8.2m in height with 5m to the eaves.
- 5.2.3 Plot 2 would also consist of a two story detached dwelling and detached garage. The property would measure approximately 10m in depth, 11.2m wide and 8.2m in height with 5m to the eaves.
- 5.2.4 Plot 3 would consist of a detached dwelling with single storey garage projecting from the site elevation. The property would measure approximately 12.6m in depth, 12m wide and 8.2m in height with 5m to the eaves.

5.3 Key Issues

5.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of new dwellings in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.

Principle of Development:

5.3.2 The application site is situated within Codicote, which in Policy 5 of the Current Local Plan is defined as an excluded village. Within an excluded village the Council will normally permit development for housing provided the development is compatible with the maintenance and enhancement of the village character.

5.3.3 Within Policy SP2 of the Emerging Local Plan, Codicote is identified as one of five villages for growth, specifically in relation to the delivery of new housing. Codicote is defined as being a large village that supports a range of services and facilities with access to bus services.

5.3.4 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites and therefore Paragraph 11 of the National Planning Policy Framework (2019) and its “presumption in favour of sustainable development” is engaged as follows:

“for decision taking... granted permission unless... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole”

5.3.5 The application site is considered to be within a sustainable location and would deliver three new dwellings that would contribute toward additional housing within the district. It is considered that the principle of development would be acceptable in this location and the delivery of new housing would be of moderate benefit.

Sustainability:

5.3.6 Paragraph 8 of the NPPF sets out the three aspects to sustainable development: economic, social and environmental. The principles identified within the NPPF are reflected within SP1 of the Emerging Local Plan.

- 5.3.7 The application site is situated within Codicote, a village identified for housing growth. The site would benefit from good access to services and facilities, a wider cycle network and bus services to further afield. The future occupiers of the dwellings would enhance the vitality of these services through an increase in use. The development of three properties in this location would provide an economic boost to the development and supply chain. However these benefits are modest. It is accepted that the environmental benefits would be neutral at best.
- 5.3.8 The proposed development would make an effective use of a large under-utilised plot within the village boundary and would contribute three new dwellings within the district helping to meet an identified need for housing.

Design and Appearance:

- 5.3.9 The NPPF attaches great importance to the design of the built environment, stating *“the creation of high quality buildings and places is fundamental to what the planning and development process should achieve”*. The NPPF goes on to state that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. The aims of the NPPF are reflected in the Saved Local Plan in Policy 57 and in the Emerging Local Plan Policy D1.
- 5.3.10 The application site is situated on the south eastern edge of Codicote, with the proposed dwellings and gardens being contained within the village boundary. The site would share a private road access from High Street with dwellings that are predominately of 1 ½ storey chalet bungalow in design. To the north east of the site, properties are two storey in height and terraced in groups of three with small residential gardens.
- 5.3.11 The scheme would result in the creation of three new two storey detached dwellings in a cul-de-sac style development and on a large site. Each property would feature a half-hipped roof design with an interlocking front gable and single storey elements. Each property would benefit from a garage that is limited to single storey in height.
- 5.3.12 Whilst the development would be partially visible from within certain viewpoints given the edge of village location of the site, this part of Codicote is well built up with residential dwellings of different styles and sizes. Additionally, the development would be set off the High Street and therefore not result in any unacceptable dominant impact upon the character and appearance of the locality.
- 5.3.13 The proposed dwellings are of high-quality design that would be of an appropriate scale in this location and feature appropriate roof forms and make use of high quality materials. Whilst at a higher elevation than the existing dwellings fronting High Street, given the setback nature of the development, it is considered that the proposed development would be in compliance with Policies 57 of the Saved Local Plan, Policy D2 of the Emerging Local Plan and the core principles set out within the National Planning Policy Framework (2019).

Impact on Neighbouring Properties:

- 5.3.14 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.
- 5.3.15 The application site is neighbored by No 189a High Street to the north west and No. 187, 191, 193 High Street to the south west. The site neighbours open fields to the north east and south east of the site.
- 5.3.16 Plot 1 would neighbour No. 189a High Street. The two storey detached property is set well away from the party boundary with the neighbouring site by approximately 7.7m. Furthermore, the detached double garage, whilst sited on the party boundary, would not project unacceptably beyond the rear elevation of the neighbouring property. Whilst Plot 1 would be partially visible to the neighbouring property, it is considered that the separation between the two dwellings and set to a side nature of the proposed dwelling would result in no unacceptable impact upon the amenities of the neighbouring occupiers. Furthermore, the development would result in no loss of light to the neighbouring occupiers given the site orientation and the path of the sun throughout the day. It is considered that the development would therefore not result in an unacceptable overbearing impact upon the neighbouring property.
- 5.3.17 Plot 3 is sited adjacent to the rear boundaries of No. 191 and 193 High Street. The single storey garage would be sited close to the party boundary with the neighbouring properties with the two storey dwelling being set away and side facing onto the neighbouring dwellings. Given the distance between the rear elevations of the neighbouring properties and the side elevation of the proposed dwelling (approximately 17m), it is considered that the development would not result in any unacceptable overbearing impact upon the occupiers of the neighbouring dwellings. The side elevation of Plot 3 would not feature any windows and therefore the development would result in no overlooking or loss of privacy to neighbouring occupiers. Furthermore, the neighbouring properties would not suffer a loss of light as a result of the development given the path of the sun throughout the day.
- 5.3.18 Plots 2 would be set away from any nearby existing properties and would therefore result in no impact upon neighbouring amenities. Additionally properties along Valley Road South would be set approximately 46m away from the side elevation of Plot 1. It is therefore considered that there would be no unacceptable impact upon the amenities of occupiers along Valley Road South.
- 5.3.19 The proposed first floor side windows proposed in Plot 1 would be conditioned to be obscure glazed in order to safeguard neighbouring privacy and amenity. The development would therefore not result in a loss of privacy for neighbouring occupiers.
- 5.3.20 Given the above, it is considered that the proposed development would result in no unacceptable overbearing impact upon the amenities of the neighbouring occupiers. The development would therefore be in compliance with Policy 28 of the District Local Plan, Policy D3 of the emerging local plan and the aims of the National Planning Policy Framework.

Amenity of Future Occupiers:

- 5.3.21 Paragraph 127 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 127 (f) is reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.
- 5.3.22 The proposed dwellings would provide sufficient living accommodation within the dwelling and sufficient amenity private amenity space in the form of large gardens. Each of the proposed dwellings would also benefit from a sufficient level of privacy given the proposed layout of the development and the relationship with existing properties within the vicinity.

Highways and Parking:

- 5.3.23 Hertfordshire County Council have raised no objection and consider that the development would result in no detrimental impact upon the safe operation of the highway.
- 5.3.24 Each dwelling would benefit from at least two car parking spaces, which would be in compliance with local planning policy. Furthermore, the application proposes the creation of four additional car parking spaces resulting in three off-street spaces for each of the dwellings. No objection is raised with regards to car parking within the site.

Trees and Landscaping:

- 5.3.25 The application proposes the removal of a number of trees, particularly those that are along the proposed access to the application site. The application site is not situated within the Conservation Area and no trees within the site are protected by means of a Tree Preservation Order. The proposed removal of some trees within the site is considered acceptable.

Neighbouring Objections:

- 5.3.26 The objections received from neighbouring occupiers raise concerns regarding the impact of the development upon the Green Belt. In comparison to the previous application (18/03347/FP) for new dwellings in the same location, the proposal no longer includes development within the Green Belt. The proposal would therefore have no impact upon openness of the Green Belt or upon the five purposes of the Green Belt.
- 5.3.27 Other concerns raised by neighbouring occupiers have been addressed in the report above.

Climate Change Mitigation:

5.3.28 The site is not within a flood risk area and the site is unlikely to contain contaminants that would prevent the grant of planning permission.

5.3.29 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims an Electric Vehicle Charging points will be conditioned to be installed on each of the proposed new dwellings.

5.4 **Conclusion**

5.4.1 The proposed development is considered acceptable and are considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

5.5 **Alternative Options**

5.5.1 None applicable

5.6 **Pre-Commencement Conditions**

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

6.0 **Legal Implications**

6.1 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 occupation of the development hereby permitted the vehicular access shall be provided 4.1 metres wide and thereafter retained at the position shown on the approved plan drawing number 1416_A_0101 revision P3. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Before the access is first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 43 metres to 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 carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. The gradient of the vehicular access shall not exceed 1:20 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
a. Construction vehicle numbers, type, routing;
b. Access arrangements to the site;

c. Traffic management requirements

d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);

e. Siting and details of wheel washing facilities;

f. Cleaning of site entrances, site tracks and the adjacent public highway;

g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

- 7. Prior to occupation, each of the proposed new dwellings 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 of the operational phase of the development on local air quality.

- 8. Notwithstanding the approved plans, the following windows relating to the development hereby permitted shall be permanently glazed with obscure glass and fixed shut unless otherwise agreed in writing with the Local Planning Authority:

--First floor windows on Plot 01 side elevations;

Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.

- 9. Prior to the commencement of the development hereby permitted, a Landscape and Ecology Management Plan must be submitted and approved in writing by the Local Planning Authority that demonstrates the future landscaping of the site including:

- a) which of the existing vegetation is to be removed and which is to be retained;
- b) the type, number and species of replacement nectar and pollen rich species and fruit and nut producing trees and shrubs;
- c) details of bird and bat boxes including their precise location within the site;
- d) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
- e) details of any earthworks proposed.

The approved landscaping details will be implemented on site unless otherwise confirmed in writing by the Local Planning Authority.

The bird/bat boxes agreed shall be installed on site no later than 6 months following the first occupation of the development and retained as agreed for perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

10. Prior to the commencement of the development hereby permitted, No development shall take place (including demolition, ground works, vegetation clearance) until a Reptile Method Statement is given to safeguard species from hazards resulting from:

--Groundworks and clearance of any potential reptile habitat including the field associated with the building.

--Clearance of existing or created shelter for reptiles on the development site.

The approved Reptile Method Statement shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To ensure that the habitat and interests of protected species are safeguarded having regard to relevant planning legislation.

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

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

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.

Informative/s:

1. During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
2. During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.
3. Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

4. 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 contact <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx>. or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

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

5. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

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

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

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

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- 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.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>



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Jefferson
Sheard
Architects

Project

Residential Development
Codicote

Drawing

Location Plan

Scale
1:1250@A4

Date
Dec 18

Ref.
1416_A_1001

Drawing Purpose
PLANNING SUBMISSION

Status
S5

Rev P4

Drawn CJS

Check JH

Do not scale from this drawing
The contractor is to check all dimensions on site and report any
discrepancies to the architect
All rights described in chapter IV of the copyright, designs and
patents act 1988 have been generally asserted

P4	07/02/19	Drawn:AS	Check:JH
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Planning submission

P3	15/02/19	Drawn:CJS	Check:JH
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Revised Planning Issue

P2	19/12/18	Drawn:CJS	Check:JH
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P1	13/12/18	Drawn:CJS	Check:JH
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Draft Planning Issue

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ITEM NO:	
<u>Location:</u>	Glyfada Gosmore Road Hitchin Hertfordshire SG4 9BE
<u>Applicant:</u>	-
<u>Proposal:</u>	Erection of six 4-bed and two 5-bed dwellings including creation of new vehicular access off of Hitchin Road following demolition of existing dwelling (revision of previous scheme granted permission under 17/02466/1 and 18/02810/NMA).
<u>Ref. No:</u>	19/03033/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 30th April 2020

Reason for Delay

Negotiations and Committee cycle

Reason for Referral to Committee

This application is being reported to Committee because the site area exceeds 0.5 hectares.

1.0 **Planning Policy**

1.1 **North Hertfordshire District Council**

Policy 2: Green Belts

Policy 26: Housing proposals

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents

Design SPD

Vehicle Parking Provision at New Development SPD (2011)

1.2 **National Planning Policy Framework (February 2019)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

1.3 **North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission (Incorporating the Proposed Main Modifications November 2018)**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

2.0 **Site History**

2.1 17/02466/1: Erection of 6 detached five bed dwellings including creation of new vehicular access off Hitchin Road following demolition of existing dwelling. Granted permission 18.01.18.

2.2 18/02810/NMA: Plot 1 dwelling handed, Plot 3 repositioned and addition of rooflights to garage link and garage. Plot 4 repositioned and addition of rooflights to garage link. Plot 5 dwelling handed and garage attached. All as non-material amendments to planning application 17/02466/1 granted on 18.01.18.

3.0 **Representations**

3.1 **Hertfordshire Highways:** Advises that the authority do not wish to restrict the grant of planning permission subject to several conditions including details of footway links to be secured via a Section 278 Agreement. Also recommends the attachment of highway informatives.

3.2 **NHDC Environmental Health officer (Air Quality):** Raises no objections. Recommends a condition requiring EV charging points in each dwelling and an EV recharging informative.

3.3 **NHDC Environmental Health officer (Contamination):** Requested further details concerning the submitted risk assessment. Final comments awaited.

3.4 **NHDC Environmental Health officer (Noise)** No comments received

3.5 **St. Ippoyts Parish Council:** 'Objects to overdevelopment and poor mix of dwelling with part of the development still situated in the Green Belt '

3.6 **NHDC Landscape officer:** No objection in principle but requires further detail on the landscape proposals for the southern boundary. Requests a landscape condition requiring full details of landscaping.

3.7 **NHDC Waste & Recycling Manager:** Provides advice on standard requirements for waste and recycling storage and collection facilities. Raises no objections.

3.8 Site Notice / Adjoining residents:

Comments received objecting to the development raising the following points:

- ☐ Site will be visible to houses in Newlands Lane
- ☐ Loss of privacy, loss of light
- ☐ Noise pollution
- ☐ Loss of property value
- ☐ Restrictive covenants in place limiting the number of houses on the site
- ☐ Revised plan is cramped and would resemble a housing state and therefore out of character
- ☐ Query sewage proposals
- ☐ Request a Committee decision
- ☐ Too many houses – suggest reduction in number and size
- ☐ Query whether there is sufficient parking

Comments received in support:

- ☐ Development is high quality and in keeping
- ☐ There is a lack of housing of this nature available

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises the residential curtilage of a property known as 'Glyfada' a former two storey dwelling (now demolished) located on Hitchin Road on the the southern edge of Hitchin and north of the village of Gosmore. Vehicular access to the property is directly off Hitchin Road. The site area is approximately 0.57 hectares (1.4 acres).
- 4.1.2 The majority of the site at present lies within the urban area of Hitchin however a rectangular southern section of the site of approximately one third of the total site area (2070 sqm) lies within the Green Belt as designated by the current proposals map of the North Hertfordshire District Local Plan with Alterations 1996 (Saved Policies 2007). All of the site has been in residential use until the recent demolition of the dwelling in 2019.
- 4.1.3 To the south of the site is a field and then to the south of that the village settlement of Gosmore which is currently washed over by the Green Belt designation in the current local plan.
- 4.1.4 There are no public rights of way within the immediate vicinity of the site and no footpaths along Hitchin Road immediately outside of the site outside of the site however there is a footpath link north of Brick Kiln Lane into Hitchin (approximately 80 m north of the site entrance). Hitchin Road is a classified road maintained by Hertfordshire County Council as the local highway authority.

4.1.5 The site itself has a slight rise in levels from west to east and the southern boundary is defined by a substantial length of conifer trees up to 6 metres in height.

4.2 Proposal

4.2.1 This application seeks full planning permission to erect eight dwellings on the site comprising of the following mix and size:

- ☐ Two semi-detached x 4 bedroom dwellings (Plots 2 & 3) including attached garages
- ☐ Three detached x 4 bedroom dwellings with attached garages (Plots 6, 7 & 8)
- ☐ One detached x 4 bedroom dwelling with detached garage (Plot 1)
- ☐ Two detached x 5 bedroom houses with attached garages (Plots 4 & 5)

4.2.2 Access to the site would be via an amended access point in the centre of the site frontage with Hitchin Road.

4.2.3 The proposed dwellings would be positioned around a 5.5 metre wide internal access road with a cul-de-sac turning head. The dwellings would in the main face onto and be accessed from the internal access road.

4.2.4 The existing conifer tree belt along the southern boundary would be replaced by a double hedge field boundary with mature trees interspersed at intervals along the boundary.

4.2.5 All of the dwellings would have full hipped roofs with projecting gables and external materials would include facing brickwork, composite boarding and hanging tiles with white upvc windows. The generally traditional design of the dwellings is reinforced with chimneys, projecting gables, string courses, dormer windows, stone cills, brick plinths and rooftiles.

4.2.6 The application is supported by the following documents:

- ☐ Planning, Design & Access statement
- ☐ Ecology reports including Addendum report
- ☐ Geo-environmental Site Investigation report
- ☐ Highway Technical Note (November 2019)
- ☐ Sustainability statement (January 2020)

4.3 Key issues

4.3.1 The key issues are the principle of the development, character and appearance, living conditions of existing and proposed residents, access and parking issues, environmental matters and planning obligations

4.3.2 Principle of the development

- 4.3.3 Planning permission was granted for six dwellings on this site in January 2018 (see history above). That permission has been implemented with the demolition of the original dwelling on the site and the redevelopment scheme can now be built out subject to the discharge of several conditions pursuant to that consent such as a construction management plan and the submission of an environmental risk assessment.
- 4.3.4 In granting permission for the previous scheme for six dwellings the Local Planning Authority accepted that there were very special circumstances (VSC's) apparent to justify development within the currently designated Green Belt area of the site. There have been no changes that would alter the relevance of the previous VSC's indeed the Council's five year land supply position has deteriorated since January 2018 with the recent publication of its Annual Monitoring Report which demonstrate that it has, from April 2019, only 1.3 years of housing land supply. Furthermore, the granting of the previous permission is a significant material consideration.
- 4.3.5 In view of the above I conclude that the principle of development on this site for a residential scheme of eight dwellings is acceptable subject to an examination of all other material considerations.

4.3.6 Character and Appearance

- 4.3.7 Prior to its demolition 'Glyfada' was a two storey dwelling set in in substantial grounds (0.57 hectares). The surrounding pattern of development is that of generally large two storey dwellings with large gardens and detached garages. Plot sizes vary and there a range of architectural styles. There area number of residential cul-de-sacs in the immediate area such as Newlands Close (East and West), New England Close, Millfield Lane and Ransom Close and there are several backland plots where additional dwellings have been added in rear gardens. Further south is Gosmore Ley Close a cul-de-sac of 8 dwellings on a similar site area as the application site. Given this prevailing form of development I consider that the development of the site as a cul-de-sac of 8 dwellings with generous gardens and adequate parking would not be out of keeping in the neighbourhood.
- 4.3.8 The application proposals include two additional dwellings over the approved scheme (ref: 17/02466/1) but with a mix of semi-detached and detached dwellings as opposed to the approved six detached dwellings. There is a just under 10% increase in footprint with this proposed 8 dwelling scheme (1251 sqm as opposed to 1157 sqm). Section 11 of the NPPF ('Making efficient use of land') is relevant in that it supports the development of under used land. Paragraph 123 states:

'it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site'

In this case there would be more efficient use of the site with this 8 dwelling scheme with a density of 14 dwellings per hectare (previously 10.5dpa) which is still a relatively low density in terms of modern housing developments and of a similar density to nearby cul-de-sacs as mentioned above.

- 4.3.9 The proposed layout demonstrates a reasonably spacious layout for this edge of settlement location and the houses are located so that they are sited back from the site boundaries to allow for the proposed landscaping to mature and therefore retain the sylvan character of the area.
- 4.3.10 The conifer screen along the southern boundary is proposed to be replaced with a traditional field boundary double spaced hedge comprising a mix of elder, hawthorn, blackthorn and holly whips interspersed with some tree species. The full detail of the landscaping can be secured by an appropriately worded condition. The existing conifer screen although tall has not been maintained well and does not provide much in the way of wildlife habitat. The hedge and tree planting has the potential to reinforce the Green Belt boundary as proposed in the Emerging Local Plan.
- 4.3.11 Given all of the above I consider that this revised scheme will be still in keeping with the prevailing pattern of development particularly in terms of density, scale, external materials and landscaping and that it would not be harmful to the character and appearance of the area.
- 4.3.12 **Living conditions of existing and proposed residents.**
- 4.3.13 Concerns have been raised overlooking and consequent loss of privacy to existing residents. In respect of plot 1 a condition can be attached ensuring that the en-suite window on the northern elevation is obscure glazed. Plots 2 & 3 are angled away from 'Gosmore Cross' and over 30 metres away from the rear elevation of that property. Plots 4 and 5 are as approved under the previous permission with an angled relationship and significant back to back separation distances with properties to the west. The fall in levels across the site down to Hitchin Road also assists in helping to reduce the dominance of the development on adjacent properties.
- 4.3.14 It is appreciated that some of the adjacent properties have some open views across the application site that will be changed with this development. However there is no right to a view and I consider that the development itself would not result in any overbearing impact or loss of privacy to adjacent properties.
- 4.3.15 Even with the increase in density of development each of the new dwellings will have large gardens comfortably in excess of Policy 57 guidelines. In addition the proposed residents will have convenient access to open countryside and a network of public footpaths as well as the amenities in the nearby Gosmore village (village green and pubs).
- 4.3.16 In conclusion on living conditions I consider that the development would not be harmful to existing residents amenity and would provide a high standard of environment for the prospective residents.

4.3.17 Access and parking issues

- 4.3.18 The application is accompanied by a technical document to demonstrate that the proposed replacement access can be suitably provided and would be safe in highway terms. It confirms that there has been no recorded accidents on the adjacent highway in the last 5 years (from information provided by HCC Highways). The removal of the existing front access boundary walls and hedging and the re-siting of the access serving the development to the south would actually improve visibility and highway safety. Traffic generation levels would be very low i.e. the proposal would generate a maximum of 4 movements during the AM peak hour, 2 movements in the lunchtime peak hour and 3 movements during the evening PM peak hour. The document demonstrates that a refuse collection vehicle currently used (12.8m in length) would be able to access the development and turn around within the site. The document concludes that the vehicle trip generation by an additional two dwellings would result in a negligible increase in traffic at the site access and barely perceptible impact on highway capacity.
- 4.3.19 In considering this application officers have been asked to consider a footpath link to and from the site to Gosmore village. Whilst there is potentially sufficient room within the highway boundary south of the site to achieve a footway there is no footpath through the village in any event therefore pedestrians would still have to re-join the shared carriageway with traffic on entering the village. In discussions the Highway Authority have advised that this option is not of any overall benefit. However, the Highway Authority have requested however that a footpath is provided from the site to link up with the public footpath to the north beyond the junction with Brick Kiln Lane some 85 metres away. The Highway Authority have not provided any feasibility plans or cost estimates for this section of footpath and would like the detail left to a Section 278 Agreement under the Highways Act, to be agreed by a planning condition. This matter has been discussed at length with the applicants and their highways consultants and has culminated in a report being produced by Stomor Civil Engineering consultants together with diagrams. The report outlines the difficulty of achieving this footpath due to the narrowness of the highway boundary adjacent to Roseview Cottage where the footway corridor would be less than 1 metre in width in addition to being restricted by a property boundary wall and lamp column. Furthermore, there are gas and electricity services along the route which in order to accommodate the footway may prove cost prohibitive. Apart from the highway safety and unknown costs issues the footpath would involve the removal of a substantial section of highway verge and hedgerow which would have an adverse visual impact. I consider that for all of the above reasons it would not be reasonable in planning terms to require the developer, via a planning condition as suggested by the Highway Authority, to enter into a highway agreement. Such a condition would also in my opinion fail the tests of being necessary, precise and reasonable as required by the Framework and National Planning Policy Guidance.

Notwithstanding the above, the applicant has agreed that should a footpath extension scheme within the vicinity of the site that is promoted by the Highway Authority come forward in the next 2 – 3 years, then a contribution of £16,500 is offered towards this scheme. Please refer to the paragraph below regarding Planning obligations for more details on this matter.

4.3.20 The proposed development would comfortably meet the parking standards required as set out in the Council's supplementary planning document on parking at new development – including visitor parking provision. In addition the proposed garages provide cycle and scooter parking areas in addition to electric vehicle charging points.

4.3.21 No objections are raised by the Highway Authority and it concludes that the development would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of informatives and planning conditions.

4.3.22 Given the above analysis I consider that the development is acceptable in highway safety terms and that sufficient on site parking can be provided.

4.3.23 **Environmental matters**

4.3.24 The application documentation includes the original ecological appraisal carried out in July 2017 and an updated addendum to this report dated October 2019. The reports confirm that the site is not of nature conservation importance and has limited biodiversity with some minor nesting bird habitat. The Council's ecological consultants advise that it is not necessary, given the nature of the site and scale of development, to adopt the biodiversity metric in this case. They do however acknowledge the benefit to biodiversity that would result from the proposed landscaping scheme and they advise that two artificial roosting bats should be integrated into plots 4 & 5 (previously 3 & 4) to achieve a biodiversity gain in line with the aims of the NPPF.

4.3.25 The application is accompanied by a Geo-environmental site investigation including a Phase II contamination assessment. A condition is recommended requiring the development to be carried out in accordance with the risk assessment methodology and evaluation set out in the submitted report.

4.3.26 A sustainability statement has been submitted with this application. It sets out how the development can meet the aims of Policy D1 'Sustainable Design' of the ELP with reference to protecting ecological features of the site, incorporating Sustainable Urban Drainage Systems, reducing carbon emissions through incorporating a range of low/zero carbon technologies in the design and managing constructional and operational waste. A condition is recommended that requires the development to be carried out in accordance with the sustainability statement.

4.3.27 **Planning Obligations**

4.3.28 When the Local Planning Authority considered the previous application (17/02466/1) in January 2018 the original National Planning Policy Framework (2012) was in place. Major development was not defined in the Annexe 2 (Glossary). Since then the guidance has been amended and the Annexe 2 Glossary in the 2019 NPPF has identified 'Major development' for housing as '*development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more*'. The current application has been registered and advertised as a 'major' development and the site area is 0.57 hectares therefore planning obligations can be requested. The extant permission does not include any planning obligations.

4.3.29 In this case Hertfordshire County Council's Growth & Infrastructure team have requested the following contributions towards County Council infrastructure / services:

- ☐ Childcare - £1,682.00
- ☐ Primary education - £91,173.36
- ☐ Secondary education - £37,862.00
- ☐ Library service £1,976.00

4.3.30 The applicants have responded to the HCC request for infrastructure contributions stating that the applicant has a realistic fallback position that must be taken into account by the Local Planning Authority if it were to consider the full amount of contributions requested by the County Council. The fallback position is the extant permission for 6 dwellings without any financial contributions and possibly an amendment to that permission for 8 dwellings on a smaller site area again without the need for financial contributions. The fallback position is a material planning consideration that has been recognised by Planning Inspectors at appeal and in case law and indeed the applicants have quoted the Mansell Judgement (Court of Appeal C1/2016/4488). Furthermore, the applicants have advised the very real prospect of the fallback position is strengthened by the fact that one of the plots has been sold and therefore a contractual obligation exists to commence the development. In addition a Section 278 application pursuant to the 6 dwellings scheme has been submitted to the County Council as highway authority.

4.3.31 In view of the above it is considered that there is a compelling case that there is a realistic and probable fall back position whereby the applicant can implement the 6 unit scheme without financial contributions. As such it is significant material planning consideration in determining whether the full list of planning obligations sought by the County Council is reasonable. In this regard the applicant has made a contribution offer of **£15,693.29** based on the 4 additional bedrooms now being proposed over and above the approved non-contribution six unit scheme (calculated at £3,923.29 per bedroom in accordance with the HCC toolkit).

4.3.32 In addition to the above education contribution the developer has agreed a sustainable transport contribution based on £500 per space in accordance with the Council's Planning Obligations SPD. The scheme includes 33 car parking spaces so the contribution would be **£16,500**. This contribution could be directed towards a footpath extension / improvement scheme in the vicinity of the site in order to improve the connectivity of the site to the existing footpath network. This would require a scheme to be promoted by the Highway Authority and subject to additional funding and the necessary safety audit. It would seem reasonable to limit this contribution to a three year period (to tie in with the time limit for the planning permission if approved). If no scheme has come forward within that three year period following the grant of permission the applicant has agreed through negotiation with officers that the sustainable transport contribution could be re-directed to the Education authority. I consider this is reasonable in the circumstances as it reflects the realistic fallback position whilst also acknowledging the impact of the development on local infrastructure. On this basis I am minded to recommend that, should planning permission be granted, that it is subject to the submission of a satisfactory Unilateral Undertaking to include a total sum of **£32,193.29** towards Hertfordshire County Council infrastructure and services.

4.3.33 The Planning balance

The Council is unable to demonstrate a five year deliverable supply of housing land and paragraph 11 of the NPPF states that where policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case part of the site is still within the Green Belt therefore there is no presumption in favour of granting planning permission. That said the applicant has demonstrated compelling very special circumstances as to why the Green Belt part of the site can be developed and this includes the extant planning permission.

4.3.34 All development proposals must achieve the three strands of sustainable development as set out in Section 2 of the NPPF (i.e. the economic, social and environmental objectives). In this case the development would assist the local economy in providing construction jobs in the short term and jobs within the service sector in the longer term. Moderate weight could be attached to this economic benefit. In social terms the proposal will deliver 7 additional dwellings that will contribute to the Council's housing supply and provide well-designed dwellings in a safe, built environment accessible to services and open space that will be supportive of the communities health, social and general well-being. I attach significant weight to these benefits. In terms of the environmental objective, I am of the opinion that there would be no harm to the character and appearance of the area as a result of the particular characteristics and features of this development proposal. In addition there is the potential for net biodiversity gain and the sustainability statement advises that the development can minimise waste and pollution and be adaptive to climate change and the move to a low carbon economy. I attach significant weight to these environmental benefits. Given the above analysis I conclude that the limited adverse impacts of the development are significantly and demonstrably outweighed by the benefits and therefore will achieve sustainable development as required by the National Planning Policy Framework.

4.4 Conclusion

4.4.1 Taking into account the above analysis of this application I consider that on balance there would be no significant and demonstrable harm arising from this development proposal and therefore I recommend approval subject to a satisfactory Unilateral Undertaking and conditions.

Alternative Options

None applicable

Pre-Commencement Conditions

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:

- A) The submission of a satisfactory Unilateral Undertaking to secure £32,193.29 as a contribution towards services and infrastructure provided by Hertfordshire County Council
- B) The following conditions and informatives:

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

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

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

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

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. The proposed flank wall window at first floor level on the north elevation of Plot 1 (i.e. the proposed en-suite) shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

5. Prior to the commencement of the development hereby approved full details of the landscape scheme for the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

6. 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.

7. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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

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. Prior to the relevant phase of works full details of any boundary fence (including height) or other landscaping treatment along the northern and eastern boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of adjacent residents

10. There shall be no vehicular or pedestrian gates erected across the access road.

Reason: To ensure that the development is inclusive and in the interests of highway safety

11. Prior to the occupation of the development a new priority junction shall be provided as identified on drawing number PL001A with the main access road being provided 5.5 metres wide with the kerb radii being a minimum of 8 metres to the current specification of Hertfordshire County Council and to the local authority's satisfaction.

Reason: In the interest of highway safety.

12. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 43 metres to both directions shall be provided and permanently maintained within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the footway level.

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

13. The gradient of the main access from Hitchin Road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

Reason: In the interest of highway safety.

14. Prior to the commencement of development a Construction Management Plan / 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. Phasing programme;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The Siting and details of wheel washing facilities;
- d. Cable trenches within the public highway that affect traffic movement of existing residents;
- e. Foundation works that affect traffic movement of existing residents;
- f. Access to electric substation/control building;
- g. Cleaning of site entrance and the adjacent public highways and, disposal of surplus materials.
- h. Hours of construction

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

15. Prior to the commencement of the development hereby permitted a stage 1 Road Safety Audit shall be carried out and submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: In the interests of highway safety

16. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (ELMAW Consulting, July 2017) and addendum dated 2019 where appropriate as submitted with the planning application. In addition, hedgehog friendly fencing shall be installed throughout the development.

Reason: To ensure that biodiversity objectives and long term maintenance are realised

17. The development hereby approved shall be carried out in accordance with the methodology and remediation strategy set out in the submitted Geo-Environmental Site Investigation report by BRD dated September 2018.

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.

18. Prior to occupation, each of the eight 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.

19. The development hereby approved shall be carried out in accordance with the submitted Sustainability Statement by Sol Environment dated January 2020.

Reason: To ensure that the development accords with the requirements of Policy D1 'Sustainable Design' of the Emerging Local Plan

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) EV Charging Point Specification:

The charging points 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.

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

- o Paragraph 120 of the NPPF which refers to the effects (including cumulative effects) of pollution on health, the natural environment or general amenity.
- o The aim of Section 4 'promoting sustainable development' of the NPPF, which includes in paragraph 35 'developments should be designed where practical to incorporate facilities for charging plug-in and other ultra low emission vehicles'.
- o HCC Local Transport Plan (LTP3) 2011-2031 which includes an aim 'to reduce transport's own contribution to greenhouse gas emissions and improve its resilience'.
- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.
- o The assessment of reasonable is also based on the approximate costs for installing appropriate cabling to a new build property and would be expected to be approximately £300.00 per property and installation of a wall-mounted point approximately £300.00 per property. Wall-mounted points have been judged to be practical at this site based on the submitted site plans that show that each property has an accompanying double garage.

Construction Phase

The demolition / construction phase and associated noise, dust etc. has the potential for nuisance to the existing residents nearby. I therefore ask that the informatives below are included: -

Informatives

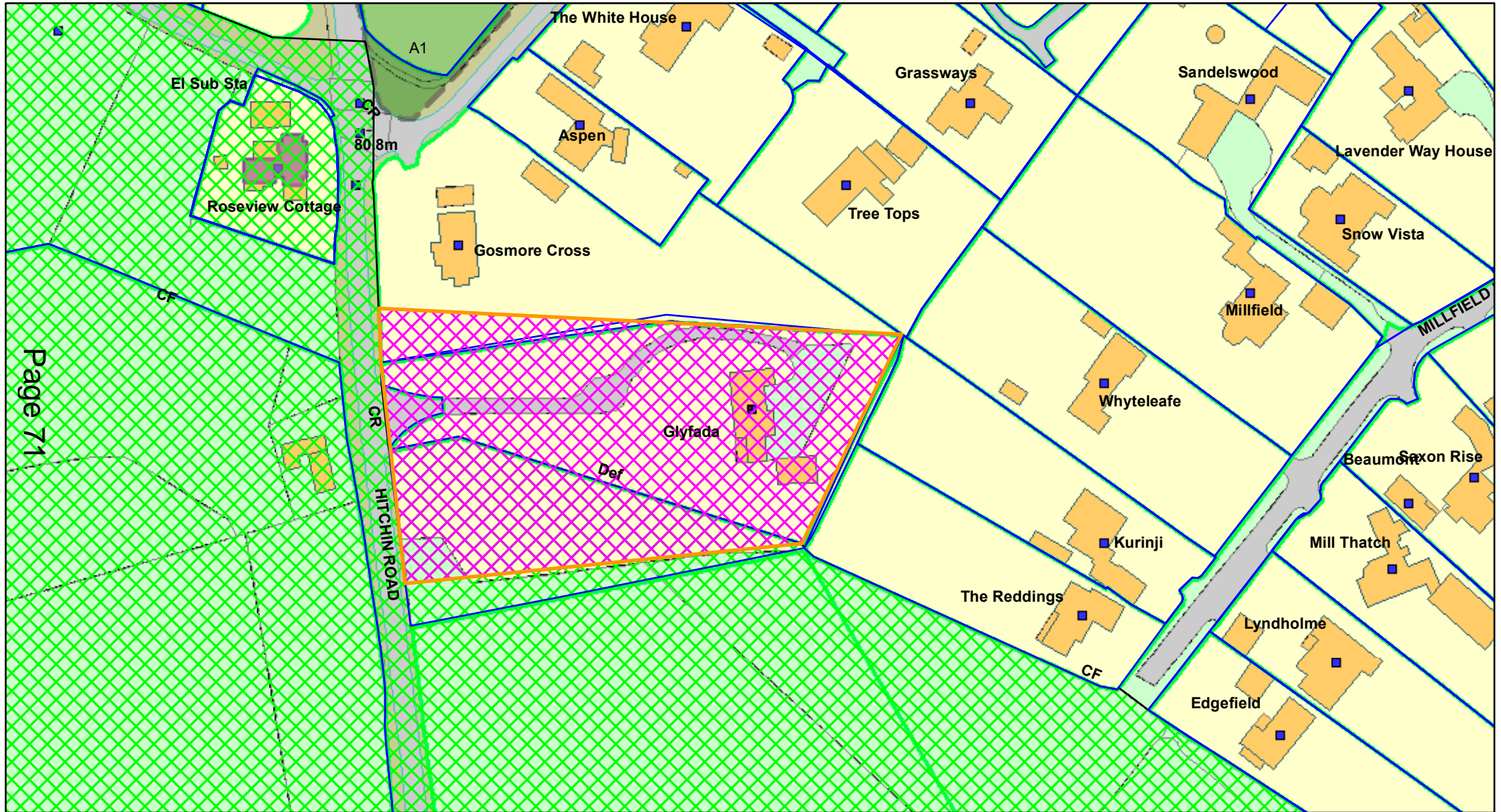
During the change of use phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

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



19/03033/FP Glyfada, Gosmore Road, Hitchin, Herts



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Scale 1:1,250
Date: 31/03/2020



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ITEM NO:	
<u>Location:</u>	40 Dacre Road Hitchin Hertfordshire SG5 1QJ
<u>Applicant:</u>	JCAL Ltd
<u>Proposal:</u>	Variation to Condition 2 (insertion of front dormer windows) of Planning Permission 19/00249/FP granted 02/04/2019 for erection of one terrace of three 2-bed dwellings following demolition of existing bungalow (as amended by plan nos. PL02 E & PL03 D)
<u>Ref. No:</u>	20/00292/S73
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 17th April 2020

Reason for Delay

Negotiations and Committee cycle

Reason for Referral to Committee

This application is being reported to Committee because it has been called in by Councillor Ian Albert in the public interest.

1.0 **Planning Policy**

1.1 **North Hertfordshire District Council**

Policy 26: Housing proposals
Policy 55: Car Parking Standards
Policy 57: Residential Guidelines and Standards
Supplementary Planning Documents
Design SPD
Vehicle Parking Provision at New Development SPD (2011)

1.2 **National Planning Policy Framework (February 2019)**

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places

1.3 **North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission (Incorporating the Proposed Main Modifications November 2018)**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

2.0 **Site History**

- 2.1 19/00249/FP: Erection of one terrace of three 2 -bed dwellings following demolition of existing bungalow (as amended by drawings PL02C and PL03B received 1/4/19).
Granted 02.04.19

3.0 **Representations**

- 3.1 **Hertfordshire Highways:** Advises no objection to application.

- 3.2 **NHDC Environmental Health officer (Contamination):** Advises 'no comment'

- 3.3 **NHDC Environmental Health officer (Noise)** Advises 'No comment'

3.4 **Site Notice / Adjoining residents:**

Comments received objecting to the development raising the following points:

- ☐ Dormers out of keeping
- ☐ Lack of parking will put pressure on existing residents parking especially at evenings and weekends

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

- 4.1.1 The application site is located at the northern end of Dacre Road on the west side of the road. The original detached bungalow on the site known as no.40 Dacre Road has been demolished and planning permission ref: 19/00249/FP is under construction. The majority of the street is comprised of terraced properties. To the northern boundary the site adjoins rear gardens belonging to properties on Nightingale Road (all two storey).

4.2 **Proposal**

- 4.2.1 This application (as amended) seeks an amendment to planning permission 19/00249/FP with the following differences:

- ☐ Insertion of three flat roofed dormers into the front facing roof slope

- ② Very slight re-positioning of approved rooflights on front facing roof slope

The proposed development is in all other respects the same as the approved planning permission. The amendment to the plans that were originally submitted for this application (drawing nos. PL02E & PL03D) received on 27th March, reduced the width of the front dormers to a two-windowpane design from a triple windowpane design and added rooflights. Rooflights on the front facing elevation were approved as part of the previous grant of planning permission.

4.3 Key issues

- 4.3.1 The key issues are the impact of the proposed amendments on the character and appearance of the area and the impact on neighbouring property. As planning permission has been granted for a terrace of three dwellings with no parking these are the only issues for consideration with this revised application.

4.3.2 Impact on the character and appearance of the area

- 4.3.3 The main issue is whether the insertion of the three flat roofed dormers, as amended, could be considered as an appropriate form of design in this locality. Dacre Road consists mainly of terraced properties generally of two stories and with simple gabled roofs. The properties vary in age from the Victorian era to modern terrace dwellings. There are, however, a few examples of properties with higher eaves levels – such as Nos 31 and 32 and 58 both of which have front facing gables with second floor windows facing the street. In addition, Nos 59 and 60 are terraced dwellings with a slightly higher elevation due their basements with a single roof dormer each also facing the street. In the immediately adjoining street at 40 – 50 Radcliffe Road there are several terraced properties with front facing roof dormers. The original bungalow at No. 40 also had a front facing roof dormer. Whilst one could say therefore that the majority of properties in Dacre Road and the immediate area do not have roof dormers facing the street there are clearly some examples of dwellings that do have roof dormers. In addition, there are a variety of dwelling types, differences in eaves levels, ages of property and a range of external materials in the area that add to its mixed character. I am therefore of the view that the built environment here is not of such a uniform scale and character that rules out the provision of roof dormers as an unacceptably jarring form of design in this locality. Furthermore, the application site nor the immediate area does not have any specific designation such as conservation area or Article 4 status that sets more stringent parameters for scale and design in the area.

- 4.3.4 The proposed dormers have been reduced in width so that the window frames are similar in width to the first-floor windows and therefore they do not appear as ‘top heavy’ as originally proposed. In addition, the dormer windows are not as deep as the first-floor windows. The dormers themselves are set well within the roof slope of the front elevation, set in from the verges, set up from the eaves and down from the ridge and therefore they appear more subservient and in proportion with the roofscape.

As such I consider that the design of the dormers is sympathetic to the new terrace in terms of scale, proportion, window design and materials consistent with the requirements of Policy 57 of the local plan and Policy D1 of the emerging local plan.

4.3.5 In view of the above analysis I consider that the proposed front facing roof dormers would not be harmful to the character and appearance of the area.

4.3.6 **Impact on neighbouring property**

4.3.7 The approved terrace of three dwellings has a similar building line as the surrounding properties and includes short front gardens as have many of the nearby properties. As in many streets, properties in Dacre Road face each other on opposite sides of the road and include front facing windows to habitable rooms such as living rooms and bedrooms both at ground and first floor level. In this case the new terrace would establish a similar relationship found in Dacre Road and common to many other areas where properties face each other, across a carriageway. The proposed front facing dormer windows, although clear glazed and serving bedrooms, would result in no greater loss of privacy than the present situation. In fact the dormer windows are smaller than the first-floor windows and set further back and arguably have less impact. I am satisfied that given the well established 'front to front' relationship of windows facing each other across Dacre Road there would be no significant loss of privacy or any other adverse impact on the living conditions of existing residents.

4.4 **Conclusion**

Taking into account the above analysis of this application I consider that there would be no significant and demonstrable harm arising from this development proposal and therefore I recommend approval subject to conditions.

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 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 development hereby approved shall be carried out in accordance with the Construction Management Plan details agreed under Discharge of Condition ref: 19/02869/DOC.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

3. The development hereby approved shall be carried out in accordance with the Environmental Risk Assessment approved as part of condition 4 of planning permission ref: 19/00249/FP.

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.

4. The development hereby approved shall be carried out in accordance with the landscaping details approved under Discharge of Condition application ref: 19/02897/DOC.

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

5. The development hereby approved shall be carried out in accordance with the materials approved under Discharge of Condition ref: 19/02898/DOC.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

6. The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission ref: 19/00249/FP.

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.

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

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

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) Construction Code of Practice:

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

2) Construction hours:

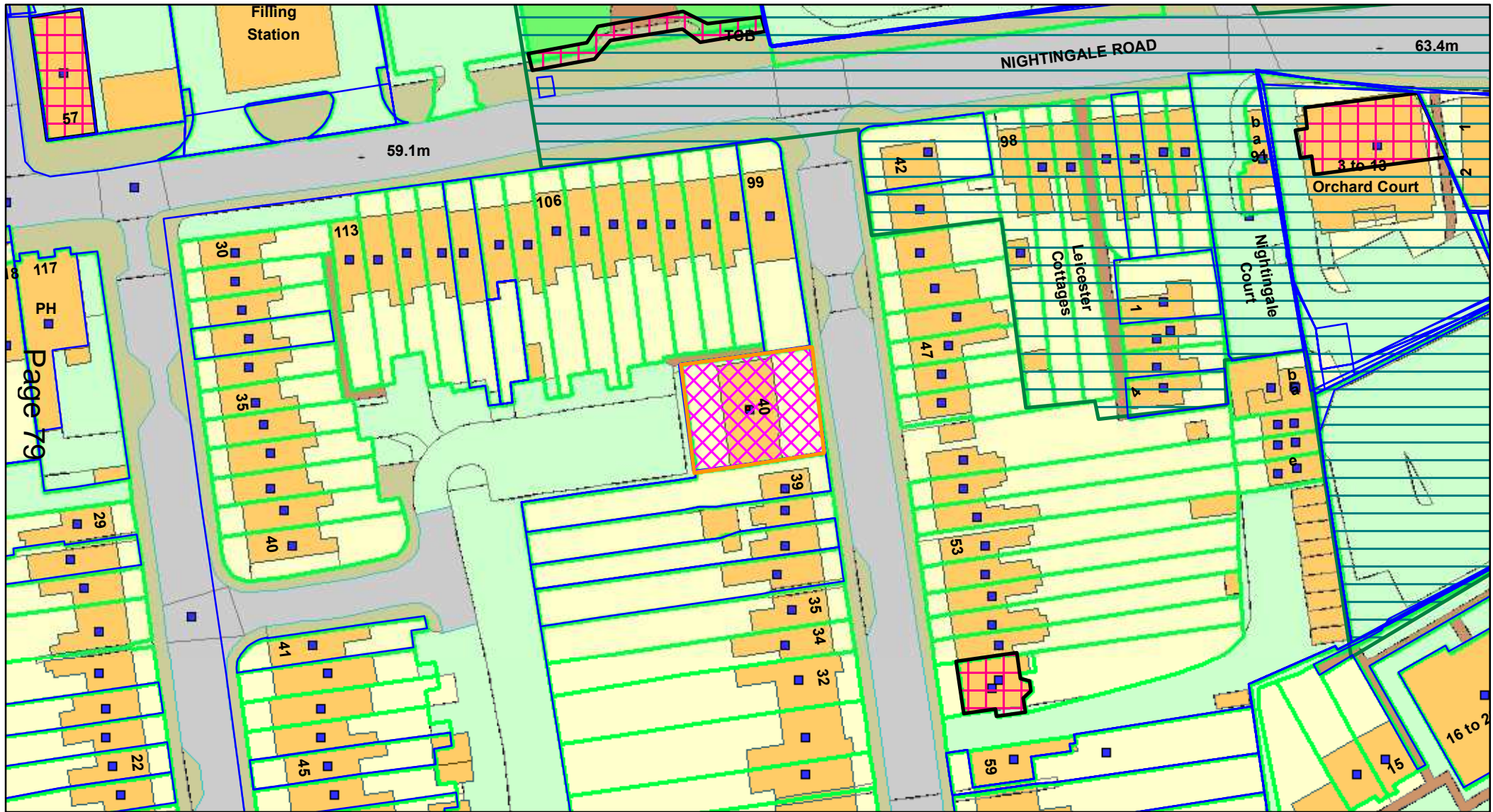
During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

3) Asbestos:

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



20/00292/S73 40 Dacre Road, Hitchin, Herts, SG5 1QJ



Scale 1:750
Date: 31/03/2020



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ITEM NO:	
<u>Location:</u>	11 Common Rise Hitchin Hertfordshire SG4 0HL
<u>Applicant:</u>	Mr Adam Thapar
<u>Proposal:</u>	Part two storey, part single storey front extension, two storey rear extension, erection of single garage off existing access from Cooks Way following demolition of existing garage
<u>Ref. No:</u>	20/00012/FPH
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 28/02/2020

Extension of statutory period:

Reason for Call in: Application called in by Cllr Kay Tart if minded to refuse for the following reason – “in the public interest”

1.0 Submitted Plan Nos.:

- 3528 01 – Location Plan
- 3528 29 – Existing Drawings
- 3528 50A – Proposed Elevations and Site Plan
- 3528 51B – Proposed Ground Floor and First Floor Plans and Garage

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

- Policy 28 – House Extensions
- Policy 55 – Car Parking Standards
- Policy 57 – Residential Guidelines and Standards

2.2 National Planning Policy Framework

- Chapter 12 – Achieving well-designed places

2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Incorporating the Proposed Main Modifications November 2018)**

- D1 – Sustainable Design
- D2 – House Extensions and Replacement Dwellings
- D3 – Protecting Living Conditions
- T2 – Parking

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Site History**

19/01894/FPH - Single storey front and side extension and two storey rear extension. Demolition of existing garages and proposed single garage off existing access from Cooks Way, Hitchin (as amended by plans received on 30/09/2019) – Granted Conditional Permission on 22/10/2019.

4.0 **Representations**

4.1 **Neighbouring Notifications:**

The owners/occupiers of No. 5, 9 and 13 Common Rise were notified on 09/08/2019. Representations have been received from No. 9 Common Rise, 14 Common Rise, 31 Common Rise and 17 Kingswood Avenue. Comments from neighbours are summarised below:

5 Common Rise (Support):

- The front and rear extensions would be a welcome addition to the street and am pleased to see something in keeping with the style of the house.
- Improvement to the character of the frontage.

11 Common Rise (Support):

- The house has become tired and needs modernising.
- Agree with the need to update the layout and modernise the stairs as they are dangerous and impractical.
- The front design will enhance the street and give a nice new look to the frontage.

9 Common Rise (Objection):

- Extension will block daylight from the front window.
- Obscure view from the front window.
- No other property has a full front extension, they only have half.
- Would not be parallel with No. 9 and 11 Common Rise.

14 Common Rise (Support):

- Would not change the character of the road.
- Plans are in keeping with the architecture of the period.
- Many houses along Common Rise have existing front extensions in different styles and characters from the one proposed.

31 Common Rise (Support):

- House has become tired and needs modernising.
- Agree with the need to update the layout and modernise the stairs. They are dangerous and impractical.
- The front design of the house will enhance the street and gives a nice new look to the frontage.
- The newly submitted drawings improve on those already approved.

17 Kingswood Avenue (Support):

- A number of properties in Common Rise have been extended to varying degrees and in a number of different styles, including first floor extensions to the side, which means this proposed extension is not the first of its kind.
- There are a large number of ground floor front extensions of varying style along with porches and canopies meaning there is no consistency of design on this street.
- The design is considerate and sympathetic to neighbouring properties. The extension will not block the neighbours light or obstruct windows.
- Given the limitations of these properties, we should be encouraging and supporting extensions and design proposals which make these properties more accessible and more usable in the 21st Century.

4.2 Parish Council / Statutory Consultees:

N/A

5.0 Planning Considerations

5.1 Site and Surroundings

- 5.1.1 No. 11 Common Rise is a two-storey semi-detached property situated on the west side of Common Rise and within a predominately residential area of Hitchin. Common Rise is characterised by predominantly semi-detached properties of similar age, character and design. Car parking is a mixture of both off and on street. The site is not situated within a Conservation Area.

5.2 Proposal

- 5.2.1 Planning permission is sought for the erection of a part single, part two storey front extension and a two-storey rear extension. Permission is also sought for the erection of a detached garage to the rear of the plot and a replacement boundary wall to the front of the property.
- 5.2.2 The proposed two storey front extension would measure approximately 1.2m in depth, 4.4m wide and 6.8m in height with 5.1m to the eaves. The single storey front extension would measure 1.5m in depth and 3.8m in height.
- 5.2.3 The proposed two storey rear extension would consist of two parts. The gabled extension and the flat roof extension. The gabled roof extension would measure approximately 5.9m in depth and 6.5m in height with 4.8m to the eaves. The flat roof extension would measure approximately 5.5m in depth and 5.3m in height. Combined the two-storey rear extension would measure 7.2m in width.
- 5.2.4 The garage building would measure approximately 6m in depth, 3.9m in width and 3.4m in height. The garage would feature a gabled roof form.

5.3 Key Issues

- 5.3.1 The key issues for consideration are as follows:
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
 - The impact that the proposed development would have on the living conditions of neighbouring properties.
 - The impact that the proposed development would have on car parking provision in the area.

Design and Appearance:

- 5.3.2 The objectives of the National Planning Policy Framework (NPPF) include those seeking to secure high quality design and a good standard of amenity (Section 12 – Achieving well-designed places). In this regard, Policy 28 and 57 of the Current Local Plan and Policy D2 of the Emerging Local Plan is consistent with the NPPF.
- 5.3.3 Paragraph 127 of the NPPF states that development should “*add to the overall quality of the area*” and is “*sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*”.
- 5.3.4 Policy 28 of the Current Local Plan states that “*for house extensions, the Council will normally only permit development proposals if... the extension is sympathetic to the existing house...*”

- 5.3.5 Policy 57 of the Current Local Plan offers objectives and guidelines that all proposals for residential development including extensions are expected to meet. Guidelines 1 states *“concern for the site and surroundings is equally, if not more, important for small developments or conversions. For example, single dwellings or minor changes to a barn can have a disastrous impact on the street scene or building itself.”* Guidelines 1 goes on to states *“existing features should be retained as far as possible and special account be taken of the sites location... Development proposal on sites with areas having an ‘established’ character will need careful consideration as to whether they are acceptable at all. If they are, then the design and siting of buildings should enhance the areas character.”*
- 5.3.6 Guideline 2 of Policy 57 states *“to achieve the highest standards of design, housing proposals should relate to and enhance their site and surroundings”*.
- 5.3.7 Policy D1 of the Emerging Local Plan states that development proposal should *“respond positively to the site’s local context”*. Policy D1 is reflected in Paragraph 127 of the NPPF stated above (5.3.3).
- 5.3.8 In this case, it is important to examine the prevailing character of the area and reflect on how the proposal responds to this in consideration of the planning policy set out above.
- 5.3.9 Common Rise is residential in nature with each property of similar character and appearance to one another. The street scene therefore has an established character of semi-detached two storey dwellings of similar scale and appearance when viewed from within the public highway. Common Rise features a number of existing alterations to dwellings including two storey rear extension, single storey front extensions and a limited number of two storey side extensions.
- 5.3.10 The development proposes the erection of a part single, part two storey front extension, two storey rear extension and a detached garage to the rear of the site. The single storey front extension, two storey rear extension and detached garage have been previously approved under application reference number 19/01894/FPH. This application proposes the addition of a first-floor front extension, which is considered a departure from the prevailing character of Common Rise. Whilst it is noted that most properties along Common Rise feature single storey front extensions of varying size and design, no property yet features a two-storey front extension. Whilst the varying designs of single storey front extensions are considered, considering the limited single storey nature of the existing extensions along the street scene, the established character and appearance of properties within Common Rise remains predominant. A two-storey front extension would fail to remain subservient to the character and appearance of the host dwelling and would fail to be in keeping with the character of Common Rise.
- 5.3.11 In addition to the above, the two-storey front extension would set a precedent for the remaining properties along Common Rise that may result in the erosion in the established character of this street scene.

5.3.12 No objection is raised to the erection of a two-storey rear extension, detached garage and single storey front extension of design and appearance grounds. However, the erection of a two-storey front extension is considered to fail to respond positively to the sties local context and would fail to remain subservient to the character and appearance of both the host dwelling and street scene. The proposed development would therefore fail to comply with Policy 28 and 57 of the Current Local Plan, Policy D1 and D2 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Neighbouring Properties:

5.3.13 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.

5.3.14 The application site is neighboured by No. 9 and 13 Common Rise. No. 9 features an existing part single, part two storey rear extension and single storey front extension. The proposed development would not project beyond the existing rear elevation of the neighbouring property. It is noted that the single storey extension to the neighbouring property is a conservatory. However, given that the application site is to the north of the neighbouring property, the conservatory would not suffer any unacceptable loss of light to this part of the extension. Additionally, it is not considered that the rear extension would result in an unacceptable overbearing impact upon the neighbouring occupiers.

5.3.15 The front extension proposed to No. 11 Common Rise would project approximately 1.5m along the party boundary with No. 9 Common Rise. Given the single storey height of this projection and the relationship the property has with the path of the sun throughout the day, it is considered that the front extension would not result in any unacceptable overbearing impact or loss of light to the neighbouring occupiers.

5.3.16 No. 13 Common Rise is detached from the application site. Whilst the two-storey rear projection would project beyond the rear elevation of the neighbouring property, given the detached nature of the two neighbouring properties, it is considered that the two-storey rear extension would not unacceptably impact the light, privacy or amenities of the neighbouring occupiers.

5.3.17 The proposed development would include the addition of first floor side facing windows. One would be obscure glazed and the other clear glazed. It is noted that the existing property features a number of first floor side facing windows that are clear glazed. It is therefore considered unnecessary in this instance to condition the first-floor side facing windows to be obscure glazed given that the proposal would not result in any additional overlooking or loss of privacy to the neighbouring occupiers.

5.3.18 Given the above, it is considered that the proposed development would not result in any unacceptable overbearing impact upon the occupiers of the neighbouring occupiers. The proposed development would be in compliance with both local and national planning policies.

Highways and Parking:

- 5.3.19 The application site would provide two off-street car parking spaces to the rear of the site. The proposed development would provide a sufficient amount of off-street car parking for the resulting size of the dwelling.

Environmental Implications:

- 5.3.20 The proposed development would be sustainable given its limited scale and appropriate design within the sites local context. The proposal would be in compliance with Policy D1 of the Emerging Local Plan.

Other Considerations:

- 5.3.21 The applicant raises the issue of crime along Common Rise and argues that the development would help in preventing crime in the area. No substantive evidence has been provided that the creation of a two-storey front extension would discourage crime anymore than the current situation. The existing front elevation is not currently windowless and provides outlook onto public spaces as do other properties along this part of the street scene.
- 5.3.22 The applicant also makes note of Paragraph 38 of the NPPF not being met by the Local Planning Authority. Paragraph 38 requires Local Planning Authorities to approach decisions on proposed development in a positive and creative way. A similar application was submitted under reference number 19/01894/FPH and was amended plans were negotiated and agreed to remove the first-floor front element of the proposed development. The amended plans were subsequently granted Conditional Permission on 22/10/2019. The current application is proposing a larger development than what was previously originally proposed. It is considered that the councils position on the application was made clear as part of the previous application. There has been no material change to planning policy in the interim and therefore the Local Planning Authorities position remains unchanged from the previous application.
- 5.3.23 The majority of works proposed have been previously approved with the exception of the first-floor front extension. There is no objection to any other works proposed within the site.

5.4 Conclusion

- 5.4.1 The proposed development would fail to remain subservient to the original building when viewed from within the public street scene by reason of its scale and siting to the original front elevation of the host dwelling. Furthermore, the front extension would be a departure from the uniform character of Common Rise and therefore fails to remain sympathetic to the local character and history of the area.

5.5 **Alternative Options**

None applicable

6.0 **Legal Implications**

- 6.1 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.

7.0 **Recommendation**

- 7.1 That planning permission be **REFUSED** for the following reasons:

1. The proposed development, by reason of its size, design and siting, would result in an unacceptable harmful impact upon the character of the area by reason of its failure to remain sympathetic to the scale, appearance and history of the locality. The proposal would therefore fail to comply with Policy 28 and 57 of the Current Local Plan, Policy D1 and D2 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



20/00012/FPH 11 Common Rise, Hitchin, SG4 0HL



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Scale 1:750
Date: 25/02/2020



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ITEM NO:	
<u>Location:</u>	3 Limekiln Lane Baldock Hertfordshire SG7 6PG
<u>Applicant:</u>	Mr Ben Glover
<u>Proposal:</u>	Extension of existing rear dormer and insertion of new window to first floor bedroom to rear
<u>Ref. No:</u>	20/00374/LDCP
<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period: 13.04.2020

Reason for referral to committee

The applicant is an employee of the Council working in the Planning Department. Paragraph 8.4.5 (i) of Section 8 of the Council's Constitution states that the Planning Control Committee shall determine any application for householder development by an employee of the Planning and Building Control Service or Chief Officer. The Constitution states that householder development includes Planning Applications, Listed Building consents, TCA/TPO's, Certificates of Lawful Use, Certificates of Lawful Development and Conservation Area Consents.

1.0 Relevant History

N/277/59 – Erection of pair of semi-bungalows – Plot nos. 3 and 4 Limekiln Lane – Conditional permission granted 20.05.59.

1/1223/83 – Erection of rear dormer extension – Permission Not Required (as 'permitted development') 04.08.83.

2.0 Policies

Article 3 and Schedule 2, Part 1, Class B of the Town and Country General Permitted Development) Order 2015 (as amended).

3.0 Representations

No consultation.

4.0 **Planning Considerations**

4.1 The proposal is for an extension to the existing rear box dormer and the insertion of a new rear window to serve the first floor bedroom. The proposed new window would replace the existing window in the existing rear dormer. The proposed alterations would increase the floor area of the first floor to facilitate changes to the layout and the creation of a third bedroom. This application is for a Lawful Development Certificate not planning permission. The application is for formal confirmation from the Council that the proposed works fall within 'permitted development'. Therefore, the key issue for consideration is whether the proposed works would require specific planning permission or be considered 'permitted development' in line with the Town and Country Planning (General Permitted Development) Order.

4.2 Permitted development rights have not been removed on this property.

4.3 The proposed works would be 'permitted development' under Class B for the following reasons:

- No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.
- No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.
- The proposal would not increase the cubic content of the dwellinghouse by more than 50 cubic metres.
- The proposal would not include the construction or provision of a veranda, balcony or raised platform. The proposal would not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- The dwellinghouse is not in a Conservation Area.
- The materials used in the exterior work would be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- The eaves of the original roof would be maintained and the edge of the enlargement closest to the eaves of the original roof would be not less than 20cm from the eaves, measured along the roof slope from the outside edge of the eaves.
- No part of the enlargement would extend beyond the outside face of any external wall of the original dwellinghouse. An interpretative provision at paragraph B.4 of Class B clarifies that for these purposes any roof tiles, guttering, fascias, barge boards or other minor roof details which overhang the outer face of the wall should not be considered part of the roof enlargement.

- No windows would be inserted on a wall or roof slope forming a side elevation of the dwellinghouse.

4.4 Conclusion

As such the proposed works would be 'permitted development' under Article 3 and Schedule 2, Part 1, Class B of the Town and Country General Permitted Development Order 2015 (as amended).

- 4.5 The proposal, also involves new obscure glazing to an existing first floor side window and an existing window to be boarded up internally. These works would not constitute development under Section 55 of the Town and Country Planning Act 1990, as the boarding up of the window would only affect the interior of the building and the new obscure glazing would not materially affect the external appearance of the building.

4.6 Alternative Options

None applicable.

4.7 Pre-Commencement Conditions

Not applicable.

4.8 Climate Change Implications

The proposal would not have any adverse climate change implications.

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

- 5.1 That a Lawful Development Certificate be GRANTED.

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20/00374/LDCP 3 Limekiln Lane, Baldock, SG7 6PG



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Date: 25/02/2020



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ITEM NO:	
<u>Location:</u>	Glebefield Lilley Bottom Lilley Luton Hertfordshire LU2 8NH
<u>Applicant:</u>	Mrs Faye Frost
<u>Proposal:</u>	Two storey side extension, porch and car port following demolition of existing single storey side extension
<u>Ref. No:</u>	20/00646/FPH
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period:

13.05.2020

Reason for Delay

An extension to the statutory period within which to determine this application has been agreed by the applicant.

Reason for Referral to Committee

The application is made by an elected Member of the Council

1.0 Relevant History

- 1.1 87/00213/1: Two storey side extension, approved 11/3/87
88/01507/1: Single storey rear extension, approved 26/9/88
93/00127/1: Change of use of agricultural land to residential. Detached double garage. Approved 15/4/93

10/00108/1EUD: Lawful Development Certificate Existing: Retention of two storey detached building and its continued use as a double garage and gymnasium with a first floor independent residential unit. Certificate of Lawful Use granted 13/4/10

14/03363/1: Use of ground floor garage and attached gymnasium in association with first floor independent residential unit, involving alterations to front elevation and conversion to living accommodation (as amended by plan nos. BAR/14/01A & BAR/14/02B received 13/1/15). Granted permission 23/2/15

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 2 - Green Belt

Policy 28 – House extensions

Policy 55 – Car Parking standards

Policy 57 - Residential Guidelines and Standards

2.2 National Planning Policy Framework:

Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

2.3 North Hertfordshire Local Plan 2011 - 2031 (Main Modifications 2018)

Policy SP5: Countryside and Green Belt

Policy D1: Sustainable Design

Policy D3: Protecting living conditions

2.4 Supplementary Planning Guidance: Vehicle Parking at New Development (2011)

3.0 Representations

3.1 **Offley Parish Council:** Any comments will be reported at the meeting

3.2 **Site Notice/Adjoining occupiers:** No representations received

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application property is known as Glebefield, a two storey detached dwelling located in the countryside on the west side of Lilley Bottom approximately 1 mile south of Lilley. The property was originally a detached garage however it has been converted into a three bedroom dwelling in recent years (see history above). The property is adjacent to Nos 1 & 2 Lodge Cottages a pair of semi-detached dwellings located a few metres to the north east. The application site is within the Green Belt. The track that serves the dwelling (and Nos 1 & 2 Lodge Cottages) is also a Byway Open to All Traffic (Offley BOAT 20).

4.2 Proposal

4.2.1 The applicant seeks planning permission for a two storey side extension, an attached car port and a front porch following the removal of an existing single storey side extension.

The side extension would take the form of a sideways projecting gable with front and rear dormer windows and the same eaves line as the main dwelling. The front porch would be located over the existing entrance door with a simple lean to roof. Materials for these works would match the existing property (i.e. red brick and slates). The car port would be open on three sides supported by posts with a flat roof over.

4.3 **Key Issues**

4.3.1 The key issues are whether the proposal is acceptable in terms of Green Belt policy, impact on character and appearance of the area, impact on neighbouring properties and car parking.

4.3.2 **Green Belt policy considerations**

Policy 2 of the local plan states that '*planning permission will only be granted for new buildings, extensions and changes of use of buildings and land which are appropriate in the Green Belt and which would not result in significant visual impact*'. Paragraph 145 of the National Planning Policy Framework advises that the extension or alteration of a building is not inappropriate development provided that the works do not result in disproportionate additions over and above the size of the original building.

4.3.3 In this case, the proposals involve the demolition of an existing ground floor extension and a 32% increase in the dwelling footprint overall and a 33% increase in volume overall. These calculations include the proposed car port. In my opinion these percentage increases in footprint and volume over the original building are not considered to be excessive and therefore the proposals could not be deemed disproportionate additions over and above the size of the original building. It follows therefore that the development meets the criteria set out in Policy 2 of the adopted local plan and paragraph 145 of the NPPF and that the development is not inappropriate development in the Green Belt.

4.3.4 **Impact on character and appearance of the area**

The main part of these proposals is the two storey side extension. It is set back from the front main elevation and the ridge height is slightly lower than the main roof. It also continues the gabled roof form of the house and that of the adjacent Lodge Cottages. As such I consider that the extension has a clear subordinate relationship with the main dwelling. The use of similar window openings and the modestly scaled through eaves dormers maintains this subservient approach. The use of matching materials also ensures that the extension integrates well with the main dwelling. The car port is a low roofed structure that is open on three sides. It will be largely screened by the adjoining garden boundary wall. Overall the extensions are sympathetic to the main dwelling in terms of scale and proportions, window design and external materials and therefore consistent with the requirements of Policy 28 of the adopted plan and Policy D1 of the Emerging Local Plan. In view of the above I consider that there would be no significant harm to the character and appearance of the area.

4.3.5 Impact on neighbouring properties.

The main part of the extension proposals is on the opposite side of the dwelling to No. 2 Lodge Cottages and will be effectively screened by the bulk of the existing dwelling. As such there would be practically no material impact on the residential amenities of the occupiers of No. 2 in my opinion.

4.3.6 Car Parking

The existing hardstanding area to the front of the dwelling will be retained and additional car parking capacity introduced through the provision of the car port. Sufficient car parking is provided to meet the needs of the extended dwelling in accordance with the Council's Supplementary Planning Document on Car Parking provision and the parking arrangements do not impact on the by-way that runs past the front of the dwelling.

4.3.7 Environmental mitigation

With the provision of the car port it is recommended that an Electric Vehicle charging point is added in order to assist the Governments ambitions to help increase the use and supply of renewable and low carbon energy. An EV charging point is shown indicatively on the site plan. The existing solar roof panels are to be retained and re-sited. Otherwise the proposed development, by virtue of its limited scale in general terms, would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

4.3.8 Site Assessment

This application has been assessed having regard to photographs and notes that were available on the history files together with up to date photographs of the current dwelling provided by the applicant.

4.4 Conclusion

4.4.1 The proposals are considered acceptable in planning and highway terms.

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 its use, the proposed car port 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. 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.

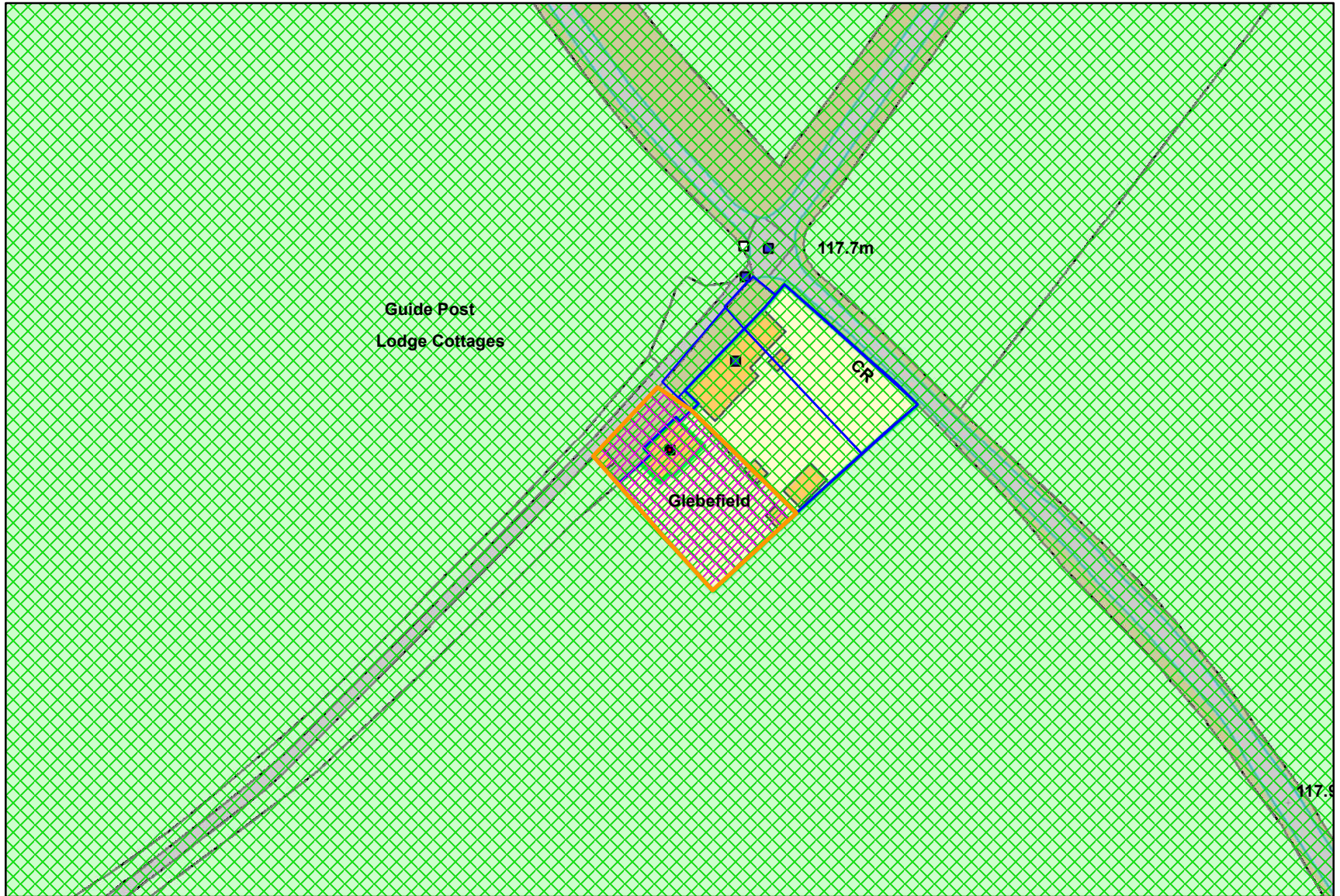
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Application Validation Sheet

20/00646/FPH Glebe field, Lilley Bottom, Lilley, Luton, LU2 8NH

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistbid.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**
Prgrnblt.shp
-  **Health & Safety Consultation Zone**
Prjnzzone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



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Date: 13/05/2020



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PLANNING CONTROL COMMITTEE

DATE: 28 May 2020

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mrs J Selby	10.02.2020	Two storey side extension and single storey front extension.	65 Spring Road Letchworth Garden City SG6 3SL	19/02017/FPH	Householder Appeal Service
Mrs Walsh	11.02.2020	Erection of one detached 1-bed dwelling.	14 Waterdell Lane St Ippolyts Hitchin SG4 7RB	19/01555/FP	Written Representation

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PLANNING CONTROL COMMITTEE

DATE: 28 May 2020

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr And Mrs Maciver	Erection of one detached 2-bed bungalow with parking and amenity space including relocation of existing parking for 6 Weston Way.	Weston Way Baldock SG7 6EY	19/01311/FP	Appeal Allowed on 03 February 2020	DELEGATED	The Inspector acknowledged that there would be some limited harm arising to the character and appearance of the area that would lead to some conflict with saved Policy 57 (Residential Guidelines and Standards) of the District Local Plan No.2 with Alterations (originally adopted April 1996), which is a policy that is consistent with the Framework in so far as it requires that developments should be sympathetic to local character. However the Inspector stated that the harm and policy conflict that the Inspector had identified would not significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, applies therefore.
Mrs Sarah Hendricks	Installation of entry gates	15 Deards End Lane Knebworth Hertfordshire SG3 6NL	19/01289/FPH	Appeal Dismissed On 13 February 2020	DELEGATED	The Inspector concluded that the proposals would fail to preserve the character and appearance of the Deards Lane, Knebworth conservation area and cause harm

						to the setting of the grade II listed building.
Mr P And Mrs H Jarvis	Erection of one detached 3-bed dwelling with driveway, parking and turning area.	Land Adjacent To 22 Charlton Road Hitchin	19/01561/FP	Appeal Dismissed On 24 February 2020	DELEGATED	The Inspector concluded that the proposals would be inappropriate development in the Green Belt, which is by definition, harmful. In accordance with Paragraph 144 of the Framework, the Inspector attached substantial weight to this harm. The proposal would also conflict with Policy 2 (Green Belt) of the District Local Plan No.2 with Alterations (originally adopted April 1996)(LP) insofar as it seeks to only permit new buildings which are not inappropriate within the Green Belt. The proposal would therefore conflict with Policy 2 of the LP insofar as it seeks to keep the Green Belt open in character.
Mr R Marshall	Erection of one 5-bed detached dwelling house incorporating linked double car port	Land Adjacent To Pirton Footpath 012 And Burge End Lane Pirton	19/01175/FP	Appeal Dismissed On 02 April 2020	DELEGATED	The Inspector concluded that the proposed development would not preserve or enhance the character or appearance of the Pirton Conservation Area and the setting of the nearby Grade II and II* listed buildings. Therefore, the proposed development would be contrary to Policy 57 (Residential Guidelines and Standards) of the District Local Plan No.2 with Alterations (originally adopted April 1996), policies PNP 2 and PNP 8 of the Pirton Neighbourhood Plan and

						Paragraph 196 of the Framework. These policies, amongst other things, seek development to take special account of the site's location and to conserve or enhance the area's character and heritage assets.
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Appeal Decision

Site visit made on 21 January 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2020

Appeal Ref: APP/X1925/W/19/3240268

6 Weston Way, Baldock SG7 6EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Maciver against the decision of North Hertfordshire District Council.
 - The application Ref 19/01311/FP, dated 31 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is erection of detached bungalow with parking and amenity space and relocation of existing parking for 6 and 6A Weston Way.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached bungalow with parking and amenity space and the relocation of existing parking for 6 and 6A Weston Way at 6 Weston Way, Baldock SG7 6EY, in accordance with the terms of the application, 19/01311/FP, dated 31 May 2019, subject to the conditions set out at the end of this decision.

Procedural Matter

2. Whilst the emerging North Hertfordshire Local Plan 2011-2031 (submission version October 2016) (the ELP) has reached examination, it is at a stage that currently attracts limited weight. This is because, from the evidence before me, the content of its policies may yet change prior to its formal adoption. I shall consider the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon the living conditions of neighbouring occupiers at 8 Weston Way (No 8), having particular regard to potential noise and disturbance; and
 - The effect upon the living conditions of existing occupiers at the appeal site, having particular regard to the availability of private garden space.

Reasons

Character and appearance

4. The appeal site contains a semi-detached former dwelling that has been converted into 2 self-contained flats, as well as a driveway to the side and a

spacious garden area to the rear. Whilst the appeal property forms part of an established residential frontage, there are other uses and influences located close to the site. These include a fire station and a school to the north and a block of garages to the west. A variety of different residential property types are in place and these are served by a range of differently sized and laid out garden spaces. Whilst properties tend to address the highway to the front of their plots, the area has a mixed character and appearance.

5. A compact new residential plot is proposed that would increase the intensity of development in the area. The scheme is focussed upon the construction of a dwelling to the rear of existing frontage development, which is a pattern of development that is not readily observable in the locality. The proposed bungalow, whilst of small size and limited visibility, would have a physical presence and would influence how the area would be read and experienced, most particularly by local occupiers.
6. Nevertheless, it is important to note that the appeal site's rear garden is comparatively long and wide when considered against the dimensions of other rear garden spaces in the vicinity. I also note the absence of any clear rhythm to how these rear garden spaces are laid out. In this context, the intended sub-division of the site to provide a new residential plot to the rear, whilst not being wholly reflective of the typical layout of other plots in the locality, would not noticeably alter the character and appearance of the area (which I have identified to be mixed and varied). The harm that would be caused by the proposal would not be significant therefore.
7. It is intended, as part of the proposal, to create a shared car parking area set back from Weston Way. It is relevant to note that when planning permission¹ was most recently granted in 2004 to convert the site's former single dwelling into 2 flats, shared vehicular access and parking (including garaging) in the same approximate location was approved. Whilst additional parking is now proposed, this must be considered in the context of the flatted properties that now occupy the site and the access arrangements that have already been consented. I consider that the proposed access and car parking arrangements, in character and appearance terms, are appropriate.
8. I have noted references made to an appeal decision² relating to a site in Letchworth Garden City. This is of limited relevance to my considerations here. Indeed, it is apparent that the pattern of site sub-division sought in that case varied to what has been proposed here. In any event, I must consider the proposal before me upon its own merits.
9. For the above reasons, the proposal would cause some limited harm to the character and appearance of the area. The proposal conflicts with saved Policy 57 of the District Local Plan No.2 with Alterations (originally adopted April 1996) (the Local Plan) and with emerging Policy D1 of the ELP in so far as these policies require that the layout, design and so character of each new development must relate to the site's physical shape and existing features, and the character of the surroundings.

¹ 04/00643/1

² APP/X1925/W/18/3211920

Living conditions – 8 Weston Way

10. The appeal site already incorporates a driveway to its southern side in proximity to the facing flank wall of No 8. This flank wall contains openings that overlook the site, which include 2 relatively large windows at first floor level. The proposal, by virtue of introducing a unit of accommodation to the site's rear, would be expected to lead to an increase in the number of vehicle movements occurring alongside No 8.
11. The Council has suggested that the proposal would introduce noise, car lights and general disturbance to the detriment of the living conditions of neighbouring occupiers at No 8. However, it is important to note the existing shared access and car parking arrangements that are already in place to the side of the appeal site. In this context, any noticeable or obvious change in the volume or frequency of vehicle movements alongside No 8 would not be anticipated. Indeed, similar setback car parking arrangements have previously been consented (as discussed above) and merely a small additional bungalow is proposed here.
12. For the above reasons, the proposal would not cause harm to the living conditions of neighbouring occupiers at No 8, having particular regard to potential noise and disturbance. The proposal accords with saved Policy 57 of the Local Plan and with emerging Policy D3 of the ELP in so far as these policies acknowledge that the design and layout of buildings can noticeably reduce the disturbing effects of noise.

Living conditions – existing on-site occupiers

13. Whilst saved Policy 57 of the Local Plan sets out a rough per-unit private amenity space guide of 75 sq. m, the policy's wording incorporates flexibility depending on the type and size of property proposed. In fact, a private utility amenity space standard specific for flats is also set out. This requires 18 sq. m to be provided for a one-bedroomed flat and a further 10 sq. m. to be provided for each additional bedroom.
14. At inspection, the site was laid out such that the spacious rear garden area appeared to be accessible only to occupiers of the on-site ground floor flat. Alongside the existing driveway to the front of the site (which contained opportunities for bin storage), a further external space was in place that was available to first-floor occupiers. Indeed, from the evidence before me, this existing arrangement is not intended to be altered here. Nevertheless, the proposal would lead to a significant garden space reduction for the ground floor flat. However, it is still the case that a meaningfully sized external space would be provided that, in the context of saved Policy 57's stated requirements, would be appropriately sized and laid out for its intended purpose.
15. For the above reasons, the proposal would not cause harm to the living conditions of existing occupiers at the appeal site, having particular regard to the availability of private garden space. The proposal accords with saved Policy 57 of the Local Plan and with emerging Policy D3 of the ELP in so far as these policies require that the sizes of gardens or private amenity space should relate to the needs of future residents and to the amount of public amenity space.

Planning Balance

16. The Council has confirmed that, whilst progress is being made in terms of its housing supply position, a five-year supply of housing land cannot currently be demonstrated in the District. The National Planning Policy Framework (February 2019) (the Framework) is clear that where a five-year supply of deliverable housing sites cannot be demonstrated the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
17. The proposal would provide one additional dwelling, which would contribute towards reducing the housing shortfall and would comply with the Framework in terms of boosting the supply of homes. The delivery of an additional housing unit represents a meaningful contribution in such circumstances, and I apportion this benefit of the scheme considerable weight.
18. I acknowledge that there would be some limited harm arising to the character and appearance of the area that would lead to some conflict with saved Policy 57 of the Local Plan, which is a policy that is consistent with the Framework in so far as it requires that developments should be sympathetic to local character. However, even should a narrow housing supply deficit be in place, the harm and policy conflict that I have identified would not significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, applies therefore.
19. Notwithstanding the identified conflict with saved Policy 57, there are material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan in this case.

Conditions

20. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes and have added two.
21. In the interests of certainty, a condition specifying the approved plans is required. In the interests of safeguarding the living conditions of existing and future residential occupiers, a condition is reasonable and necessary that secures full details of intended boundary treatments. In the interests of protecting the character and appearance of the area, a planning condition is reasonable and necessary that secures full details of the materials to be used to the external surfaces of the dwelling.
22. In the interests of promoting air quality improvements and encouraging more sustainable transport choices, a condition is reasonable and necessary that secures the installation of an electric vehicle charging point on-site. Such a condition has been requested by the Council's Environmental Protection Officer and the Council's Vehicle Parking at New Development Supplementary Planning Document (September 2011) is supportive of the provision of electric vehicle infrastructure. As no details are currently before me, to ensure the provision of

a suitably robust installation, full details are required to be submitted to and approved in writing by the Council.

Conclusion

23. For the reasons above, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (scale 1:1250); P001; P002.
- 3) No construction above damp-proof-course level shall commence until full details of the materials to be used in the construction of the external surfaces of the detached bungalow hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.
- 4) Prior to the first occupation of the development hereby permitted, full boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development and shall be retained at all times thereafter.
- 5) Prior to the first occupation of the development hereby permitted, full details of an Electric Vehicle ready domestic charging point (to be provided on-site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.

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Appeal Decision

Site visit made on 28 January 2020

by **K A Taylor MSC URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Thursday, 13 February 2020

Appeal Ref: APP/X1925/D/19/3241280
15 Deards End Lane, Knebworth SG3 6NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Sarah Hendricks against the decision of North Hertfordshire District Council.
 - The application Ref 19/01289/FPH, dated 29 May 2019, was refused by notice dated 17 October 2019.
 - The development proposed is to install a pair of gates on the edge of our property to improve the security of the property.
-

Decision

1. The appeal is dismissed.

Procedural Issue

2. The Council has cited policy, HE1 of the North Hertfordshire Local Plan 2011-2013 (Proposed Main Modifications November 2018) in the refusal reason. As this plan has yet to be adopted, I give this policy only limited weight in this appeal decision.

Main Issue

3. The main issue is whether the proposal would preserve the setting of a grade II listed building, and whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

4. The appeal site is a detached dwelling within relatively large grounds and is located along a cul-de-sac. The appeal property is a grade II listed building (LB) and is identified as being within the designated Deards End Lane, Knebworth conservation area (CA).
5. The appeal property is also known as Beacon House, and the significance of the it being a LB is that it forms one of three structures that were erected on the lane as part of the scheme for Knebworth garden village, it was designed by Sir Edwin Lutyens, and it fuses elements of Neo-Georgian style with arts and crafts devices. It is a large detached house of red brick with lighter brick dressings with steeply hipped pantile roof dated from 1912. The CA was designated in 1984 and has the character and appearance of a garden village, whilst identified within the Council's character statement that houses on Deards End

Lane are approached along driveways, which are typically not gated from the public highways and those that are, introduce a 'hard edge to an otherwise 'soft' boundary treatment common on the lane.

6. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. Section 66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
8. The proposal would involve the erection of a pair of metal gates to each of the vehicular entrances of the property fronting Deards Lane, these are currently free of built development. Whilst, a large hedgerow fronts the site, contributing to the open nature and soft boundary appearance of the lane itself. Both sets of metal gates would be of substantial width and over two metres in height, supported by metal posts, but marginally setback from the highway.
9. As I saw at the time of my site visit, the majority of properties within the area had open frontages with soft boundary treatments, this was particularly visible along Deards Lane. Those that had gates were generally set back by long driveways and were not prominent within the street scene. Although, the design of the ornate metal gates is not necessarily out of keeping with the context of the style of the dwelling, they would enclose the property, be prominent within the setting of the lane, whilst creating an imposing suburban addition to the area. This would be at odds with the prevailing character of the CA which is of a garden village and of predominantly non-gated frontages.
10. For the reasons given above, I conclude that the proposed development would harm the character and appearance of the area and fail to preserve that of the CA, and cause harm to the setting of LB.
11. Whilst the harm to the heritage assets would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
12. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I note the appellant considers, the proposals would prevent and preserve the property from a security point of view, however these would only benefit the appellant. Therefore, there would be little public benefit to outweigh the harm found to the significance of the LB and CA.
13. The proposed development would be contrary to Section 16 of the Framework as it would not conserve the heritage assets in a manner appropriate to its significance, or positively contribute to local character or distinctiveness.

Other Matters

14. I note that the highway authority has not raised any objections on highway safety issues, to the appeal site or impact on nearby roads provided the gates would be set back at least 6 metres. The Council have advised this could be

achievable, I have therefore no reason to disagree with their findings. However, this does not outweigh the harm I have identified.

15. In support of the appeal, my attention was drawn to other properties in the area that have already been altered in a similar manner to the proposal. I saw that these are very much in the minority and without information about the individual circumstances relating to other gates in the area I am unable to give significant weight to the issue of precedent. In event, those that I saw served to confirm that such alterations do reduce the soft boundaries within the area, change the nature of the relationship between the appearance and prevailing character of a garden village, all to the detriment of the character and appearance of the area.

Conclusion

16. I have found that the proposals would cause harm to the identified heritage assets and therefore it would not accord with the statutory duty, it would fail to preserve the character and appearance of the Deards Lane, Knebworth conservation area and cause harm to the setting of the grade II listed building, this is sufficient reason to dismiss the appeal.
17. For the reasons given above and taking all other matters into consideration I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR

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Appeal Decision

Site visit made on 7 January 2020

by **M Heron BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th February 2020

Appeal Ref: APP/X1925/W/19/3237363

24 Charlton Road, Charlton, Hitchin, Hertfordshire SG5 2AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Philip and Helen Jarvis against the decision of North Hertfordshire District Council.
 - The application Ref 19/01561/FP, dated 1 July 2019, was refused by notice dated 22 August 2019.
 - The development proposed is a new 2 storey 3 bedroom dwelling with driveway, parking and turning area.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate within the Green Belt

3. The appeal site accommodates an outbuilding and associated hard surfacing used in conjunction with No 22 Charlton Road. This proposal seeks permission to construct a new two-storey property at the site following the removal of the existing outbuilding.
4. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless for one of a limited number of specified exceptions. One such exception is at paragraph 145(e) of the Framework which is for limited infilling in villages. Saved Policy 2 of the North Hertfordshire District Council District Local Plan No.2 with Alterations (LP) is consistent with the Framework insofar as it seeks to resist inappropriate development within the Green Belt.

5. The appeal site is located within a small collection of development known as Charlton. Charlton is not identified as a village within the adopted development plan or within Policy SP2 of the North Hertfordshire Local Plan Proposed Submission Incorporating the Proposed Main Modifications (ELP). The appeal site is therefore within the countryside for the purposes of planning policy. However, there is no definition of a village within the Framework or the Council's development plan. I accept that this would not necessarily exclude a hamlet or cluster of dwellings without a shop or post office of its own. There are also no specified minimum number of dwellings or population required to constitute a village. To my mind, whether or not Charlton is a village is a matter of judgment for the decision-maker based on observations made on the ground.
6. On my site visit I observed pockets of loosely knit linear residential and commercial/agricultural buildings set along Charlton Road. There are also some scattered residential and agricultural developments along Brick Kiln Lane. In my view, the small agglomeration of buildings at Charlton appeared as dispersed development in an agrarian landscape. In addition, the only facility it has is a public house which has recently closed and is now in a state of disrepair.
7. Taking all of the above into account, as a matter of fact on the ground, I am not persuaded that the collection of built form at Charlton constitutes a village of any kind. Part of the exception at paragraph 145(e) of the Framework is therefore not met. In reaching this view, I am aware that there is some street lighting in Charlton and that it is subject to 30mph and 20mph speed limits. I am also aware that it is identified as a village elsewhere, such as on street signs and on some parts of the Council's website.
8. Furthermore, the term 'infilling' is again not defined by the Framework. However, a commonly held and widely used definition of infilling is to fill a gap between buildings in an otherwise built up frontage. The proposal would be set behind No 22 and there would be no built form to its rear or immediately to its side. I therefore do not consider that it would fill a gap within a built up frontage. Consequently, notwithstanding the view of the Council on this matter, the proposal could not be reasonably described as 'infill development'. Thus, even if Charlton was a village, I find that the proposal would still fail the exception at 145(e) of the Framework.
9. Taking everything together, the proposed development would not constitute limited infilling within a village. It would therefore not meet the exception identified at paragraph 145(e) of the Framework.
10. For the reasons given, the proposal would not fall within any of the exceptions outlined in the Framework and would be inappropriate development in the Green Belt, which is by definition, harmful. In accordance with Paragraph 144 of the Framework, I attach substantial weight to this harm. The proposal would also conflict with Policy 2 of the LP insofar as it seeks to only permit new buildings which are not inappropriate within the Green Belt.

Openness of the Green Belt

11. The Framework states that the most important characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects. In the context of the nearby buildings, the openness of this area has

already been affected to a degree. Nevertheless, surrounding this built form are large, predominately undeveloped, fields which can be appreciated from the appeal site. This gives the area a distinctly rural and open feel. The scale of the existing outbuilding at the appeal site is relatively unobtrusive in this landscape.

12. Given the topography of the land and the presence of boundary treatments and existing trees, the proposed dwelling would not be overly conspicuous within the wider landscape. However, it would occupy a significant proportion of the appeal site and would have a larger footprint compared to the existing outbuilding. In addition, it would be markedly taller than this outbuilding. Consequently, the scheme would increase the physical presence of built development at the site which would be perceptible from the rear of No 22 and the adjacent footpath. This would give rise to a modest loss of openness to the Green Belt in both a spatial and a visual sense. The proposal would therefore conflict with Policy 2 of the LP insofar as it seeks to keep the Green Belt open in character.

Other Material Considerations

Heritage

13. The appeal site is within the Charlton Conservation Area (CA) and the nearby No 25 Charlton Road is a Grade II listed building. The Council raise no objection to the scheme's impact on the historic environment. Nonetheless, I have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of this CA and to have special regard to preserving the setting of listed buildings. The significance of the CA appears to derive from the architectural qualities and historic use of the buildings it contains. The setting of No 25 arises from the surroundings in which it is experienced, which in this case is rural.
14. The proposal would be a sufficient distance away from No 25 and would be separated from this dwelling by established vegetation. Consequently, it would not impact upon the setting of this listed building. Turning to the CA, it would appear that there was historically a dwelling located at the appeal site, which has had a separate address for a considerable length of time. The proposal would also be constructed using suitable materials and its more modern appearance would relate appropriately to No 22. In my view, although the scheme would not notably enhance the character or appearance of the CA, it would not result in any material harm to this designated heritage asset.
15. Taking the above into account, I find that the proposal would preserve the character or appearance of the CA and the setting of No 25. It would therefore accord with the Framework insofar as it seeks to conserve heritage assets in a manner appropriate to their significance. However, the absence of harm in this regard is a neutral factor in the overall planning balance.

Social and Economic Factors

16. Given the presence of built form close to the appeal site, the proposal would not represent a truly 'isolated home in the countryside' with regard to paragraph 79 of the Framework. It would also be positioned within a fairly accessible location. However, the proposal for one dwelling would make only a minimal contribution to the Council's housing stock. The associated economic

benefits would also be minimal and would primarily relate to the construction period. In addition, I have no substantive evidence to show that the scheme would contribute significantly towards supporting the vitality of Charlton's public house. Neither am I persuaded that it is required to maintain or enhance the vitality of the services and facilities within surrounding settlements. Under these circumstances, I give moderate weight to these social and economic benefits.

Other Considerations

17. The Framework seeks to make efficient use of land by encouraging the redevelopment of previously developed land. It also states that small and medium sites can make an important contribution to meeting the housing requirement of an area. However, this should not be at the expense of Green Belt Policy, which I have found that the proposal would not accord with.
18. I appreciate that the scheme would not result in harm to the living conditions of the occupants of surrounding properties. It would also be acceptable in other respects. For example, it would utilise renewable energy and would not prejudice highway safety. However, these are requirements of the Council's adopted and emerging development plans as well as national planning policy. They are therefore neutral factors in the overall balance.
19. The proposal would be a self-build project. I acknowledge that the Government is generally supportive of this type of development. However, it would not be possible to bind this requirement to successors in title (should the proposed dwelling be sold in the future) through the imposition of an appropriately worded condition. I am therefore not persuaded that there is a suitable mechanism before me to ensure that the proposal would indeed be carried out as a self-build project. This therefore carries limited weight in my assessment.
20. I have had regard to the comments received from neighbours in support of this scheme. None of the matters raised alter my conclusions on the main issues above. My attention has also been drawn to a development at Ivy Cottage. However, in the absence of details about how this was assessed, it carries little weight in my assessment of the appeal scheme, which I have performed based on its own individual planning merits.

Planning Balance and Conclusion

21. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
22. The other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness. Consequently, the very special circumstances necessary to justify the development do not exist. The scheme would therefore conflict with Policy SP5 of the ELP, which only permits developments in the Green Belt where they would not result in inappropriate development or where very special circumstances can be demonstrated.

23. The Council cannot demonstrate a five year supply of deliverable housing land. In addition, it states that Policy 2 of the LP is out-of-date. However, the application of policies in the Framework that protect assets of particular importance (in this case land designated as Green Belt) provides a clear reason for refusing the development proposed. As such, the presumption in favour of sustainable development identified at paragraph 11 of the Framework does not apply.
24. For the reasons set out above, the proposal would conflict with the development plan when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken otherwise. Having considered all other relevant matters raised, I therefore conclude that the appeal should be dismissed.

M Heron

INSPECTOR

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Appeal Decision

Site visit made on 5 February 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/X1925/W/19/3241593

Land Off Burge End Lane, Pirton SG5 3QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rodney Marshall against the decision of North Hertfordshire District Council.
 - The application Ref 19/01175/FP, dated 16 May 2019, was refused by notice dated 16 July 2019.
 - The development proposed is the erection of a detached dwelling house adjacent to 1 Burge End Lane, Pirton.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Reference has been made by the Council to the emerging North Hertfordshire Local Plan 2011-2031. The Plan is currently going through Examination and it is not clear when the exact date of adoption will be. Therefore, I have only given the emerging policies limited weight in the determination of this appeal.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Pirton Conservation Area and the setting of the nearby Grade II and II* listed buildings.

Reasons

4. The appeal site is a grassed field located on a narrow rural lane outside the village boundary of Pirton, within one of the *Rural Areas Beyond the Green Belt* identified by Policy 6 of the North Hertfordshire District Local Plan (NHDLP). The site sits within the Pirton Conservation Area (CA) and the setting of seven listed buildings, two of which are Grade II* listed. The nearest listed buildings to the site are Ashburn and Hammond's Farmhouse. The site is bounded by hedges and there is a public right of way (PRoW), which runs along the northern boundary, where there is an existing gated access. Although there are residential properties to the north and south of the site, the area is largely rural in character. Overall the site has an open, verdant and spacious character.
5. The CA derives its significance from the architectural and historic interest of its associated listed buildings and other historic buildings. There are numerous

- listed buildings within the CA, including Grade I and Scheduled Ancient Monuments.
6. Burge End is formed by a group of seven listed buildings at the end of Burge End Lane which are a mixture of Grade II and Grade II*. The grouping contributes positively to the character and appearance of the CA. Their setting is that of garden land, paddocks and the wider agricultural landscape. Apart from 1 Burge End Lane (No 1), the approach to this group remains largely undeveloped.
 7. The proposed development would be a 1.5 storey 5-bedroom dwelling, which the appellant states would be in a converted barn style. The proposal would be located in the central part of the site, with the access positioned towards the middle part of the eastern boundary. The proposal would separate and screen the PRow by installing a post and rail fence, and planting a hedge between the footpath and the garden.
 8. Policy PNP1 of the Pirton Neighbourhood Plan (PNP) (2018) supports residential development within the development boundary of the village, subject to several criteria including the size and nature of housing. Policy 6 of the NHDLP states that in Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages, apart from when the proposal meets the listed exceptions. The proposal is located outside the built core of Pirton, would not be meeting a proven local need in terms of a service or housing and is to be market housing. Therefore, as the appeal scheme is outside the development boundary and is for a 5-bedroom property which does not meet the exceptions listed in Policy 6, it would not be supported by these policies.
 9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the listed building and its setting.
 10. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a Grade II listed building should be exceptional, and assets of the highest significance, such as Grade II* listed buildings, should be wholly exceptional.
 11. The proposed development would urbanise the site and would be a visually prominent structure when travelling along Burge End Lane. It would erode the verdant character of the site and alter the approach to the listed buildings by detracting from their historic groups at the end of the lane. The alterations to the PRow would significantly alter the views and experience of those using the PRow along this section, making it feel enclosed, rather than open, spacious and free of development. The proposal would neither preserve nor enhance the character or appearance of the CA, and would be detrimental to the wider setting of the Grade II and Grade II* listed buildings.

12. The appellant has suggested that the design and layout of the proposal has been influenced by the rural character of the area, and is in keeping with the adjacent farmland and associated structures, as well as the building line of No 1. Whilst I acknowledge the appellant has sought to use a design and materials to fit in with the rural character, elements of the design, including the protruding extensions and extensive glazing, would nevertheless give this building an overtly contrived domesticated appearance, rather than a barn conversion.
13. The appellant has also highlighted that a planning application for residential development has been submitted near to the appeal site. However, I have not been presented with information to suggest that it has been determined. Therefore, this does not give any weight towards the current proposal and is a neutral consideration. In any case, I have considered the appeal proposal on its individual merits and immediate context.
14. The proposal would have a negative effect on the significance of designated heritage assets and having regard to the scale of the development in relation to the wider conservation area, would result in "less than substantial" harm. In accordance with paragraph 196 of the Framework I must weigh this harm against the public benefits of the scheme.
15. In the context of paragraphs 59 and 68 of the Framework, I note the contribution that would be made to the supply of housing by this small site, particularly as it could be built-out relatively quickly. Furthermore, the appeal before me would deliver a 5-bedroom dwelling, which would contribute to the overall housing mix in the District. However, as the contribution to the supply of housing would be minor in its extent, it would only be afforded limited weight.
16. There would be social and economic benefits from the proposed dwelling in the district that could support the rural economy through expenditure from occupants. Benefits would also arise from short-term employment and procurement of materials during the construction of the development and the application of the New Homes Bonus. Nonetheless, the proposals would provide only one additional dwelling, such that these benefits would be limited in scale and consequently carry only limited weight
17. The proposed development would not preserve or enhance the character or appearance of the Pirton Conservation Area and the setting of the nearby Grade II and II* listed buildings. Therefore, the proposed development would be contrary to Policy 57 of the NHDLP, policies PNP 2 and PNP 8 of the PNP and Paragraph 196 of the Framework. These policies, amongst other things, seek development to take special account of the site's location and to conserve or enhance the area's character and heritage assets.

Other Matters

18. The site would not be isolated in the context of Paragraph 79 of the Framework or the Court of Appeal judgement¹, and the proposed development would be accessible to the services and facilities available within the village.
19. I note that there is an interested party who supports the proposal, stating that the road is not regularly used, the path access is overgrown, and the site has

¹ Braintree DC v SSCLG Greyread Ltd. & Granville Developments Ltd. [2018] EWCA Civ. 610

limited public visibility. Whilst I have had regard to these factors, they do not overcome the harm that I have identified above.

Planning Balance and Conclusion

20. The Council has stated that it cannot demonstrate a 5 year supply of housing land as required by paragraph 73 of the Framework. Therefore, the relevant policies of the development plan are considered to be out-of-date. As a consequence, the presumption in favour of sustainable development as outlined in Paragraph 11 of the Framework is engaged. This indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. However, Footnote 6 to paragraph 11(b) of the Framework gives criteria for protected areas under 11(d) i, when the presumption in favour of sustainable development is not applied. This includes designated heritage assets, or archaeological heritage assets. As I have found that policies in the Framework that protect areas and assets of particular importance provide a clear reason for refusal, the tilted balance is not engaged.
22. Therefore, in line with Section 38(6) of the Planning and Compulsory Purchase Act (2004), I must determine the appeal in accordance with the development plan, unless material considerations indicate otherwise.
23. In the context of the development plan, the proposed development would be contrary to Policy 6 of the NHDLP and Policy PNP 1 of the PNP. Policy 6 of the NHDLP, a settlement boundary policy, in isolation of other considerations, would not be wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the Framework.
24. However, these policies do not fundamentally undermine the continued relevance of this approach. Moreover, the approach in Policy 6 of the NHDLP to maintain the character of the countryside, differs only slightly from the aim in the Framework to recognise the intrinsic character and beauty of the countryside.
25. Therefore, there is still a clear rationale for development boundaries in order to protect the countryside and the character of the area while focusing growth within designated settlements supported by local facilities and services. Accordingly, the conflict with the policies of the NHDLP, relevant to the consideration of this appeal, should be afforded moderate weight.
26. I have also found that the proposed development would cause less than substantial harm to the significance of heritage assets and would be contrary to Policy 57 of the NHDLP and policies PNP 2 and PNP 8 of the PNP.
27. The proposal would not accord with the development plan when considered as a whole. No other material considerations before me indicate the scheme should be determined other than in accordance with the development plan. Consequently, having had regard to all other matters raised, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR