



8 January 2021

Our Ref Planning Control Committee/20 January  
2021  
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To: Members of the Committee: Councillors Ruth Brown, Daniel Allen, 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 REMOTE MEETING**

On

**WEDNESDAY, 20TH JANUARY, 2021 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. WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY</b> Members are requested to ensure that they are familiar with the attached summary of the Remote/Partly Remote Meetings Protocol. The full Remote/Partly Remote Meetings Protocol has been published and is available here: <a href="https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings">https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings</a> .	
<b>2. APOLOGIES FOR ABSENCE</b> Members are required to notify any substitutions by midday on the day of the meeting.  Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
<b>3. 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>4. 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>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	
<b>6. 20/00637/FP FLINT HALL FARM, LONDON ROAD, ROYSTON, HERTFORDSHIRE, SG8 9LX REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</b>	(Pages 5 - 26)

Conversion of existing barn and grain store to provide two 4-bed and one 3-bed dwellings. Erection of two 4-bed dwellings, associated car parking, landscaping and ancillary works

7. **20/02109/FP NUP END FARM HOUSE, NUP END, OLD KNEBWORTH, HERTFORDSHIRE, SG3 6QJ** (Pages 27 - 42)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of one 4-bed and two 3-bed detached dwellings including alterations to existing access

8. **20/00851/FP KEEPERS COTTAGE, RUSTLING END, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8TD** (Pages 43 - 58)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Change of use and conversion of existing swimming pool, outbuilding and garage into one 3-bed dwelling. Erection of detached garage block with carer flat above following demolition of existing stables, greenhouse and outbuilding (amended by plans received 03/07/20 and 11/12/20)

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<u>Location:</u>	<b>Flint Hall Farm London Road Royston Hertfordshire SG8 9LX</b>
<u>Applicant:</u>	<b>Mr Geoffrey Wilkerson</b>
<u>Proposal:</u>	<b>Conversion of existing barn and grain store to provide two 4-bed and one 3-bed dwellings. Erection of two 4-bed dwellings, associated car parking, landscaping and ancillary works</b>
<u>Ref. No:</u>	20/00637/FP
<u>Officer:</u>	<b>Jo Cousins</b>

**Date of expiry of statutory period:** Extension of time agreed to 31 January 2021.

### **Reason for Delay**

Awaiting receipt of Ecology updates and subsequent Committee Cycle - extension of time agreed.

### **Reason for Referral to Committee**

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

### **1.0 Relevant History**

- 1.1 Pre-application advice given in 2016.
- 1.2 Permission granted under reference 16/02487/1 for the conversion, alterations and extension to existing Tithe Barn and Grain Store to provide 2 x 4 bedroom dwellings and 1 x 3 bedroom dwelling, erection of 2 x 4 bedroom dwellings, associated car parking, landscaping and ancillary works. The decision to grant was made by the Planning Control Committee in February 2017.

### **2.0 Policies**

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

Policy 6 – Rural Areas beyond the Green Belt

Policy 14 – Nature Conservation

Policy 16 – Areas of Archaeological Significance and other Archaeological Areas

Policy 26 – Housing Proposals

Policy 55 – Car Parking Standards

Policy 57 – Residential Guidelines and Standards

## 2.2 **Emerging Local Plan 2011 – 2031**

### Section 2 – Strategic Policies

SP1: Sustainable development in North Hertfordshire

SP2: Settlement Hierarchy and Spatial Distribution

SP5: Countryside and Green Belt

SP6: Sustainable Transport

SP8: Housing

SP9: Design and sustainability

SP11: Natural resources and sustainability

SP12: Green infrastructure, landscape and biodiversity

SP13: Historic environment

### Section 3 – Development Management Policies

CGB1: Rural Areas beyond the Green Belt

D1: Sustainable design

D3: Protecting living conditions

D4: Air quality

HS3 Housing Mix

HS5 Accessible and Adaptable Housing

NE1: Landscape

NE4: Protecting open space

NE7 Reducing Flood Risk

NE8 Sustainable Drainage Systems

NE9 Water Quality and Environment

NE10 Water Framework Directive and Wastewater Infrastructure

NE11: Contaminated land

T1: Assessment of transport matters

T2: Parking

HE4: Archaeology

## 2.3 **National Planning Policy Framework 2019**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting Sustainable Transport

Section 6: Building a strong, competitive economy

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

## 2.4 **Supplementary Planning Documents**

Vehicle Parking Standards at New Development (2011)

Design

## **3.0 Representations**

- 3.1 Royston Town Council: No objections provided that – ***“up to date bat surveys are undertaken and all of the conditions applied by NHDC to the previous application (reference 16/02487/1) are adhered to, in particular "None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority. Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality. ”***
- 3.2 **Local Representations/neighbours:** None received.
- 3.3 **Hertfordshire Highways:** No objections subject to the imposition of conditions and informative's. Also recommends inclusion of an informative to ensure that any works adjacent to the nearby public Rights of Way are carried out in accordance with the provisions of the Hertfordshire County Councils Rights of Way Service.
- 3.4 **Hertfordshire Ecology:** Confirm that the updated site surveys have recorded multiple maternity and hibernation multi-species bat roosts within several of the buildings on site. Confirm that the submitted reports and surveys and their recommendations are acceptable. Conditions and an Informative are recommended to safeguard the ecological value of the site.
- 3.5 **Environmental Health officer (Land contamination):** No objections raised. Recommends a condition regarding Land Contamination.
- 3.6 **Environmental Health officer (Air Quality):** Recommend an EV charging infrastructure condition an informative.
- 3.7 **Environmental Health Officer (Noise and Other Nuisances):** No objections. Recommend the imposition of informatives to ensure that the construction phases are appropriately carried out in relation to noise, disturbance and treatment of asbestos.

- 3.8 **Herts County Council Planning Obligations:** No comments received. However the previous application generated comments that the provision of Fire Hydrants should be sought. In the light of the nature and scale of the development it is unreasonable to seek this through a Planning Obligation and I recommend an appropriately worded condition as previously imposed to be included.
- 3.9 **Historic Environment Advisor (Archaeology):** Recommends the imposition of three conditions to safeguard and record the historic environment.
- 3.10 **NHDC Waste Officer:** Provides guidance and recommendations on waste and recycling collection provision within the site which are included as an informative.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 Flint Hall Farm is located between the A10, London Road and the B1039, Barkway Road to the south of Royston. The application site comprises approx. 0.79 ha of land occupied by a range of agricultural barns, and buildings in an agricultural setting surrounded by woodland. Immediately adjoining the barn range are two small residential units, Flint Haven and The Hovel and to the south of the access road lies West Cottage (a building containing two dwellings) and to the west of the site lies Ashtrees.

### **4.2 Proposal**

- 4.2.1 The application is essentially a re-submission of the permission granted under reference 16/02487/1. It comprises a scheme centred around the proposed restoration and enhancement of Flint Hall Farmstead a traditional 'U' shaped courtyard with at its core a tithe barn (a historic Dutch Barn) and lower flint brick structures and a granary and ancillary agricultural buildings to the north. The application seeks permission for three residential units within the converted buildings comprising two four bedroom units within the tithe barn (plots 4 & 5) and one three bedroom dwelling within the granary to the rear (plot 2). Plots 1 & 3 are also to the rear of the tithe barn and would be new build, four bedroom dwellings and are required as 'enabling development to support the conversion scheme. A number of existing barns and outbuildings would be removed as part of the enhancement of the site.
- 4.2.2 In summary the proposals involve the following works:-  
Barn conversion scheme  
Demolition of three redundant farm buildings and small ad hoc buildings.  
Conversion of Tithe Barn to create two dwellings (Plots 4 & 5) utilising the adjoining single storey wings to create two four bedroom dwellings. The accommodation would be mainly at ground floor level with a small amount of first floor space at either end of the barn to an en-suite bedroom for each unit.  
A small addition would be placed at the end of Plot 5 linking it to Barn B.  
Plot 4 would have an existing lean-to structure to the wing (Barn F) converted to a car port.  
Plots 4 & 5 would be enhanced by the removal of Barns C & D to the south side and replaced with a low wing to provide bin and cycle storage and a small studio area to serve each dwelling. The existing historic timber elements would be



retained where possible and materials would remain traditional, timber cladding and slate roof to the Tithe Barn and pantiles to the single storey sections.

Plot 2 would be formed by the granary conversion and located to the rear of the Tithe Barn and would form a 3 bedroom dwelling. This would be achieved by the conversion of the granary, a re-build of a lean-to structure and a new single storey extension. A simple lean-to timber structure would provide two parking spaces.

The building would remain timber clad with a slate roof which would be reused where possible.

#### New build scheme

Plots 1 & 3 would be new four bedroom dwellings forming a secondary courtyard to the rear of the Tithe Barn conversion. Both plots are two storey in scale of a half brick half timber construction below a slate roof to give a traditional barn design to compliment the group.

Plot 1 would be to the rear of plot 5 and to the western side of the site. A single storey car port range in timber with a tiled roof would link the development to the Tithe Barn and provide two parking spaces for each plot.

Plot 2 would be to the eastern side of the site to the rear of Plot 4 and would have the access road to the courtyard at its southern flank. At its north west end a carport adjacent to plot 2 would provide two parking spaces.

Provision of courtyard and visitor parking and turning space.

#### 4.2.3 The application is accompanied by the following:

Design and Access Statements

Planning Statement

Structural Inspection Appraisal

Transport Statement

Tree Survey and Arboricultural Impact Assessment

Environmental Report (Phase 1)

Contamination Report (Phase 1)

Flood Risk Assessment

Topographical Survey

Preliminary Ecological Appraisal and Daytime Bat Inspection Report

Tree Bat Roost Suitability Assessment and Winter Bat Activity Survey

Bat Survey Report (2015) and updated Bat Report (2020)

Archaeological Desk Base Assessment

### 4.3 **Key Issues**

4.3.1 The key issues to the determination of this application are whether the dwellings to be created through conversion work together with the new dwellings would be consistent with rural area and sustainable development policy objectives, whether there would be any harm to the visual amenity of the locality, the residential amenity of any neighbouring property, parking and access issues, ecological and environmental matters. The key matters set out below are therefore as follows:-

- Whether the principle of the development is acceptable
- Sustainability and the benefits of delivering new homes
- Rural area and sustainable development policies
- Planning balance – policy conclusion
- Visual impact and layout
- Impact on existing residents

- Living conditions of future occupants
- Access and parking
- Ecology and environment
- Environmental matters and climate change

#### 4.3.2 Principle of Development

Despite the identification of sites in the District through the local plan process, there will sometimes be sites not currently identified for allocation where there may be a public interest in supporting, in principle, their appropriate development. In circumstances where a local authority does not have an up to date plan, paragraph 11 of the Framework requires decision makers to determine applications according to the following general principles:

- ***approving development proposals that accord with an up-to-date development plan without delay; or***

- ***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:***

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- ii. 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.*

4.3.3 The Council cannot currently demonstrate a 5 year supply of housing land and decision makers must have regard to the broad magnitude of the five-year supply position short-fall. Appropriate weight should therefore be given to the provision of five dwellings on this site.

4.3.4 At present saved Local Plan Policy 6 as it relates to the restrictions in the supply of housing is out of date. Insofar as the policy relates to protecting the character of the countryside it still has a degree of compliance with the requirements of the NPPF and is therefore in this regard not wholly out of date. There is a presumption in favour of supporting development on sites unless the adverse impacts of doing so would be such as to dictate otherwise, for example if development is unsustainable socially, economically or environmentally. An examination of both benefits and adverse impacts and a judgement as to whether the latter **significantly** and **demonstrably** outweighs the former must therefore be considered in determining applications. In my view the **social, environmental** and **economic** issues can be broadly considered as follows:-

#### **Social sustainability**

In my view this might relate to matters such as convenient access to medical services (GP practice) and community facilities. The ability of people to conveniently access a broad or even essential range of facilities and services, which help support and maintain well-being, would be a key determinant of a schemes social sustainability. Sites which presented difficulties in this regard would score negatively.

### **Environmental Sustainability**

This aspect of development may range from the impact of a scheme on the character of an area (including historic assets such as nearby listed buildings or location within a conservation area, about which other parts of the Framework refer specifically), to transport choices and issues around carbon footprint and energy use. It might also relate to existing environmental impacts which might impact negatively on the subject development such as flooding, noise, smell or ground contamination. It would also encompass impact on neighbours for a scheme such as this.

### **Economic Sustainability**

This dimension might encompass the value of development to the local economy both in terms of its economic impacts during construction, on-going economic benefits and the supply of much needed housing against any acknowledged shortfall.

#### 4.3.5 Sustainability and benefits of delivering new homes

This proposal for five dwellings would make a contribution, albeit a small one, towards improving the currently deficient five year land supply for housing and the delivery of new homes across the District through the plan period (2011-2031). Meeting housing need is in itself a benefit of the proposed development.

In terms of economic benefits, it is clear that the proposed development would create some employment opportunities in construction and the development would help to support existing local businesses and services in the wider area.

4.3.6 In this case the buildings in question are reasonably close to Royston and it may be possible to argue that a residential conversion scheme is acceptable in sustainability terms and should be able to demonstrate that the everyday needs of the occupiers could be reasonably satisfied by a variety of practicable transport modes including walking and public transport. The Transport Statement submitted clarifies that there are no nearby bus stops on the adjacent roads but the site is within walking and cycling distance of Royston Town Centre.

#### 4.3.7 Rural area and sustainable development policies

In terms of compliance with rural area policy this application falls to be considered against the guidance in Saved Policy 25 of the Local Plan (Re-use of Rural Buildings), Policy CGB4 of the Emerging Local Plan and Section 5 of the NPPF (in particular paragraph 79).

4.3.8 Policy CGB4 reflects the spirit of Policy 25 of the Local Plan but currently has limited weight due to the status of the Plan. Policy 25 is still current for decision making and which sets out four criteria for the re-use of a rural building. Taking each in turn, criterion (a) requires no adverse impact on the rural economy. In this regard it is noted that the barns involved have not been in full economic use for sometime and are impractical for current modern farming practices. The main barn is in need of some restoration and given the form of the group of buildings here would not be suitable for commercial re-use as set out in the Structural Inspection Appraisal. As the main barn is redundant, I consider therefore that the proposal would not adversely affect the local economy.

- 4.3.9 Criterion (b) requires that the building will not require extensive alteration, rebuilding and/or extension. In this case the project mainly concentrates on adapting the existing building. The submission includes a comprehensive Structural Inspection Appraisal which concludes that the buildings to be retained/converted are capable of doing so and the integrity of those structures is retained. The conversion works involve the retention of the existing timber framing, brick walls and brick plinths with no increase in footprint. The main external change will be the provision of replacement timber boarding and windows. It is considered that the proposals are therefore in line with criterion (b).
- 4.3.10 Criterion (c) requires that the use of the building and its curtilage will not harm the character of the countryside or have an adverse effect on highway safety. The proposed residential use of the barn would, in association with the new dwellings maintain the historic farmyard form and appearance and use materials that are appropriate to the rural setting. The gardens associated with the two new dwellings are enclosed with hedging and parking will be largely contained within the enclosed courtyard in a new car ports and garage buildings. As such it is considered that the development would be sympathetic to the rural character of the area. The development would generate only a small number of new vehicle movements to and from the site however this would be less than those generated by a commercial use of the buildings or even the historic agricultural use of the buildings. The demolition of existing farm buildings will improve the setting of the barn and generally the openness of the countryside. The Highway Authority does not object to the development and I therefore conclude that there is unlikely to be any adverse impact on highway safety.
- 4.3.11 Criterion (d) requires all of the above criteria to be met and that the new development does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. In my view the development meets criteria (a) - (c) as discussed above. The site is not within the Green Belt never-the-less the development would not in my view, have any materially greater impact on the countryside than the existing particularly having regard to the amount of existing redundant buildings which are to be removed immediately adjoining and surrounding the buildings the subject of this application.
- 4.3.12 In the light of the above analysis, I conclude that the details presented demonstrate that the scheme is attainable within the provisions of Policy 25 with the three units formed from converting existing buildings being of an acceptable scale and form requiring little extension. Where extensions are proposed these in the main replace existing structures on the site thus retaining the overall form and appearance of the group of farm buildings.
- 4.3.13 Paragraph 78 of the NPPF states that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances including where the ***'development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.'***

In this case the proposals amount to a sensitive conversion of an non-designated historic buildings and a considerable improvement to their setting establishing an appropriate future long term use for the buildings.

4.3.14 The applicant has submitted a Structural Report which indicates that the development would be unviable without some additional enabling development. The two new dwellings in my view complete the overall layout and appearance of the scheme by providing a courtyard to the rear of the main tithe barn and enhancing the granary conversion into this setting. The three units to the rear of the site would have natural curtilages formed within the existing confines of the farm complex and would not extend into the open farmland beyond. I do not consider that the two new 'enabling' units are unacceptable but would recommend that a condition be imposed to ensure that they are not occupied until the conversion works are completed to ensure that the works to conserve the non-designated heritage assets are indeed carried out.

#### 4.3.15 Planning balance – policy conclusion

The site is outside the Royston town boundary, accordingly, in order to resist development the harm must significantly or demonstrably outweigh the benefits as required by paragraph 11 of the NPPF. I am also mindful of provisions within the Town and Country (General Permitted development)(England) Order 2015 (as amended) which gives wider potential (subject to certain provisions) to the conversion of rural buildings to residential use. In addition there is a pedestrian access from the site to Royston town centre both from the highway, via a pavement along London Road and Public Footpath 10 across the fields directly to Grange Bottom. I also note that Bridleway 16 is accessible from the site and would presumably thus offer a cycle route to the town. The location of the site in relation to the town centre services would not, in my view, be entirely convenient but it would offer an alternative use to the car. Overall, the scale of the development would not give rise to travel patterns (environmental and social) which amount to significant harm in the context of the District as a whole in my view. This has to be balanced against the conversion of buildings which although are not designated historic asset, are of an age and unique form that in my view are worthy of preserving. Given the scale of the proposal and its position I am sufficiently persuaded that there would be merit in delivering a small scale housing development that would preserve this range of buildings in the interests of the character and visual quality of the surrounding area as set out above.

#### 4.3.16 Visual impact and layout

The proposed development maintains the farmyard group of buildings and therefore the historic setting of the complex of buildings at Flint Hall Farm. By keeping the development within the confines of this existing development no harm to the openness of the area would be occasioned and a better setting for the main restored tithe barn and granary would be achieved in my view. The impact of the development on the wider countryside would be contained within the built form of the development with car parking being within the courtyard area formed to the rear of the main barn and garden areas buffered from open countryside by existing landscaping. The provision of gardens and courtyards would be sympathetic to the rural setting and the agricultural character of the landscape. In order to maintain the open character of the site and the setting of the barn it is recommended that permitted development rights for extensions and outbuildings are withdrawn if permission is granted.

The method and extent of conversion is sympathetic to the historic character of the buildings with very few new window and door openings and very limited intervention into the historic fabric of the buildings. I am satisfied that the work would not

occasion harm to this group of buildings and would be appropriate to ensure that they are conserved for the future.

#### 4.3.17 Impact on existing residents

The adjacent occupied dwellings at Flint Haven, The Hovel and West Cottage would not be materially affected by the development in terms of loss of amenity or privacy given the location and relationship to the proposed development. Overall I do not consider that any aspect of the proposal would generate sustainable grounds for objection in terms of impact upon nearby residential dwellings.

#### 4.3.18 Living conditions of future occupants

The proposed dwellings would be configured such that they are considered to receive adequate outlook and light for their main habitable rooms and their private gardens. The outdoor spaces would provide sizable, quality private amenity space. The dwellings are sited such that they would not appear overbearing or cause loss of light to their potential occupants. Living conditions for future occupiers are therefore considered to be acceptable.

#### 4.3.19 Access and parking

The new properties will be served by the access to the Barkway Road B1039 together with The Hovel and West Cottage. The farm workers cottage ((western half of West Cottage) and Flint Haven will continue to be served from the A10. This would have some benefit for the A10 junction with the removal of historic farm traffic. The access from the B1039 is to be improved by improving the road width at the access point with the highway, resurfacing to a consistent 4.1 metre width along the track and the introduction of passing places. The Highway Authority states that the development would not be detrimental to highway safety and the use is not considered to have a significant impact on the local highway network. At least two parking spaces will be provided for each new dwelling (10 formal allocated car spaces and informal visitor spaces) which meets the Council's parking standards. In addition, The Hovel, West Cottage and Flint Haven will have formal car parking provision outside the application site.

#### 4.3.20 Ecology and Environment

The application is accompanied by an Ecology Reports and Surveys by MKA Ecology Ltd. The Reports and updated information provided in 2020, have been examined by the County Ecology team who have recommended conditions and an informative. I also note the comments of the Herts & Middlesex Wildlife Trust and am satisfied that in this instance the ecology issues have been appropriately considered and that measures to safeguard protected species will be in place.

The Council's Environmental Health officers have not objected to any aspect of the development and have advised standard contamination and Electric Vehicle recharging conditions which would suffice in dealing with environmental matters.

The County Archaeology team are satisfied that the development is acceptable subject to the imposition of conditions to safeguard the historic environment and record and finding that may result.

4.3.21 A Tree Survey has been submitted in support of this application. This shows that trees are in the proximity of the development and number would be removed to complete the work. The survey covers 29 individual trees, 3 areas of trees, 10 groups of trees one hedge and one woodland. The report confirms that it is

necessary to fell 8 individual trees, 4 groups of trees, a section of one area of trees and one tree from a group of trees to achieve the proposed layout. The removals are given a low or moderate visual amenity assessment and are BS Category C -low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm, or U -trees in such condition that they cannot realistically be retained as living trees for longer than 10 years. The report confirms that the proposed construction and hard surfaces would not be damaging to those trees to be retained but recommends tree protection measures for these trees as an additional safeguard for them during construction. I am satisfied that subject to the imposition of conditions to safeguard landscaping that the scheme would be acceptable here and not detrimental to the rural landscape.

#### 4.3.22 Climate Change Mitigation

The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste.

4.3.23 In response to consultation the Councils Environmental Protection Officers have not raised any concerns relating to the development that cannot be adequately covered by the imposition of conditions and informatives relating to Land Contamination, noise and nuisance and air quality.

4.3.24 The application Design and Access Statement at 8.0, includes sustainability details to confirm that proposal would provide energy efficient standards of construction, services and lighting. These would conform with the energy efficient Building Regulation requirements. In addition, sustainable water usage and the provision of electric vehicle charging and cycle parking assist with climate change mitigation. Overall, the proposals meet the aims of Policy D1 'Sustainable Design' of the ELP. Members will note that recommended condition 15 requires standard EV charging points for each dwelling as part of this proposal.

#### 4.4 Conclusion

4.4.1 The proposed development proposes an appropriate use for this group of non-designated historic redundant barns and the extent of conversion is sympathetic to its historic character. The openness of the countryside is not compromised and would be improved through the demolition of existing redundant farm buildings. It is considered that the number of vehicular movements created by the development would be more than offset by the conservation and preservation of the non-designated historic asset and the creation of high-quality homes. I view of the above assessment I consider this application to be acceptable.

#### 4.5 Alternative Options

4.5.1 None applicable given the sensitive design of the scheme that has been presented.

#### 4.6 Pre-Commencement Conditions

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

#### 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 and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

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

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

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



5. Before any development commences full hard and soft landscaping details are to be submitted to, and approved in writing by, the Local Planning Authority. The approved details are to be implemented on site.

Reason: To ensure the satisfactory landscaping of the development.

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

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

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

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

8. Prior to the first occupation of the development hereby permitted the vehicular access (indicated for improvement on drawing number (Ref 727-003B) submitted with the Transport Statement) shall be upgraded to a minimum width of (5.5) metres and provided with kerb radii of 8 metres in accordance with the Hertfordshire County Council residential access construction specification for the first 15 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

9. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number (Ref-727-003B as submitted with the Transport Statement). The splay shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Roads in Hertfordshire, Section 4, 2.3.

10. The development shall not be brought into use until a properly consolidated and surfaced turning space as identified on drawing number 27190 DR - A - 0010 -P2 has been provided within the curtilage of the site. The turning space should be free from obstruction and available for use at all times.

Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

11. No development shall commence until a Construction Management Plan (Method Statement) has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans>  
The development shall be carried out in accordance with the approved Construction Management Plan.

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

12. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Section 5, 1-5 and 9-11 specifically) and daytime bat inspection (MKA Ecology, 4 February 2020) and Bat Surveys (MKA Ecology, 19 October 2020) (Section 6 recommendations 1-7 specifically), and shall be completed and where relevant thereafter maintained to the satisfaction of the local planning authority unless otherwise agreed in writing.

Reason: To safeguard the ecology of the site and the presence of a protected species.

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

Reason: Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (as amended).

14. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with 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 9a), 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.

15. Prior to occupation, each of the five residential properties shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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

16. The development hereby approved shall not be occupied until the requirements for fire hydrants have satisfactorily been considered, agreed and if necessary installed to the satisfaction of the Local Planning Authority. Any fire hydrants provided shall be permanently maintained as such.

Reason: In the interests of the safety of occupiers in the event of a fire.

17. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording

5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: 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.

18. 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 17.

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.

19. The development shall not be occupied/used until the archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under condition 17 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

20. The two dwellings (Plots 1 & 3) shall not be occupied until the conversion works to provide Plots 3,4 & 5 have been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure that the works to barn complex are carried out and completed in the interests of preserving and conserving the group of buildings.

21. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

A full detailed drainage design and surface water drainage assessment should include:

1. BRE Digest 365 compliant infiltration tests at the exact location and depth of the proposed infiltrating features. If feasible infiltration cannot be achieved, an alternative surface water discharge mechanism will need to be provided.
2. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any

connecting pipe runs.

3. Updated calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% for climate change event. Modelling should include the updated infiltration test results for the proposed infiltrating features.
4. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as permeable paving.
5. Provision of half drain down times within 24 hours.
6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site and to reduce the risk of flooding to the proposed development and future occupants.

### **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. Highway

Advisory Note (AN1): Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

Advisory Note (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/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

AN3) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority

equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

#### Rights of Way

AN5) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

[https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_8](https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_8)

2. For reptiles and amphibians, caution should be taken when moving debris piles or building materials as any sheltering reptiles and amphibians could be impacted on. Clearance of existing vegetation should be undertaken progressively towards boundaries. Grass / vegetation should be kept as short as possible up to, and including, the time when the building works take place, so that it remains/becomes unsuitable for amphibians to cross. Trenches should have escape ramps to provide an escape opportunity for any animals that may have become trapped.

### 3. Land Contamination

Please ensure that all due care and attention is taken during demolition at the site. Particular care should be taken during removal of any material considered likely to represent a hazard to human health or the environment, in particular any asbestos-containing material. This is to ensure that any materials which are hazardous to health are dealt with in a manner that safeguards human health.

The Environmental Protection Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on [www.north-herts.gov.uk](http://www.north-herts.gov.uk) by searching for contaminated land.

#### EV Charging Point Specification

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

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

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

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

(iii) If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

(iv) A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at

<https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

#### Noise and Other Nuisances

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

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

Bank Holidays: no work at any time.

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

4. Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.  
Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy. The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.  
Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.  
Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.  
For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.  
For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.  
The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

















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

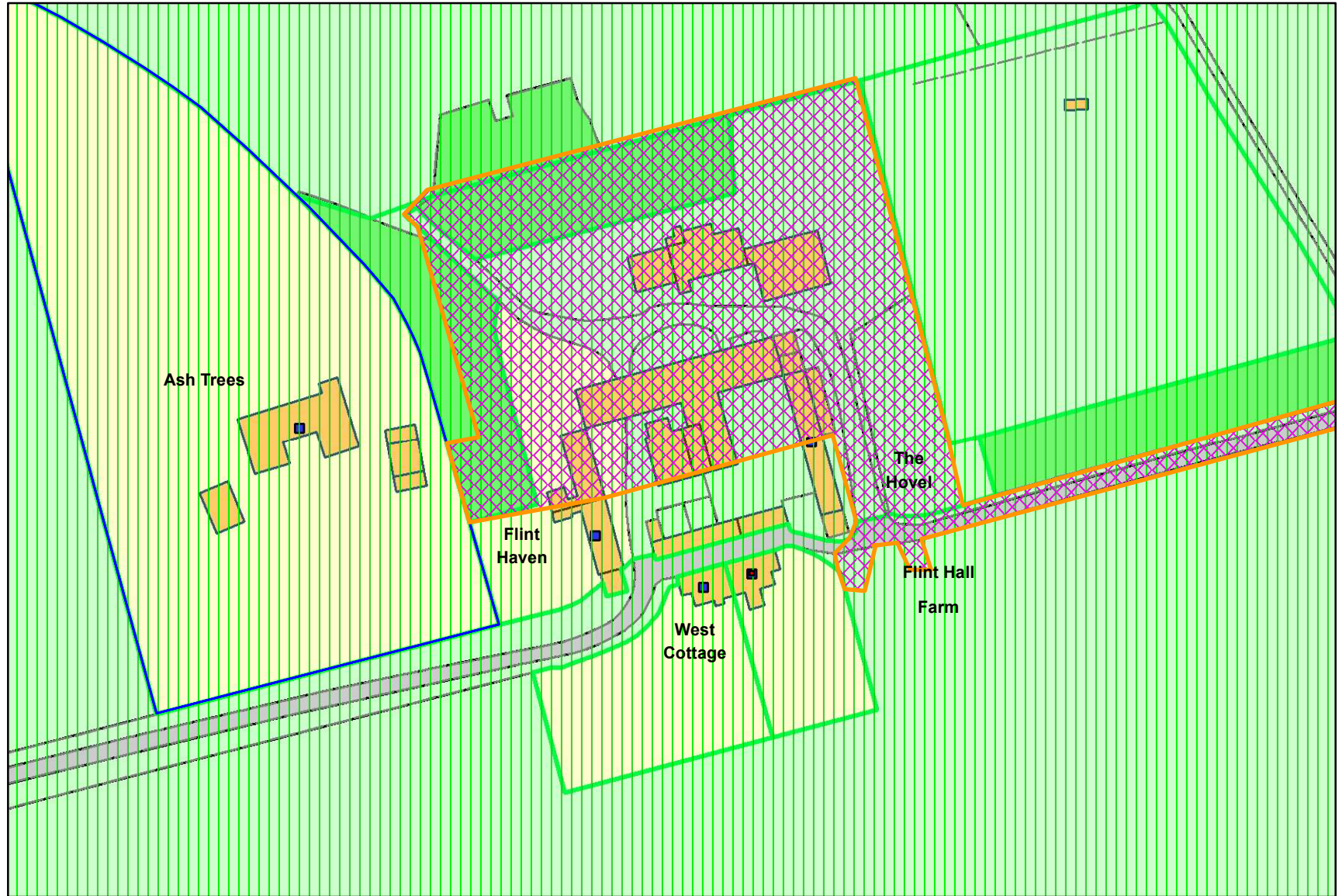




## Application Validation Sheet

20/00637/FP Flint Hall Farm, London Road, Royston, Herts, SG8 9LX

-  **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**  
Prcrea.shp
-  **District Local Plan Boundary**  
Prdlp2.shp
-  **Green Belt**  
Prgrnbtl.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 1:1,250  
Date: 05/01/2021



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<u>Location:</u>	<b>Nup End Farm House Nup End Old Knebworth Hertfordshire SG3 6QJ</b>
<u>Applicant:</u>	<b>Bly</b>
<u>Proposal:</u>	<b>Erection of one 4-bed and two 3-bed detached dwellings including alterations to existing access</b>
<u>Ref. No:</u>	20/02109/FP
<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of expiry of statutory period:**

16 November 2020

**Submitted Plan Nos.:**

BLYDNR-1-5-001A, BLYDNR-1-1-001, BLYDNR-1-3-001, BLYDNR-1-3-002, BLYDNR-1-3-003, BLYDNR-1-1-002A, BLYDNR-1-2-001A, BLYDNR-1-2-002A, BLYDNR-1-2-003A, BLYDNR-1-1-003B.

**Extension of statutory period:**

20 December 2020

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of being called in by Councillor Lisa Nash if officers are minded to recommend refusal.

**1.0 Site History**

1.1 20/00987/FP - Erection of one 4-bed and three 3-bed detached dwellings including alterations to existing access – Refused 06/07/20 for the following reasons:

1. The proposed development would be inappropriate development in the Green Belt and would result in loss of openness, causing harm. No very special circumstances have been identified. The proposal does not comply with Policies 2 and 3 of the 1996 Adopted Local Plan; Policies SP1, SP2 and SP5, and D1 of the Emerging Local Plan; and Section 13 of the National Planning Policy Framework.
2. The proposal by reason of its size, amount, siting, design, bulk and scale would result in an urbanised cramped form of development out of keeping with the site and locality causing harm to its character and appearance. The proposal would in addition result in harm to the significance of a Conservation Area as a designated

heritage asset. The proposal does not comply with Policies 26 and 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, SP13, D1 and HE1 of the Emerging Local Plan; and Sections 12 and 16 of the National Planning Policy Framework.

3. The proposed development by reason of its siting and design would result in harm to the amenity of neighbouring dwellings through perception of loss of privacy. The proposal does not comply with Policies 26 and 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 and D3 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.

1.2 19/02846/LDCE - Continued use of land as communal residential garden – Approved 22/01/20.

1.3 Nup End Farmhouse has been subject to other non-relevant applications, including its conversion to 4 flats in 2003.

## **2.0 Policies**

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

Policy 2 – Green Belt

Policy 3 – Settlements within the Green Belt

Policy 16 – Areas of archaeological significance and other archaeological areas

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 6 – Building a strong, competitive economy

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

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

SP5 – Countryside and Green Belt

SP6 – Sustainable transport

SP9 – Design 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  
HE1 – Designated heritage assets

## 2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

## **3.0 Representations**

### 3.1 **Site Notice:**

Start Date: 29/09/2020      Expiry Date: 22/10/2020

### 3.2 **Press Notice:**

Start Date: 01/10/2020      Expiry Date: 24/10/2020

### 3.3 **Neighbouring Properties:**

The following objections were received from Flat 3 Nup End, and Clovertop:

- This application is not improved from the last.
- In the Green Belt and contrary to policies.
- Further development in addition to new housing at Codicote and Knebworth should not be necessary.
- In a Conservation Area that is protected.
- Alter the feel of the area, which is a quiet hamlet.
- Overlook Nup End Farmhouse, greatly affecting privacy.
- Loss of privacy, views and quiet surroundings of Clovertop.
- Noise generation, adding greatly to stress and pressure of my job.
- Proposed entrance on a very busy and dangerous blind bend.
- Speed limiting would be a requirement for reducing speeding.
- Parking not sufficient, would adversely affect Nup End Farmhouse residents.
- People would park on the grass verge, which would be dangerous.
- Use of the area by wildlife.
- Not enough amenities to handle more housing.
- Water drainage issues would increase.
- Pressure on sewage, which already gets blocked.
- Negatively affect property values.

### 3.4 **Codicote Parish Council:**

OBJECTION

Our original objection (20/00987/FP 10.6.20) still stands  
Inappropriate development in the Green Belt  
No exceptional circumstances

### 3.5 **Statutory Consultees:**

Environmental Protection Air Quality – No objections.

Environmental Health – No objections.

CPRE - CPRE Hertfordshire object to this application which will result in harm to the openness of the Green Belt contrary to the National Planning Policy Framework and the current and emerging North Herts Local Plans.

Following the refusal of Application No. 20/00987/FP earlier this year the applicant has removed one of the three-bed houses and re-submitted. The Planning Statement remains the same, with an addendum attached. In this the applicant presents an argument based on the Commons Library Briefing Paper Tackling the under-supply of housing in England, and refers to increasing household projections. However since the publication of the briefing paper the Office of National Statistics have issued revised household projections, which indicate a significant reduction in North Herts when compared to the 2014 figures and the Government is currently consulting on a new 'Standard Method of Calculation' which will consequently result in a lower housing need.

There is also repeated reference to the judgement in Dartford B.C. vs. S.O.S. which permitted development within the garden curtilage of houses in rural areas in order to demonstrate that the site is previously developed land. There has not been any dispute that the Nup End site is other than previously developed land. The issue here is whether the requirement in paragraph 145(g) of the National Planning Policy Framework that the development will not result in substantial harm to the openness of the Green Belt is met or not. As we responded to that point at length in our letter of objection to App. 20/00987/FP we will not repeat it again here, but refer you to our letter dated 12 Jun 2020, (the other points in which are also pertinent to the current application).

In para. 6.5 of the Addendum that applicant asserts that "The proposed development is not in an unsustainable location, it is located within an existing settlement with access to public transport. Furthermore, facilities such as railway stations, schools, shops etc are only a short walk or cycle away in Knebworth." As we pointed out in our previous response The Chartered Institution of Highways and Transportation publication 'Planning for Walking (CIHT, 2015)' provides the guidance on walking distances and says that "Most people will only walk if their destination is less than a 1.6 kilometres away". The maximum advised distance to food shops and primary schools is 800 metres and to other facilities is 1.2 kilometres. Knebworth Station is 2.7 kilometres from the site, the village centre shops 3.1 kilometres. That is not a short walk away.

As before, we urge the Council to refuse this application.

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

**COMMENTS:**

The proposal comprises of the erection of one 4-bed and three 3-bed detached dwellings including alterations to existing access

**VEHICLE ACCESS**

The development shows one point of access from Park Lane/Nup End designated as a local distributor road subject to a speed limit restricted to 30 mph.

#### TECHNICAL AUDIT

The design would have to be submitted to a scale of 1:200 to the highway authority and subjected to a Technical Audit with the ultimate design being technically approved prior to commencement of the s278 works on site.

The width of the access road is shown on the submitted drawings to be 5.0 metres which conforms to the minimum width of an access road for two-way traffic of vehicles for the scale of the development.

#### VEHICLE TO VEHICLE INTER VISIBILITY

The internal road layout has an acceptable level of vehicle to vehicle inter-visibility from the junction the vehicle to vehicle inter visibility along Park Lane is achievable and acceptable.

#### Manoeuvrability within the Road layout

The geometry of the horizontal alignment of the road layout has sufficient capacity to accommodate two-way traffic for vehicles likely to serve the development

#### WASTE COLLECTION

The method of waste collection must be confirmed as acceptable by North Herts refuse collection agency. The waste storage area is located with the recognised operational distance from the highway and considered acceptable.

#### Technical Design of the Road Layout

The gradient of the access road is within the limits of highway design of a maximum 1:20 (5%) for the first 10 metres. This gradient is to avoid grounding of vehicles using the access to the new development from Park Lane.

Hertfordshire County Council as Highway Authority would consider that if the details were submitted showing the development layout with an acceptable level of vehicle to vehicle inter visibility on the road layout was provided and detailed to scale (1:200) and the site layout drawing of the proposal was subjected to a Safety Audit to accord with the above comments this may be considered for compliance with highway safety.

#### Transport Statement

##### Public Transport

The application site is within 400 m of a bus stop to the development has been identified as being along Park Lane.

##### Walking and Cycling

Pedestrians have no access to footways.

Other town and villages and local facilities have a realistic access from the development by cycling albeit that there is no dedicated cycle lanes and the rail station is approximately three miles away.

##### Construction Traffic

Concerns over the impact that the volume of construction traffic travelling to the site, has resulted in a planning condition being recommended to prepare a Construction Traffic Management Plan.

#### Transport Impact

No Traffic data has been submitted. The Park Lane road junction will have the capacity to carry the total volume of traffic for the new development.

#### CONCLUSION

Hertfordshire County Council as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of the recommended planning conditions and highway informatives above.

### **4.0 Planning Considerations**

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

4.1.1 The site comprises land to the rear of four dwellings Nos. 1 to 4 Nup End Farmhouse, a Grade II listed building sub-divided into 4 flats. The site is a mix of lawn and hard standing, with vehicles parked on part of it. Access is via Park Lane and from the rear of Nos. 1 to 4. Party boundaries are comprised of 2-3m high hedges, 1.8m high fences, and higher trees.

4.1.2 A detached dwelling is to the north, and to the south and south-west is a business/employment area. The character of the locality is rural, with a small number of dwellings to the north. The site is in the Green Belt, and a Conservation Area.

#### **4.2 Proposal**

4.2.1 Planning permission is sought for the erection of three detached two storey dwellings with pitched roofs within the site, of which one (Unit A) would have 4 bedrooms and the other two would have 3 bedrooms. The dwellings would be of a more traditional design and character. Access would be via Park Lane. Each dwelling would have two parking spaces and their own gardens. One visitor parking space and a communal bin store would also be provided.

#### **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, photos taken by the case officer from a site visit in December 2019 when previous application 19/02846/LDCE was being assessed, information relating to the planning history of the site, and images from Google Maps and Street View (a site visit in person by the case officer was not permitted during the course of the application due to restrictions in movement during the Corona Virus crisis).

4.3.2 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.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The impact that the proposed development would have on the living conditions of neighbouring properties.



--The impact that the proposed development would have on car parking provision 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 landscape, trees ecology.

--Whether the reasons for refusal of 20/00987/FP have been addressed.

Principle of Development:

4.3.3 The site is in the Green Belt in the adopted and emerging Local Plans. Policies 2 and 3 of the adopted Local Plan set out what type of development would be appropriate in the Green Belt. Policy 2 refers to Policy 3 and development within settlements in the Green Belt, of which Nup End is considered to be such a settlement (albeit small). Policy 3 sets out four exceptions of development within settlements, which the proposal would not comply with. Point vi. relates to a single dwelling, however 3 new dwellings are proposed by this application on a site that is not within the built core of Nup End (which in my view does not have a core as it is comprised of a very small number of dwellings with no clearly identifiable centrally built-up area). The proposal would not therefore be acceptable in principle under the above adopted Local Plan policies.

4.3.4 The adopted Local Plan dates from 1996 with relevant Policies saved in 2007, therefore the adopted Plan is relatively old and out of date in some respects to the NPPF. The NPPF in paragraphs 145 and 146 sets out what types of development would not be inappropriate in the Green Belt:

*145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*a) buildings for agriculture and forestry;*

*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

*c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

*e) limited infilling in villages;*

*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development; or*

*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

*146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

- 4.3.5 The proposed development could only potentially comply with paragraph 145 point e) as being limited infilling in villages (it is not considered that points a) to d) would be complied with). The proposal would be for three new dwellings between one existing single dwelling and a dwelling converted to four dwellings, therefore I would consider it to be limited infilling. The key factor relating to e) is whether Nup End can be considered as being a village.
- 4.3.6 Nup End is small and consists of dwellings and the business/employment area around Nup End Farmhouse. The Collins English Dictionary defines a village as “A village consists of a group of houses, together with other buildings such as a church and a school, in a country area.” It is for the decision-maker to define ‘village’. Nup End does not have any services or facilities such as a school, shop etc. that could be expected in a village. Nup End is not classed as village in the emerging Local Plan. For these reasons I do not consider that Nup End is a village, therefore the proposed development would not comply with point e) paragraph 145 of the NPPF.
- 4.3.7 The applicant in their supporting Planning Statement has put forwards an argument that the proposal is not inappropriate development in the Green Belt as the application site is previously developed land (PDL), and that essentially it would not result in a loss of openness (citing a Supreme Court judgement that the visual quality of a landscape is not necessarily an essential part of the openness of the Green Belt). The Planning Statement states that as the wider landscape would not be harmed, that this equates to the absence of harm to the openness of the Green Belt.
- 4.3.8 In terms of whether the site is PDL, the previously approved application 19/02846/LDCE at the application site is a material consideration. Residential gardens in areas that aren’t built-up are excluded from the definition of PDL in the NPPF, which I consider applicable to the application site as Nup End is a small settlement with sporadic dwellings and other buildings with a rural character. I therefore agree that the site is PDL. Paragraph 145 g) of the NPPF relates to the development of PDL. To not be inappropriate development on PDL, new development should not have a greater impact on openness than the existing development. The existing site does not include any buildings or structures - only hardstanding and fences along some of its boundaries.
- 4.3.9 ‘Openness’ is not defined in the NPPF. Paragraph 145 however refers specifically to new buildings in the Green Belt. Therefore, whether a development would not be inappropriate in accordance with g) of 145 should include the impacts from any new buildings proposed. As the present site is flat and does not contain any buildings (or other structures), the proposal to build three new buildings (the dwellings) on the site would therefore have a greater impact on openness through the erection of new buildings where there presently aren’t any.

- 4.3.10 Planning Practice Guidance on Green Belts, paragraph 001, refers to factors to take into account when assessing openness. The paragraph states that the courts have identified a number of matters that need to be taken into account, which include but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
  - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
  - the degree of activity likely to be generated, such as traffic generation.
- 4.3.11 The Supreme Court judgement submitted with the applicant relates specifically to the extension to a quarry, of which the land it is situated on would at a later date be restored therefore not resulting in long-term loss of openness. This is materially different to the current proposal, where the proposed dwellings would likely remain in perpetuity were permission granted and for them to be built.
- 4.3.12 The outcome of the judgement was that the Supreme Court allowed the appeal of the Council and found in favour of its understanding of the meaning of the word ‘openness’. The planning officer of the appellant Council stated in her report (para. 19 of the judgement – 7.122 of officer’s report) that *‘openness is not defined, but is commonly taken to be the absence of built development’*. Paragraph 40 of the judgement also stated *‘I do not read the officer as saying that visual impact can never be relevant to openness.’*
- 4.3.13 Taking the above into account, I consider that the judgement supports the concept that openness is the absence of built development. Loss of openness can occur in different ways, as per the Planning Practice Guidance. The proposal would introduce three new dwellings onto the site with associated hardstanding. The use of the site would also be intensified by this new residential development.
- 4.3.14 The proposal would not therefore comply with part g) of paragraph 145 of the NPPF as the development would clearly have a greater impact on openness than the existing development. The proposal would not meet the exceptions of not being inappropriate development as set out in paragraphs 145 and 146 of the NPPF, and therefore the proposal is inappropriate development in the Green Belt. Such inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. The proposed development would be inappropriate and would result in loss of openness to the Green Belt. The applicant’s case that there will be no visual impacts are not considered relevant as a loss of openness would occur to the Green Belt were the development to have no visibility (it would in any case be visible from the public highway Park Lane to the west as the two storey dwellings proposed would be higher than the hedges on the west boundary of the site).
- 4.3.15 The applicant has cited a ruling by the Secretary of State from April 2020 that the provision of new dwellings in the Green Belt carries very special circumstances. However, the application the decision relates to was a mixed use scheme including other elements in addition to housing (notably a special needs school redevelopment), with the housing of that scheme being much greater in number at up to 325 dwellings

and also including 30% affordable housing. There were other factors than just new housing that resulted in the Secretary of State approving that scheme.

4.3.16 The current application at Nup End is in contrast much smaller as only three non-affordable dwellings are proposed, and would not have comparable benefits to the April 2020 decision cited. The new housing as part of that April 2020 decision contributed to benefits clearly outweighing the harm to the Green Belt, rather than very special circumstances (para. 38). I do not consider new housing a very special circumstance, although it is a benefit that should be taken into consideration.

Character and appearance:

4.3.17 Notwithstanding the harm to the Green Belt and the loss of openness caused, I do not consider that some new residential development on the site would appear out of place as the site is residential garden land between dwellings to the north and south, and a business/employment area to the south-east. The development would not extend into the open countryside, although the development of the site would change its character.

4.3.18 The site would be more intensively developed than the adjoining sites of Clovertop and Nup End Farmhouse. The dwellings would have smaller plots and be at a higher density than dwellings north of Clovertop on Drivers End Lane and Park Lane. There would however be a relatively large amount of spacing between the dwellings and for each dwelling within its respective plot, with two of the dwellings sited towards the rear thereby minimising their visual impacts. Due to the size and siting of the dwellings and the proposed site layout, I do not consider that the development would appear cramped and out of character with the lower density and more spacious residential development of Nup End and the significance of the Conservation Area the site is within. I do not have objections to the traditional design approach, dimensions, materials and detailing for each individual dwelling proposed as they will not be dissimilar to other nearby dwellings.

4.3.19 Nup End Farmhouse south-west of the site is a Grade II listed building, therefore how the proposed development would affect its setting and significance as a designated heritage asset is a material consideration. Previous application 20/00987/FP did not identify harm to the listed building. Given that the current application is for one less dwelling with greater spacing from the farmhouse, I do not consider that harm to the setting of the listed building would be caused.

4.3.20 The site is isolated regarding its accessibility to shops, services and public transport. There are no footpaths or cycle paths outside the site to provide safe routes for pedestrians and cyclists, with access to buses being limited here. Codicote and Knebworth are the two closest settlements with shops and services that could meet many needs of potential occupants, however they are considered to be at least approx. 2.5km away at minimum. Due to these distances and the lack of safe pedestrian and cycle access to and from the site, it is considered that occupants of the proposed dwellings would be largely reliant on the private car to meet their needs. The site is therefore considered unsustainable, and conflicts with the aims of the NPPF to promote sustainable forms of development and transport. This is a harm that would be caused.

#### Impacts on Neighbouring Properties:

- 4.3.21 The dwellings that could be affected by the proposed development are Clovertop adjoining the north-east site boundary, and the four flats in Nup End Farmhouse. Only the Plot A dwelling would be considered to have the potential to affect Clovertop, as the other dwellings would be sufficiently far away from main habitable rooms and its rear garden to result in loss of amenity. North-east of the Plot C dwelling is a single storey building considered to be a kennels, that won't be adversely affected by the development.
- 4.3.22 The Plot A dwelling would be approx. 14.5m from Clovertop, which does not have any first floor side windows, and would be sufficiently far away to avoid causing overbearing impacts, loss of light and amenity to its front and rear elevations. This dwelling would not have any first floor side openings facing Clovertop, and views from its side ground floor openings would be sufficiently blocked by the hedge/vegetation on the boundary. I do not therefore consider that any habitable rooms of Clovertop would be adversely affected.
- 4.3.23 Plot A would be more visible from the rear garden of Clovertop as it would be a two storey building approx. 2m from the boundary. This dwelling would however taper away to the south-east so resulting in its north-east corner being approx. 3.6m from the boundary. The side profile of Plot A would be relatively small, and given the large size of the rear garden of Clovertop where this proposed dwelling would be viewed as being relatively small, and due to large hedges and some trees providing screening/softening, I do not consider that the Plot A dwelling (and the development as a whole) would adversely affect the amenity of Clovertop.
- 4.3.24 The other closest dwellings that could be affected are the four flats in the converted Nup End Farmhouse. Of the four dwellings proposed, only Plot B has the potential to affect the flats due to its siting. Plot B would be to the north-east of the flats, therefore would not cause loss of light and overshadowing. Plot B would be a minimum of approx. 20m from the rear elevations of the flats and 7m from their rear boundaries, which I consider sufficient to avoid appearing harmfully overbearing. No first floor side openings are proposed facing Nup End Farmhouse, therefore no loss of privacy would be caused. I do not consider that impacts from noise would be harmful to amenity as only three new dwellings are proposed which would generate minimal amounts of traffic and other disturbance. No harm to residential amenity would be caused.

#### Amenity of Future Occupiers:

- 4.3.25 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.
- 4.3.26 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 Plot B and C dwellings would have first floor side bedroom windows that could overlook each other and their gardens, however these windows could be required to be obscure glazed by condition if permission was to be

granted. The private gardens of the dwellings would be of a sufficient size and quality to provide acceptable amenity space for their potential occupants.

- 4.3.27 The proposed dwellings B and C would be in close proximity to the business/employment area, which contains B1 and B8 uses. These uses can generate noise and other disturbance, however as the Council's Environmental Health Officer has not objected to the application I do not consider that objections could be raised on the grounds of noise etc. from neighbouring uses affecting future occupiers. Dwelling A would also not be affected by the employment area. Living conditions of future occupiers are considered acceptable.

Parking and Highways:

- 4.3.28 Each dwelling would have parking provision for two cars – this complies with the Council's minimum parking standards, and is acceptable. One visitor parking space would be provided, which complies with visitor parking requirements in the emerging Local Plan, and is acceptable. Each dwelling would have sufficient space within their curtilages for cycle provision to comply with Council standards. The County Council highways officer has not objected on the grounds of highway safety, and no reasons are evident to disagree. Parking provision and impacts on the public highway are considered acceptable.

Landscape, trees and ecology:

- 4.3.29 The site contains a small number of young trees that would be removed, which is considered acceptable as they do not make a significant contribution to the character of the locality. The majority of landscaping would be soft with most existing hedges and more significant vegetation remaining, which is considered to be an acceptable approach. Potential impacts on ecology and wildlife are considered negligible as the site does not contain buildings, structures and other features that could be important habitats for protected species such as bats. Hertfordshire Ecology did not object to previous application 20/00987/FP, therefore as matters relating to ecology have not materially changed this is considered relevant. I consider the proposal acceptable regarding its impacts on trees, landscape and ecology.

Whether reasons for refusal of 20/00987/FP have been overcome:

- 4.3.30 While one less dwelling is now proposed, for the reasons above the proposal is inappropriate in the Green Belt and would result in further harm to openness. The first reason for refusal remains. I consider that the other reasons for refusal have however been overcome as removing one dwelling has resulted in a more spacious and less cramped proposal more appropriate to the rural character of its location; and there would not be perception of loss of privacy to neighbouring dwellings as no first floor openings would face them.

Climate Change Mitigation:

- 4.3.31 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims,

Electric Vehicle Charging points would be conditioned to be installed on each of the proposed new dwellings if permission was to be granted.

#### 4.4 **Conclusion**

4.4.1 The proposal would be inappropriate development in the Green Belt, resulting in harm by definition. Further harm would occur to openness. As required by the NPPF paragraph 11, permission should be granted unless i. or ii. are met. Part i. is relevant if the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Part i. refers to footnote 6, which specifies Green Belts and designated heritage assets. The proposal would result in harm to the Green Belt and to a designate heritage asset, therefore the tilted balance of part ii. para. 11 of the NPPF does not apply. The balance that should be applied is whether the harms outweigh the benefits.

4.4.2 The benefits amount to the provision of three new dwellings, which is a limited benefit to the District's housing land supply position, which presently cannot provide the required 5 year supply of housing land. There would also be some limited economic and social benefits from the provision of the new dwellings.

4.4.3 The harms from the proposal are inappropriate development in the Green Belt, loss of openness, and development in an unsustainable location. Substantial weight in particular is given to harm to the Green Belt, as per paragraph 144 of the NPPF. I consider that these harms are more substantial than the relatively limited benefits the proposal would provide.

#### 4.5 **Alternative Options**

4.5.1 None applicable

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

4.6.1 Not applicable as refusal is 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 **REFUSED** for the following reason:

1. In the opinion of the Local Planning Authority the proposed development represents inappropriate development in the Green Belt and would result in loss of openness, causing harm. No very special circumstances have been identified to outweigh the harm caused to the purposes of including land in the Green Belt by inappropriate development and loss of openness. Moreover, the application site is in an unsustainable location where occupants would be largely reliant on the private car to

access services. The proposal does not therefore comply with Saved Policies 2 and 3 of the North Hertfordshire District Local Plan No. 2 - with Alterations 1996; Policies SP1, SP2, SP5, SP6 and D1 of the Emerging Local Plan; and Sections 9 and 13 of the National Planning Policy Framework.

**Proactive Statement:**

















Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraph 38) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

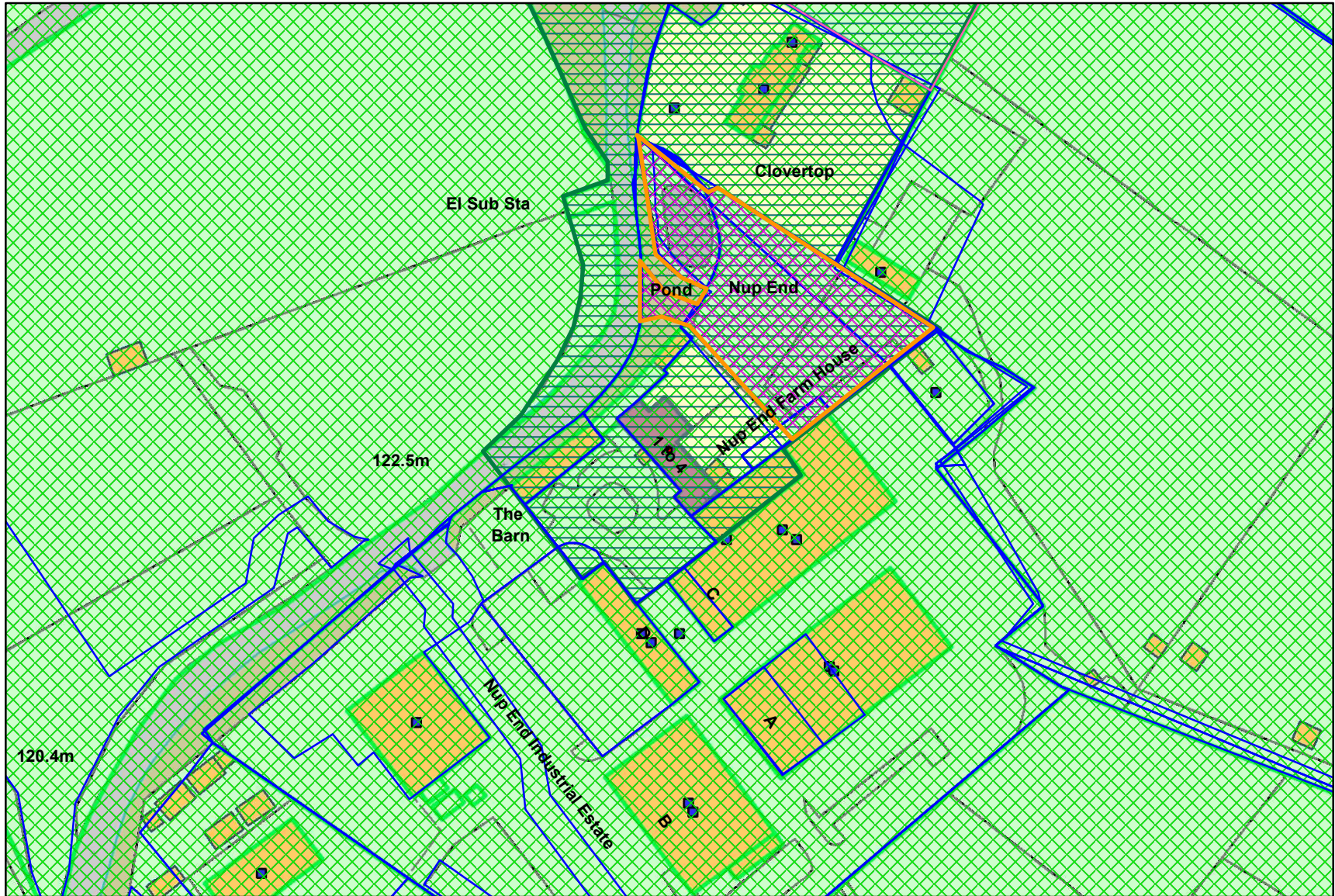




## Application Validation Sheet

20/02109/FP Nup End Farm House, Nup End, Old Knebworth, Herts, SG3 6QJ

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



Scale 1:1,250  
Date: 05/01/2021



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<u>Location:</u>	<b>Keepers Cottage Rustling End Codicote Hitchin Hertfordshire SG4 8TD</b>
<u>Applicant:</u>	<b>Mr David Kilby</b>
<u>Proposal:</u>	<b>Change of use and conversion of existing swimming pool, outbuilding and garage into one 3-bed dwelling. Erection of detached garage block with carer flat above following demolition of existing stables, greenhouse and outbuilding (amended by plans received 03/07/20 and 11/12/20)</b>
<u>Ref. No:</u>	<b>20/00851/FP</b>
<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of expiry of statutory period:**

22 May 2020

**Submitted Plan Nos.:**

1032sv01(1); 1032sv02(1); 1032sv03(1); 1930sv04; 1930sv05; 1930 PD07revA; 1930 PD08revA; 1930pd12revC; 1930 PD09revD; 1930pd10revC; 1930pd11revE.

**Extension of statutory period:**

20 December 2020

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of the receipt of a valid written opinion of Knebworth Parish Council contrary to the recommendation of the Development and Conservation Manager which has been supported by Ward Member Councillor Lisa Nash. Details of the objection from Knebworth Parish Council are included in paragraph 3.4 of this committee report. Councillor Nash responded to the written notification of the representation with the following –

*“I can act on behalf of KPC to support.”*

**1.0 Site History**

- 1.1 13/00139/1HH - Two storey front extension. Single storey rear entrance porch and flat roof to landing at first floor. Detached 3 bay open fronted garage and new access from highway. Paved level access from parking area to house – Approved 19/03/13.

- 1.2 03/02001/1HH - Detached double garage and wood store following demolition of existing garage – Approved 12/02/04.
- 1.3 03/01573/1HH - First floor rear extension and new vehicular access (as variation of planning permission 03/00428/1HH granted on 10th June 2003) – Approved 24/11/03.
- 1.4 03/00428/1HH - Two storey front extension, first floor side and rear extensions and single storey side extension. Rear conservatory – Approved 10/06/03.
- 1.5 99/01289/1HH - First floor rear and side extension, detached two storey building to provide playroom, swimming pool and agricultural outbuildings with external stairway (as amended by drawing 101/PD/01B, PD02 and letter received) – Approved 09/12/99.
- 1.6 92/00716/1 - Front entrance porch two story and single storey side extensions – Approved 09/07/92.
- 17 82/01009/1 - Erection of detached double garage and stables – Approved 17/08/82.

## **2.0 Policies**

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

- Policy 6 – Rural area beyond the green belt
- Policy 14 – Nature Conservation
- Policy 25 – Re-use of rural buildings
- Policy 26 – Housing proposals
- Policy 28 – House extensions
- Policy 30 – Replacement or extension of dwellings in the countryside
- Policy 33 – Relatives and staff accommodation
- 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 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- 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
- SP5 – Countryside and Green Belt
- SP6 – Sustainable transport
- SP9 – Design and sustainability
- SP12 – Green infrastructure, biodiversity and landscape
- SP13 – Historic environment
- CGB4 – Existing rural buildings
- T1 – Assessment of transport matters

T2 – Parking  
HS6 – Relatives and dependents' accommodation  
D1 – Sustainable Design  
D2 – House extensions, replacement dwellings and outbuildings  
D3 – Protecting Living Conditions  
NE6 – Designated biodiversity and geological sites  
HE1 – Designated heritage assets

## 2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

## **3.0 Representations**

### 3.1 **Site Notice:**

Start Date: 29/04/2020      Expiry Date: 22/05/2020

### 3.2 **Press Notice:**

Start Date: N/A      Expiry Date: N/A

### 3.3 **Neighbouring Properties:**

No representations received.

### 3.4 **Knebworth Parish Council:**

Knebworth Parish Council objects.

The site is located in Green Belt and the application proposes to sub divide the plot into two residential units, with the existing dwelling sitting on a significantly reduced plot size.

The National Planning Policy Framework states:

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

145 (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

The Parish Council considers the conversion of the buildings to residential, as inappropriate development, creating a residential footprint which is disproportionate to the original building.

### 3.5 **Statutory Consultees:**

Environmental Health Noise – No objections.

Environmental Protection Air Quality – No objections.

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

Archaeology – No objections.

CPRE Hertfordshire - CPRE Hertfordshire consider this application for residential development in the Green Belt to be inadequate. We have no concerns regarding the change of use and conversion of the existing swimming pool into a 3-bed dwelling. As submitted, that proposal is contained entirely within the fabric of the existing structure and will have no adverse impact on the Green Belt.

However, the proposed garage with carer's flat above is also residential accommodation which will. There is no explanation in the Design and Access Statement as to why a 3-bedroom house requires a six-car garage. Using the drawn scale on the submitted drawings, the footprint of the 'garage' is two thirds that of the swimming pool complex and is, when the carer's flat is taken into consideration, about the same floor space as an average 3-bedroom house. Even when the proposed demolitions are taken into account, it represents a significant increase of new development in the Green Belt.

As such it represents inappropriate development which will impact on the openness of the Green Belt contrary to the National Planning Policy Framework and the current and submission North Herts Local Plans. Consequently, it requires a case for very special circumstances which outweighs the harm through inappropriateness and to the openness of the Green Belt. Given the absence of a Planning Statement, no such case is put forward. It may be that the unfortunate circumstances of the applicant's daughter mentioned in the Design and Access Statement justifies the requirement for the carer's flat, but that could be more appropriately integrated with the house conversion. Notwithstanding there is no explanation for the need for such a large garage. This point needs to be clarified before the Council can determine the application.

Hertfordshire Ecology – No objections.

Thank you for your letter of 26 October 2020 which refers, and for providing a copy of the Bat and Bird Survey and Mitigation Report (Ecology Solutions, October 2020) which relates to the additional bat emergence/re-entry surveys requested in my last letter of 13 July 2020.

The report confirms the presence of nine separate roosts with two additional, possible roosts. Each roosts considered to be small, perhaps just a couple of individuals of two species: common and soprano pipistrelles, and together, despite the number of roosts they are considered of low conservation concern.

The report then explains that as considerable modifications to the property are proposed, it is likely that some or all of these roosts will be either destroyed or subjected to disturbance. In section 6 it sets out a series of mitigation and enhancement (and compensation) measures to conclude that adverse effects on the favourable conservation status of the local bat population will be avoided.

Overall, however, I have no reason to disagree with the assessment of the site. Furthermore, the proposed measures to avoid, reduce, mitigate and compensate for the inevitable loss that will result from the proposed development are considered

reasonable and proportionate. I agree that the favourable conservation status of the bat populations in the area is unlikely to be affected. I believe that the tests laid out in the Habitats Regulations 2017 have been satisfied and that I see no reason why a licence would not be granted.

Consequently, I recommend that **permission can be granted**.

Measures to avoid impacts on nesting birds described in s6.2.3 should be secured by condition.

The installation of swallow nesting bowls described in 6.23 – 6.25 are installed in other buildings on the site will should provide reasonable confidence that a biodiversity net gain proportional to the size and scale of development proposed will be delivered. However, neither the number nor location of these is indicated. Therefore, I recommend that a minimum of six bowls should be installed and maintained for the foreseeable future. The location can be determined by the consultant ecologists. The installation of these nest bowls should also be secured by condition.

Should these measures be adopted, all ecological constraints would be removed from this application.

## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

- 4.1.1 The site is part of the curtilage and land within the ownership of a two storey detached dwelling Keepers Cottage, of which the red and blue edged areas comprise a large predominantly undeveloped site. The land within the red edged area comprises buildings and land incidental to Keepers Cottage, including a stables and manege.
- 4.1.2 The wider locality is rural and partially wooded, with two dwellings to the north-west being the only nearby properties. The closest dwelling is a Grade II listed building (Rustling End Cottage, to the north-west).
- 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 designated as Green Belt.

### **4.2 Proposal**

- 4.2.1 Planning permission is sought for the conversion of an existing outbuilding (comprising a swimming pool, storage and garage) to a three bedroom dwelling. An external pump room would be replaced with a hall. To facilitate the conversion new openings, cladding and a lantern light would be added to the building.
- 4.2.2 The new dwelling would be separated from the existing dwelling Keepers Cottage, involving the sub-division of the site and a separate curtilage for each of the two dwellings. A new detached building is proposed to the north-west that would comprise garages on the ground floor, and a one bedroom carers flat on the first floor.
- 4.2.3 The site would be re-landscaped, with two existing outbuildings demolished. The manage and some existing hardstanding would be replaced with new hard and soft landscaping. An existing pond would be enlarged with new planting nearby. Vehicular access would be from an existing entrance, with parking around the new

garage/carer's flat building. A new boundary wall would separate the curtilage of the proposed dwelling from Keepers Cottage.

#### 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 (a site visit in person by the case officer was not permitted during the course of the application due to restrictions in movement during the Corona Virus crisis).

4.3.2 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.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision 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.

#### Principle of Development:

4.3.3 The site is within the Rural Area beyond the Green Belt (RA) in the 1996 adopted Local Plan. In the emerging Local Plan (ELP) the site is proposed to be within the Green Belt, however at this time the ELP can only be given limited weight as it has not completed its public examination period resulting in some uncertainty over whether the site would become Green Belt. For the purposes of this 'Principle' section, what will be given most weight will be whether the proposal would be in accordance with RA policies.

#### *Conversion*

4.3.4 The relevant RA policies in the adopted Local Plan relating to the proposed new dwelling are 6 and 25. Policy 6 states that the Council will maintain the existing countryside and villages, and their character. Policy 6 refers to Policy 25, which concerns the re-use of rural buildings.

4.3.5 Policy 25 ii. states that the re-use of rural buildings for residential purposes will be permitted provided that: a. there will be no adverse effect on the local rural economy; b. the building will not require extensive alteration, rebuilding and/or extension; c. the use of the building and its curtilage will not harm the character of the countryside, or have an adverse effect on highway safety.

4.3.6 In assessing the proposed conversion against Policy 25, there will not be an adverse effect on the local economy as the building to be converted is incidental to nearby dwelling Keepers Cottage. The building would be altered externally and would consist largely of new openings and a new hallway to replace a pump room, however I do not



consider these extensive in relation to the size and appearance of the building. I consider that the impacts of the conversion on the character of the countryside would not be significantly greater than the impacts of the current building, and would not adversely affect highway safety (there have been no objections from the County Council highways section). I therefore consider the conversion of the building to a dwelling acceptable under Rural Area policies in the adopted Local Plan.

- 4.3.7 In the ELP, policies SP5, ETC1 and ETC4 concern whether the principle of the conversion would be acceptable. The requirements of these policies are similar to those of the adopted Local Plan policies, therefore I do not consider that the conversion would conflict with those policies. The site is proposed to be included within the Green Belt in the ELP, however under the policies in the ELP relating to the Green Belt and paragraph 146 d) of the NPPF (that buildings to be converted should be of permanent and substantial construction, with such conversions preserving the openness of the Green Belt and not conflicting with the purposes of including land within it) I do not consider the proposed conversion inappropriate as the building would not be enlarged, and it and the land around it within the application site is within residential use incidental to the existing dwelling Keepers Cottage.

*New building*

- 4.3.8 The other part of the proposal is a new building north-west of the building to be converted, which would be an L shape, and would not be dissimilar in size to the existing building the subject of the proposed conversion.
- 4.3.9 Policy 25 ii. b. states that conversions will be acceptable, provided that the building will not require extensive alteration, rebuilding and/or extension. While the garage building will not be attached to the proposed dwelling, I consider it would be sufficiently close to appear as an adjunct and therefore effectively an extension.
- 4.3.10 Part of the proposal would involve the demolition of a stable and a greenhouse, which would mean that the proposed building would partially replace other buildings. The footprint of the existing buildings measures approx. 326 m<sup>2</sup>. The footprint of the proposed buildings would measure approx. 402 m<sup>2</sup>. As a percentage, the proposed would be 23% larger than the existing. In footprint, I do not consider the proposed extensive in comparison to the existing.
- 4.3.11 The floorspace of the existing buildings measures approx. 357 m<sup>2</sup>. The floor space of the proposed buildings would measure approx. 456 m<sup>2</sup>. As a percentage, the proposed would be 27% larger than the existing. In floor space, I do not consider the proposed extensive in comparison to the existing. In volume I would also consider the differences between the existing and proposed similar to the above figures and not extensive. I do not consider that the extensions required for the reasons above would be extensive and would conflict with Policy 25 of the adopted Local Plan.
- 4.3.12 The proposal also has to comply with Policy 6, which has the general aim of maintaining the existing countryside and villages, and their character. The garage building would extend the existing group of buildings around Keepers Cottage further outwards to the north-west, although as above this would not be extensive compared to the existing buildings on the site. The garage building would also be located on a man-made part of the site, therefore will not be located in open undeveloped countryside. The garage would be sufficiently close to the existing buildings on the site to be viewed in their context, and being timber clad with a tiled

roof with a rural/agrarian design would be considered sympathetic to the rural character of the area. Visual impacts on the wider countryside would not be considered significant and harmful as the building would be set back from the public highway and would be largely obscured from view by trees, vegetation and other buildings in addition to the above other factors. There would in addition be some benefits to the countryside through the additional planting and small lake, and replacement of part of the manege with a lawned area. I therefore consider the proposed new building acceptable in principle.

- 4.3.13 The ELP Policies SP5, CGB1 and CGB4 are for the most part worded similarly to the adopted Local Plan Policies, stating that any building to be converted does not require major extension and do not have a materially greater impact on the openness of the Rural Area beyond the Green Belt (RA). For the reasons above I consider that the proposal would comply with the relevant parts of those policies.
- 4.3.14 Policy CGB4 c. states that any outbuildings should be as close as possible to the main buildings and visually subordinate to them. I consider the location of the new building on the existing manege sufficiently close to comply with this policy as it would be in a logical location relative to the main dwelling, and would also mean the preservation and enlargement of the existing pond and vegetation around it. This would also keep it at a distance sufficient to avoid adversely affecting Keepers Cottage.
- 4.3.15 Under the ELP the site would be located in the Green Belt, however this can only be given limited weight. Under Green Belt policies in the emerging Local Plans and in relation to the NPPF paragraph 145 c), I do not consider the new building would be a disproportionate addition to the existing buildings on the site as stated above. Therefore I do not consider the development inappropriate in respect of Green Belt policy.

#### *Carer's flat*

- 4.3.16 This would be located in part of the roof space of the new garage building. The Design and Access Statement states that a carer is required to help look after the applicant's daughter (the applicant and daughter would occupy the proposed dwelling), who is registered disabled and wheelchair-bound following a spinal cord injury.
- 4.3.17 Policy 33 of the adopted Local Plan refers to relatives and staff accommodation, which is considered relevant to this application. This Policy states that for such accommodation, the Council will permit the proposal if a genuine need can be shown; ii. its size is small and physically related to the existing dwelling, normally by the adaptation or extension of existing accommodation; and iii. future occupancy is restricted.
- 4.3.18 I consider that a genuine need has been shown, and that the size of the carer's accommodation would be small and sufficiently physically related to the existing dwelling. If permission was granted, an appropriate planning condition as recommended could be imposed restricting the occupation of the carer's flat to purposes incidental to the new dwelling.

#### Character and appearance, and sustainability:

- 4.3.19 The external alterations to the existing building are considered to be sympathetic to its character and appearance, and will not harm that of the wider locality due to the

rearwards location of the building. As set out in the previous section, I do not consider that the new building would be harmful to the character and appearance of the locality and countryside. There would in addition be some benefits to the locality through the removal of two existing buildings, and the provision of new soft landscaping and lake.

4.3.20 The location could not however be considered sustainable with regards to access to public transport and services, as occupants would be largely reliant on the private car to access shops and services. There are no footpaths or bus stops close to the site, which is on a narrower country lane where walking to the closest settlement Codicote and larger settlements such as Hitchin is not considered practicable. The new dwelling would however be created by the conversion of an existing building presently in incidental residential use, which is considered a more sustainable form of development.

4.3.21 A condition requiring that an electric vehicle charging point for the dwelling be created prior to its occupation would however be imposed on any permission granted, which would encourage more sustainable private transport. The proposed dwelling would minimise carbon emissions through being energy efficient and would include solar PV panels, which would improve its sustainability. There are also personal circumstances present that can provide some justification for what is proposed. Potential increases in traffic would be small. For the above reasons, I do not consider the proposed development harmful with regards to its sustainability.

#### Impact on Neighbouring Properties:

4.3.22 The closest dwelling is Rustling End Cottage which is to the north-west. The curtilage of Rustling End Cottage is approx. at least 50m from the proposed development, and separated from the application site by a strip of woodland. Due to the above, I do not consider that the proposed development would result in harm to amenity.

#### Amenity of Future Occupiers:

4.3.23 Paragraph 127 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 127 (f) is reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.

4.3.24 The proposed dwelling and Keepers Cottage would be considered to have sufficient amenity space, appropriate conditions for their main habitable rooms, and would not infringe on each other’s privacy. Future living conditions would therefore be acceptable.

#### Highways and Parking:

4.3.25 The proposed dwelling and carer’s flat would be served by at least four parking spaces, which is considered sufficient. Parking for Keeper’s Cottage of at least three spaces would remain which is acceptable. There have been no concerns raised by the County Council regarding impacts on the public highway, therefore this is acceptable.

#### Trees and Landscaping:

- 4.3.26 A limited number of small trees would be removed, however this would be more than compensated by the much larger number of replacement trees proposed. There are no objections to the type and amount of hard and soft landscaping, including the boundary wall. If permission was to be granted, further details would be required by condition.

#### Ecology:

- 4.3.27 Hertfordshire Ecology provided comments on 18<sup>th</sup> November 2020 following bat surveys and reports in July and October 2020. The report confirmed nine roosts and two possible additional roosts. Some or all of these roosts would be destroyed or subjected to disturbance.
- 4.3.28 Section 6 of the report sets out mitigation, compensation and enhancement measures that have been assessed by Herts Ecology to avoid adverse effects on the local bat population. These measures comprise four bat boxes prior to demolition, six bat access tiles incorporated into the converted buildings, the avoidance of using roof materials that could cause bats to become trapped, and lighting to adhere to the Bat Conservation Trust's *Bats and artificial lighting in the UK Guidance Note 08/18*.
- 4.3.29 Hertfordshire Ecology do not disagree with the report, and are of the view that the mitigation measures proposed in the above paragraph would be acceptable and have recommended that permission be granted. The measures in the bat report will be required by condition to be adhered to.
- 4.3.30 The survey also assessed impacts on nesting birds, finding past or present evidence of nesting birds including Swallows and Collared Doves/Wood Pigeons. Hertfordshire Ecology have recommended that nest boxes be provided as stated in 6.2.5 of the report (a minimum of six should be required), in addition to the general protections afforded that nesting birds have when nesting. The provision of nest boxes will also be required by condition. On the basis of the recommendations from Hertfordshire Ecology, impacts on protected species and ecology are considered acceptable.

#### Climate Change Mitigation:

- 4.3.31 The site is not within a flood risk area and the site is unlikely to contain contaminants that would prevent the grant of planning permission.
- 4.3.32 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims an Electric Vehicle Charging points will be conditioned to be installed on each of the proposed new dwellings.

#### 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. There will be a small benefit from the provision of one additional dwelling, which is not considered harmful to the locality. It is not considered that there would be adverse impacts from the development, therefore it would not be considered to significantly and demonstrably outweigh the benefits as set out in paragraph 11 of the NPPF.

4.4.2 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 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.

3. The carer flat hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse conversion approved as part of this permission.

Reason: To avoid the creation of a new dwelling contrary to the planning policies

applicable to the area and to avoid the occupation of two separate dwellings by persons unconnected with each other as this would result in an unsatisfactory relationship and inadequate standard of amenity for both properties.

4. Prior to occupation 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
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
  - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
  - d) details of any earthworks proposed

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

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, the proposed new dwelling 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. The mitigation and enhancement measures set out in the Bat and Bird Survey Mitigation Report by Ecology Solutions (date October 2020, reference 9100.BBSMR.vf) shall be implemented as set out in the Report (including a minimum of six bird nesting boxes). These measures shall be undertaken when works to those areas identified are undertaken. These measures shall thereafter be retained in perpetuity.

Reason: In the interests of ecology.

**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.

















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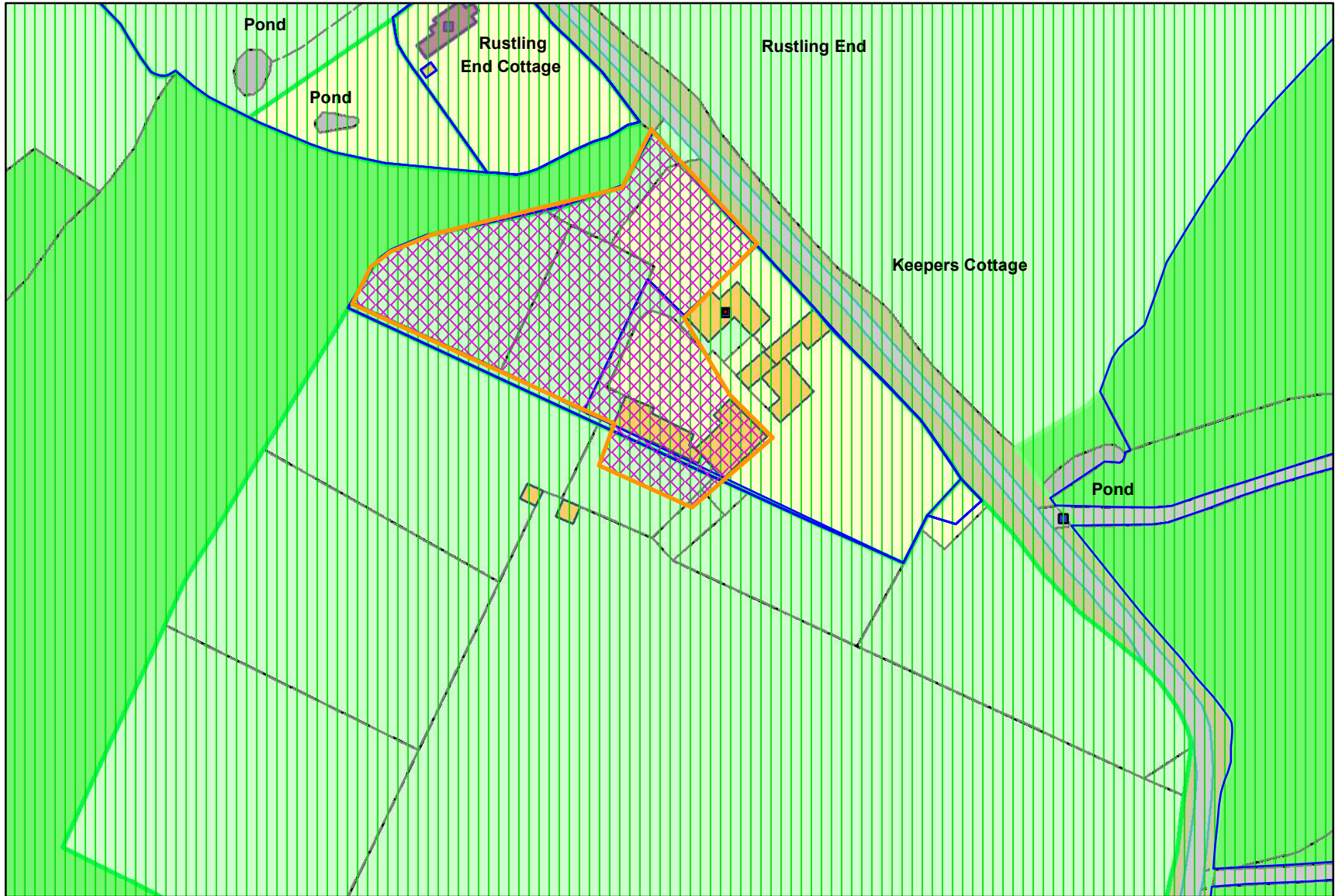




## Application Validation Sheet

20/00851/FP Keepers Cottage, Rustling End, Codicote, Hitchin, Herts, SG4 8TB

-  **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**  
Prcrea.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: 05/01/2021



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