



2 October 2020

Our Ref Planning Control/15 October 2020  
Contact. Committee Services  
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To: Members of the Committee: Ruth Brown (Chair), Daniel Allen (Vice Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice and Tom Tyson

Substitutes: Councillors David Barnard, Sam Collins, George Davies, Ian Mantle, Michael Muir, Carol Stanier and Kay Tart

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held as a

**VIRTUAL MEETING**

On

**THURSDAY, 15TH OCTOBER, 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**

<b>Item</b>	<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. NOTIFICATION OF OTHER BUSINESS</b> 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.	
<b>3. CHAIR'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the 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.	
<b>4. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	
<b>5. 20/00507/FP OUGHTON HEAD PUMPING STATION, HITCHIN ROAD, PIRTON, HERTFORDSHIRE</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  Upgrade of existing pumping station to provide nitrate removal plant and equipment including change of use of land for operational purposes and all associated works.	(Pages 5 - 18)
<b>6. 20/01096/RM SITE OF FORMER LANNOCK PRIMARY SCHOOL, WHITEWAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 2PP</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  Reserved matters for appearance, landscaping, layout and scale - Development of 30 residential dwellings with associated parking, open space, landscaping, SuDS and other associated development. (Amended plans received 13/07/20 and 11/08/20).	(Pages 19 - 36)

7. **20/00547/FP 1-3 THE MEAD, HITCHIN, HERTFORDSHIRE, SG5 1XZ** (Pages  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 37 - 50)
- Part Change of Use from Retail (Use Class A1) to Hot Food Takeaway (Use Class A5), alterations to shopfront and installation of an external fume extraction flue
8. **20/01564/FP LAND ADJACENT TO DUNGARVAN, BACK LANE, PRESTON, HERTFORDSHIRE, SG4 7UJ** (Pages  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 51 - 70)
- Erection of one detached 4-bed and two detached 5-bed dwellings including garages and creation of vehicular access off Back Lane.
9. **20/01852/FPH 13 SUFFOLK ROAD, ROYSTON, HERTFORDSHIRE, SG8 9EX** (Pages  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 71 - 78)
- Replace existing single storey end of block garage door with a brick wall to facilitate the positioning of an EV charging point and access door
10. **PLANNING APPEALS** (Pages  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 79 - 98)

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<u>Location:</u>	<b>Oughton Head Pumping Station Hitchin Road Pirton Hertfordshire</b>
<u>Applicant:</u>	<b>Affinity Water Limited</b>
<u>Proposal:</u>	<b>Upgrade of existing pumping station to provide nitrate removal plant and equipment including change of use of land for operational purposes and all associated works.</b>
<u>Ref. No:</u>	20/00507/FP
<u>Officer:</u>	<b>Ben Glover</b>

**Date of expiry of statutory period:** 28/04/2020

**Extension of statutory period:** 16/10/2020

**Reason for Call in:** Application called in by Cllr Sam North for the following reason – “it is likely to have a significant environmental impact on the surrounding area”

1.0 **Submitted Plan Nos.:**

196112\_PLN\_SI\_1.1\_A – Location Plan  
196112\_PLN\_SI\_2.1\_A – Site Plan Existing  
196112\_PLN\_SI\_3.1\_A – Site Plan Proposed  
196112\_PLN\_SI\_4.1\_A – Elevations Proposed  
IWP 10025-IWS-000-XX-DR-PW-0002 P02  
Site Entrance – Vehicle Exist Tracking Articulated  
Site Entrance – Vehicle Exist Tracking Rigid Vehicle

2.0 **Planning Policies:**

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

Policy 2 – Green Belt  
Policy 55 – Car Parking Standards

2.2 **National Planning Policy Framework**

Chapter 2 – Achieving Sustainable Development  
Chapter 12 – Achieving well-designed places  
Chapter 13 – Protecting Green Belt Land  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 - Conserving and enhancing the natural environment  
Chapter 16 - Conserving and enhancing the historic environment

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

SP1 – Sustainable Development in North Herts  
SP5 – Countryside and Green Belt  
SP11 – Natural resources and sustainability  
D1 – Sustainable Design  
D3 – Protecting Living Conditions  
T2 – Parking  
NE1: Landscape  
NE7: Reducing flood risk  
NE9 – Water quality and environment  
NE10 – Water conservation and wastewater infrastructure

**2.4 Pirton Neighbourhood Plan**

PNP 2 – Design and Character  
PNP 5 – Wildlife  
PNP 7 – Key Views and Vistas  
PNP 8 – Heritage Assets and Archaeological Heritage  
PNP 11 – Safety of Pedestrians, Cyclists, Equestrians and Motorists

**2.5 Supplementary Planning Document**

Vehicle Parking at New Development SPD  
Design Supplementary Planning Document

**3.0 Site History**

None Relevant.

**4.0 Representations**

**4.1 Site Notice:**

Start Date: 17/03/2020

Expiry Date: 09/04/2020

**4.2 Press Notice:**

Start Date: N/A

Expiry Date: N/A

**4.3 Neighbouring Notifications:**

N/A

#### 4.4 **Parish Council / Statutory Consultees:**

**HCC Highways** – Objections to the proposal. Three concerns are summarised below:

1. Concerns regarding the proposed widening of the vehicle access and the vehicle to vehicle inter-visibility splay that would be provided. Prejudicial to general provisions of highways safety.
2. The proposed reconfiguration of the access is inadequate to serve the range of vehicles that are likely to use the facility.
3. Insufficient information provided for the Highways Authority to fully assess the highway implications of the proposed development.

**Environmental Health (Noise)** – No comments or objections.

**Principal Strategic Planning Officer (Policy)** – No objection.

**Pirton Parish Council** – Objects to the proposal. Objections summarised below:

1. Insufficient information about the archaeology of the site. Recommend that there be a further full excavation of all parts of the site.
2. Concerns about no comments from Highways, impact of water extraction and noise and pollution.

**Pirton Neighbouring Plan Steering Group** – Objects to the proposal. Concerns are summarised below:

1. Concerns raised with regards to archaeological features on the site and road safety issues.

**North Hertfordshire Archaeological Society** – Objects to the proposal due to the “proximity of the site to Oughton Head Springs, an important element in the defined and published territory and sacred landscape around the ancient settlement of Baldock”.

**HCC Archaeology** – No objection subject to conditions.

**Herts & Middlesex Wildlife Trust** – Objects to the proposal. Concerned about the impact of water extraction on the hydrology of the nature reserve.

**Environment Agency** – No objection subject to conditions.

**Lead Local Flood Authority** – No objection. Clarification needed from applicant to address concerns relating to drainage strategy and the provision of appropriate SuDS management.

**Ecology** – Any comments will be reported at the Committee meeting.

**NHDC Landscape and Urban Design officer** - Requests additional planting along the new site boundaries. Landscape conditions will be required to ensure that the development is assimilated into its surroundings and mitigation is provided for the landscape and visual impact

## 5.0 **Planning Considerations**

### 5.1 **Site and Surroundings**

5.1.1 The application site is an existing enclosed water extraction site situated on the east side of Hitchin Road, south of the village of Pirton. The existing site contains a number of existing small buildings accessed via a tarmacked road via Hitchin Road. The application site is situated within the Green Belt and within a Pirton Parish Archaeological Alert Area.

Pirton 020 Restricted Byway runs alongside the southern boundary of the site.

### 5.2 **Proposal**

5.2.1 Planning permission is sought for the change of use of the land to operational land that would allow for the erection of a 25m x 11.5m x 6.5m building. The proposal also includes the installation of equipment on site including 2 salt saturator tanks. The existing access to the site will also be widened.

5.2.2 The development would allow for the reinstatement of the water extraction site and allow the supply of water to the Hitchin Area.

5.2.3 The application is supported by the following documents:

- ☐ Planning supporting statement (including Flood Risk Assessment)
- ☐ Ecological Impact assessment
- ☐ Oughton Head Archaeological assessment
- ☐ Archaeological Evaluation report
- ☐ Archaeological Written Scheme of Investigation (August 2020)

### 5.3 **Key Issues**

5.3.1 The key issues for consideration are as follows:

- The principle of the proposed development and its impact upon the openness of the Green Belt.
- Design and appearance of the development and its impact to the amenity of neighbouring properties.
- The impact of the development upon the safe use of highways.
- Other impacts including to wildlife and archaeological areas.
- Climate change mitigation.

#### Principle of the Proposed Development within the Green Belt:

5.3.2 The application site is situated within the Green Belt. Considering that the most important policies for determining this application are out of date, paragraph 11 of the NPPF is engaged as follows:



*“for decision taking... granting permission unless... the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”*

- 5.3.3 Section 13 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 143 of the NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 144 of the NPPF goes on to states that *“local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 5.3.4 Saved Policy 2 of the District Local Plan states that *“Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.”*
- 5.3.5 The development would result in the change of use in the land to allow for the expansion of the existing water pumping station. This would involve the erection of a large detached building. The development would not fall within any of the exceptions offered within Paragraph 145 of the NPPF. The erection of a new building for water treatment is therefore, by definition, inappropriate development.
- 5.3.6 Given that the proposed development is considered inappropriate development in the Green Belt, a case for Very Special Circumstances needs to be considered. As states in Paragraph 144 of the NPPF, *“Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*. This assessment is set out within the ‘Planning Balance’ section of the report following a review of the other key issues relating to the proposal.

#### Impact on the Openness of the Green Belt:

- 5.3.7 Paragraph 133 of the NPPF states *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. Paragraph 134 of the NPPF goes on to state the five purposes the Green Belt serves.
- 5.3.8 The existing site is a large unused field owned by the applicants. Within the site is a decommissioned water pumping station with two single storey buildings. The proposed development would result in the part of the field being converted for use by the pumping station allowing for the erection of a 25m x 11.5m x 6.5m building.
- 5.3.9 The building would be sited to the east of the existing site and therefore partially screened behind the existing buildings. To the south of the site there is a public footpath lined by mature vegetation including trees that would screen the view of the proposed building from the south.

Land is open to the north of the site and the building would be partially visible from within the area. Given the size of the proposal building and its location in open countryside there would be an impact to the openness of the Green Belt.

5.3.10 With regards to the five purposes of the Green Belt set out in Paragraph 134 of the NPPF, the proposed development would not result in urban sprawl or the merging of neighbouring towns. The development would however encroach upon open countryside given its siting within a field adjacent to other agricultural holdings. The development would not impact the setting or special character of a historic town given its remote siting. Finally, p.134 (e) is not considered relevant in this case.

5.3.11 Given the above, the proposed development would result in an impact upon the openness of the Green Belt and would conflict with p.134 (c) "to assist in safeguarding the countryside from encroachment" of the NPPF.

#### Design and Appearance:

5.3.12 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 states that "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities*". The aims of the NPPF are reflected in the Saved Local Plan in Policy 57 (Relates to residential development but the principles can be applied) and in the Emerging Local Plan Policy D1.

5.3.13 The proposed building would feature a gabled roof form and will be clad in steele with Kingspan roof tiles that would have a ceramic effect. The building would have a barn like appearance given the materials proposed. Given the agricultural landscape it is considered that the development would be of an acceptable design that would not result in any detrimental impact upon the character and appearance of the area. The proposal would be in compliance with both local and national planning policies insofar as they relate to the issue of design.

5.3.14 To mitigate the visual impact of the proposed nitrate treatment building new landscaping is proposed along the new compound site boundary and also along the northern boundary of the bridleway. Full details of this landscaping can be secured by a planning condition set out in the recommendation below.

#### Impact on Neighbouring Properties:

5.3.15 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 (House extensions) of the Local Plan and D3 of the Emerging Local Plan.

5.3.16 Given the remote siting of the application site, the development would result in no detrimental impact upon the amenities of residential properties in my view.

### Highways impact

- 5.3.17 The development would result in the widening of the existing access road. The works to the site entrance would include the removal of hedging to provide increased visibility. The access gate will then be reinstated to its existing position following completion of works.
- 5.3.18 The County Highways Authority has been consulted on the application and have objected to the scheme of public safety grounds. It is expected that the concerns raised by the Highway Authority can be resolved and an update on this matter will be reported at the Committee meeting.

### Archaeology:

- 5.3.19 The application site is situated within a Pirton Archaeological Alert Area. An investigation of the site has been carried out and has identified several archaeological features within the trenches. Hertfordshire County Council Archaeology states that “*the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest*”. HCC go on to state that “*three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants*”. These conditions are recommended below.

### Impact to Wildlife:

- 5.3.20 The site is opposite the eastern boundary of the Chilterns AONB and the Hitchin Road verge LWS. The development site is also located only 30 metres west of the western edge of the Oughtonhead Common Wildlife site and within 500m of the Oughton Head Local Nature Reserve (LNR).
- 5.3.21 The submitted Ecological Impact Assessment (EIA) includes a desk based study setting out the designations and habitats within the vicinity of the site and the results of a habitat survey including preliminary bat roost assessment . The EIA provides an assessment of the potential impacts of the development and mitigation measures proposed. The EIA provides the following conclusion:

*The site supports locally and nationally common habitats and is not considered critical for populations of any species of fauna of nature conservation importance. However, two Local Wildlife Sites occur within a short distance, a number of notable or protected species may potentially be present and mitigation measures are proposed to minimise the risks to individual animals and to ensure that wildlife legislation is adhered to.*

*Assuming the mitigation is implemented as described, no residual impacts are anticipated as a result of the proposal.*

- 5.3.22 It is recommended that should planning permission be granted for the development that a condition is imposed that requires the development to be carried out in accordance with the proposed ecological mitigation measures and proposed biodiversity enhancements set out in the submitted Ecological Impact Assessment by Integrated Water Services Ltd dated February 2020.

5.3.23 Any comments from Hertfordshire Ecology, including any planning conditions required, will be updated orally at the meeting.

#### Flooding and surface water drainage

5.3.24 The Environment Agency have advised that they have no objections subject to the imposition of two conditions firstly to secure a remediation strategy if unsuspected contamination is found and secondly a pre-commencement condition requiring the submission of a surface water disposal scheme. The applicant has agreed to both conditions.

5.3.25 The Lead Local Flood Authority requires similar details of a surface water drainage strategy to include the provision of appropriate SuDS management and it is recommended that a further condition is included to include the SuDS details.

#### Climate Change

5.3.26 On 21 May 2019, the Council passed a Climate Emergency motion which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2030. As one of the first councils to pass this motion, NHDC is leading the way on climate action. As part of its climate emergency action plan the Council has adopted the Council Plan 2020 – 2025. Objective 3 of the Plan seeks to respond to the challenges to the local environment.

5.3.27 The proposed development is designed to provide a long term, safe, efficient and reliable supply of water for the residents of Hitchin, reinstating and adapting an existing pumping station. It is considered that this is a sustainable solution to a key local infrastructure and therefore can be considered to make a positive contribution to the mitigation of the climate emergency.

#### Planning Balance:

5.3.28 Paragraph 144 of the NPPF states that “*substantial weight should be given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*”

5.3.29 The development proposed would, by definition, be inappropriate development in the Green Belt. It is accepted therefore that there would be harm to the Green Belt. Harm has been identified including harm to the openness of the Green Belt considering a new building would be erected within the Green Belt.

5.3.30 Aside from concerns raised by the Highways Authority which it is expected can be resolved, the development has the potential to result in some additional harm through visual impact and some short term impact on existing flora and fauna. Such harm can be reduced by the proposed new planting and the package of mitigation measures set out in the Ecological Impact Assessment.

The Environment Agency has raised no objection in terms of flood risk and have agreed to conditions to manage the impact of the development on the water environment. In terms of the historic environment archaeological work carried out on the site has demonstrated that the development is unlikely to have any significant impact on archaeological remains.

- 5.3.31 The development would allow for the reopening of the water pumping station which would be used to supply clean water to the Hitchin area and increasing water resilience whilst reducing the dependence on imported water from the Grafham area. It is considered that substantial weight can be attributed to this benefit.
- 5.3.32 The tilted balance in favour of granting planning permission as set out in paragraph 11 d) of the NPPF is not engaged in this instance as the site lies within the Green Belt and therefore paragraph 11d (i) applies. In this case however it has been demonstrated that very special circumstances exist which outweighs the harm by reason of inappropriateness in my judgement.
- 5.3.33 The development would increase water resilience within the district that would prevent future potential water shortages and the reliance upon importing water to the Hitchin Area. It is considered therefore that the adverse impacts of the proposals are limited and would be significantly and demonstrably outweighed by the benefits when assessed against the policies set out in the NPPF as a whole and that planning permission should be granted.

### **Conclusion**

- 5.3.34 That planning permission be granted subject to the resolution of the highway objection and planning conditions as set out below.

### **Alternative Options**

None applicable

### **Pre-Commencement Conditions**

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.

## 7.0 **Recommendation**

7.1 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. If, during development, previously unsuspected contamination 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 has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: 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.

4. 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 current and previous land uses in line with NPPF paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

5. Prior to the commencement of the development hereby permitted, details of any external lighting, including security lighting 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 nature conservation.

6. Prior to the commencement of the development hereby permitted full details of all landscaping proposed within 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 maintaining the rural character and visual amenity of the landscape

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

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

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

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

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

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

## Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage 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.

### Informatives:

#### Environment Agency informative:

##### Preliminary Risk Assessment

The PRA should include historical plans of the site, an understanding of the sites environmental setting (including geology, hydrogeology, location and status of relevant surface water and groundwater receptors, identification of potential contaminants of concern and source areas), an outline conceptual site model (CSM) describing possible pollutant linkages for controlled waters and identification of potentially unacceptable risks. Pictorial representations, preferably scaled plans and cross sections will support the understanding of the site as represented in the CSM.

#### Lead Local Flood Authority informative:

The proposed development is upstream of Oughtonhead Nature Reserve. The River supports this environment; therefore, any impacts to the River may also have an adverse impact on the nature reserve. The applicant should ensure that this is taken into account when looking at the number of surface water quality treatment stages within the proposed drainage scheme and where possible provide environmental benefits to the site and the surrounding area.

















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

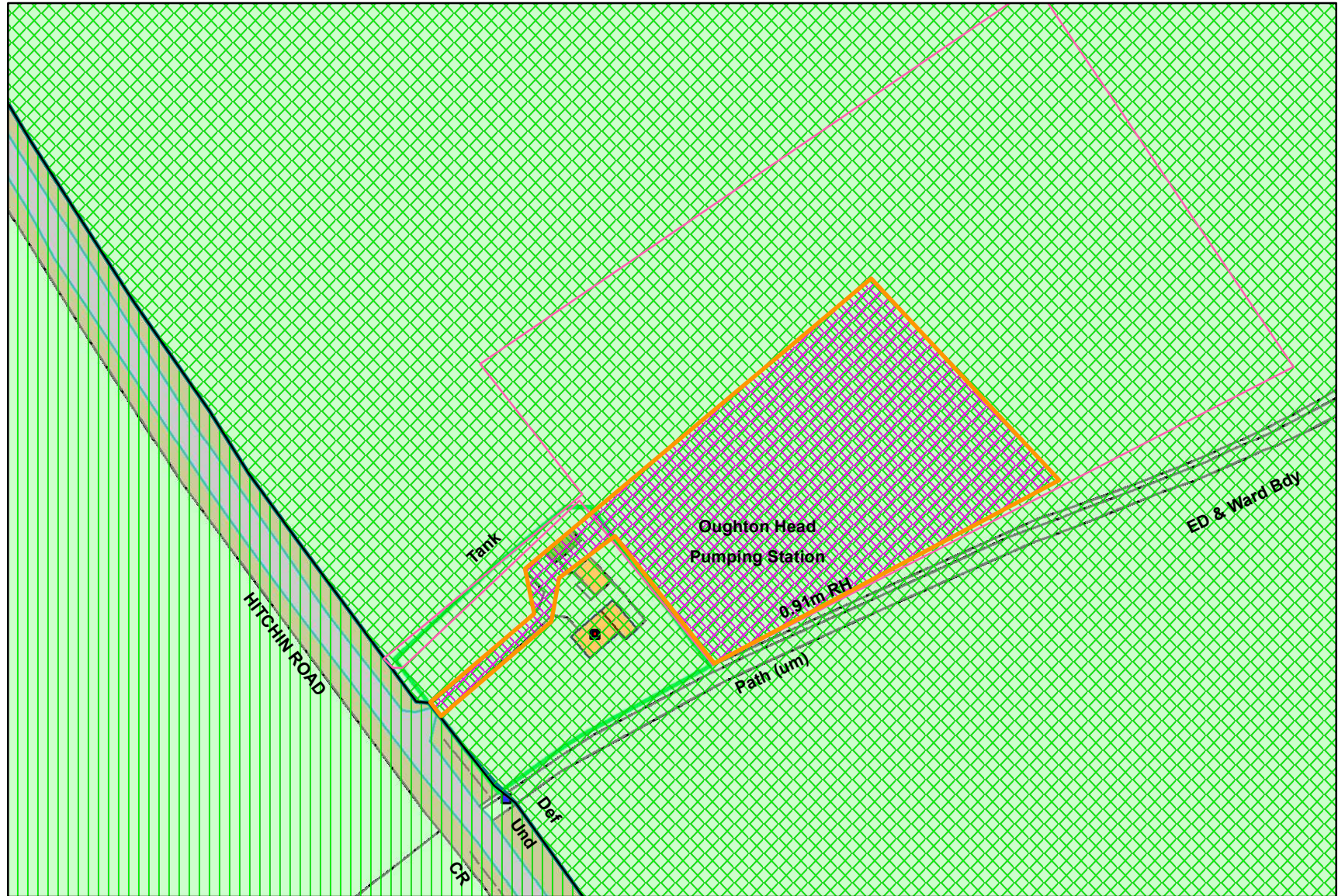




## Application Validation Sheet

20/00507/FP Oughton Head Pumping Station, Hitchin Road, Pirton, Hertfordshire

-  **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**  
Prcrea.shp
-  **District Local Plan Boundary**  
Prdlp2.shp
-  **Green Belt**  
Prgrnbt.shp
-  **Health & Safety Consultation Zone**  
Prjnzshp
-  **Landscape Conservation**  
Prlandca.shp
-  **Ward Boundary**  
Prwardcd.shp
-  **Noise Nuisance Indicators**  
Prnnis.shp
-  **Indicative Flood Plain**  
Prifpm.shp



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Date: 29/09/2020



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<u>Location:</u>	<b>Site of Former Lannock Primary School Whiteway Letchworth Garden City Hertfordshire SG6 2PP</b>
<u>Applicant:</u>	<b>Fabrizio Stafanoni</b>
<u>Proposal:</u>	<b>Reserved matters for appearance, landscaping, layout and scale - Development of 30 residential dwellings with associated parking, open space, landscaping, SuDS and other associated development. (Amended plans received 13/07/20 and 11/08/20).</b>
<u>Ref. No:</u>	20/01096/RM
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period:**

26 August 2020.

**Extension of statutory period:**

31 October 2020.

**Reason for referral to Committee**

In accordance with the Council's Scheme of Delegation set out under the Constitution, as the site area at 2.18 hectares is greater than 0.5 hectares, this decision has to be referred to Members for determination.

**1.0 Site History**

- 1.1 Planning permission was granted by Members on 27 March 2018 for application 17/02180/1 which granted outline planning permission (with all matters reserved except access) for the residential re-development of this site for up to 44 dwellings. This decision also secured a S106 Legal Agreement paying contributions towards affordable housing, open space management and maintenance, a play area, the library service, primary education, secondary education and fire hydrant provision. The full report for this decision is attached at Appendix 1.
- 1.2 Application 13/02314/1 granted permission for a part two storey and part three storey 75 bed care home following the demolition of the main school buildings on the site. This scheme has been built out on site and is outside of the red line application site area for this proposal.

## 2.0 **Policies**

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

- ☐ Policy 8 – Development in towns;
- ☐ Policy 14 – Nature conservation;
- ☐ Policy 26 - Housing proposals;
- ☐ Policy 29A – Affordable Housing for Urban Local Needs;
- ☐ Policy 51 - Development Effects and Planning Gain;
- ☐ Policy 55 - Car Parking Standards;
- ☐ Policy 57 - Residential Guidelines and Standards;
- ☐ Policy 58 – Letchworth Garden City Design Principles.

### 2.2 **Supplementary Planning Documents**

- ☐ Design SPD (July 2011);
- ☐ Planning Obligations SPD (November 2006);
- ☐ Vehicle Parking Provision at New Development SPD (September 2011).

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

- ☐ Paragraph 14 – Presumption in favour of Sustainable Development;
- ☐ Paragraph 17 – Core Planning Principles;
- ☐ Section 1 - Building a strong, competitive economy;
- ☐ Section 4 - Promoting sustainable transport;
- ☐ Section 6 - Delivering a wide choice of high quality homes;
- ☐ Section 7 - Requiring good design;
- ☐ Section 8 – Promoting healthy communities;
- ☐ Section 11 - Conserving and enhancing the natural environment.

### 2.4 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission**

#### 2.5 **Strategic Polices:**

- ☐ SP1: Sustainable development in North Hertfordshire;
- ☐ SP2: Settlement Hierarchy;
- ☐ SP7: Infrastructure requirements and developer contributions;
- ☐ SP8: Housing;
- ☐ SP9: Design and sustainability;
- ☐ SP11: Natural resources and sustainability;
- ☐ SP12: Green infrastructure, biodiversity and landscape.

#### 2.6 **Development Management Policies**

- ☐ T1: Assessment of transport matters;
- ☐ T2: Parking;
- ☐ HS1: Local housing allocations;
- ☐ HS2: Affordable housing;
- ☐ HS3: Housing mix;

- ☐ HS5: Accessible and adaptable housing;
- ☐ D1: Sustainable Design;
- ☐ D3: Protecting living conditions;
- ☐ D4: Air quality;
- ☐ NE2: Green infrastructure;
- ☐ NE5: New and improved public open space and biodiversity;
- ☐ NE7: Reducing flood risk;
- ☐ NE8: Sustainable drainage systems.

### 3.0 **Representations**

#### 3.1 **Anglian Water** – require the following text to be imposed on any decision:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

#### 3.2 Furthermore, they state that they have no objection to the foul drainage strategy and surface water disposal but that these details are to be considered under conditions 6 and 8 imposed on the outline permission 17/02180/1.

#### 3.3 **Environment Agency** – no further comment further to their response dated 22 February 2013 which recommend conditions regarding environmental risk assessment, ground water protection and piling methods. (Officer note – these conditions were not imposed onto the outline decision and cannot be added to this reserved matters determination as they are referring to an issue that is not a reserved matter for consideration in this determination. Conditions of this type can only be imposed on the outline decision).

#### 3.4 **Sport England** – the proposed development does not fall within our statutory or non-statutory remit.

#### 3.5 **NHDC Housing Officer** – I have no objection to the provision of 30 houses all being two bed units. There is great need / demand for two bedroom houses across the district, particularly for rent. Therefore, I am fully supportive of the proposals to deviate from our usual housing mix requirements and provide a scheme solely comprising of two bedroom properties. The affordable housing requirement is 12 affordable dwellings with 8 being for rent and 4 for intermediate affordable housing tenure. The applicant states that they intend for all 30 dwelling to be available for affordable housing.

- 3.6 **NHDC Landscape Officer** – summary of comments includes:
- ☐ the layout is influenced by the site constraints with a small group of dwellings at the entrance of the site with the main development spread along the southern boundary;
  - ☐ the main area of open space runs east – west through the centre of the site and incorporate a SuDs schemes including the attenuation basins and swale;
  - ☐ the layout has a good relationship with surrounding development and retains the open space patterns with the local area;
  - ☐ the road layout also allows for pedestrian links between the site and the surrounding footway network;
  - ☐ there are only three visitor spaces for the whole development which are located opposite plots 1 – 6 at the entrance of the site. I am concerned that the location and low number of visitor spaces will have a detrimental impact on the character of the development if parking takes place on the road;
  - ☐ all 30 dwellings are detached or semi-detached and two storey in height which reflects the scale of the surrounding residential properties;
  - ☐ the site constraints result in a section of open space through the centre of the site creating a good balance between built form and open space;
  - ☐ the existing trees around the edge of the site and hedge boundary are to be mainly retained apart from the small sections to allow the footpath links. Additional tree, shrub and hedge planting is welcomed as well as new trees along the southern boundary for additional screening;
  - ☐ the two storey properties of brick with pitched roof and of similar style and material's choice creates a distinctive character. The house and orientation create interest and legibility. The proposed external materials are similar to surrounding development.
- 3.7 **NHDC Environmental Protection** – a land contamination condition is imposed on the decision for outline application 17/02180/1 and this matter will be dealt with by this condition.
- 3.8 **NHDC Environmental Health** - no objection subject to the recommendation of two conditions and one informative. One is a Construction Management Plan, and is recommended as condition 12 on the outline permission 17/02180/1. The other is an hours condition regarding the use of plant machinery. (Officer note – this second condition cannot be added to this reserved matters determination as it is referring to an issue that is not a reserved matter for consideration in this determination. A condition of this type can only be imposed on the outline decision).
- 3.9 **NHDC Waste Services** -no objection.
- 3.10 **HCC Ecology** – the details on the amended plans combined with the details set out in the document '5 Years Landscape Management and Maintenance Plan' are adequate to demonstrate the achievement of a net gain in biodiversity. No objection providing these aims are secured by condition. (Officer note – this new condition cannot be added to this reserved matters determination as it is referring to an issue that is not a reserved matter for consideration in this determination. A condition of this type can only be imposed on the outline decision).

- 3.11 **HCC Infrastructure and Growth** – there is an existing S106 Agreement dated 27 March 2018 agreed under the outline application 17/02180/1. No further comments.
- 3.12 **HCC Lead Local Flood Authority** – submitted a holding objection. They have been re-consulted on amended plans received on 03/09/20. No response at the time of writing.
- 3.13 **HCC Highways** – no objection subject to conditions. (Officer note – the wording of the highways conditions differs from the highways conditions imposed on the outline decision. However, new conditions of this type cannot be added to this reserved matters determination as access was considered under the outline application).
- 3.14 The application has been advertised with site and press notices (dated 04 June 2020 to 27 June 2020) and with 50 neighbour notification letters sent to properties in Townley, Whiteway and Vincent road. No third party replies have been received at the time of writing.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

4.1.1 The application site has an area of 2.18 hectares and consists primarily of the playing fields formerly utilised in conjunction with the Lannock School which closed in 2009. The playing fields are located to the west/south-west of the former school buildings which have been demolished and replaced with a three and two storey residential care home and day care centre. The playing fields are set back from Radburn Way, which lies to the north, along with Whiteway, and to the west. There are mature trees around the edges of the site along with a mature boundary hedge. There is also a significant change in levels across the site, with the land falling from Radburn Way down the front section of the site, with it inclining again to the south and falling again to the east, rear of the care home. In general terms the existing surrounding development is on higher ground level looking down onto the site.

4.1.2 The site is included in the Local Plan 2011-2031 Proposed Submission October 2016 as site LG9 and is earmarked for up to 45 homes.

##### 4.2 **Proposal**

4.2.1 This is a reserved matters application for the residential re-development of the site following the grant of outline planning permission under application reference number 17/02180/1. The reserved matters for consideration are the layout, appearance, landscaping and scale of the development.

The outline permission is for up to 44 dwellings. This proposal is for 30 x 2-bed houses. All the houses are two storey and consist of a mix of detached (12 units) and semi-detached (9 pairs or 18 units) houses.

4.2.2 All of the houses have on plot parking. Two units have one driveway space with the rest (28 units) having two parking spaces. Out of the 28 dwellings with two spaces, four have the spaces side by side, seven have one space on plot and one space opposite the house in a parking bay arrangement (three of these at the northern side of the site and four on the south side), and the rest have the parking spaces in a tandem layout. There is also the provision of three visitor spaces within the development, which are located in the front section of the site.

4.2.3 Each dwelling has its own private rear garden area of various sizes. The shortest being around 9m / 10m in length up to longest at 26m. The longest gardens are backing onto the south boundary which have to take the rise in land levels into account. The typical internal layout for the houses is a hallway with storage cupboard, w.c. kitchen and a lounge / dining room at ground floor with two double bedrooms and family bathroom at first floor level. The plans state that the houses will have an internal area of 82 sqm.

4.2.4 All the houses have gable end roof design and are brick construction with a concrete tile. The proposed external materials for the houses are detailed on drawing no. 00225-PL01 and the hard standing materials are detailed on drawing no. 00102-PL03. These are:

- ☐ buff brick in Westminster yellow colour;
- ☐ concrete tile roof in a dark grey;
- ☐ dark grey window and door frames;
- ☐ dark grey guttering and water goods.
- ☐ a three colour combination of permeable block paving in sand, grey and reddish brown colouring for paving / shared driveways, private driveways and footpaths with flush curbs;
- ☐ asphalt for the roadway and public footpaths.

4.2.5 Submitted in support of the application are numerous documents including a Planning, Design and Accesses Statement; housing Needs Statement; Statement of Community Engagement; Residential Travel Plan; surface water and foul water details; Landscape Management and Maintenance Plan and a Construction Strategy and Management Plan. These documents can all be viewed in full on the Council's website. Key points include:

Planning Design and Access Statement:

- ☐ the applicant is Chalkdene Developments, on behalf of Hertfordshire County Council who are the land owners, and following the completion of the development the freehold of the site will be transferred to Settle, a registered housing provider. The site will be managed and maintained by Settle upon occupation of the development;
- ☐ Lannock Primary School was closed in September 2009 with the pupils transferred to Radburn School;



- ② the number of dwellings in this development has been reduced to allow the site to ensure that flood and surface water guidelines can be met;
- ② aim is to utilise the existing shared care home access off Whiteway as approved in the outline application;
- ② dwellings are designed to meet the requirements of the Nationally Described Space Standards;
- ② the dwellings are to reflect the characteristics of the surrounding local area;
- ② aim is to incorporate Garden City principles within the layout;
- ② provide 2-bedroom dwellings to address the local need identified by research done by Savills on behalf of Settle;
- ② provide sufficient open space and lighting throughout the development;
- ② the development will ensure there is a detailed surface water drainage scheme and surface water management strategy (as required by condition 6 and 8 imposed on the outline permission) to prevent flooding within the site;
- ② the numbers of dwellings has been reduced and the site layout amended to avoid the flood plain area on the site that was identified by the recent Pix Brook study;
- ② the layout has been designed to avoid the existing surface water and waste water infrastructure which crosses the site;
- ② following the grant of the outline application further technical investigations found more limitations on the site which has resulted in the smaller developable area and reduced house numbers on the site. These constraints, in addition to the surface water and waste water infrastructure are the location of the Local Voltage Cable, with a development exclusion zone and the flood plain / high risk of surface flooding area as identified in the recent Pix Brook study. Whilst all proposed dwellings are now located outside of these constraint areas, the SuDs scheme will drain into this area. The detailed drainage strategy will achieve a SuDs hierarchy compliant with sufficient mitigation to ensure suitable drainage of the site;
- ② wetland planting is proposed through the centre of the site leading to the attenuation area. This area will be adaptable to higher water saturation rates and will also provide for greater flora bio-diversity on the site;
- ② landscaped and tree planted front gardens will adhere to the Garden City principles;
- ② within the wooded area rear of the care home, two bat boxes, two stag beetle loggeries and one sparrow terrace will be provided along with bat and bird boxes added to the mature trees retained on the site as well as two further sparrow terraces and two solidary beehives;
- ② it is proposed to remove 19 trees, 17 of which are category C (low quality) and two are category B (moderate quality). 40 trees are to be retained and 38 new trees are to be planted;
- ② due to social distancing requirements rather than hold a public exhibition an information leaflet was posted to 1,659 local residents informing them of this proposed application. No responses were received by the agent.

### Housing Needs Assessment

- ② Within North Herts there are in excess of 700 households, or one third of those on the housing register, are seeking two bedroom properties, whilst there is a high proportion of three bed family housing within the stock.
- ② Savill's analysis indicated a need for an additional 270 affordable 2-bed homes in North Herts, to address an affordability gap for those on household incomes of £30,000 - £45,000.

## 4.3 Key Issues

- 4.3.1 As the principle of residential re-development has been established by the outline permission, 17/02810/1, this application only has to consider the reserved matters, which are the layout, appearance, landscaping and scale of the development. Saved Policy 57 of the Local Plan 1996 and emerging Policy D1 of the Submission Local Plan 2011 – 2031 seek to ensure that new development responds positively to a site's local context with regards to position, orientation, scale, height, layout, massing, detailing and use of materials. This is supported by paragraph 130 of the NPPF which states that planning permission should be refused for developments of poor design that fail to take the opportunity available for improving the character and quality an area into account.

### Layout

- 4.3.2 As set out under the summary of the Planning, Design and Access Statement above, following the grant of outline permission for up to 44 dwellings, the constraints across the site of the floodplain / high risk of surface water flooding area and the location of the Local Voltage Cable were identified. This has resulted in a smaller area on the site that can be developed. The use of the existing access to the care home was approved as the access under the outline application, which has fixed the vehicular access point into the development. The area of the site which cannot be developed is the central section running east to west across the site, with a wooded and grass area in the narrow eastern end of the site rear of the care home and the attention basin with trees around at the western end of the site. As a result, the two development areas are a group of six houses at the northern side of the site, fronting the care home / vehicle access and side on to Whiteway, and a 'street' of houses across the southern side of the site. The open space central area, with a swale / water feature is on a lower ground level than the houses, with the road forming a bridge across as a feature in the centre of the site.
- 4.3.3 The houses at the northern side of the site, have a side window to provide a degree of an interactive frontage with Whiteway, and there will be natural surveillance from the frontages of the houses in plots 3 – 6 outlooking over the pedestrian footpath link into the site from Whiteway. The internal road forms a 'T' junction at the south end of the site, with views of the houses from the bridge area. Each of the houses have their own rear garden and plot frontage, each with a section of hedging to provide for soft landscaping in the street scene.

Many street trees are proposed to be planted through the 'street' frontage on the southern side of the site. Given the site constraints the proposed layout is considered to be an attractive form of development, providing for a relatively low density development with large sections of open space which will provide amenity space and setting for future residents, as well as maintain a degree of visual context and setting when the site is viewed from the surrounding roads and neighbours.

- 4.3.4 It is noted that Saved Policy 57 of the Local Plan advocates a private rear amenity area of at least 75 sqm for two bedroom houses. Most plots meet this or are in excess of it. The houses in plots 5, 6, 10, 11 and 12 are just under this amount. However, given that private amenity space for each dwelling is proposed along with the large area of open space on this site which will provide for a high degree of amenity for future residents, no objection is raised to the layout on this basis.

#### Layout – Garden City Principles

- 4.3.5 Saved Policy 58 of the Local Plan sets out that development proposals in Letchworth should, as far as, practical, reflect 'Garden City' layout, with 'creative reinterpretation' of the principles in 'the light of modern requirements'. It goes on to state that the term 'Garden City' is equated with residential development, characteristically low density and generously landscaped with mature trees and hedges set amongst individual houses. Furthermore, developments should be respectful to views or vistas, the principles of closures within the development, accents or variation within the street scene / building line and to 'group design' to define areas of roads or cul-de-sacs.
- 4.3.6 The proposal sets out that the development is adhering to 'Garden City Principles' with houses arranged in a traditional street layout with staggered frontages to give visual interest, and with each plot having soft landscaping in the frontage to increase the visual amenity and flow of the development.
- 4.3.7 This scheme retains many trees around the site, as well as the proposed soft landscaping within the frontages and proposed street scene, combined with the group of houses on the north side with staggered frontages, and the flow or 'road' of houses on the south, with groups of detached houses at the western end and semi-detached houses at the eastern end. The layout plan does show that the scheme is relatively low density, due to the large area of open space and I am in agreement that the soft landscaping within the proposed frontages, the slightly staggered building lines and the proposed grouping of the houses does result in the proposal meeting the 'Garden City' principles with a modern and contemporary approach. Therefore, no objection is raised to this proposal on this basis and the proposed layout of the development is considered to be acceptable.

#### Design and scale

- 4.3.8 All the houses are two storey in height which is reflective in scale to the existing surrounding development. Whilst there are rows of terraced houses near to the site, on site only detached or semi-detached houses are proposed. There is no objection to this and the scale and form of the development with detached and semi-detached houses is considered to be appropriate and complimentary to the locality.

- 4.3.9 The design of the houses is a contemporary modern design. The houses are all to have buff brickwork, which again is reflective of the existing surrounding development, with recessed porches and dark grey roof tiles and window and door frames to add a contemporary style to the design. Several of the windows on most of the houses are tall style and the houses have sections of brick work details to give interest to the front elevation. These features, combined with the layout and central open space area, will provide for an attractive development that is complementary to the locality whilst developing its own sense of place.
- 4.3.10 The external materials and hardstanding materials are set out within the application and listed above. These are considered to be acceptable and a material's condition is not considered to be necessary as a result.

#### Car parking

- 4.3.11 The Council's SPD 'Vehicle Parking at New Development' sets out that for houses with two or more bedrooms there must be two spaces per dwelling as a minimum, as well as one covered cycle space per dwelling and between 0.25 to 0.75 visitor spaces per dwelling, rounded up to the nearest whole number, with the lower standard being applied where there are no garages, such as this proposal. This is a visitor parking requirement of 8 spaces.
- 4.3.12 As set out above, 28 of the dwellings have two allocated parking spaces, most are on plot with only seven dwellings having one space on plot and one in a parking bay in the street. Each dwelling has cycle parking in the rear garden. There are also three visitor parking spaces. Therefore, this proposal represents the under provision of parking spaces by two spaces for dwelling houses and five spaces for visitors.
- 4.3.13 The Planning and Design Statement acknowledges that the scheme under provides on car parking and sets out data to justify this under provision. This states that within the Jackman's estate there are differences in car ownership levels between different tenures based on recent research (although the date of this has not been provided) undertaken by Settle. This concludes that only 23.1% of households in the estate have more than one car, with the majority of houses, 43.4%, having one car and 28.5% having no car. However, when tenure is also included, local people living in social rented housing within the estate are much more likely to have no car at all, with a figure of 62% of these households not having a car.
- 4.3.14 The Planning Statement goes on to make the point that given that the whole site is to be transferred to Settle at completion, those families who will occupy the social houses, are more likely to have either none or one car than two, and thus the under provision of car parking for two dwellings that are allocated for the social housing provision is not an issue.

- 4.3.15 I have no reason to dispute the Settle survey findings regarding car ownership levels and if this is correct then the under provision of one space each for two of the dwellings is not an issue. The under provision of the visitor parking is more problematic and also the fact that all three visitor spaces are located on the northern side of the site, while most houses are on the southern side. If the survey results are given due weight, then some of the houses with two on plot spaces will have none or one car and can accommodate any visitor parking on plot. The reality is that there is space within the street scene for cars to park across frontages. This type of parking is not ideal and even if greater numbers of visitor spaces were provided within the development, as many people wish to park outside their destination, these spaces may not be used if they are as short walk away from the house that is being visited. Whilst this under provision of visitor parking is not ideal, given the public benefit of providing 30 x 2-bed dwellings at a time when the Council is behind on its five year supply of housing land with the current estimate being 2.2 years, and the attractive layout of the development with the large area of open space, I raise no objection to this under provision of five parking spaces for visitors in this instance and do not consider it a worthy reason to justify the refusal of the application for. Likewise for the reason given above about people wishing to park outside their destination, I do not consider it advantageous to seek additional parking spaces within the area of open space as this would detract from the attractive central setting of the development and provide spaces that for much of the time may well be under used.
- 4.3.16 Condition 4 imposed on the outline permission 17/02180/1 requires for each plot to have the provision of an Electric Vehicle ready domestic charging point.

#### Landscaping and ecology

- 4.3.17 Some trees and sections of hedging will have to be removed to facilitate the development with 19 trees to be felled, 17 of which are the low quality category C trees. However, 40 trees are to be retained and 38 new trees are to be planted back. Combined with this measure are proposed to increase bio-diversity with a range of planting, including some 'wet' foliage and a range of bird and bat boxes. Together with the private rear gardens and large area of open space the development is considered to have an attractive soft landscaping appearance and will maintain a degree of a green context and setting within the locality as well as having a pleasant setting for future residents. Submitted with the application is a long term management plan for the landscaping and green spaces. As a result the application is considered to comply with the requirements of emerging Policy NE1 which requires for developments to be sensitive to local context and to ensure that the scheme makes a positive contribution to the landscape.
- 4.3.18 The landscaping details are set out on drawing numbers 00102-PL03, 00103-PL03, L001-D, L002-C, L003-C, L004-D and L005-D. These details are considered to be acceptable and a condition regarding landscaping details is not necessary.

## Amenity

- 4.3.19 The development is considered to offer a high degree of amenity to future occupiers. The internal size of the dwellings as two bedroom four persons homes at 82 sqm is in excess of the minimum gross internal floor area of 79 sqm as advocated by the 'Technical housing standards – national described space standard'. This results in good sized living accommodation for future occupiers and is in accordance with part d of emerging policy D1. As set out above, each dwelling has its on plot parking, cycle parking, bin storage and private amenity space as well as access to the open space area within the site, resulting in a high quality living environment.
- 4.3.20 Most houses have got a traditional layout, with frontages opposite each other along the road and rear elevations and gardens to side flanks of neighbours so there will not be unacceptable levels of overlooking or loss of privacy between future occupiers.
- 4.3.21 The exception are plots 1 to 6, where plots 3 to 6 back onto plots 1 and 2 with a back to back distance of 18m. This is less than the 30m back to back distance as advocated by Saved Policy 57 of the Local Plan, and in reality there will be overlooking of the rear gardens and rear elevations between these homes. Furthermore, plot 7 will overlook the rear garden of plot 10 at a distance of 8m and plot 30 will overlook the rear garden of plot 28 at a distance of 13m.
- 4.3.22 Whilst Saved Policy 57 advocates a 30m back to back distance, this policy can now be regarded as dated, as since 1996 there has been emphasis to reduce garden sizes to increase housing numbers on site. To reflect this, emerging Policy D1 requires for new development to respond positively to the site and local context taking into consideration position, orientation, scale, height, layout, massing, detailing and use of materials. And, emerging Policy D3 states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. Therefore, the 30m back to back 'rule' of Saved policy 57 can be considered to have been superseded by the emerging policies which require a more holistic approach to layout and context. In this regard, as set out above, the development is considered to have an acceptable layout and design, and even though the rear gardens of plots 3 – 6 are on the smaller side, no objection is raised to this as the amount of garden proposed will provide for an adequate amount of private amenity space, especially with the use and benefit of the large area of public open space on the site is also taken into account. Furthermore, future occupiers can assess this relationship and garden size before deciding to occupy the property. On this basis, I also have no objection to the relationship of plots 7 to 10 and 30 to 28.

4.3.23 The site is overlooked by many existing neighbours. The closest being the new Care Home and existing neighbours on Whiteway and the flats to the south. Given the 'island' position of the site, with the roads Radburn Way and Whiteway bordering three sides and a footpath link rear of the south side boundary, there are no existing neighbours with a very close proximity. The care home at the rear will outlook over the eastern wooded section. Given the number of trees to be retained around the site, most neighbours will see the houses set within the context of the site with high levels of trees and soft landscaping providing screening and setting. On this basis, I conclude that there will not be any direct harm on the amenities of the nearby neighbours.

#### S106 and Affordable housing allocation

4.3.24 Drawing no. 00108-PL03 sets out that plots 1, 2, 3 and 4 are to be shared ownership properties and plots 10, 11, 12, 13, 14, 15, 16 and 17 are to be affordable rent properties with the rest shown to be available for private sale. This number of dwellings is 40% of the development and the tenure allocation is in accordance with the Council's housing policies to meet the requirements of the S106 Legal Agreement.

4.3.25 Set out within the application, it is stated that upon completion of the work, the whole site will be transferred to Settle for their use for affordable housing. This is above the requirements of the S106 Legal Agreement, but there is no objection to this in planning policy terms. The Council's Housing Officer is supportive of this increased provision of 2-bedroom houses being made available.

4.3.26 This application sets out that the S106 that was agreed under the outline application needs to be amended now that the unit numbers and size is known. As the S106 is linked to the outline permission, 17/02180/1, the amendments to this legal agreement have to be done under the outline application reference number and do not need to delay the determination of this reserved matters application.

#### Bins and cycle stores

4.3.27 Each dwelling has space in the rear garden for bin storage with a garden / side access gate for bins to be dragged out on collection days. This is supported as it will mean that bins should not be kept in the frontages of the houses where they will look unattractive and cause street clutter.

4.3.28 Each dwelling will also have the provision of a cycle store in the rear garden. As stated above, this is in accordance with the Council's parking SPD and is supported.

#### Pedestrian links

4.3.29 New pedestrian links are proposed on the north and west boundaries of the site. This will increase local permeability as well as ease of access for future occupiers, and again, this is supported.

### Drainage details

4.3.30 At the time of drafting this committee report, the HCC LLFA are still maintaining an objection to the proposed drainage details. However, these details are controlled by conditions 6 and 8 imposed on the outline permission, 17/02180/1, and this issue does not need to delay the determination of this reserved matters application.

### **4.4 Conclusion**

4.4.1 Paragraph 130 of the NPPF requires for new development to improve the character and quality of the area. This is supported by both saved and emerging local plan policies which seek to ensure that new development is acceptable in layout, scale and design, which are the reserved matters to be considered in this application.

4.4.2 This proposal for 30 x 2-bedroom dwellings, which are all two storeys in height, and have an acceptable layout with a group of dwellings on the north side of the site and a 'traditional street' on the south side, combined with a large area of open space, planted hedges and landscaping in the frontage and a high number of trees is considered to be an acceptable form of development that respects local context in terms of scale and design whilst having its own contemporary sense of place and will provide future occupiers a high degree of amenity with good sized accommodation with on plot parking, private rear gardens and a large area of open space. As a result this proposal is considered to be in accordance with the provision of the saved and emerging local plan policies, outline above, and meets the requirements of paragraph 130 of the NPPF. It is therefore recommended for conditional permission on this basis.

### **4.5 Alternative Options**

4.5.1 None applicable

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

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

### **4.7 Climate Change Mitigation**

4.7.1 With regards to the policy emphasis to mitigate climate change, there is no objection to the development on this basis. The proposed design of the dwellings, combined with the need for them to meet the relevant building regulations requirements during the build phase and the fact that an EV charging points are to be secured via condition 4 imposed on the outline permission 17/02180/1, results in the proposal being sufficiently sustainable to be considered to be in compliance with Policy D1 of the emerging Local Plan.



## 5.0 **Legal Implications**

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

## 6.0 **Recommendation**

- 6.1 That the Reserves matters details are **GRANTED** subject to the following conditions.

## 7.0 **Appendices**

- 7.1 Committee report for the outline permission 17/02180/1.

- 7.2 Decision notice for outline+ permission 17/02180/1.

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. 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.

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. ANGLIAN WATER INFORMATIVE:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2. ENVIRONMENT AGENCY INFORMATIVE:

We recommend that piling on contaminated sites underlain by aquifers is avoided where possible, and that non-invasive methods, such as rafts, should be used instead. Where there is no alternative to piling, a method should be selected that minimises the risks of groundwater pollution or gas migration. Mitigation measures and/or environmental monitoring may need to be incorporated into the design. The method selected should be presented in a "Foundation Works Risk Assessment Report" which should be submitted to and approved by you before development commences.

3. ENVIRONMENTAL HEALTH INFORMATIVE:

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

4. HIGHWAYS INFORMATIVES:

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

General works within the highway (simple) - construction standards.

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)".

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website;

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

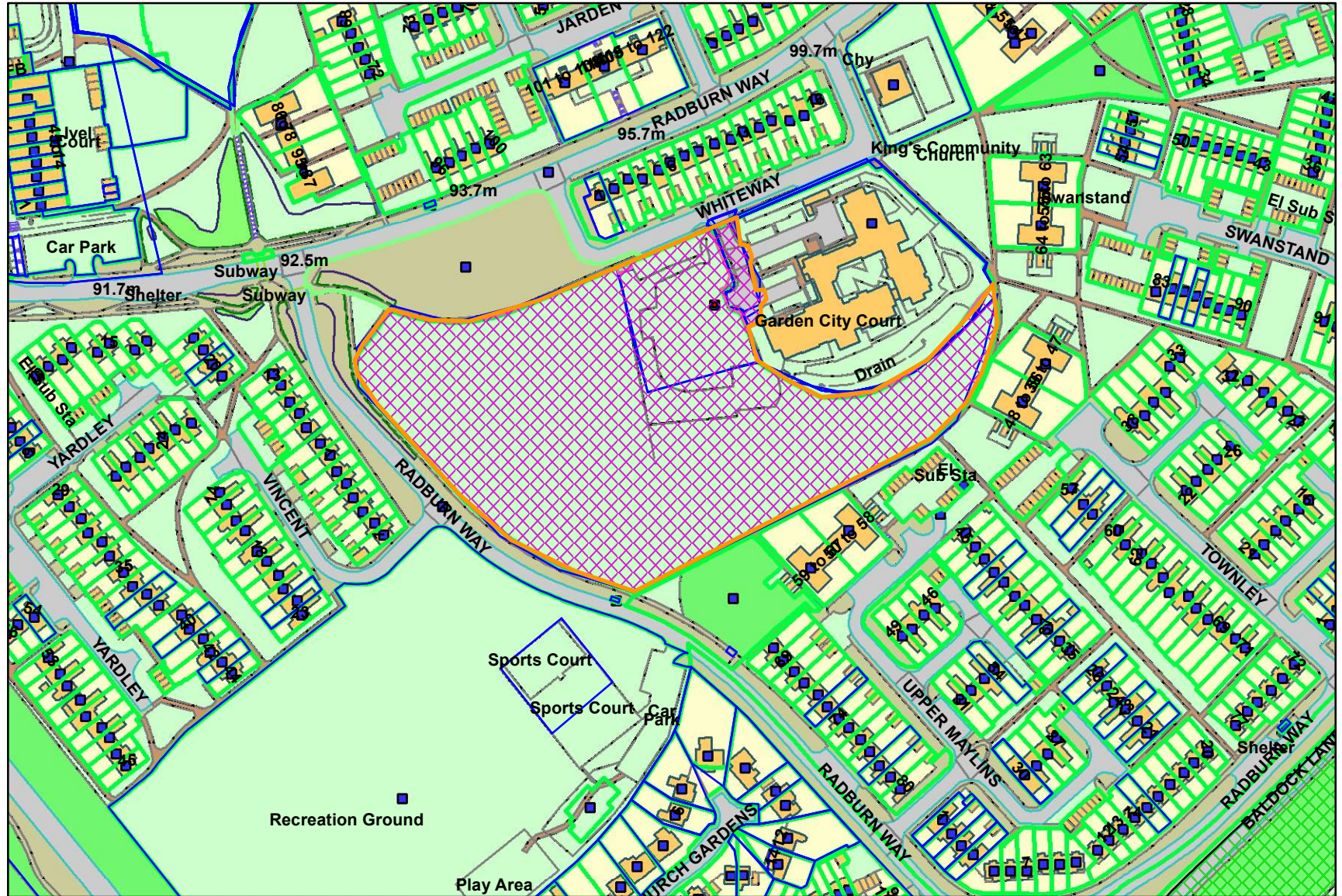




## Application Validation Sheet

20/01096/RM Site of Former Lannock Primary School, Whiteway, Letchworth Garden City, SG6 2PP

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



Scale 1:2,500  
Date: 29/09/2020



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<b>ITEM NO:</b>	
<u>Location:</u>	<b>1-3 The Mead Hitchin Hertfordshire SG5 1XZ</b>
<u>Applicant:</u>	<b>Mr Jignesh Patel</b>
<u>Proposal:</u>	<b>Part Change of Use from Retail (Use Class A1) to Hot Food Takeaway (Use Class A5), alterations to shopfront and installation of an external fume extraction flue</b>
<u>Ref. No:</u>	20/00547/FP
<u>Officer:</u>	<b>Jo Cousins</b>

**Date of expiry of statutory period:**

30 April 2020 (extension of time until 31 October 2020)

**Reason for Referral to Committee**

Councillors Albert 'called-in' the application in the wider public interest.

**1.0 Policies**

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

Policy 8 – Development in Towns  
Policy 55 – Car Parking Standards  
Policy 57 – Living Conditions

**1.2 National Planning Policy Framework.**

Section 8 – Promoting healthy and safe communities  
Section 12 - Requiring good design

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

Strategic Policies

SP1: Sustainable Development in North Herts  
SP2: Settlement Hierarchy  
SP3: Employment  
SP9: Design and sustainability  
SP10: Healthy Communities.

### Development Management Policies

ETC7: Scattered local shops and services in towns and villages

D1: Sustainable Design;

D3: Protecting living conditions;

T2: Parking

## 1.4 **Supplementary Planning Document**

Vehicle Parking at New Development September 2011

## 2.0 **Site History**

2.1 Planning permission was refused by the Planning Control Committee, contrary to officer recommendation in May 2018 – case 18/00278/FP refers. The decision was appealed and in March 2019 the appointed Inspector dismissed the appeal.

2.2 An application under reference 18/01879/FP was withdrawn in September 2018 on the grounds that it was identical to the previous application and would therefore face the same recommendation for refusal as the case at paragraph 2.1 above.

2.3 The applicants agent subsequently lodged an appeal against the May 2018 refusal and in March 2019 the appointed Inspector dismissed the appeal.

## 3.0 **Representations**

### 3.1 **Local residents/public notice**

Objections received from residents in The Mead, Lammas Mead, Shepherds Mead and Old Hale Way. Common objections included the following:

- Traffic congestion/ parking issues related to customer and goods/service vehicles
- Litter/ vermin
- Odour and noise as a result of the extraction system
- Anti-social behaviour
- Negative effect on property values
- Too many fish and chip shops in the locality – similar facilities/mobile vans in the area
- Noise and disturbance due to opening hours
- Unsuitable location near to schools
- Diet/wider health concerns
- Fire safety concerns
- Flue would be harmful in design terms
- Impact on health of children due to proximity to Schools

### 3.2 **Highways**

No objection. Request that two informatives be placed on any grant of planning permission.



### 3.3 **Environmental Health**

Require additional information (as per previous recommendations) to ensure that noise and odour are satisfactorily considered. These measures are covered by the imposition of conditions as set out in the recommendation below.

### 3.4 **Waste**

No comments received.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

4.1.1 1-3 The Mead is the ground floor section of a detached building which is currently fully occupied by 'SPAR' and operates as an A1 retail unit. Residential units are situated above. The building is located in close proximity of residential properties in The Mead, Lammas Mead, Old Hale Way and Shepherds Mead.

### 4.2 **Proposal**

4.2.1 Part change of use from Class A1 (Retail) to create separate Class A5 use (Hot Food Takeaway). Alterations to shopfront and erection of external fume extraction flue.

4.2.2 The flume extraction system has been amended from that considered under the previously refused submission which showed a metal flue to the side wall with a section that ran along the roof edge to finish above the host buildings ridge height. The application now proposes a vertical system that would be clad in a brick effect for the entire section that runs up the side elevation. This would project 650mm from the flank wall by 880mm in width. The structure would start at a height 2.5m above side yard and access area. The section that protrudes above the roof slope would be painted black. This would give the appearance of a more traditional chimney stack to the side elevation, 5.7 metres high with the discharge cowl at 1.5 metres high. The overall finished height would be approximately level with the ridge of the parent building so that from the front and rear views it would read alongside the existing structure. (Note all dimensions quoted are approximate.)

### 4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- Whether the part change of use would be acceptable in principle.
- The effect on the character and appearance of the area.
- The effect on the living conditions of neighbouring properties.
- The effect on the safe operation of the highway and car parking provision in the area.

#### 4.3.2 Principle of the part change of use

The application building is located within the ground floor section of a two storey building currently in mixed use with a retail use operating from the ground floor and residential flats above. The retail unit is somewhat isolated with no other such units located within close proximity to the site. Indeed the area is best characterised as a residential area although it is noted that an employment zone lies to the east of the site in Bury Mead Road with pedestrian links only.

4.3.3 Recent legislation changes have been made since the Appeal Decision, with the introduction of the Town and County Planning (Use Classes)(Amendment) (England) Regulations 2020. The new Class E brings together Classes A1, A2, A3, B1(a), certain D1 and D2 (such as gyms, nurseries and health centres) and other uses suitable for a town centre. This gives effect that uses within new Class E are not development giving flexibility for changes without the need for planning permission as this is now not development. Class A5 (Food & Drink) remains as a Sui Generis use class and therefore in the light of the new legislation it is pertinent to continue with this application as the change of use is still required in this instance.

4.3.4 Due to its location, there are no Saved Local Plan Policies which are applicable to the change of use of the building. As such, there is no objection to the principle of the part change of use as the Saved Local Plan is silent on this matter.

4.3.5 The emerging Local Plan (ELP) has advanced since the Appeal Decision was issued in March 2019, having gone through a public examination process, Modifications published (November 2018), and public consultation which ended in April 2019. Further hearing sessions in March 2020 were postponed and at the time of writing this report some of the re-arranged sessions are under question. It is impossible given present circumstances to give any indication as to when adoption can be anticipated. This may affect the weight given to the Emerging Plan in relevant decisions. Notwithstanding this point, none of the Inspector's various queries affect the key land-use policies of the emerging plan that are most relevant to this proposal. I propose to examine the extent to which the proposal is compliant with the Emerging Plan.

4.3.6 Emerging Policy ETC7 sets out the Council's proposed policy with regards to *scattered local shops and services in towns and villages*. Emerging Policy ETC7 states that proposals for small-scale shops and services will be granted within existing settlements to serve the local community as an exception to the sequential approach set out in Policy ETC3(a). Moreover, ETC7 suggests that proposals for changes of use would only be acceptable if a) there is a replacement use within walking distance, and b) the proposed replacement use would complement the function and character of the area.



4.3.7 The proposal would only involve a part change of use and the existing retail use would remain therefore negating the requirement to establish the proximity of a replacement use. Moreover, in general terms, I consider that a take-away use would complement the function and character of the area. I therefore find that the proposal would be compliant with Emerging Policy ETC7 although, to re-iterate, only limited weight can be attributed to this Policy at this stage.

4.3.8 Design

The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Chapter 12 – Achieving well-designed places). In this regard, 57 of the Local Plan and Policy SP9 and D1 of the Emerging Local Plan (ELP) are considered consistent with the NPPF.

4.3.9 The proposed alterations to the shopfront would clearly have some visual impact but I do not consider that any visual harm would be occasioned by the development.

The installation of the flue to the flank wall of the building was the contentious issue resulting in the previous refusal and dismissal on appeal. The appeal Inspector commented that:

***Whilst the existing appearance of the building is unexceptional architecturally, the size and shape of the flue, and the material of which it would be constructed, do not relate to the existing form of the building to which it will be affixed. The flue follows a contrived course up the side of the building, avoiding windows and would be constructed of metal, which would be incongruous and out of character with the surrounding brick-built buildings. It would occupy a very visible position and its more industrial form would be out-of-keeping with the residential nature of the immediate area.***

The Inspector went on to comment that:

4.3.10 ...***there may be other ways of providing an extraction flue which would enable these benefits to be achieved in a manner that would be less harmful to the environment.***

4.3.11 The current scheme provides a more conventional flue which would be clad to have the appearance of a brick chimney stack. The existing building is not particularly attractive nor is the area on the whole particularly visually sensitive. However, I consider that the current proposal makes a marked visual improvement in its configuration on the building, which reduces its overall scale and has a more conventional appearance of a chimney stack. Furthermore its visual appearance would blend with the brick work to the flank wall responding more positively to the sites local context.. As such I do not consider that the installation of the flue would cause such harm to the character or appearance of the area that it would merit refusal.

4.3.12 Impact on neighbouring properties

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 57 of the Local Plan and Policy D3 of the ELP. A key issue in the consideration of this application is the impact that the proposed use, and the technical matters relating to odour and noise, would have on the living conditions of residential properties that are located near to the site.

4.3.13 I have noted the proximity of the proposed extraction system to the first floor flats, numbers 5 and 7 The Meads and in particular the proximity to the two windows in the flank elevation adjacent to the proposed flue and the stairway access to the rear. The flue would project 640mm from the existing wall and I do not consider that the scale and form of this would be so unacceptable to justify refusal on the grounds of impacts upon these flats. I feel that this is a consistent approach as the issue of detriment to immediate neighbours was not raised by the appointed Inspector in determining the appeal.

4.3.14 I have previously sought advice from the Senior Environmental Health Officer regarding the issues set out in para. 4.3.12 and those specific matters of concerns are able to be resolved by including conditions that require details of the following to be submitted prior to commencement:

--Noise survey;  
--Details of extraction system.

The following conditions are also proposed:

--Goods delivery times restricted to between 08.00hrs and 20.00hrs Monday to Friday, 09.00hrs and 18.00hrs Saturdays and no deliveries on Sundays and Bank Holidays.

--Hours of operation restricted to between 10.00hrs and 22.00hrs Monday to Sunday.

4.3.15 Requiring the noise survey and the details of the extraction system prior to the commencement means that an unsatisfactory system that leads to odour and/or noise concerns is not able to be installed and used. In short, only a system that does not cause a nuisance would be approved and be installed for use at the premises. It is considered that the recommended conditions would ensure that the proposed use would not cause any material harm to the living conditions of any of the neighbouring properties.

4.3.16 It is considered that the recommended conditions would ensure that the proposed use would not cause any material harm to the living conditions of any of the neighbouring properties.

#### 4.3.17 Anti-social behaviour

There is some concern regarding the proposed operating hours of the unit and the potential for anti-social behaviour as a result. However, whilst clearly the proposed use would draw people to the unit for the duration of the operating hours of the premises, there is no conclusive evidence that such a problem exists with regards to the existing retail unit or that the proposed use would result in such an outcome. I therefore attach limited weight to this particular issue.

#### 4.3.18 Litter and waste

Littering is another related anti-social concern and I quite understand that in many regards it would be unacceptable for waste to be disposed of indiscriminately. One bin is located outside 1-3 The Mead and this would go some way to alleviating any potential concern in this regard. In terms of the proposed storage and disposal of waste I have been advised by the applicant that waste will be stored in the alleys to the side and rear of the building. Notwithstanding these comments, I would like more certainty prior to the commencement of the use and therefore recommend a condition requiring further details of the measures required to deal with litter and waste.

#### 4.3.19 Impact on the highway

Hertfordshire County Council Highways have assessed the proposal and do not believe that the proposal would result in an undue impact on the safe operation of the highway. I am minded to agree with this view as I do not consider that any increased traffic would have a significant impact on the local road network whilst parked cars are able to use the parking bay located nearby. I note concerns raised by residents that the proposal would likely increase the volume of traffic. I accept that there will likely be a busier period between say 6 and 9 but for many hours of the day the intensity of the use is likely to be quite low. Moreover, given the location of the site within a residential area, it is likely that many customers would travel to the unit by foot or bicycle thereby likely reducing the number of parked cars related to this use in the area at any one time.

4.3.20 Whilst I can accept that the unit is likely give rise to extra vehicles in the area, I agree with Highways colleague that the use would not have a significant impact on the safe operation of the local road network.

#### 4.3.21 Other matters

A number of the comments received in response to this application raise concerns which are not material planning considerations. These include:

- Fire safety concerns (this is a matter for Building Regulations);
- Impact on property values;
- Diet/health concerns;
- Proliferation of other similar units near to the site or within Hitchin;

--Unsuitable location near to a school.

#### 4.4 Conclusion

4.4.1 The principle of the part change of use would be acceptable when judged against the aims of the Local Plan and the National Planning Policy Framework. Moreover, the Environmental Health team are satisfied that, subject to recommended conditions 3-6 (see below) being imposed on any consent, the proposed development would not cause harm to the living conditions of properties in close proximity to the site. Lastly, Hertfordshire County Council have not raised an objection and therefore I am satisfied that the proposed development would not cause harm to the safe operation of the highway.

4.4.2 Paragraph 11 d) of the National Planning Policy Framework states that '**where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless**' sections i. or ii. are complied with. Section i. of 11 d) is not relevant as this application is not a protect area and does not involve assets of particular importance as specified in footnote 6. In this instance Paragraph 11 d) ii. is relevant as it states that '**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**'. In my view, any adverse impacts considered either individually or cumulatively, would not significantly and demonstrably outweigh the benefits and therefore I recommend approval.

#### 4.5 Alternative options

4.5.1 None applicable.

#### 4.6 Pre-Commencement Conditions

4.6.1 The applicant is in agreement with the pre-commencement conditions to be imposed.

#### 4.7 Climate change mitigation

4.7.1 The proposed development is not considered of a scale or nature whereby any practical climate change measures can be secured via the grant of planning permission.

#### 5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development

plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## 6.0 **Recommendation**

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

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

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

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

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

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

Reason: To protect the residential amenities of existing residents.

4. Prior to the commencement of the use and the installation of the kitchen extract ventilation system hereby permitted, details of the proposed system to be used as part of the development shall be submitted to the Local Planning Authority for approval. The extract ventilation system shall incorporate a three stage carbon filtration or similar system. Following approval and installation, the system shall thereafter be permanently maintained as per the approved specification.

Reason: To protect the residential amenities of existing residents.

5. Goods vehicle deliveries and refuse vehicles shall only be permitted between 08.00hrs and 20.00hrs Monday to Friday, 09.00hrs and 18.00hrs Saturdays and no deliveries on Sundays and Bank Holidays.

Reason: To protect the residential amenities of existing residents.

6. Hours of use of the A5 unit shall be between 10.00hrs and 22.00hrs Monday to Sunday.

Reason: To protect the residential amenities of existing residents.

7. Prior to the commencement of the use hereby permitted, details of measures to deal with litter and waste arising from the proposed use shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the first use, and thereafter retained.

Reason: To ensure that the proposed development would not harm the wider amenity of the area.

8. The proposed brick cladding shall have a finish to match the brick of the host building and shall thereafter be maintained as such.

Reason: To protect the visual amenity of the street scene.

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. Construction hours  
During the change of use phase no construction 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.

2. AN1) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere

with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. 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

















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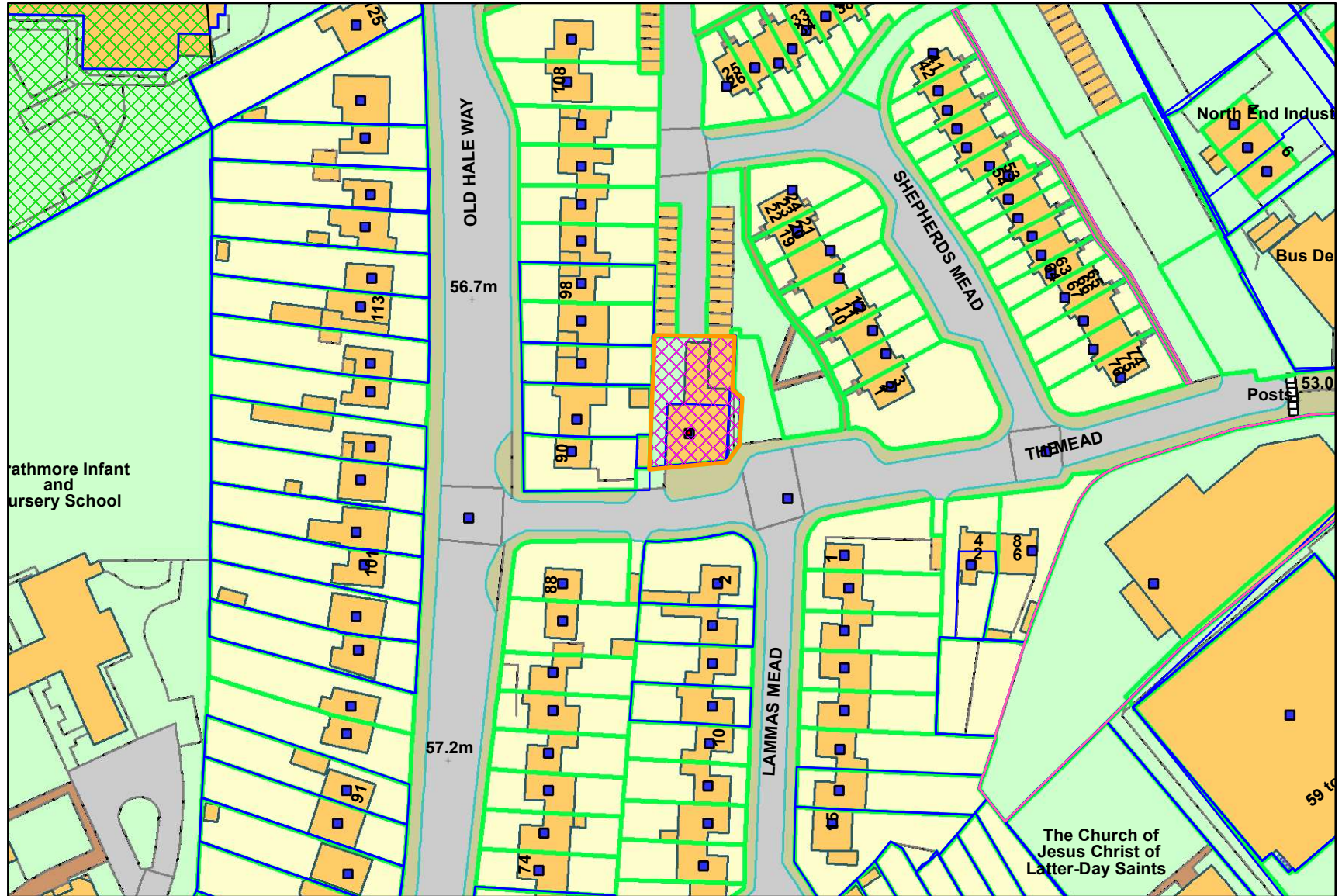




## Application Validation Sheet

20/00547/FP 1-3 The Mead, Hitchin, Hertfordshire, SG5 1XZ

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



Scale 1:1,250  
Date: 29/09/2020



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<u>Location:</u>	<b>Land Adjacent to Dungarvan Back Lane Preston Hertfordshire SG4 7UJ</b>
<u>Applicant:</u>	<b>Mrs S Boyle</b>
<u>Proposal:</u>	<b>Erection of one detached 4-bed and two detached 5-bed dwellings including garages and creation of vehicular access off Back Lane.</b>
<u>Ref. No:</u>	20/01564/FP
<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of expiry of statutory period:**

23 September 2020

**Extension of statutory period:**

Agreed to 20<sup>th</sup> October.

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater (the site area is 0.98ha), as set out in 8.4.5 (a) of the Council's 2019 Scheme of Delegation.

1.0 **Site History**

- 1.1 88/00160/1 - Outline application (all matters reserved) for residential development – Refused 14/04/88.
- 1.2 83/00487/1 - Outline application (design and external appearance reserved) for the erection of one detached bungalow – Refused 22/09/83.
- 1.3 Both of the above applications were refused on the basis of encroachment into a rural location/ extending the built limits of the village. However, the 1988 application was also refused on grounds of being within the Preston Conservation area, with the second reason for refusal reading as follows:

*“The proposal would constitute an undesirable outward extension of the built-core of the village, within the Preston Conservation Area to the detriment of the pleasant open character and appearance of the southern part of the village, particularly in views along Back Lane and Crunnells Green.”*

## 2.0 **Policies**

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

Policy 6 – Rural areas beyond the Green Belt  
Policy 14 – Nature Conservation  
Policy 26 – Housing proposals  
Policy 55 – Car Parking Standards  
Policy 57 – Residential Guidelines and Standards

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

Chapter 5 – Delivering a sufficient supply of homes  
Chapter 9 – Promoting sustainable transport  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 16 - Conserving and enhancing the historic environment

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

SP1 – Sustainable development in North Hertfordshire  
SP2 – Settlement Hierarchy  
SP6 – Sustainable transport  
SP8 - Housing  
SP9 – Design and sustainability  
SP11 – Natural resources and sustainability  
SP12 – Green infrastructure, biodiversity and landscape  
SP13 – Historic environment

T1 – Assessment of transport matters  
T2 – Parking  
HS3 – Housing mix  
D1 – Sustainable Design  
D3 – Protecting Living Conditions  
D4 – Air quality  
NE1 - Landscape  
NE6 – Designated biodiversity and geological sites  
NE7 – Reducing flood risk  
NE8 – Sustainable drainage systems  
HE1 – Designated heritage assets

## 2.4 **Preston Neighbourhood Plan**

QL2 – Community Quality of Life  
QL3 – Local Distinctiveness  
HD1 – Residential Development  
HD3 – Housing Types  
HD4 – Tenure of Housing  
HD5 – Sustainability and Energy Efficiency  
HD6 – Design  
HD7 – Gardens  
HD8 – Flood Risk and Drainage Provisions  
HD10 – New Housing Development  
EH1 - Village Boundary, Rural Character and Setting  
EH2 - Conservation Areas and Heritage Assets  
EH3 - Open and Green Spaces  
EH7 - Protecting and Enhancing the Local and Natural Environment  
EH8 - Hedgerows, Trees and Verges  
TC1 - Safe and Sustainable Transport

## 2.5 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

## 3.0 **Representations**

### 3.1 **Site Notice:**

Start Date: 06/08/2020

Expiry Date: 29/08/2020

### 3.2 **Press Notice:**

Start Date: 06/08/2020

Expiry Date: 29/08/2020

### 3.3 **Neighbouring Properties:**

Nine objections were received from dwellings on School Lane, Church Lane, Crunnells Green in Preston, and Foster Drive Hitchin. The objections included those from neighbouring dwellings Cherry Trees (Dungarvan on the submitted plans), Crunnells Green House, 3 Crunnells Green, and Dinsley Field. These objections are on the following grounds:

- ☐ Development should closely recognise the demands of the Preston Neighbourhood Plan. It ignores the NP.
- ☐ Housing has been refused permission on the site before.
- ☐ Why can a developer build, but not private owners.
- ☐ The development would not be sustainable.
- ☐ Inaccuracies in the planning statement concerning the surroundings, traffic and bus routes. Photos of the site frontage are out of date.
- ☐ The application is a precursor to more intensive development. Use a Section 106 agreement to limit more development if permission is granted.

- ❑ Open character of this part of Preston has been prejudiced by recent developments in the garden of 3 Crunnells Green.
- ❑ Vast amount of wildlife that uses the land, of which Barn Owl's are the most important. The site has been used as allotments and as a paddock.
- ❑ Broaden hedges and wildlife buffers.
- ❑ The site is an environmentally important habitat given protected status by the Council.
- ❑ Loss of a mature English oak and other small trees and bushes to create the new access.
- ❑ The need for a new access is not explained. The existing access could be used, or a new access could be provided without trees being removed.
- ❑ Inappropriate housing mix. Two and three bedroom houses would be supported by policy HD3 of the Neighbourhood Plan. The plot 1 dwelling could be altered to a pair of semi-detached dwellings.
- ❑ Pastiche designs of 19<sup>th</sup> century mansions, squeezed onto small plots close to each other.
- ❑ Arts & Crafts style more appropriate than mock-Tudor.
- ❑ The site should be developed at a much higher density to accommodate at least 20 homes.
- ❑ Reduce the elevation heights and remove 2<sup>nd</sup> floor windows.
- ❑ The development is not shown in context with the surroundings.
- ❑ Seems irresponsible to build in a Conservation Area. Impacts of lighting on Conservation Area.
- ❑ No recognition of impacts on parking for the primary school.
- ❑ Traffic noise from entrance within 10m of a bedroom.
- ❑ Hedge shown will not prevent noise and overlooking.
- ❑ Should not build using materials requiring high emissions in their production.
- ❑ High energy use of buildings.
- ❑ Should not build chimneys
- ❑ Do not need 4 bedrooms or more with scant regard for water conservation.
- ❑ Do not have to rely on gas or oil for heating.
- ❑ Need to conserve natural habitats., heat emissions and water supplies.
- ❑ Impacts on sewerage and water pressure.
- ❑ We can optimise ventilation.
- ❑ Targets for carbon emissions should be respected.
- ❑ Absence of any improvements to access to Back Lane and the condition of the highway.
- ❑ The site is a rare asset in the village and should not be wasted.
- ❑ Would like our boundary of Leylandii formalised.
- ❑ Hours of construction should not be on Saturdays and should stop at 5pm.
- ❑ Hazards from construction vehicles.
- ❑ Construction management plan required.
- ❑ No details of materials and landscaping.
- ❑ Fall in property value.
- ❑ A low density scheme of 3 houses respects the character of the site and accords with the PNP.

### 3.4 Preston Parish Council:

#### Objection:

- ☒ The Neighbourhood Plan hasn't been taken into account.
- ☒ No expressed need for 4 and 5 bedroom houses.
- ☒ A reduction in height would reduce their impacts.
- ☒ No provision for water conservation or a low carbon footprint.
- ☒ Not clear is SuDS will be achieved, and if building on a sewer would be avoided.
- ☒ No acknowledgement of wildlife.
- ☒ Loss of landscaping and trees would not be minimal.
- ☒ Does not account for the primary school next door with regard to construction traffic or in the longer term.

The application should be refused, or conditions imposed addressing the above.

### 3.5 Statutory Consultees:

Environmental Health (Noise) – No objections.

Lead Local Flood Authority - As this is a minor application, we are not statutory consultee, however we are happy to provide advice to the LPA.

The applicant has not provided any information relating to surface water management or information on how the applicant intends to manage surface water on site. From a review of the application form, the applicant states how surface water will be disposed of via soakaway. However, no information has been provided regarding if infiltration works on site.

From a review of the national Risk of Flooding from Surface Water mapping, the site itself (within the red line boundary) is predicted to be at very low risk of surface water.

We would recommend the LPA obtains information regarding if infiltration is a feasible means of surface water discharge from the site.

Environmental Health (Air Quality) – No objection.

Hertfordshire Ecology - The proposal will result in the potential loss of a section of the hedgerow to allow for access and the total loss of t existing grassland to make way for the access road, dwellings and their gardens. If left unmitigated, this will result in an overall loss of biodiversity at the site. Whilst I do not consider this to be significant enough to recommend refusal, the loss should be compensated for. Furthermore, in order to meet the aims of the NPPPF and other planning documents the development, if allowed to go ahead, should aim to provide a sustainable biodiversity uplift to the site.

To ensure that the application provides sufficient biodiversity gain I advise a Landscape and Ecological Management Plan (LEMP) is provided by condition to the LPA.

Hertfordshire County Council highways – Does not wish to restrict the grant of permission.

Waste Officer - The Planning Statement states the following:

A refuse and recycling collection point will be located within 30m from the site entrance and some 9m from the side boundary with Dungarvan.

This would have to be within 15m of the kerbside not 30m to be an acceptable pull distance for the crews, in accordance with BS5906:2005.

Archaeology – No objections.

CPRE – Have concerns over the development. Does not comply with the adopted Local Plan and the Neighbourhood Plan.

Environmental Protection (Contamination) – No objection.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The site is a relatively large undeveloped area which can be characterised as wild grassland. The north-west and north-east boundaries are comprised of mature trees. The south-west boundary with Back Lane is comprised of mature trees, low fencing, and includes a vehicular access and gates into the site. The south-east boundary is comprised of lower vegetation/hedges.
- 4.1.2 Detached dwellings (two storeys and a bungalow) adjoin the site to the south-east and north-east. A primary school and its playing fields extend along the north-west boundary. The site is in the south-east of Preston where there are a small number of dwellings and the primary school nearby, where it is considered the locality has a low density residential/semi-rural character.
- 4.1.3 The site is within the Rural Area beyond the Green Belt in the adopted Local Plan. In the emerging Local Plan the site is proposed to be within the Preston settlement boundary. The site is within a Conservation Area.



## 4.2 Proposal

4.2.1 Planning permission is sought for the erection of three dwellings on the site, and the associated change of use of the land. One dwelling would be at the front of the site, with the remaining two at the rear. Each dwelling would have pitched roofs, be of a more traditional style and design, and would have 4 or 5 bedrooms. The two dwellings at the rear would have a detached double garage, with the front dwelling having an attached double garage. The dimensions of the dwellings at their maximum would be approx. 22.6m in length, 12.9m in depth and 9.6m in height. A new vehicular access would be created south-east of the existing, providing a driveway which all dwellings would use to access the public highway. Two trees would be cut back to provide access to the driveway. New hedges and tree planting are proposed within the site.

## 4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed works in this location.
- 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.
- 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 car parking provision and the public highway in the area.
- The quality of landscaping proposed and the impact the proposed development would have on trees.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk.

### Principle of Development:

4.3.2 The site is within the Rural Area beyond the Green Belt in the adopted Local Plan. Preston is not a Selected Village beyond the Green Belt under Policy 7, therefore Policy 6 is a material consideration as 6 sets out what types of development are acceptable in this location. Policy 6 states:

*In Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages and, and their character. Except in Selected Villages (Policy 7), a development proposal will normally be allowed only if:*

*i. it is strictly necessary for the needs of agriculture, forestry or any proven need for local community services, provided that:*

*a. the need cannot practicably be met within a town, excluded village or selected village, and*

*b. the proposal positively improves the rural environment; or*

*ii. it would meet an identified rural housing need, in compliance with Policy 29; or*

*iii. it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or*  
*iv. it involves a change to the rural economy in terms of Policy 24 or Policy 25.*

- 4.3.3 The proposal would not comply with i, ii or iv. Part iii refers to a single dwelling on a small plot – three dwellings are proposed here on a large overall plot, however I consider that the site is within the built core of the settlement of Preston, will not result in its outward expansion, or have any other adverse impacts on the local environment.
- 4.3.4 Taken as a whole, the proposed development would conflict with part iii of Policy 6 as three dwellings are proposed on a large plot. However, each dwelling on its own could be considered to comply with part iii, and the plots could be considered small when compared with the neighbouring primary school and the dwellings Dinsley Field and Crunnels Green House.
- 4.3.5 The main aim of Policy 6 is to maintain the existing countryside and villages and their character. The site is undeveloped, however it is bordered by residential development and a school on three sides and is not in my view open countryside and is within the main built core of Preston. As set out below, I do not consider that the development harms the character of Preston. Therefore, I consider that the proposal complies with the aims of Policy 6 of the adopted Local Plan.
- 4.3.6 In the emerging Local Plan (ELP) the site would be within the defined settlement boundary of Preston, where under Policy SP2 general development will be allowed in principle. This policy can be given moderate weight at this time as the emerging Local Plan examination has not concluded, however Policy SP2 would be complied with.
- 4.3.7 Policy HD1 of the Neighbourhood Plan (NP) states that residential development within the settlement boundary will be supported, subject to more detailed criteria. The settlement boundary in the NP is essentially that in the ELP, which the application site is within. I consider residential development on the site acceptable in principle with regards to the NP, subject to it meeting the other detailed criteria of the NP.

Character and appearance:

- 4.3.8 The site is in the central core of Preston and adjoins existing residential development and a school on most of its sides, therefore I consider new residential development in general on the site compatible with the character and appearance of its surroundings.
- 4.3.9 The density of development would be approx. 3 dwellings per hectare. This is a low density and is considered appropriate to Preston south-east of the adjacent primary school which is characterised by a small number of dwellings (some on large plots), which has a spacious low density/semi-rural residential character. The low number of dwellings proposed and their large plot sizes are considered sympathetic to this character of the part of Preston the site is within.

Two of the dwellings would be at the rear of the site which is uncharacteristic of this part of Preston, however a dwelling The Cedars along Back Lane to the north-west is also behind other dwellings, therefore I do not consider the pattern and grain of development completely out of place. In any case I consider visual harm limited as the two rear dwellings would be relatively far from the public highway, spaced apart and would benefit from new planting between.

- 4.3.10 Each dwelling would be large, and of a more traditional design and style. This part of Preston includes other large dwellings of a similar size to each of the three proposed, examples including Dungarvan, Crunnells Green House and Dinsley Field. The dwellings would be larger than Cherry Trees, a bungalow that adjoins the site, however in their wider context their size and heights are considered in keeping with the character and appearance of the locality.
- 4.3.11 Each proposed dwelling would be of a more traditional design, with each being of a different individual style. External materials are proposed to be bricks, tiles, render, oak timbers, and timber boarding. The bricks and tiles would be of different colours and materials. Dwellings in this south-eastern part of Preston are considered to be of a mix of ages, designs and styles, therefore in this context I do not object to the design approach taken with the proposed dwellings. The proposed dwellings would have appropriate detailing and fenestration and would have acceptable detached garages. I consider the dwellings would be of a sufficient quality to comply with adopted Local Plan Policy 57, and ELP Policy D1, which set general requirements for good quality new residential development. For the above reasons I do not consider that the significance of the Conservation Area would be harmed.
- 4.3.12 With regards to the detailed policies of the NP, the relatively small size of the proposal will not conflict QL2 Community Quality of Life and will comply with QL3 Local Distinctiveness through preserving heritage assets and rural character. The detailed criteria of HD1 would be complied with due to the acceptable good quality of the proposal. EH2 would be complied with as the Conservation Area would not be harmed.
- 4.3.13 Policy HD3 states that proposals for new homes should demonstrate the way in which they would address local housing needs. Proposals for 2 and 3 bedroom homes would be supported. The proposals are for one 4 bed house and two 5 bed houses and does not demonstrate how local housing needs would be addressed. I do not consider that HD3 would be complied with, however the three new dwellings proposed would be a benefit to the District's housing supply as a whole. Policy HD4 states a mix of housing, including some social and affordable, should be provided. Affordable or social housing cannot however be provided by major residential developments, which is not applicable to this proposal.
- 4.3.14 The development does not make provision for water conservation and a low carbon footprint, which is encouraged by Policy HD5. It is considered that the landscaping would encourage biodiversity (full details to be required by condition), and each dwelling would be required to have an electric vehicle charging point which will encourage sustainable transport.

The lack of provision of water conservation and a low carbon footprint do not result in the proposal failing to comply with HD5, although it reduces its environmental credentials. HD6 would be complied with as the dwellings would include adequate external and internal storage space for bins, cycles and mobility scooters. HD10 would be complied with as the development would maintain and contribute to the local character of Preston. The proposal would result in development on a green space as referred to in Policy EH3, however I do not consider this harmful as it would be in private use as it is now, would remain not open to the general public, and would have a relatively small amount of development on it. The site is not designated as a Local Green Space, therefore I do not consider that the development would conflict with EH3. Overall, I consider the proposal complies with almost all relevant local and national policies.

#### Impacts on Neighbouring Properties:

- 4.3.15 The proposed dwellings would be sufficiently far from the closest dwellings on adjoining sites to avoid appearing harmfully overbearing or causing loss of light – the Plot 1 dwelling would be approx. 25m from Cherry Trees; the Plot 3 dwelling would be approx. 30m from the boundary with Cherry Trees, 29m from Dungarvan, and 12m from the curtilage of Dungarvan; the two rear dwellings would be approx. 40m from the rear boundary of the site.
- 4.3.16 With regards to privacy, Guideline 7 of Policy 57 of the adopted Local Plan refers to a distance of 30m between the rears of dwellings being likely to achieve a minimum degree of privacy. The distances between the fronts and rears of the proposed dwellings, and the side of the plot 1 dwelling, would be close to or exceed this guideline, therefore privacy is considered acceptable from those elevations.
- 4.3.17 The facing side elevation of the Plot 3 dwelling would be 12m from the curtilage of Dungarvan which is closer than the elevations of the other dwellings. A distance of 12m to a boundary is however fairly common for new dwellings, and given that the first floor facing Dungarvan would be comprised of a relatively small single side window, I do not consider this would result in loss of privacy or that the window should be required to be obscure glazed.
- 4.3.18 I do not consider that noise from the proposed dwellings and occupants vehicles would be harmful to neighbour amenity as amounts and volumes would be relatively small and not unlike that of existing nearby residential development. The NP does not contain any detailed policies and guidelines concerning neighbour amenity. Regarding objections received from neighbours, the majority have been addressed elsewhere in this report.

In response to the other objections received, this is an application not an approval, and does not favour any particular applicant; the photos in the planning statement are out of date, however a recent site visit has been made therefore the present appearance of the site and its surroundings are known; the site is considered more sustainable due to its location in the built core of Preston and with regard to access to services and public transport; any proposal for more development would be treated on its own merits; whether more houses could be built is not relevant as the main considerations are whether the proposal as submitted is acceptable; a Section 106 agreement can only be used in respect of the application it relates to; the amount of development is small in relation to the size of the site and will not cause adverse cumulative impacts with existing development; the information submitted is sufficient to assess the application; impacts on sewerage and water pressure are not material planning considerations; the proposal does not generate a requirement for improvements to Back Lane; boundary issues and property values are not material planning considerations; hours of construction could be controlled by condition.

Amenity of Future Occupiers:

4.3.19 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 largely reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.

4.3.20 The main habitable rooms of the proposed dwellings are considered to be of an adequate size and would receive sufficient outlook and light. They would be sited and spaced sufficiently far apart to avoid causing mutual overbearing impacts, loss of light and privacy to each other. The private rear gardens of the dwellings would be of a sufficient size and quality to provide acceptable amenity space for their potential occupants. Living conditions of future occupants are considered acceptable.

Parking and Highways:

4.3.21 Each dwelling would have at least three parking spaces – this is in excess of the Council’s minimum parking standards of two spaces for a dwelling with two bedrooms or more, therefore parking provision would be acceptable. The dwellings would also be able to accommodate any visitors. Each dwelling would include a garage that could accommodate two cycle parking spaces, therefore cycle parking provision is considered acceptable.

4.3.22 The planning statement states that a refuse and recycling collection point will be located within 30m from the site entrance and some 9m from the side boundary with Dungarvan. The Council’s Waste Officer has stated that this would need to be within 15m of the kerbside to be an acceptable. I consider that an appropriate planning condition can be imposed setting the distance of the collection point to within 15m of the road, with further details to be agreed before occupation of the development.

4.3.23 The existing vehicular access would be closed up, and a new access created further to the south-east. Given that the County Council highways officer has not objected to this, subject to conditions requiring visibility splays etc., I consider the new access acceptable. The highways officer has not raised concerns relating to impacts from traffic from the proposed development – as only three dwellings are proposed, traffic generation would be minor and would not be considered harmful to the nearby school. Parking provision and impacts on the public highway are considered acceptable.

Trees and Landscaping:

4.3.24 The proposal will involve cutting back two trees to provide visibility splays for the new vehicular access. These trees can be required to be retained by condition, however details of the cutting back will also need to be required by condition. It is likely that there will be some loss of vegetation from the works to those trees and from the site itself, however I consider this would be sufficiently compensated by the new hedges and planting proposed within the site.

4.3.25 The site plan shows a small amount of hard landscaping relative to the area of the site, which is considered to be an acceptable approach. Further details of hard and soft landscaping are required, which can be secured by an appropriate condition. Landscaping and impacts on trees are considered acceptable.

Ecology:

4.3.26 Hertfordshire Ecology provided comments on 10<sup>th</sup> April 2020 advising that there will be a loss of hedgerow and grassland, which should be compensated for. There should also be an aim to increase biodiversity on the site. To secure this, a condition requiring a Landscape and Ecological Management Plan be submitted is recommended, which would be in accordance with the recommendations of Hertfordshire Ecology.

Drainage and flood risk:

4.3.27 The Lead Local Flood Authority have not objected as they are not a statutory consultee for minor developments such as this. They have advised that the applicant has not provided any information relating to surface water management or information on how the applicant intends to manage surface water on site. The applicant states that surface water will be disposed of via soakaway. There are no details of these arrangements, however it is considered that requiring by condition that run-off water is drained within the site is an acceptable approach.

Climate Change Mitigation:

4.3.28 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.

The development does not demonstrate that it would be low carbon or carbon neutral, however this would not usually be expected or required for a small development of three dwellings. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points will be conditioned to be installed on each of the proposed new dwellings.

#### 4.4 **Conclusion**

4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is engaged as the proposal is not considered harmful to the Conservation Area. This requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

4.4.2 The adverse impacts are:

- ☒ Not demonstrating how the development would address the local housing needs of Preston.

4.4.3 The benefits are:

- ☒ Three new dwellings in a more sustainable location – Benefits to the District's housing supply, social and economic benefits arising from construction and occupation of the dwellings.
- ☒ Likely increased biodiversity within the site resulting from new planting.
- ☒ Visual improvements to the site and its front boundaries from new landscaping and hedges.

4.4.4 It is considered that the adverse impacts from the development would be minor, therefore it would not be considered to significantly and demonstrably outweigh the benefits as set out in paragraph 11 of the NPPF. The proposed development is considered acceptable and is 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.

#### 4.5 **Alternative Options**

4.5.1 None applicable

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

4.6.1 Pre-commencement conditions as below are recommended, which have the agreement of the applicant.

#### 5.0 **Legal Implications**

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

## 6.0 **Recommendation**

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

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

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

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

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

3. Details and/or samples of materials to be used on all external elevations 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. Prior to commencement of the approved development, the following landscape details shall be submitted:

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

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

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed - hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings

d) details of any earthworks proposed

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



5. 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.

6. Prior to occupation, each detached property shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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

7. In connection with all site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

Reason: To protect the residential amenity of nearby residents.

8. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plans. 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.

9. Prior to the commencement of the approved development, a Landscape and Ecological Management Plan shall be submitted to the Local Planning Authority demonstrating a biodiversity gain within the site. The Plan if approved shall then be implemented prior to occupation of the development, and the approved measures shall remain unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of ecology.

10. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided 4.2 metres wide and thereafter retained at the position shown on the approved plan drawing number 2020-04 PL.002. 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 of surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 35 metres shall be provided to each side of the access where it meets the highway and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

12. The gradient of the vehicular access shall not exceed 1:20 for the first 5 meters 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).

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

14. Prior to the first occupation of the development hereby permitted details of the waste bin storage area shall be submitted showing the location within 15 metres of the adjacent highway.

Reason: In order to provide adequate waste collection facilities within working distance of the adjacent highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan in the interests of highway safety.

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

Reason: In the interests of archaeology.

16. No demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of investigation approved under condition 15.

Reason: In the interests of archaeology.

17. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

18. Land Contamination Condition

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a view to determining the presence of contamination likely to be harmful to human health, and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority

(d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

Proactive Statement:

















Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage 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.

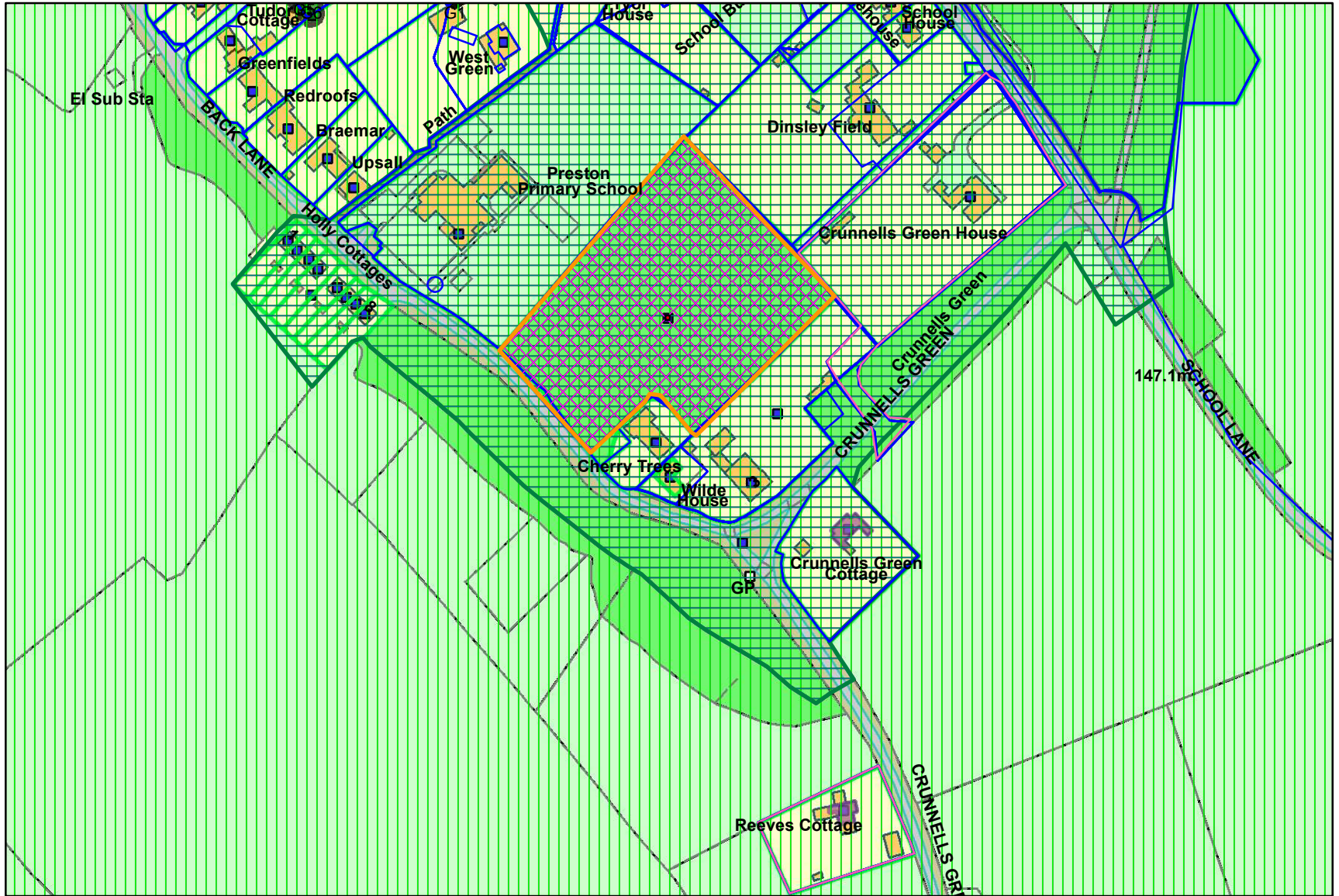
# NORTH HERTFORDSHIRE DISTRICT COUNCIL



## Application Validation Sheet

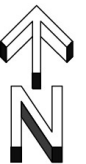
20/01564/FP Land adjacent to Dungarvan, Back Lane, Preston, Hertfordshire, SG4 7UJ

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



Scale 1:2,500  
Date: 29/09/2020

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<u>Location:</u>	<b>13 Suffolk Road Royston Hertfordshire SG8 9EX</b>
<u>Applicant:</u>	<b>John Kazer</b>
<u>Proposal:</u>	<b>Replace existing single storey end of block garage door with a brick wall to facilitate the positioning of an EV charging point and access door</b>
<u>Ref.No:</u>	20/01852/FPH
<u>Officer:</u>	<b>Alex Howard</b>

**Date of expiry of statutory period:**

19<sup>th</sup> October 2020

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of the applicant's spouse being Carol Stanier, NHDC District and Royston Town Councillor. In line with the council's constitution and the importance of openness and transparency within the decision-making process, this application cannot be decided under delegated powers.

1.0 **Site History**

- |     |  |                        |
|-----|--|------------------------|
| 1.1 | 15/00904/1HH - Single storey rear extension.   | Conditional Permission |
| 1.2 | 84/01169/1 - Erection of front entrance porch. | Conditional Permission |

2.0 **Policies**

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

Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 2 – Achieving sustainable development

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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

SP6 – Sustainable transport  
SP11 – Natural resources and sustainability  
T1 – Assessment of transport matters  
T2 – Parking  
D1 – Sustainable Design  
D3 – Protecting Living Conditions  
NE12 – Renewable and low carbon energy development

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 27/08/2020

Expiry Date: 19/09/2020

3.2 **Neighbouring Properties:**

3.2.1 49 Newmarket Road:

***“Firstly ref this planning application I as a neighbouring garage holder DID NOT receive a letter informing me of this application. I got it third hand from a neighbour. Why was this?***

***I OBJECT to this application because. Due to the unusual layout of Martingale Road where the said garage is. If I park in front of my garage facing West to East and 13 Suffolk park in front of theirs North to South I am completely blocked in. My address is Newmarket Road even though I park in Martingale Road. I am not allowed to park in Newmarket Road as its a main trunk road through the town. Also, there is a Pelican crossing there and zig zag restrictions not allowing parking or overtaking within them by law. As for 13 Suffolk their address is in a quite close and their garage is also in Martingale road. Up to now they do not park in front of the said garage. Whereas previous tenants of the property have parked inside the garage. If they put the charging point inside the garage it would not be a problem.***

***Placing the charging point outside their garage means they would need to leave their vehicle. there for long periods of time, completely blocking me in. I am an ON CALL Firefighter in Royston Town and have been so for a long time. This means I require 24hr access to my vehicle as and when an emergency arises and I have to respond to my pager/alerter. It is not an option for me to run around to another street to knock someone up in the early hours of the morning to be able to drive to the Fire Station, for example the Parish Church fire a couple of years ago in the early hours of a December Sunday morning.***



***If one is to brick up the garage door surely this is a change of use. Making it no longer a garage but a Room. I can't help wondering are they wanting another room? office?, bedroom? or what. I have noticed there was an application for a single story .downstairs extension five years ago and nothing seems to have come from this".***

3.2.2 53 Newmarket Road:

***"I strongly object to the above planning application. The proposal will severely impact on the access to the four garages that are located at 90 degrees to the garage in question. One of which is in constant need of access by the owner who is both a fireman and ambulance driver. If the person requesting the planning application requires a charging point, might I suggest they install the point INSIDE the garage and charges the vehicle within the garage. Thank you".***

3.2.3 It is worth noting that both of the aforementioned neighbour representations have been withdrawn, due to confusion relating to the location of the application site.

3.3 **Royston Town Council:**

3.3.1 Members of Royston Town Council raised NO OBJECTION to this application.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is an end of terrace garage located on the north side of Suffolk Road, Royston. The site is one of three terraced garages serving properties on Suffolk Road, with the garage in question located approximately 20.0m from application property.

4.2 **Proposal**

4.2.1 Planning permission is sought to replace an existing single storey end of block garage door with a brick wall to facilitate the positioning of an EV charging point and access door. The brick wall is not part of the application.

4.3 **Key Issues**

4.3.1 The assessment of this application was made from the documents submitted with the application, photos of the site and surroundings taken by the applicant, information relating to the planning history of the site, and images from Google Maps and Street View.

4.3.2 The key issues for consideration are as follows:

- The principle of development.
- 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 reasonable living conditions and well-being of neighbouring properties.
- The impact that the proposed development would have on car parking provision.

Principle of Development:

4.3.3 One of the core principles set out in the National Planning Policy Framework is the need to deliver sustainable and low carbon development, in the interest of meeting targets related to reducing carbon emissions. Paragraph 154 of the NPPF states that:

***“When determining planning applications for renewable and low carbon development, local planning authorities should:***

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and***
- b) approve the application if its impacts are (or can be made) acceptable.”***

4.3.4 The principle for development stated above is consistent within the Emerging Local Plan. The addition of an EV charging point will facilitate the use of more sustainable forms of transport and give local benefits through the reduction of greenhouse gases and harmful emissions from more conventional petrol/diesel vehicles. As such, it is considered that the scheme is a fairly small-scale project that will provide a contribution to reducing the areas carbon footprint, identifying its principle acceptance in my view.

Character and Appearance

4.3.5 The proposal involves the removal of a white garage door and the erection of a brick wall, facilitating the EV apparatus and access door accordingly. The proposed wall will be inset by 0.21m from the garage’s principle elevation, in order to accommodate the depth of the EV meter box, such that none of the associated apparatus will extend beyond the existing principle elevation.

4.3.6 The EV apparatus consists of two main boxes. The larger electricity meter box is coloured white and is 0.21m deep, 0.55m wide and 0.77m tall. The smaller charger is coloured black and is 0.15m deep, 0.35m wide and 0.35m tall with a 5.0m cable extending from its underside. The access door is proposed 0.9m wide and 2.0m tall.

4.3.7 The proposed development will result in a marked change to a fairly domestic and utilitarian row of single storey garages. Due to this considered change in external appearance, the garage in question will exhibit unique characteristics into the street scene, when compared to the remaining two garages in this terraced row and the neighbouring residential properties.

4.3.8 In my considered view, the proposal will result in some impact upon the character and appearance of the street scene. The inset of the proposed brick wall to accommodate the depth of the EV apparatus is an attempt to reduce any visual impact upon the street scene. As such, by virtue of the proposals location on an end-of-terrace garage, the stark setting that exists at the site and the proposed inset, I do not believe that any such impact arising from the development on the character and appearance of the area will be adverse.

#### Impact on Neighbouring Properties

4.3.9 Two objections were received within the consultation period. After speaking with the resident who submitted them, it was found that the original objections were based off incorrect reading of plans/drawings. As such, these neighbour representations were withdrawn

4.3.10 Due to the minor nature of the proposal and its locality on an end of terrace garage, it is considered that the proposed development will not have any material impact upon the amenities and reasonable living conditions of neighbouring properties.

#### Impact on Car Parking

4.3.11 The proposal would remove the ability to park a vehicle within the garage, leaving one space on the driveway in front. The application does not include floor plans for the application property, therefore the ability to cross examine the number of bedrooms with Saved Local Plan Policy 55 (Car Parking Standards) is void. In any case, Suffolk Road enjoys permit free on-street parking, therefore, it is considered that the proposal will not result in an adverse impact on car parking.

#### **4.4 Conclusion**

4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission should be **GRANTED**.

#### **4.5 Alternative Options**

4.5.1 None applicable

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

4.6.1 No pre-commencement conditions are recommended.

#### **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.

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.

## Application Validation Sheet

20/01852/FPH 13 Suffolk Road, Royston, SG8 9EX

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



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Date: 30/09/2020



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PLANNING CONTROL COMMITTEE

DATE: 15 October 2020

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Ben Brown	Erection of one 4-bed dwelling and detached cart shed	Brick House Pudding Lane Barley SG8 8JU	19/02404/FP	Appeal Dismissed on 4 September 2020	Delegated	The Inspector concluded that the proposed development would have an adverse effect on the character and appearance of the surrounding area, including the Conservation Area and the proposed development would have an adverse effect on the setting of listed buildings, and specifically those in Pudding Lane.
Paul Thapar	Erection of one 3-bed attached dwelling and garden shed in rear garden.	15 The Crescent St Ippolyts SG4 7RE	19/02791/FP	Appeal Dismissed on 10 September 2020	Delegated	The Inspector stated whilst he found that the proposed development would not have a notable adverse effect on the character and appearance of the surrounding area, this is outweighed by the negative effects on highway safety and lack of appropriate living conditions for the occupiers of the development.  <b>The associated Costs Application was partially allowed.</b>

Leisure Parks Luxury Living Ltd	Erection of one detached 4- bed dwelling and two semi- detached 3-bed dwellings including new vehicular access following demolition of existing side extension, rear conservatory and front porch of No.17 Mill Road. Erection of single storey rear extension to No.17 Mill Road. Land At 15 And 17 Mill Road Royston	Land At 15 And 17 Mill Road Royston	19/02887/FP	Appeal Dismissed on 10 September 2020	Delegated	The Inspector stated that whilst he did not believe that the proposed development would have an adverse effect upon the character and appearance of the surrounding area, this would be outweighed by the adverse effects on highway safety and the living conditions of the occupiers of No. 13, and the lack of appropriate garden facilities for all future occupiers.
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**Notes:**

**No appeals lodged this month**





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## Appeal Decision

Site visit made on 19 August 2020

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Friday, 04 September 2020**

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**Appeal Ref: APP/X1925/W/20/3249573**  
**Brick House, Pudding Lane, Barley SG8 8JU**

- 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 Ben Brown against the decision of North Hertfordshire District Council.
  - The application Ref: 19/02404/FP, dated 4 October 2019, was refused by notice dated 28 February 2020.
  - The development proposed is a new four-bedroom dwelling and associated cart shed at land to the rear of Brick House, Pudding Lane, Barley SG8 8JU.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. References have been made to an emerging local plan. Whilst I have had regard to these, the weight that I have been able to attach is reduced by reason of the findings from the examination in public being awaited.

### Main Issues

3. The main issues are:
  - the effect of the development upon the character and appearance of the surrounding area, with particular reference to the character and appearance of the Barley Conservation Area (the CA), and
  - the effect of the development upon the setting of nearby listed buildings.

### Reasons

#### *Character and appearance*

4. The appeal site is located within the village of Barley, and within the CA. The significance of the CA is, in part, derived from the presence of traditional styles of architecture. Dwellings are typically of smaller proportions and surrounded by landscaping. The existing dwelling is located on a large site, which transitions from a formal garden area to having a more natural appearance. To the rear of the site is a footpath.
5. The proposed dwelling would have a significant footprint, which would encompass a significant proportion of the site's depth. In consequence, the proposed dwelling would appear to be significantly larger than many others

within the surrounding area. The proposed development would also be viewed alongside a substantially sized outbuilding. In consequence, the proposed development would result in a significant increase in the level of built form.

6. As a result of this, the proposed development would erode the general character of the site and the surrounding area owing to the loss of the landscaped area that is currently to the rear of the existing dwelling. This is particularly concerning owing to the prominence of the appeal site as the proposed development would be visible from parts of Pudding Lane, the junction of Pudding Lane with Church End, and the footpath that runs adjacent to the rear of the appeal site.
7. The appeal site is currently garden and some of this would be retained to serve the proposed dwelling. However, there would be a notable increase in the level of built form at the appeal site, which would generate the adverse effects on the character and appearance of the surrounding area, including the CA. Whilst planting is present on the boundaries of the site, views into the site remain possible.
8. The proposed development would be constructed from a traditional palette of materials. Whilst this is of some note, it would not outweigh the harm arising from the adverse effects on the character and appearance of the surrounding area, including the CA.
9. Whilst I note that the appeal proposal includes some new landscaping, by reason of the scale of the proposed development and its siting, the screening effect would only be partial. Furthermore, any such landscaping would potentially take some time to become established. Accordingly, the presence of landscaping would not overcome my previous concerns.
10. Although the appeal site is not within open countryside, it does form an important transitional space between the more built up form of the settlement and the countryside beyond the settlement's boundaries. By reason of the scale and proportions of the proposed dwelling, this role would be eroded.
11. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area, including the CA. The development, in this regard, fails to comply with Policy 6 of the North Hertfordshire District Local Plan (1996) (the Local Plan); and the National Planning Policy Framework (the Framework). These, amongst other matters, seek to ensure that new developments do not have any other adverse impact on the local environment; and that the character and appearance of Conservation Areas are either preserved or enhanced.

#### *Setting of listed buildings*

12. Dwellings in the immediate vicinity of the appeal site are typically of smaller proportions, which ensure that they are complimentary towards the surrounding landscaping. On the opposite side of Pudding Lane are the listed buildings of Poplar Cottage, Roly Poly Cottage, and Pye Corner. These buildings reflect the previously described pattern of development. The appeal site is also near to listed building at Church Cottage.
13. As the nearby listed buildings in Pudding Lane can be characterised by the presence of low roofs, with correspondingly low eaves, the proposed dwelling would make a significant contrast owing to its much larger proportions and

smaller amounts of landscaping that would surround it. In consequence, the increase in built form in proximity to these listed buildings would result in a detrimental effect upon their setting.

14. This adverse effect would be exacerbated by the appeal site being located on land that is higher than the listed buildings in Pudding Lane. The result of this is that the greater massing and form of the appeal proposal would be emphasised leading to a greater detrimental effect on the setting of the listed buildings in Pudding Lane.
15. I have considered the effects of the development upon Church Cottage. This is a building that is immediately adjacent to the highway, with a garden to the rear and close to several other buildings. However, by reason of the relative position of this building to the appeal site, combined with its different form and relationship with neighbouring dwellings means that the proposal would not have an adverse effect upon the setting of this Listed Building.
16. Whilst I have not identified any harm to the setting of Church Cottage, this is outweighed by the adverse effect on the setting of the listed buildings in Pudding Lane.
17. I therefore conclude that the proposed development would have an adverse effect on the setting of listed buildings, and specifically those in Pudding Lane. The development, in this regard, fails to comply with Policy 6 of the Local Plan; and the Framework. These, amongst other matters, seek to ensure that new developments do not have any other adverse impact on the local environment; and that the character and setting of listed buildings are either preserved or enhanced.

### **Other Matter**

18. The evidence before me indicates that the proposed development would not have an adverse effect on ecology; the highway system; and the living conditions of neighbouring properties. Whilst these are matters of note, they do not overcome the harm that I have identified in respect of the Main Issues.

### **Planning balance and conclusion**

19. The harm that would occur to the character and appearance of the CA and the setting of the listed buildings would not be severe, and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires that such harm be weighed against the public benefits of the proposal. Any public benefits are likely to be limited to an increase in the local housing supply of a single dwelling and a positive economic effect during the construction process and support of services within the vicinity once the dwelling is occupied. By reason of the scale of the development, such benefits are likely to be comparatively small-scale, in some cases temporary, and localised in impact.
20. Thus, when giving considerable importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character and appearance of the CA and the setting of the listed buildings, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have a clear and convincing justification.

21. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR



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## Appeal Decision

Site visit made on 18 August 2020

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Thursday, 10 September 2020

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**Appeal Ref: APP/X1925/W/20/3249691**

**15 The Crescent, St Ippolyts SG4 7RE**

- 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 Paul Thapar against the decision of North Hertfordshire District Council.
  - The application Ref: 19/02791/FP, dated 21 November 2019, was refused by notice dated 17 January 2020.
  - The development proposed is the erection of one three-bed attached dwelling and garden shed in rear garden.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Paul Thapar against North Hertfordshire District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The Council amended the description of the development from 'Proposed new three-bedroom attached dwelling, free go resubmission within 12 months, in reference to application 19/01038/FP' to 'the erection of one three-bed attached dwelling and garden shed in rear garden'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description is a more concise summary of the proposal and have therefore proceeded on this basis.
4. References have been made to an emerging local plan. Whilst I have had regard to these, the weight that I have been able to attach is reduced by reason of the findings from the examination in public being awaited.

### Main Issues

5. The property is sited within the Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the erection of new buildings in the Green Belt is generally inappropriate. There are some exceptions to this, which include limited infilling within a village. In this instance, the scale of the proposed dwelling, combined with its relationship with other properties would not compromise the intrinsic quality of openness

within the Green Belt. In consequence, from the evidence before me, the Main Issues are:

- the effect of the development upon highway safety;
- whether appropriate living conditions would be provided for the future occupiers of the development; and
- the effect of the development upon the character and appearance of the surrounding area.

## **Reasons**

### *Highway safety*

6. The appeal site consists of a dwelling, with a driveway to the front, which is accessed from The Crescent. Some of the surrounding dwellings also feature driveways. These are reached via a dropped kerb. The appeal site is close to the junction between The Crescent and Mill Road.
7. Given that the proposed development would create an additional dwelling, it is likely that vehicle movements to and from the site would increase as, in effect, an additional household would be resident within the site. This causes a concern as the evidence before me indicates that the parking spaces associated with the dwelling would not be sufficient to accommodate all vehicles that might reasonably be expected to be present.
8. Whilst I note that the proposed development includes a driveway, the available space is limited because it would feature inward opening gates. In consequence, the amount of space to accommodate two vehicles within the confines of the development is somewhat reduced, particularly if space for two larger vehicles is required. Although there is some space on the driveway that would serve the existing house, there is no guarantee that the households would be linked throughout the life of the development.
9. Therefore, should the development proceed there is a likelihood that some vehicles would be displaced onto the adjoining street. This causes concern as owing to the presence of dropped kerbs in the vicinity, the number of spaces within the nearby road are limited. In addition, the site is in proximity to a road junction and it is likely that should there be an increase in vehicles parked within the vicinity, visibility for users of this junction would reduce, which would not be desirable.
10. In addition, the surrounding roads are comparatively narrow in nature. This means that should the number of parked vehicles increase, there would be a reduced amount of space for vehicles to manoeuvre, which would not encourage a satisfactory level of highway safety.
11. Whilst there are some services and public transport links nearby, which may be of some use to the future occupiers of the development, these are proportionate in provision to the nature of the settlement. In result, their presence is unlikely to serve as an adequate replacement for all potential trips.
12. My attention has been drawn to a previous approval of planning permission for the erection of an annexe at the site. I do not have the full information regarding the planning circumstances of this approval, which lessens the weight that can be attributed to it. However, it is apparent that as an annexe,

it would be occupied by people connected to the residents of the original dwelling. Accordingly, there is a greater likelihood of shared trips being made as all residents would effectively be members of the same household. This means that an annexe would not have the same effects on the highway system as the development before me.

13. I therefore conclude that the proposed development would have an adverse effect upon highway safety. The development in this regard, does not conform with Policies 55 and 57 of the North Hertfordshire District Council Saved Local Plan (2007) (the Local Plan). These policies, amongst other matters, seek to ensure that new developments contain appropriate amounts of car parking and that residential roads and footpaths must be safe.

#### *Living conditions*

14. The proposed development would comprise a house with a driveway to the front, and a private garden to the rear.
15. The proposed garden would be relatively limited in scale. This is concerning as the proposed dwelling would feature three bedrooms. As such, there is a possibility that the dwelling could be occupied by a family.
16. In result, occupiers of the proposed development would not have sufficient space to undertake the full range of outdoor recreation activities, including play. This would not be conducive to securing satisfactory living conditions for the future occupiers of the development. Whilst I am aware that there are some areas of public open space within the wider area, these would lack the convenience of an appropriately sized garden and would also lack privacy. Accordingly, the presence of public open space does not represent an appropriate alternative to a lack of private garden space within the development.
17. I am aware of an extant planning permission for an annexe at the property, which had a similar layout to the scheme before me. However, the annexe featured an interconnecting door to the existing dwelling. As such, residents of the annexe would have had access to the remainder of the garden, which would have served as an additional venue for outdoors recreation.
18. Whilst I acknowledge the Council's concerns regarding the size of the proposed dwelling and whether the proposal is in conformity with the provisions of the Nationally Described Space Standards (NDSS). However, I have not been directed towards any adopted planning policies which require that developments be constructed in accordance with the NDSS.
19. As the evidence before me indicates that the residents of the proposed development would benefit from appropriate levels of light, outlook and privacy and that residents of the development would have sufficient room inside the building for various activities to take place, in addition to the storage of general household items, I do not believe that the lack of conformity with the NDSS would prevent occupiers of the development from experiencing appropriate living conditions, however, this does not overcome the harm arising from the lack of garden space.
20. The development therefore would not provide appropriate living conditions for the future occupiers of the dwelling. The proposal, in this regard, would not comply with Policy 57 of the Local Plan. This policy, amongst other matters,



requires that new developments provide suitable open space to meet the needs of future residents.

### *Character and appearance*

21. The proposed dwelling would be attached to the side of an existing terrace of dwellings. Houses in the surrounding area are typically arranged in terraces of differing lengths and designs. The appeal site is located within The Crescent, which is curved in nature. A footpath runs to the side of the appeal site.
22. The proposed dwelling would be located in line with the existing house, which would ensure that it reflects one of the predominant trends in the surrounding area, which comprises the presence of the terraces of varying lengths. This means that the development would harmonise with its surroundings.
23. On account of the character of developments within the area, the longer terrace that would emanate from the proposed development would not appear unduly incongruous. Furthermore, the proposed development would be viewed against a context where dwellings have a variety of designs and, in result, the dwelling would add to this varied character. In addition, views of the appeal site are limited by reason of the curvature in the road. In result, the proposed development would not be overly prominent within the surrounding area.
24. Whilst the development would be visible from the footpath that runs to the side of the appeal site, views would be somewhat screened by the site's boundary treatment. Furthermore, any views of the proposed building would be viewed against the context of the existing dwelling and other houses within the surrounding area.
25. My attention has been drawn to a previous proposal at the site for a residential annexe of a very similar design. Given that planning permission has been granted for this development and it would appear that the permission is still capable of taking effect, I must give this fall back position a notable amount of weight in my considerations. As the designs of the previously granted development and the scheme before me are similar, this fall-back position, if implemented, would not result in a less adverse effect on the character and appearance of the surrounding area. I am also aware of a previous appeal decision relating to a proposed dwelling but note that this had a different siting to the scheme before me.
26. Furthermore, had I been minded to allow this appeal, I could have imposed a condition regarding the materials from which the development would be constructed from. This would have provided further assurances that the development would harmonise with the character and appearance of the surrounding area.
27. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. The development, in this regard, conforms with the requirements of Policy 57 of the Local Plan. This policy, amongst other matters, seeks to ensure that the layout and design of developments relates to the site's shape and existing features.

### **Other Matters**

28. The evidence before me is indicative that the Council cannot currently demonstrate a five-year housing land supply. Accordingly, the 'tilted balance'



as outlined in paragraph 11(d) of the National Planning Policy Framework applies. This states that planning permission should be granted for residential development unless the benefits of the proposal are significantly and demonstrably outweighed by the harm.

29. Whilst the development would deliver three additional dwellings the benefits of the development are limited on the grounds that it is for a relatively small number of dwellings. Furthermore, any benefits to the local economy would also be relatively small owing to the quantum of development and would also be relatively localised in impact. Accordingly, I find that the benefits of the proposal are significantly and demonstrably outweighed by the harm to the living conditions of the occupiers of the neighbouring property and highway safety.
30. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that in general, planning decisions need to be taken in the public interest. Therefore, I can only give this matter a limited amount of weight.
31. I note that a letter of support was submitted in favour of the planning application by a local resident. Whilst this is a matter of note, it does not outweigh the harm as previously identified.

#### **Planning balance and conclusion**

32. Whilst I have found that the proposed development would not have a notable adverse effect on the character and appearance of the surrounding area, this is outweighed by the negative effects on highway safety and lack of appropriate living conditions for the occupiers of the development. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR

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## Costs Decision

Site visit made on 18 August 2020

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Thursday, 10 September 2020**

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### **Costs application in relation to Appeal Ref: APP/X1925/W/20/3249691 15 The Crescent, St Ippolyts, Hitchin SG4 7RE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Paul Thapar for a full award of costs against North Hertfordshire District Council.
  - The appeal was against the refusal of planning permission for the erection of one three-bed attached dwelling and garden shed in rear garden.
- 

### **Decision**

1. The application for an award of costs is partially allowed, in the terms set out below.

### **Reasons**

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Local Planning Authorities are encouraged, through the PPG, to exercise their development management responsibilities by relying only on reasons for refusal which stand up to scrutiny on the planning merits of the case.
3. The planning application was refused for two reasons: the first pertained to the effect of the development upon the character and appearance of the surrounding area, and whether the development would provide appropriate living conditions; and the second pertained to the effect of the development upon highway safety.
4. In respect of the effect on the character and appearance of the surrounding area, the presence of a fall-back position has been established in the form of a planning permission for an annexe. This has a very similar external appearance and therefore would have a comparable effect on the character of the surrounding area as the appeal proposal would have, including the plot subdivision.
5. Given this, the Council should have assessed whether this fall-back position was capable of realistically being implemented. The evidence before me does not indicate that such an exercise took place. As will be noted from my appeal decision, I could not identify any impediment to this extant planning permission being implemented.

6. Although my attention was drawn to a previous appeal decision, I note that this was considered some time ago, and before the granting of planning permission for the annexe. The dwelling that was the subject of this previous appeal had a different design to the scheme before me.
7. Consequently, the Council acted unreasonably in not assessing the likelihood of this fall-back position being implemented and, consequently, it has acted unreasonably in this regard as the reason for refusal was not fully justified. This caused the appellant unnecessary expense in pursuing an appeal in respect of this refusal reason.
8. The submitted evidence lead me to dismissing the appeal due to the lack of appropriate living conditions for the future occupiers of the development. However, the lack of assessment of the fall-back position means that the reason for refusal, as an entirety, was not fully justified.
9. Turning to the other refusal reason, the Council directed me towards appropriate planning policies that supported its decision, and the evidence before me lead me to dismiss the appeal on the basis that the development would have an adverse effect on highway safety. Accordingly, the Council's case was sufficiently explained and therefore, I can find no evidence of unreasonable behaviour within this particular regard.

### **Conclusion**

10. The Council's decision notice identified two reasons for refusal. One pertained to the effect of the development upon the character and appearance of the surrounding area and the living conditions of the future occupiers of the development; with the other relating to highway safety. I have found that the Council acted unreasonably in refusing the application for the first reason, as the refusal reason was not fully substantiated, however, the second reason for refusal was reasonable. Accordingly, I conclude that a partial award of costs to contest the first reason is justified.

### **Costs Order**

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Section 7(2) and Schedule 3 of the Countryside and Rights of Way Act 2000, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Hertfordshire District Council shall pay to Mr Paul Thapar, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in respect of the Council's first reason for the refusal of planning permission.
12. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*Benjamin Clarke*

INSPECTOR



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## Appeal Decision

Site visit made on 19 August 2020

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: Thursday, 10 September 2020

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**Appeal Ref: APP/X1925/W/20/3249581**

**17 Mill Road, Royston SG8 7AE**

- 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 Crickmore (Leisure Parks Luxury Living Ltd) against the decision of North Hertfordshire District Council.
  - The application Ref: 19/02887/FP, dated 2 December 2019, was refused by notice dated 28 January 2020.
  - The development proposed is the erection of one detached four bed dwelling and two semi-detached three bed dwellings including new vehicular access following demolition of existing side extension, rear conservatory and front porch of No. 17 Mill Road. Erection of single storey rear extension to No. 17 Mill Road.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council amended the description of the proposed development from 'erection of 3 No. dwellings and alterations and extensions to existing property' to 'erection of one detached four bed dwelling and two semi-detached three bed dwellings including new vehicular access following demolition of existing side extension, rear conservatory and front porch of No. 17 Mill Road. Erection of single storey rear extension to No. 17 Mill Road'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more concise description of the proposed development and have therefore proceeded on this basis.
3. References have been made to an emerging local plan. Whilst I have had regard to these, the weight that I have been able to attach is reduced by reason of the findings from the examination in public being awaited.

### Main Issues

4. The main issues are:
  - The effect of the development upon the living conditions of the occupiers of 13 Mill Road;
  - Whether appropriate living conditions would be secured for the future occupiers of the development, with particular reference to the garden of Plot 2
  - The effect of the development upon highway safety; and

- The effect of the development upon the character and appearance of the surrounding area.

## **Reasons**

### *Living conditions for occupiers of neighbouring property*

5. The appeal site is located to the rear of 15 and 17 Mill Road. These are existing semi-detached dwellings. Adjacent to the appeal site is 13 Mill Road. Whilst No. 13 is also a semi-detached dwelling, it is set back from the front elevation of Nos. 15 and 17 and features a projecting rear gable.
6. The proposed development comprises three dwellings arranged within a linear form. Whilst there is enough distance between the proposed dwelling and the existing houses at Nos. 15 and 17, the separation distances with the dwelling at No. 13 would be substantially less on account of the relative position of the existing neighbouring dwelling and its relatively shorter garden. The separation distance is also reduced by reason of the projecting rear gable on the neighbouring property.
7. By reason of its proximity and height, the proposed development would have a significant enclosing effect on the neighbouring property, which would substantially reduce the level of outlook available for residents of that property. Furthermore, by reason of this proximity and the height of the dwellings it would not be possible to adequately screen or attenuate this overbearing effect. Whilst land levels do not vary by a significant amount, the scale and height of the proposed development is such that there would be a notable loss of outlook for the occupiers of the neighbouring property.
8. In addition, the general proximity of the development to the shared boundary would allow for direct views from the proposed dwelling into the adjoining property. As the proposed dwellings would be two storeys, views from the upper storey would be possible over any boundary treatments and landscaping. Whilst I acknowledge that such views would be at angle, from the garden of No. 13, views of the windows of Plot 3 would be possible. As such, activity behind the windows would be perceptible, which would contribute to a general perception of a loss of privacy. This would occur irrespective of whether some windows are fitted with obscure glass as noise would still be audible when the windows are open.
9. I acknowledge the appellant's suggestion that I could insist on a reduction in the size of the windows. However, such a revision would amount to a different scheme to the one that has been considered by the Council and subjected to public consultation. Accordingly, I do not believe that this suggestion would allow me to disregard my previous concerns.
10. The proposed development includes three dwellings that would be accessed via a new service road. Any usage of this service road would be in addition to activities taking place in the adjacent dwelling of Queen Anne Court. Owing to this layout, vehicles would be manoeuvring in proximity to the boundary with No. 13. This would generate noise which would be apparent within the adjoining property's garden. Owing to three dwellings being proposed, the number of vehicle movements has the potential to be significant. Furthermore, any vehicle movements would be in conjunction to any pedestrian activity.

11. These activities would therefore impinge upon the ability of residents to experience a satisfactory level of peace and quiet. This is of particular concern as the rear garden of No. 13 is the only area in which private outdoor recreation might take place.
12. Whilst I do not believe that the proposed development would result in a significant loss of light to the occupiers of No. 13, this does not outweigh my previous concerns.
13. I therefore conclude that the proposed development would have an adverse effect on the living conditions of the occupiers of 13 Mill Road. The development, in this regard, would fail to comply with Policy 57 of the North Hertfordshire District Local Plan (1996) (the Local Plan). This policy, amongst other matters, seeks to ensure that new developments are acceptable in functional terms

*Living conditions for occupiers of Plot 2*

14. The proposed development consists of three dwellings arranged in a linear form. To the rear of the dwellings would be the gardens for each of the proposed houses.
15. The proportions of the proposed garden of Plot 2 would be commensurate with the footprint of the specific proposed dwelling. This naturally restricts the width of the garden. This poses a concern as the proposed dwellings would be sited far back in the appeal site. In consequence, the depth of the garden would also be restricted.
16. By reason of the number of bedrooms, there is a likelihood that Plot 2 might be occupied by a family. In result, the restricted size of the rear garden is likely to impede the ability of the occupiers of the dwelling from being able to undertake the full range of outdoor recreation activities, including outdoor play.
17. Whilst I am aware that there are some areas of public open space within the wider area, these are a less convenient option. Furthermore, any area of public open space would lack the same level of privacy that would be anticipated within a garden area. In consequence, the presence of open space elsewhere within the surrounding area would not represent an appropriate alternative for residents of the dwelling proposed for Plot 2.
18. I acknowledge that the garden of Plot 2 could be redesigned to increase the level of available space. However, its area would still fall below the guidance specified within local planning policies. Therefore, my concerns are not overcome.
19. I therefore conclude that the proposed development would not result in appropriate living conditions for the occupiers of Plot 2, owing to the level of private garden space. The development, in this regard, would not comply with Policy 57 of the Local Plan. This policy, amongst other matters, seeks to ensure that the developments have sufficient recreation space to meet the future needs of residents.

*Highway safety*

20. The proposed development would be accessed from Mill Road, which is relatively narrow and features some parking restrictions and dropped kerbs and

vehicular accesses. There are also parking restrictions and vehicle access points within the surrounding road network.

21. The proposed development includes relatively few parking spaces, which means that the development is unlikely to accommodate all the vehicles that are likely to arrive at the site such as those associated with visitors.
22. Given the relative lack of on-site car parking spaces, some cars would be displaced onto the surrounding road network. This poses a particular concern as the vicinity features a number of parking restrictions and vehicle accesses. In result, there does not appear to be an abundance of on-street car parking within the vicinity of the site. Owing to the presence of the restrictions, the level of spaces is likely to vary throughout the day, and access to a convenient space cannot be guaranteed. In consequence, the increased demand for car parking is likely to encourage unsafe car parking practices.
23. I am aware that the surrounding area features several services and public transport links, which may be of some use to the future occupiers of the development. However, their presence is unlikely to serve as an adequate replacement for all potential trips, and therefore not all car journeys can be discounted, particularly those involving visitors to the development. In result, the likelihood of residents of the existing and proposed dwellings having access to private cars cannot be discounted. As such, the presence of inappropriate on-street car parking practices cannot be discounted.
24. I therefore conclude that the proposed development would have an adverse effect upon the highway safety within the vicinity of the site. The development, in this regard would fail to accord with Policies 55 and 57 of the Local Plan and Vehicle Parking at New Development Supplementary Planning Document (2011). These, amongst other matters, seek to ensure the provision of appropriate levels of car parking, and that developments do not have an adverse effect on highway safety.

#### *Character and appearance*

25. Dwellings in the surrounding area are constructed to a variety of scales, styles and ages. In addition, dwellings are set back from the highway by different amounts. A footpath runs adjacent to the appeal site's rear boundary.
26. The proposed development would therefore be viewed against this varied character. The varied character is also emphasised by Queen Anne Court, which is located to the side of the proposed development. Owing to the absence of a unifying trend between dwellings, the proposed development would not be unduly incongruous.
27. In addition, views of the development from Mill Road would be screened, to some extent, by the existing dwellings, in addition to neighbouring buildings. This would further reduce the prominence of the proposed development.
28. Whilst the development would be visible from the footpath to the rear of the site, views would be somewhat obscured by the height of the boundary treatment. In addition, owing to the different set backs from Mill Road, dwellings within the vicinity typically have different length gardens. In consequence, the presence of additional dwellings that appear closer to the footpath would not be particularly strident, or unusual.



29. Furthermore, had I been minded to allow this appeal, I could have imposed a condition that would have enabled the Council to control the materials from which the dwellings would be constructed. This would have provided a further mechanism by which it could be ensured that the proposed development would harmonise with its surroundings.
30. Therefore, I conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would comply with Policy 57 of the Local Plan. This policy, amongst other matters, seeks to ensure that new developments relate to the site's physical shape and existing features, and the character of the surroundings

### **Other Matters**

31. The evidence before me is indicative that the Council cannot currently demonstrate a five-year housing land supply. Accordingly, the 'tilted balance' as outlined in paragraph 11(d) of the National Planning Policy Framework applies. This states that planning permission should be granted for residential development unless the benefits of the proposal are significantly and demonstrably outweighed by the harm.
32. Whilst the development would deliver three additional dwellings the benefits of the development are limited on the grounds that it is for a relatively small number of dwellings. Furthermore, any benefits to the local economy would also be relatively small owing to the quantum of development and would also be relatively localised in impact. Accordingly, I find that the benefits of the proposal are significantly and demonstrably outweighed by the harm to the living conditions of the occupiers of the neighbouring property, highway safety and the lack of sufficiently sized garden for the occupiers of Plot 2.
33. I acknowledge that no objections were received from the Council's Highways, Environmental Health and Waste and Recycling Departments. Whilst these are matters of note, they are only some of all of the matters that must be considered and therefore do not outweigh my conclusions in respect of the Main Issues.

### **Planning balance and conclusion**

34. Whilst I do not believe that the proposed development would have an adverse effect upon the character and appearance of the surrounding area, this would be outweighed by the adverse effects on highway safety and the living conditions of the occupiers of No. 13, and the lack of appropriate garden facilities for all future occupiers. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR

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