

NORTH HERTFORDSHIRE DISTRICT COUNCIL



29 January 2021

Our Ref Planning Control Committee/10 February
2021
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To: Members of the Committee: 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

VIRTUAL MEETING

On

WEDNESDAY, 10TH FEBRUARY, 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

Item		Page
1.	WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY 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: https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings .	
2.	APOLOGIES FOR ABSENCE 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.	
3.	MINUTES - 24 NOVEMBER 2020, 17 DECEMBER 2020 To take as read and approve as a true record the minutes of the meeting of the Committee held on: 24 November, 17 December 2020.	(Pages 5 - 32)
4.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
5.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
6.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	

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|-----|--|-------------------------|
| 7. | 20/02631/FP SITE OF FORMER 15, LUTON ROAD, OFFLEY, HERTFORDSHIRE
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
33 - 68) |
| | Erection of one detached 3- bedroom dwelling house, including use of existing garage and existing vehicular access and provision of 2no further on-site car parking spaces (as amended by drawings received 16th and 18th December 2020). | |
| 8. | 20/00891/FP LAND AT TURNPIKE LANE AND ADJACENT TO 4 MANOR CLOSE, TURNPIKE LANE, ICKLEFORD, HERTFORDSHIRE
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
69 - 92) |
| | Erection of five dwelling houses in association with a new access spur from the Lodge Court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space. (Amended plans received 22/06/20 and 07/12/20). | |
| 9. | 20/01564/FP LAND ADJACENT TO DUNGARVAN, BACK LANE, PRESTON, HERTFORDSHIRE, SG4 7UJ
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
93 - 104) |
| | Erection of one detached 4-bed and two detached 5-bed dwellings including garages and creation of vehicular access off Back Lane (as amended by plan received 19.11.2020). | |
| 10. | 20/00598/FP LAND NORTH OF OAKLEIGH FARM, CODICOTE ROAD, WELWYN, HERTFORDSHIRE
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
105 -
130) |
| | Erection of 7 x 4-bed detached dwellings with associated detached garages, parking and amenity areas following demolition of all existing buildings and structures. Change of use of eastern section of land to paddock and alterations to existing access road. | |
| 11. | 20/01254/FP BIBBSWORTH HALL FARM, BIBBS HALL LANE, AYOT ST LAWRENCE, HITCHIN, HERTFORDSHIRE, SG4 8EN
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
131 -
152) |
| | Erection of one semi-detached 5-bed dwelling, one semi-detached 4-bed and one detached 4-bed dwelling including garaging and home office outbuilding following demolition of existing buildings, re-location of public footpath (amended plans received 18/11/20) | |
| 12. | PLANNING APPEALS
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
153 -
172) |

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MINUTES FOR APPROVAL

- 24 November 2020
- 17 December 2020

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NORTH HERTFORDSHIRE DISTRICT COUNCIL
PLANNING CONTROL COMMITTEE
MEETING HELD AS A VIRTUAL MEETING
ON TUESDAY, 24TH NOVEMBER, 2020 AT 7.30 PM
MINUTES

Present: *Councillors: Councillor Ruth Brown (Chair), Councillor Daniel Allen (Vice-Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, Ian Moody and Tom Tyson, Sam Collins (substitute), Ian Mantle (substitute) and Michael Muir (substitute)*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager), Andrew Hunter (Senior Planning Officer), Melissa Tyler (Senior Planning Officer), William Edwards (Committee, Member and Scrutiny Officer) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 6 members of the public, including registered speakers. Councillor Elizabeth Dennis-Harburg was present as Member Advocate. Nick Molyneux, Matthew Armstrong and Ania Jakacka were present to advise the Committee.*

58 WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

Audio Recording – 4 seconds.

The Chair welcomed everyone to this virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online. There was also the opportunity for the public and press to listen to and view proceedings.

The Chair invited the Committee, Member and Scrutiny Officer to explain how proceedings would work and to confirm that Members and Officers were in attendance.

The Committee, Member and Scrutiny Officer undertook a roll call to ensure that all Members, Officers and registered speakers could hear and be heard and gave advice regarding the following:

The meeting was being streamed live onto YouTube and recorded via Zoom.

Extracts from the Remote/Partly Remote Meetings Protocol were included with the agenda and the full version was available on the Council's website which included information regarding:

- Live Streaming;
- Noise Interference;
- Rules of Debate and
- Voting

Members were requested to ensure that they were familiar with the Protocol.

The Chair of the Planning Control Committee, Councillor Ruth Brown started the meeting proper.

59 APOLOGIES FOR ABSENCE

Audio recording – 3 minutes 35 seconds.

Apologies for absence were received from Councillors Sean Prendergast, Sue Ngwala, David Levett and Mike Rice.

Having given due notice Councillor Sam Collins advised he would be substituting for Councillor Sean Prendergast, Councillor Ian Mantle advised he would be substituting for Councillor Sue Ngwala, and Councillor Michael Muir advised he would be substituting for Councillor David Levett.

60 NOTIFICATION OF OTHER BUSINESS

Audio recording – 4 minutes.

There was no other business notified.

61 CHAIR'S ANNOUNCEMENTS

Audio recording – 4 minutes and 7 seconds.

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (4) To clarify matters for the registered speakers the Chair advised that members of the public had 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. This 5 minute time limit also applied to Member Advocates.

A warning would be given at 4 ½ minutes and speakers would be asked to cease at 5 minutes.

- (5) The Chair advised that the meeting would adjourn for a comfort break around 9pm or after the first item, whichever was sooner.

62 PUBLIC PARTICIPATION

Audio recording – 5 minutes and 49 seconds.

The Chair confirmed that the registered speakers and Member Advocate were in attendance.

63 20/00073/FP North Hertfordshire College, Cambridge Road, Hitchin, Hertfordshire, SG4 0JD

Audio recording – 6 minutes and 9 seconds.

The Senior Planning Officer advised that Hertfordshire County Council Growth and Infrastructure Unit had informed him that paragraph 3.1.1 of the report should instead read “towards childcare provision as part of the new 2FE primary school on the Highover Farm Hitchin development site.”

The Senior Planning Officer advised that there had been two updates to the Section 106 agreement: the £122,000 contribution to the Hitchin Station Access scheme had been reinstated by the applicant and two new grass pitches are included as well as the full size artificial pitch in the off-site developments for the Priory School.

The Senior Planning Officer presented the report in respect of application 20/00073/FP supported by a visual presentation in consisting of photographs and plans.

The following Councillors asked questions of clarification regarding the report:

- Councillor Daniel Allen
- Councillor Ian Mantle
- Councillor Sam Collins
- Councillor Val Bryant

In response to questions the Senior Planning Officer noted that:

- The reduction in amenity area size applied to all flats in the development;
- The play area would be managed by a private management company which was secured by the Section 106 agreement;
- Phasing agreements as part of the Section 106 agreement would ensure that both parts of the development would be delivered if approved;
- Condition 10 stated the details of electrical charging facilities to be provided for each dwelling;
- Advice would need to be sought from the Air Quality Officer on the appropriate level of EV provision for the blocks of flats.

In response to questions the Legal Regulatory Team Leader and Deputy Monitoring Officer advised that:

- The play area would be kept in perpetuity;
- The public open space scheme includes the equipment in the children’s play areas which would be managed by the management company engaged;

In response to questions Matt Armstrong, the Highways Development Manager – HCC advised:

- Modelling showed that during peak hours at the signalised junction the biggest increase was during the AM peak with 5 extra queuing vehicles, adding 14 seconds to journey time; at the roundabout the model showed an extra 2 queueing vehicles during the PM peak;
- The increase in traffic was not large.

Dixon Searle Senior Consultant, Nick Molyneux presented the Viability Report as follows:

- the housing scheme in itself was viable; the threat to viability of the project came from the college facilities;
- In the applicants own appraisal the college sporting facilities were of no revenue generating value which was normal;
- After disagreement over the works cost a quantity surveyor was commissioned; the agreed position after the survey was £1.6 million below the submitted works cost and

the viability appraisal was conducted with that cost in mind in addition to other figure figures disputed with the applicant;

- The appraisal indicated residual land value of £1.5 million;
- The latest appraisal assumed that a land value no more than £1.5 million was allowable alongside the enabling cost, effectively counting the provision of sports facilities as an abnormal cost in the enabling housing development;
- The application asked Councillors to agree to a trade-off between a development which was not policy compliant with regards to social housing but provided benefits in the form of sports facilities for the college and off-site provision;
- The appraisal assumed there would be nil development profit return on the college facilities and a 17.5% profit on the residential development which was mid-range rather than the upper range suggested by the applicant;
- There was no additional surplus available for affordable housing;
- The submitted development appraisal included £1.8 million non-residential development contributions including improvements to Hitchin station;
- The Council was being asked to consider the principle of the trade off and to decide whether it strikes the balance between the need to improve college facilities and other infrastructure developments and the lower than policy compliant social housing contribution.

Mr Gordon McPhail thanked the Chair for the opportunity to address the Committee in objection to application 20/00073/FP including:

- He was a resident living nearby and had consulted with other local residents;
- Any sensible residential development for Hitchin would not include cramming housing on to the grass playing fields used by the college and community and next to a wildlife reserve;
- It would not add entries to one of the busier and more congested roads in Hitchin;
- Recent knife and gang crime on the alleyways around the development was already a concern;
- The proposal was based on the financial desperation of the college;
- There is no counterbalancing necessity; the 116 houses proposed, if they were necessary, did not need to be positioned on the college playing fields;
- The current proposal harms the college and is a compromise on the part of the developer;
- The Committee should consider negotiating planning permission for a more sensible development in return for the donation of the playing fields into community ownership;
- Traffic congestion would be exacerbated;
- Noise and light pollution would increase during construction; emissions would be significantly worse;
- The visual impact of the development would be significant; the tallest buildings in the plan were on the highest elevation in the site which has the most impact on the view across the nature reserve;
- The valley next to the reserve would suffer from a heat bubble during summer

The following Members asked questions of clarification to Mr McPhail:

- Councillor Sam Collins

In response to questions Mr McPhail noted:

- Residents were already suffering as a result of parking in Chaucer Way and Gibson Close and the Station and the change in the plan to open the development on to footpath 83 would give rise to additional non-resident parking in these areas.

The Chair thanked Mr McPhail for his presentation.

Councillor Elizabeth Dennis-Harburg thanked the Chair for the opportunity to address the committee as a Member Advocate regarding application 20/00073/FP including:

- She fully endorsed the issues and concerns Mr McPhail raised;
- This application required Members to set aside their ethics and accept the developer's proposal because of the wider good of investment in new football facilities across Hitchin;
- The reinstatement of a contribution to station access works was welcomed and essential as more houses are built on this side of Hitchin;
- This reinstatement was only negotiated by officers after a difficult meeting and pressure from Members; the developer had been difficult to deal with;
- The Council requires a 40% quota of affordable housing (in government terms). This proposal only offers 15% - 17 homes, rather than the 46 which there would be if it was policy compliant;
- Within that allocation the split between rented and shared ownership was not satisfactory; 59% rented to 41% shared ownership was not acceptable in view of present and forecast economic conditions;
- This application did not meet the needs of the community of Hitchin;
- The application proposed to replace a large green space with concrete and residential gardens smaller than they should be;
- The application did not specify any ecological measures such as building methods, materials or solar panels;
- The balance of cycle parking vs motor car parking was not favourable to the sustainability goals of the Council;

The following Councillors asked questions of clarification to Councillor Dennis-Harburg:

- Councillor Sam Collins

In response to questions Councillor Dennis-Harburg advised:

- The issue of waste collection wagon access had been discussed in a meeting;
- At present the width of the access road would not accommodate one of the usual wagons, necessitating the use of a smaller farm vehicle, which would have operational impacts on other areas of the service that she would not welcome;
- Officers would be able to comment on this in more detail during the debate.

The Chair thanked Councillor Dennis-Harburg for her presentation.

Mr Kit Davies, North Herts College, thanked the chair for the Opportunity to address the Committee in support of application 20/00073/FP including:

- This application represented the future of the college which had been at the heart of the Hitchin community for 55 years;
- The facilities of the college needed to grow into the future and protect its long term sustainability;
- The college taught over 9,000 students and apprentices each year with excellent achievement rates;
- Its sports and public service curriculum was a key pillar of the college's offer;
- The sports facilities were in poor condition and were a drain on resources to maintain. Staff and students were having to access alternative facilities to deliver the curriculum.
- New facilities were required to continue the curriculum and develop new aspects of a sports science course;
- The proposed development enabled this investment to happen; it would increase the ability of the college to deliver high level courses;

- The Priory School would also benefit significantly from the development as a result of the off-site pitch expansion;
- The NHDC pitch playing strategy identified Hitchin as a hot spot in need of more facilities;
- The high quality housing development was an added benefit;
- The Section 106 agreement brought significant infrastructural improvements to the area including cycle pathways and the Hitchin station access project;
- Against a backdrop of underfunding in the sector the development would put the College on the path to longer term financial sustainability;
- The development of the sporting facilities would improve health and wellbeing in the community; the development of education and training would create jobs and other benefits.

The following Councillors asked questions of clarification to Mr Davies;

- Councillor Daniel Allen;

In response to questions Mr Davies advised:

- The college is classified as 'requires improvement,' in the area of financial health; it meets its obligations and pays its bills; the development would allow them to take positive investment steps in their facilities which they cannot do otherwise.

The Chair thanked Mr Davies for his presentation.

N.B the Chair called a rest break shortly before 9 PM and the Committee resumed the meeting at 9:05.

The Committee, Member and Scrutiny Officer took a roll call to confirm Members, Officers and Registered Speakers were in attendance

The following Members asked questions and took part in the debate:

- Councillor Sam Collins
- Councillor Ian Mantle
- Councillor Mike Hughson
- Councillor Daniel Allen
- Councillor Val Bryant
- Councillor Tom Tyson
- Councillor Michael Muir
- Councillor Ruth Brown
- Councillor Ian Moody

In response to questions the Senior Planning Officer advised:

- Access to the site by refuse lorries and other large vehicles was not inhibited; the road width was sufficient to handle those vehicles as a result of prior consultations with officers;
- The sustainability statement provided by the applicant covered the options available and concluded that a 'fabric first,' approach which aimed to minimise expected emissions through efficient design would be most effective;
- A significant number of trees were proposed in the landscape masterplan with substantial planting which would offset any loss of existing trees; it was estimated there would be 100 or so.
- He did not agree with the view of the Landscape Officer and noted that the Landscape Officer's recommendation in any case did not call for a refusal;

- Each house and the flats had proposed bin storage facilities which had not been opposed by the Waste Officer;

The Highways Development Manager – HCC advised that:

- Accesses on to the public highway had been tracked using the largest refuse vehicles and had been shown to work, and late changes to the internal passages in the development showed they could make manoeuvres internally;
- A Grampian condition had been used to request that Cycle access via Chaucer Way be expanded and the path widened to a shared use access;
- A construction traffic management plan had been included in the report and HCC would only agree to the discharge of the condition if their concerns were met;
- The developer had been encouraged to provide a separate access route off the main carriageway including a shared 3m foot/cycle path; the ideal scenario would have been completely separate cycleway routes which was rejected by the developer on landscaping grounds;
- As an alternative the use of the shared access road by cyclists was agreed upon which was compliant with the LTN120 national cycle guidance.

Ania Jakacka, Senior Highways Officer – HCC advised that:

- Cycle parking provision through blocks A, B and C would include 43 cycle parking stations and block D would include 19; two stands for each block would also be positioned for visitors;
- Cycle access to St Michael's Road would be via a 5.5 meters path with ramps which would be sufficient to allow for all cyclists;
- There was one access on the right of way path which had stairs, and two further right of way access points which were fully accessible and compliant.

The Development and Conservation Manager advised:

- Technical issues could be resolved by accepting recommendations and tweaking the conditions;
- Cycle access issues had been addressed by the Highways officers;
- The affordable housing issue was a matter of balance between the development of the sports facilities also in the proposal and the housing development; the phasing plan ensures that the development cannot be split and both parts would be delivered;
- Refusal on the basis of affordable housing policy noncompliance if challenged at appeal would require evidence of Members' views on the lack of value of the sports facilities improvements;
- Refusal on the basis of detailed design was not a strong case;
- The Committee had to determine whether it accepted the concept of an enabling development;
- The maintenance of the play equipment in the play area in perpetuity would be a term of the legal agreement reached with any potential management company;

Councillor Daniel Allen proposed that the application be granted subject to the updated conditions below. Councillor Michael Muir seconded.

Upon the vote it was:

RESOLVED: That application 20/00073/FP be **GRANTED** planning application subject to the conditions in the report of the Development and Conservation Manager and the following amended and additional reasons:

Condition 10 to be amended to read:

“Development B - Prior to the occupation of any dwelling, details of electrical wiring to accommodate facilities for charging plug-in and other ultra low emission vehicles for each dwelling, and each flat block (1 charging point per minimum 5 parking spaces shall be provided, including two charging points for Block D), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of each specific unit.

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

Condition 17 to be amended to read:

“Development B - The measures set out in the submitted Ecological Assessment, and Biodiversity Net Gain Assessment (including any amendments and/or additions to these documents) shall be implemented prior to occupation of Development B, and thereafter shall remain in perpetuity.

Reason: In the interests of the protection of ecology and providing a net ecological gain within the site.”

Condition 23 to be amended to read:

“The relevant parts of the development (A and B) shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 19 for Development A, and condition 20 for Development B, and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.”

Condition 30 to be amended to read:

“Development A - Existing Access –Improved: Cambridge Road- Prior to the first use of the Sports Hall, the existing vehicular access onto Cambridge Road shall be upgraded to the satisfaction of the LPA, to provide a raised pedestrian crossing together with a right turn lane and new section of footways to each side of the access with tactile paving and dropped kerbs, as shown on the plan ref Ghosted right turn priority junction 191900-008 Rev C. 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).”

Condition 31 to be amended to read:

“Development B - Existing Access – Improved: St Michael’s Road- Prior to the first occupation of the residential development hereby permitted, a revised plan should be submitted that shows the existing vehicular access onto St Michael’s Road narrowed down (subject to tracking) and upgraded to provide a raised pedestrian crossing with tactile paving. 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. The access shall then be upgraded in accordance with the approved plans before first occupation of the residential development.

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).”

Condition 32 to be amended to read:

“Development B - Chaucer Way shared path works- Before first occupation of the residential development, additional plans must be submitted which show improvement works to the shared path link between the site and Chaucer Way, this information will also include a timetable for the completion of the works. The works shall include widening of the path to 3m, resurfacing, lighting and provision of a dropped kerb crossing to each side of Chaucer Way. This work shall be constructed to the Local Planning Authority's satisfaction and completed in accordance with the agreed timetable.

Reason: In support of sustainable travel and to ensure compliance with paragraphs 108 and 110 of the NPPF.”

Condition 37 to be amended to read:

“Development A - The existing dropped kerb pedestrian crossing in Cambridge Road as shown on the approved plan 191900-011 C Pedestrian and cyclist improvements shall be permanently closed and the footway reinstated to the satisfaction of the Highway Authority before first use of the sports complex.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.”

Condition 43 to be amended to read:

“Development B - Bus stop improvements: Prior to the 50th occupation of the residential development hereby approved, the two closest bus stops to the site shall have Real Time Information display screens installed and fully functional to the satisfaction of the Local Planning Authority (i.e. North Hertfordshire College southbound stop Cambridge Road - ref 29050043 and Cambridge Road - 2905 0004 North Herts College eastbound).

Reason: So that all users of the development have the option of using bus transport, and to maximise its appeal, in compliance with paragraphs 108 and 110 of the NPPF.”

Condition 45 to be amended to read:

“Development B - Dropped Kerbs/tactiles- Prior to the 50th occupation of the residential development hereby approved, pedestrian dropped kerbs and tactile paving shall be provided at the following junctions:

- i. Byron Close with St Michael's Road
- ii. Browning Drive with St Michael's Road
- iii. Coleridge Close with St Michael's Road
- iv. Outside no 2 Chaucer Way to connect with the shared path along no 2 Chaucer Way northern building elevation;

These works shall be completed to the satisfaction of the Local Planning Authority and Highway Authority before occupation of the development.

Reason: To ensure the development complies with paragraph 109 of the NPPF, enabling access to the site for all people by modes other than the private motorcar.”

Condition 46 to be amended to read:

“Development B - Prior to the 50th occupation of the residential development hereby approved, a pedestrian dropped kerb and tactile paving informal crossing point shall be provided to the satisfaction of the LPA between the two bus stops on St Michaels Road (Stop ID: Hrtgdptd and Stop ID: hrtgdpwd Coleridge Close eastbound and westbound), with a continuous footway provision installed from the crossing point on the western carriageway side to the existing hard surfaced waiting area of the northbound bus stop.

Reason: To ensure the development complies with paragraph 109 of the NPPF, enabling access to the site for all people by modes other than the private motorcar.”

64 19/02999/FP Land Off, Gernon Road, Letchworth Garden City, Hertfordshire

N.B The Chair called a comfort break at 10:00 PM and the meeting resumed at 10:05 PM.

The Committee, Member and Scrutiny Officer took a roll call of Members, Officers, and registered speakers in attendance.

Audio Recording – 2 hours 36 minutes and 38 seconds.

The Senior Planning Officer provided an update to the report noting that paragraph 4.6.1 should note that the applicant is in agreement with all pre-commencement conditions.

The Senior Planning Officer presented the report in respect of application 19/02999/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Mr Anthony Burrows to address the Committee.

Mr Burrows thanked the Chair for the opportunity to address the Committee in objection to application 19/02999/FP including:

- He had previously been a District Councillor and was now a resident of Letchworth Garden City;
- He had always advocated for planning decisions to be based on preserving the local character of areas within the District;
- Town Lodge was in his view an iconic building;
- Town Lodge was one of 3 buildings designed by architect Cecil Hignett in the Garden City which should be preserved;

The following Members asked questions of clarification to Mr Burrows:

- Councillor Daniel Allen

In response to questions Mr Burrows advised:

- He did not accept that the site in question was a brown fields site;
- The façade of the Town Lodge building should be preserved with development taking place behind it.

The Chair invited Mr Chris Evans and Mr Chris Wilson to address the Committee.

Mr Christopher Evans thanked the Chair for the opportunity to address the Committee in support of application 19/02999/FP including:

- Croudace Homes had their regional office based in Letchworth and felt Letchworth was the perfect location for them;
- Members of staff enjoyed using local businesses in town;
- The business had outgrown its space in the Spirella Building;
- Croudace Homes believed the development proposal met the high standards of quality it demands and the Council requires;
- The development was projected to cost more to build than its end market value but Croudace was willing to make this investment as owner-occupier;
- All the residential parking and 39 out of 57 of the office car parking spaces would have EV charging stations;
- The remaining office car parking spaces would have the infrastructure to convert to EV charging stations in the future; 5 of the spaces would be pay-as-you-go stations for public use out of office hours;

- The office buildings would have integrated photovoltaic charging panels and have a higher fabric efficiency than the current constructions;
- The proposed design would provide 35 square meters more green space than the present site, boosting biodiversity and following Garden City principles more closely;
- It would not be possible to keep the existing Town Lodge building;
- Historic England had assessed the building and decided it did not warrant listing, and reported that its demolition would result in 'less than substantial harm' to the Letchworth Garden City conservation area;
- The current building was not fabric efficient or suitable for an office building, and it also contains a large amount of asbestos;
- The current building's location on the site was space inefficient;
- The proposal overcomes this inefficiency and proposes two buildings providing a business location and a much needed residential development.

Chris Wilson, Letchworth BID, thanked the Chair for the opportunity to address the committee in support of application 19/02999/FP including:

- This development would strengthen the economic offer of the town centre;
- The town centre was aging; the next generation required jobs based in Letchworth which this development would support;
- The creation of public parking spaces and EV charging points would be of significant benefit to the town.

The following Members asked questions of clarification:

- Councillor Daniel Allen

In response to questions Christopher Evans advised:

- The proposed office would have space for 60-65 employees which would double Croudace Homes employee numbers in Letchworth if filled.

The Chair thanked Mr Christopher Evans and Mr Chris Wilson for their contributions.

The following Members asked questions and participated in the debate:

- Councillor Sam Collins
- Councillor Ian Mantle
- Councillor Val Bryant
- Councillor Michael Muir
- Councillor Daniel Allen
- Councillor Ruth Brown
- Councillor Tony Hunter

In response to questions the Senior Planning Officer advised:

- A condition existed to monitor the level of EV charging point usage with provision to revert hard landscaping back into planted areas where redundancy is identified;
- The level of car parking at present did not allow for significantly more parking;
- Two bike sheds were proposed, one for the residential building and one for the office;
- Ducting for all of the car parking positions was in place and each car parking space could accommodate an EV charging point;
- There were more parking spaces in the proposal than were required by the current design SPD; the parking spaces were important to the applicant due to the nature of their business;

- The inclusion of EV charging points and the provision of public parking spaces outside of office hours had been negotiated during pre-application;
- On balance it was not felt the oversubscription of parking spaces was a reason for refusal;

In response to questions the Development and Conservation Manager advised:

- As a matter of planning law Members had to assess the application on its merits blind to any consideration of who the landowners were;
- There was imprecision in a condition proposing to require a plan to comply with the entirety of an SPD;
- EV charging point provision would be strengthened;
- The condition on car park capacity phasing required the applicant to demonstrate the occupancy level of the car park with an annual review, where under used car parking spaces would be converted to other uses such as landscaping;

In response to questions the Legal Regulatory Team Manager & Deputy Monitoring Officer advised:

- When applying conditions the test in Paragraph 206 of the NPPF had to be considered: they must be reasonable; relevant to planning; relevant to the development; precise; and enforceable;
- Members should consider whether a condition requiring a more stringent design standard or compliance with an unpublished document would pass the test of reasonableness;

Councillor Ian Mantle proposed and Councillor Mike Hughson seconded and on the vote it was:

RESOLVED: That application 19/02999/FP be **GRANTED** planning permission subject to the conditions and reasons in the report of the Development and Conservation Manager and the following amended and additional reasons:

Condition 15 to be amended to read:

“Notwithstanding the plans submitted, the parking provision shall be reviewed annually from first occupation for a period of 5 years through monitoring of use and car ownership. Monitoring shall include:

- i. The use of parking spaces using data from weekdays;
- ii. Car ownership/staff car usage;
- iii. The provision of active and passive electric vehicle charging;
- iv. Travel plan initiatives.

Car parking provision that is used less than 40% of weekdays throughout that year shall be converted into landscaping to be submitted to and agreed by the Local Planning Authority.

Reason: to ensure that the parking provision is being utilised to capacity.”

Condition 26 to be amended to read:

“Prior to occupation, there shall be EV charge bays for all office use car parking bays and all residential use car parking bays. Consideration should be given to a range of slow, fast and rapid charge points. Such bays shall remain operational in perpetuity thereafter.

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.”

65 20/01692/FPH 6 Cubitt Close, Hitchin, Hertfordshire, SG4 0EL

Audio Recording: 3 hours 29 minutes

The Senior Planning Officer provided an update to the report that the applicant had agreed to an extension of time up to 26 November which had not been in place at the time of publication.

The Senior Planning Officer presented the report in respect of application 20/01692/FPH supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Mike Hughson

In response to questions the Senior Planning Officer advised:

- The drawing in the presentation was not a document submitted by the applicant and therefore any errors should not be considered as part of the application;

The Chair invited Mr Jonathan West to address the Committee.

Mr Jonathan West thanked the Chair for the opportunity to speak in objection to application 20/01692/FPH including:

- Mr West was resident at 7 Sterling Close;
- The House on 6 Cubitt Close had been extended further since the drawing in the presentation was made;
- Mr West's property and the property in the application shared a side boundary;
- When it was first built 6 Cubitt Close was one of the largest 4 bedroomed domiciles on the development;
- Since then the footprint of the house not including conservatories or greenhouses had increased by 2.6 times its original size by way of single and double storey extensions;
- This was the 16th application to the planning authority concerning the property;
- There was already an extension less than 1 meter away from the boundary with Mr West's property which spanned the length of their garden and a third of their house, with windows that looked directly into their garden and lounge;
- The present planning application mentioned the destruction of an existing 'conservatory,' where the original application for said structure to be destroyed described it as a 'greenhouse,,'; it had no floor, heating, lighting, and had never been used as a living space.
- Mr West felt describing the structure as a conservatory would lead Members to consider the proposed new conservatory as a replacement of an existing one;
- The proposed conservatory was bigger and in a different position to the first and the destruction of the greenhouse should bear no relevance;
- The proposed conservatory would overlook Mr West's dining room and would be directly below the windows of his bedroom causing issues with noise as a result of poor insulation;
- The proposed development would result in an overall increase of 2.9 times the original footprint of the property;
- Loud construction works on previous projects had extended into unsociable hours and it appeared no attempt had been made to comply with noise control measures;
- The Environmental Health noise abatement team had investigated;
- The application would result in an over developed site and an adverse impact on Mr West's family.

The Chair thanked Mr West for his presentation.

The Chair invited Councillor Elizabeth Dennis-Harburg to address the Committee as Member Advocate.

Councillor Elizabeth Dennis-Harburg thanked the chair for the opportunity to address the committee as Member Advocate in respect of application 20/01692/FPH including:

- This property had been increased in size significantly since its original build;
- The negative impact of extension and expansion of 6 Cubitt Close had caused significant distress and harm to the living conditions of neighbouring residents;
- The report noted that officers were unable to visit the site due to COVID restrictions;
- Assertions made in the report were doubtful if not made on the basis of a site assessment or up to date inspection;
- The proposed building would further overlook the neighbouring property;
- The house concerned was overdeveloped and was noticeably larger than surrounding properties and therefore arguably out of character with the surrounding area;
- The additional building would reduce the green space on the property and it was not prudent environmentally to allow reduction of the grass area or the building of a potentially energy inefficient conservatory;
- This call-in is not a result of a dispute between neighbours but because of the harm caused by disproportionate and continual expansion of the property in question;
- Noise nuisance was an issue which should be addressed by conditions if the committee was minded to approve the application.

The Chair thanked Councillor Elizabeth Dennis-Harburg for her presentation.

The following Members asked questions and took part in the debate:

- Councillor Daniel Allen;
- Councillor Sam Collins;
- Councillor Ian Mantle;
- Councillor Mike Hughson;

In response to questions the Senior Planning Officer advised:

- The photographs submitted were taken by the applicant not long after the submission of the application;
- The Senior Planning Officer had been to the site on a number of occasions and had seen how the existing house had been extended towards the boundary and considered the orientation of 7 Sterling Close;
- The proposed Conservatory would be less visible than the side extension which is currently in position;

In response to questions the Development & Conservation Manager advised:

- The issues of design, layout, overdevelopment and prominence were subjective matters upon which the Committee could rely if they wished to come to a judgement contrary to Officer's recommendations;

Councillor Daniel Allen proposed that the application be refused. Councillor Mike Hughson seconded.

Upon the vote it was:

RESOLVED: That application 20/01692/FPH be **REFUSED** planning permission for the reasons below:

The proposed extensions by reason of their size, siting, and design cumulatively with previous enlargements to the dwelling would fail to be subordinate to the host dwelling and would be harmful to its character and appearance and that of the locality. The proposal would be contrary to the provision of Saved Policies 28 and 57 of the North Herts District Local Plan 1996, Policies D1 and D2 of the Emerging Local Plan and Section 12 of the National Planning Policy Framework.

66 PLANNING APPEALS

There were no Planning Appeals.

The next meeting of the Planning Control Committee was on the 17th December and the Chair invited Members and Officers to wear their Christmas jumpers or similar attire at the meeting.

The meeting closed at 11.30 pm

Chair

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD AS A VIRTUAL MEETING
ON THURSDAY, 17TH DECEMBER, 2020 AT 7.30 PM**

MINUTES

Present: *Councillors: Ruth Brown (Chair), Daniel Allen (Vice-Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Sue Ngwala, Sean Prendergast, Mike Rice and Tom Tyson*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager), Tom Rea (Principal Planning Officer), Mark Simmons (Conservation Officer), Anna Gouveia (Committee, Member and Scrutiny Officer) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 5 members of the public, including registered speakers. Councillor Ian Albert was present as Member Advocate.*

67 WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

Audio recording – 9 seconds

The Chair welcomed everyone to this virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online. There was also the opportunity for the public and press to listen to and view proceedings.

The Committee, Member and Scrutiny Officer undertook a roll call and drew attention to the Remote/Partly Remote Meetings Protocol Summary which gave advice regarding the following:

- Attendance;
- Live Streaming;
- Noise Interference;
- Rules of Debate;
- Voting; and
- Part 2 Items.

The Chair, Councillor Ruth Brown, started the meeting proper.

68 APOLOGIES FOR ABSENCE

Audio recording – 3 minutes 56 seconds

Apologies for absence were received from Councillors Ian Moody, Michael Muir as Substitute, and Lisa Nash as Member Advocate.

69 MINUTES - 13 FEBRUARY 2020 TO 19 NOVEMBER 2020

Audio Recording – 4 minutes 31 seconds

Councillor Ruth Brown advised that since the beginning of March, when NHDC started to hold meetings remotely, it had not been possible to approve Minutes of meetings. Minutes could now be approved with the electronic signature of the Chair being applied following approval.

There were 8 sets of Minutes to agree:

- 13 February 2020;
- 28 May 2020;
- 18 June 2020;
- 16 July 2020;
- 20 August 2020;
- 17 September 2020;
- 15 October 2020;
- 19 November 2020.

The Legal and Regulatory Team Manager confirmed that the current Chair of the Committee could sign the minutes on behalf of any other Chair who may have chaired a meeting in her absence.

Councillor Ruth Brown proposed, Councillor Daniel Allen seconded and it was:

RESOLVED:

- (1) That the Minutes of the Meeting of the Committee held on 13 February 2020, 28 May 2020, 18 June 2020, 16 July 2020, 20 August 2020, 17 September 2020, 15 October 2020 and 19 November 2020 be approved as a true record of the proceedings and be signed by the Chair;
- (2) That, with the authorisation of the Chair, her electronic signature and initials be attached to the Minutes approved in (1) above.

70 NOTIFICATION OF OTHER BUSINESS

Audio recording – 8 minutes 35 seconds

There was no other business notified.

71 CHAIR'S ANNOUNCEMENTS

Audio recording – 8 minutes 39 seconds

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded as well as filmed. The audio recordings would be available to view on Mod.gov and the film recording via the NHDC Youtube channel.
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;

- (4) To clarify matters for the registered speakers the Chair advised that members of the public had 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. This 5 minute time limit also applied to Member Advocates.

A warning would be given at 4 ½ minutes and speakers would be asked to cease at 5 minutes.

72 PUBLIC PARTICIPATION

Audio recording – 10 minutes 2 seconds

The Chair confirmed that the registered speakers were in attendance.

73 20/01564/FP LAND ADJACENT TO DUNGARVAN, BACK LANE, PRESTON, HERTFORDSHIRE, SG4 7UJ

Audio recording – 10 minutes 17 seconds

Erection of one 4-bed and two detached 5-bed dwellings including garages and creation of vehicular access off Back Lane (as amended by plan received 19.11.2020).

The Chair advised that this item had been withdrawn from the agenda.

74 20/02371/LBC HITCHIN TOWN HALL, BRAND STREET, HITCHIN, HERTFORDSHIRE, SG5 1HX

Audio recording – 10 minutes 25 seconds

Replace existing wood floor to Hitchin Town Hall using solid oak floor planks secret nailed/glued to new hardwood support battens.

The Conservation Officer presented the report in respect of application 20/02371/LBC supported by a visual presentation consisting of photographs and plans.

The following Members asked questions and took part in debate:

- Councillor Daniel Allen;
- Councillor David Levett;
- Councillor Mike Hughson;
- Councillor Tony Hunter.

In response to questions raised, the Conservation Officer responded as follows:

- The application could have been approved by delegated authority if the building had not been owned by North Hertfordshire District Council;
- A condition could be added to request that details of the oak floor to be used would be submitted to the Local Planning Authority to satisfy it that the material had come from a sustainable source, and also that the existing Kapur floor had been disposed of appropriately;
- It should be possible to obtain a replacement bespoke key for the sprung floor, although it was unclear whether the sprung floor system would still be able to function and whether using the mechanism could cause problems.

It was proposed by Councillor Daniel Allen, seconded by Councillor Levett and upon being put to the vote, it was:

RESOLVED: That application 20/02371/LBC be **GRANTED** planning permission subject to the conditions and reasons in the report of the Development and Conservation Manager and the following additional condition and reason:

Condition 3 to be added to read:

“Notwithstanding the Method Statement dated 13/10/2020 prepared by Floorteq Limited and in which it states that 'Timber waste and general building debris to be transferred to waste skips via side entrance in Grammar School Walk', details regarding off-site disposal of the existing Kapur timber floor together with details of the source of the oak for the new floor, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby granted consent. Thereafter, the works shall be undertaken in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the 'NHDC Climate Change Strategy 2020-2025' where at 'Appendix B - Proposed actions' it states that, NHDC will continue to work with its suppliers and contractors to minimise the environmental impact of their products and services across NHDC sites and to work with and where possible require its suppliers and contractors to reduce the impact of goods and services by considering whole life costs.”

75 20/01638/FP LAND TO THE REAR OF NOS 61 AND 61A RADCLIFFE ROAD, HITCHIN, SG5 1QG

Audio recording – 28 minutes 16 seconds

Conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area (as amended by plan received 21.10.20).

The Principal Planning Officer presented the report in respect of application 20/01638/FP supported by a visual presentation consisting of photographs and plans and provided the Committee with the following updates:

- The amended plan, Revision A to the proposed plans and elevations, showed more clarity in terms of the rooflights proposed on the rear elevation of the refurbished and extended building.

The following Members asked questions:

- Councillor David Levett;
- Councillor Mike Rice;
- Councillor Tony Hunter.

The Principal Planning Officer responded to questions as follows:

- Current access to the site was via the applicant's own land between numbers 59 and 60 Radcliffe Road;
- There would be a planning condition securing electrical vehicle charging points;
- The overall height of the building would be raised from 6.3 metres to 6.7 metres.

Ms Lisa Montague, thanked the Chair for the opportunity to address the Committee in objection to application 20/01638/FP.

Ms Montague gave a verbal presentation including:

- In accordance with the National Planning Policy Framework, sustainable development must meet present needs which included the ability for local residents to access parking within the Control Parking Zone (CPZ);
- There were two petitions objecting to the second access route to the development - one of 44 residents to North Herts District Council and one of 54 residents to Hertfordshire County Council;
- There was no need for a second access route, the existing one could be used and this would represent more efficient use of land;
- She had no objection to developing the site in principle, but not at the expense of local residents and parking;
- The proposed development would remove two on-street parking spaces from an already congested area where parking was a problem;
- The following sections of the NPPF were cited in support of this position: 102E e), 92A, 92C, 122 and 123C Section 12.

Mr Duncan Leach, thanked the Chair for the opportunity to address the Committee in objection to application 20/01638/FP.

Mr Leach gave a verbal presentation including:

- The second access route off the highway was not needed, use of the existing access would allow the development to proceed with zero harm;
- He considered that the necessary consultation with the relevant stakeholders for amending the CPZ had not occurred;
- He showed the Committee a photograph showing the busy parking on the road which had increased due to people staying at home during the pandemic.

Councillor Ian Albert, Member Advocate, thanked the Chair for the opportunity to address the Committee in objection to application 20/01638/FP.

Councillor Ian Albert gave a verbal presentation including:

- This was the latest in a series of applications in the roads off Walsworth Road and Nightingale Road, Hitchin, which were likely to have a detrimental effect on parking and increase the number of vehicles in the area;
- The development would necessitate the removal of at least one, possibly two parking spaces;
- The development itself would be improvement on what was there now and would provide additional dwellings in the area;
- The new entrance way was very narrow and raised doubts over the operability of the turntable;
- The bin storage seemed to be above 15 metres from the collection point;
- Exceptional circumstances for removing the two parking spaces had not been demonstrated and there was a better access way in existence;
- There was no comment from the parking section of North Herts District Council which would have been helpful.

Mr Ryan Albone thanked the Chair for the opportunity to address the Committee in support of application 20/01638/FP.

Mr Ryan Albone gave a verbal presentation including:

- The application was seeking full planning consent for the conversion of existing outbuildings to 2 new dwellings behind 61 and 61A Radcliffe Road;
- The principle of development was accepted;
- The proposed access would provide off-street parking to 3 dwellings (the 2 new plots and 61A)
- It would result in the loss of just one space as the remaining space available for parking would be 15.6m long and therefore provided space for 3 cars;
- The new dropped kerb would occupy 5.4m which was the approximate length of one on-street parking space;
- Concerns over the loss of parking space to existing residents was appreciated, but it was considered that this was outweighed by the benefits of the development;
- Other nearby parking areas were available to residents;
- The alternative should the application be refused may be to seek permission for the same 2 properties, but with no off-street parking provided. Parking permits would then have to be provided to new dwellings which would increase the demand on street;
- If the applicant were to seek a new dropped kerb for a private driveway in the same place but to serve 61A only, this would likely not require planning permission and be solely under the jurisdiction of Herts County Council Highways team. A later re-use of this then existing access to serve the new dwellings would then be possible;
- The existing access was very narrow and therefore only appropriate to serve the one existing dwelling.

The following Members asked questions of clarification:

- Councillor Daniel Allen;
- Councillor David Levett;
- Councillor Mike Hughson;
- Councillor Val Bryant.

Mr Ryan Albane responded to questions as follows:

- The existing access way was approximately 2.3 metres at the tightest point; the proposed new access way was 3 metres wide which met Herts County Council Highways requirements;
- This width would allow ambulances access but not larger fire appliances; fire access was separate;
- Two of the three parking bays which would remain were 'drive in' bays so only required 4.8m space;
- Highways would not accept more than 3 dwellings coming off either the new or existing access ways due to their width.

The Principal Planning Officer responded to points raised as follows:

- He agreed that achieving sustainable development was not just about profit for the developer but that there must be beneficial outcomes for the wider community and that we should not be carrying out development that compromised the needs of future generations;
- Also planning decisions should be taken in the public interest, but one of those interests was to ensure the local planning authorities delivered a supply of homes to meet its housing needs in sustainable locations such as this, where people could access a wide range of employment opportunities and other community services and in doing so reduce their need to travel, and in particular to use cars;
- The loss of the parking space was acknowledged but this had to be balanced against the need to deliver new homes in sustainable locations;
- Whilst there might be merit in an alternative scheme, the scheme before the Committee was that scheme detailed in the report and presentation;

- Consultation had been carried out through the planning application;
- The Controlled Parking Zone situation would be a matter for the Council's Strategic Infrastructure and Projects Team who managed the CPZ in this area;
- The bins were between 30 and 37 metres away from the highway. A condition could be included for a bin storage area placed towards the front of the site;
- Amendments to the Council's Parking Strategy were being considered in light of other recent developments in the area.

The following Members took part in debate:

- Councillor Sue Ngwala;
- Councillor David Levett.

Comments included:

- It was suggested that the Committee might want to consider deferring its decision on the application until discussion had taken place concerning potential amendments to the Council's Parking Strategy which might affect the development;
- A change to the CPZ would require a full consultation and a full review of that CPZ;
- The source of funding would need to be considered.

It was proposed by Councillor Sue Ngwala, seconded by Councillor David Levett, and:

RESOLVED: That application 20/01638/FP be **DEFERRED** for the following reason:

To seek more information on any changes to the local Controlled Parking Zone (CPZ) that would take place to lose an existing on street car parking space if permission was granted. More information was needed on the practical implications and likely impact on local parking conditions.

76 20/02474/FP ASHCROFT, SLIP LANE, OLD KNEBWORTH, KNEBWORTH, HERTFORDSHIRE, SG3 6QG

Audio recording – 1 hour 15 minutes 55 seconds

Erection of one detached 4-bed dwelling including creation of vehicular access off Slip Lane.

The Principal Planning Officer presented the report in respect of application 20/02474/FP supported by a visual presentation consisting of photographs and plans and provided the Committee with the following updates:

- The Addendum Report differed from the original report only in that it included the formal comments of Heritage England who did not wish to comment on the application;
- Councillor Lisa Nash had confirmed her support of Codicote Parish Council's objection.

Ms Tracey Sullivan thanked the Chair for the opportunity to address the Committee in support of application 20/02474/FP.

Ms Sullivan gave a verbal presentation including:

- The scheme had been approached with thought and consideration to the surroundings;
- Professional, impartial advice had been sought on the development from a variety of sources including on planning, ecology, arboricultural and highways.

The following Councillors took part in debate:

- Councillor David Levett;
- Councillor Daniel Allen.

It was proposed by Councillor David Levett, seconded by Councillor Daniel Allen, and:

RESOLVED: That application 20/02474/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

NB: The Committee took a comfort break at 21.01

The meeting resumed at 21.16 at which time the Committee, Member and Scrutiny Manager undertook a roll call.

77 20/01017/FP LAND SOUTH OF DURHAM WAY, ROYSTON GATEWAY, ROYSTON, HERTFORDSHIRE, SG8 5GX

Audio recording – 1 hour 46 minutes 38 seconds

Erection of three Class E (former B1C, B2 and B8) units with associated car parking and ancillary works.

The Development and Conservation Manager presented the report in respect of application 20/01017/FP supported by a visual presentation consisting of photographs and plans and provided the Committee with the following updates:

- There had been discussion with the applicant's agent and the description of the development had been changed to read as follows: Erection of three Class E (former Class B1C units), B2 and B8 units with associated car parking and ancillary works. This clarified that it was only the former Use Class B1C that fell within the new Use Class E.
- The wording of recommended Condition 3 had also been changed to read: Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 Order the approved units should only be used for uses falling within Use Class E(g) which was former Use Class B1, B2 and B8, and should not be changed to any other use including any other uses within the new Use Class E which could include A1, A2, A3, D1 without first obtaining a specific planning permission from the local planning authority;
- Because of those changes to the recommendation, there needed to be subsequent changes to paragraphs 4.32, 4.33 and 3.33.

The Development and Conservation Manager clarified that in September 2020 a new Use Class Order was produced which had replaced Use Classes B1A, B1B, B1C and D1 with a new Class E which related to Commercial Business and Service Uses. The agent and applicant had confirmed that they continued to seek a flexible planning permission for one element of Class E which was former Class B1, B2 and B8, i.e. a flexible permission for office use, light industrial, general industrial and warehouse storage and distribution uses. It was a speculative planning application with no identified end user for each of the proposed units. The purpose of recommended Condition 3 was to prevent changes of use to other uses within the new Class E such as retail, leisure or any other uses without planning permission, i.e. it was not a completely open-ended commercial planning permission. Condition 3 however did allow changes of use within the scope of office, light industrial, general industrial and storage use.

The Development and Conservation Manager further updated the Committee as follows:

- Recommended Condition 15 had been removed as the Environmental Protection Officer had advised that the application site boundary was not adjacent to the site which housed an electricity substation, therefore it had been accepted that no further intrusive investigation was required at that site;
- With regard to the Materials Condition (4) it had been suggested that graded panelling be used to make the building more recessive although it was acknowledged that graded panelling tended to work better on buildings that had a flat roof. The applicant's agent responded to say that they did not consider graded panelling to be an appropriate response in this location and for this scale of building. As detailed in the Planning Officer's report at 4.3.31, the applicant's agent advised that:

'The request to replace the pitched roof with a flat roof in the design has not been possible to accommodate having regard to potential occupier demand. Maintaining the roof slope in its current form allows for the proposed rooflights and provides an opportunity for solar panels.'

As such Condition 22 has been recommended requiring details of the solar panels to be submitted and approved by the local planning authority.

In any case, Condition 4 requires that details of materials be submitted to and approved in writing by the local planning authority. The issue of cladding can be considered when an appropriate application is made for approval of the details required by that condition;

- Condition 21 – Electrical Vehicle (EV) charging points. On the advice of the Environmental Protection Officer in relation to air quality, Condition 21 has been recommended requiring 10% of the car parking spaces to be designed for plug-in electric vehicles and served by EV-ready charging points in line with the emerging Local Plan Policy D4;
- The proposed number of car parking spaces at the site fell short of the maximum standard for this site (based on the Car Parking Supplementary Planning Document) by 27 spaces. This was considered acceptable given the sustainable location and the fact that more than double the minimum number of cycling spaces had been proposed;
- In relation to Section 106 and Sustainable Transport Solutions, although in theory a £65,000 fund was available, a suitable local infrastructure project had not been identified by Hertfordshire County Council, therefore no tariff could not be levied on the developer for this.

The following Members asked questions:

- Councillor Daniel Allen;
- Councillor Sue Ngwala;
- Councillor Ruth Brown;
- Councillor Tony Hunter;
- Councillor Tom Tyson.

The Development and Conservation Manager responded as follows:

- The solar panels would fit between the windows. Condition 22 required details of solar panels to be provided prior to the commencement of development which would ensure this commitment was delivered;

- The Section 106 regulations had been tightened from 2010 and S.106 could not now be used as a tariff, rather a project had to be identified at the planning permission stage that the scheme would impact on in order to access the funding;
- An additional shuttle bus service would be funded by the Business Improvement District (BID) through the businesses who occupied the premises;
- The District Council's Transport Officer had been consulted as well as Hertfordshire County Council regarding potential sustainable transport projects.

Ms Stacey Rawlings thanked the Chair for the opportunity to address the Committee in support of application 20/01017/FP.

Ms Rawlings gave a verbal presentation including:

- The development of the site would offer a range of significant benefits including the provision of 100+ jobs anticipated to be available from the end of 2021;
- The developer hoped to commence on site in Spring 2021 and there would be an approximate 8 month construction period;
- The development offered the construction of three small to medium-sized commercial units tailored to meet the demand for the local area and to help deliver the Council's employment strategy;
- Sustainable transport measures had been provided on site to encourage walking, cycling and bus use. Several other recent schemes had contributed S.106 funding for sustainable transport projects in the area;
- A landscaping scheme had been produced;
- There was extant planning permission for the site.

It was proposed by Councillor Tony Hunter, seconded by Councillor Morgan Derbyshire, and

RESOLVED: That application 20/01017/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

78 PLANNING APPEALS

Audio recording – 2 hours 14 minutes 15 seconds

There were no updates on Planning Appeals.

The Development and Conservation Manager advised that application 20/00507/FP Oughton Head Pumping Station had now been withdrawn after being deferred following consideration at the meeting of 15 October 2020.

The meeting closed at 9.46 pm

Chair

<u>Location:</u>	Site of Former 15 Luton Road Offley Hertfordshire
<u>Applicant:</u>	Mr John Kelly
<u>Proposal:</u>	Erection of one detached 3- bedroom dwelling house, including use of existing garage and existing vehicular access and provision of 2no further on-site car parking spaces (as amended by drawings received 16th and 18th December 2020).
<u>Ref. No:</u>	20/02631/FP
<u>Officer:</u>	Tom Allington

Date of expiry of statutory period: 8 January 2021

Extension of statutory period: 12 February 2021

Reason for referral to Committee:

Under the Council's scheme of delegation any application may be referred to the Planning Control Committee by the Development and Conservation Manager if the application is considered to be controversial, of significant public interest or is likely to have a significant impact on the environment. In this case, in light of the lengthy and complex planning history of this site it is decided to refer this matter to the Planning Control Committee for Members' determination.

1.0 Relevant History

- 1.1 12/00256/1: Three detached dwellings together with detached garages and associated parking. (Amended plans received 20/03/12, 24/03/12 and 01/05/12). Approved 29/05/2012 by Planning Committee (this is referred to later in this report as the '2012 approval').
- 1.2 12/02507/1: Alterations to roof pitches of plots A and C together with velux windows to facilitate living accommodation in attic space; repositioning of chimney stacks to plots A and C; increase ground floor living space, extend front porch and general layout amendments to plots A and C to be the same as plot B; re-positioned access, provision of landscaping and material details (as minor material amendment to planning reference 12/00256/1 for three detached dwellings together with detached garages and associated parking granted permission on 29/05/12). (Amended plans received 07/12/12 and 03/01/13). - AMENDED DESCRIPTION. Although this was originally approved 19/02/2013 this remains subject of an ongoing Judicial Review.
- 1.3 13/02910/1: Retention of three detached dwellings with detached garages and associated parking as variation to planning permission ref: 12/00256/1 granted 29 May 2012. (Supplementary information relating to a sunlight and daylight assessment and additional plan no. 386-206 site layout with planning approval ref: 12/00256/1 overlay

received February 2014). Split decision 26/03/2014 (Committee Decision) – Approval of Plots A and C and Refusal of Plot B (the site subject of this application) for the following reason:

By reason of the size and position of the dwelling on Plot B this results in an over dominance of the historical building 3-4 Claypit Cottages and harm to the living conditions of the occupiers of those dwellings

This refusal was subject of an Appeal (Hearing) which was dismissed by the Planning Inspector on 13/10/2014 (this is referred to later in this report as the ‘2014 appeal decision’).

- 1.4 14/00090/1ENF: Enforcement Case opened in October 2014 on the allegation that a dwelling had been erected without planning permission (not in accordance with previous planning permission). See 1.7 below.

- 1.5 14/03152/1: Retention of Plot B with alterations to the roofs (half hip roof to main dwelling) of the dwelling and the garage with hip roof (as amended by plan no. 386 402A received 07 July 2015). Refused (Planning Committee) 01/07/2016 for the following reason:

By reason of its size, scale and proximity to the boundary the dwelling on plot B would have an dominant and oppressive impact on 3-4 Claypit Cottages to the significant detriment to the living environment of the occupiers of that property contrary to the provisions of Policy 57 of the District Local Plan No.2 with Alterations (originally adopted April 1996) and provisions of the National Planning Policy Framework.

- 1.6 15/00001/1: Retention of Plot B with alterations to the roof of the dwelling and relocation of the garage and associated alteration to the access road (as amended by plan no. 386-502-B received 07 July 2015). Refused (Planning Committee) 01/07/2016 for the following reasons:

- 1 *By reason of its size, scale and proximity to the boundary the dwelling on plot B would have an dominant and oppressive impact on 3-4 Claypit Cottages to the significant detriment to the living environment of the occupiers of that property contrary to the provisions of Policy 57 of the District Local Plan No.2 with Alterations (originally adopted April 1996) and provisions of the National Planning Policy Framework.*
- 2 *The relocated garage, by reason of its size, location and proximity to No. 9 Luton Road would have an adverse impact on the occupiers of 9 Luton Road to the significant detriment of the living environment of the occupiers of that property contrary to the provisions of Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations (adopted April 1996) and the provisions of the National Planning Policy Framework.*

- 1.7 14/00090/1ENF: Service of Enforcement Notice on 13/09/2013 requiring complete demolition and removal of the unauthorised dwelling at Plot B. This was subject of an appeal which was originally upheld and planning permission granted for the dwelling as built via a decision dated 09/08/2017. However, this decision was quashed by way of a Consent Order by the High Court, following a Judicial Review into the decision.

A second Hearing was held (by a different Inspector) and the Appeal was dismissed via a decision dated 18/09/2018 and the enforcement notice was upheld, although it did allow for the retention of the garage as built (this is referred to later in this report as the '2018 appeal decision').

The unauthorised dwelling has now been demolished, although the garage remains in place.

- 1.8 19/02950/FP: Erection of one 3-bed detached dwelling (as amended by plans received 24/01/2020). Withdrawn 19/02/2020.
- 1.9 20/00701/FP: Erection of one 3-bed detached dwelling (as amended by plans and documents received 30th June 2020). 'Not proceeded with' (made invalid as inaccurate plans were submitted).

2.0 **Policies**

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

LP7 – Selected Villages beyond the Green Belt

LP26 - Housing Proposals

LP55 - Car Parking Standards

LP57 - Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

SECN5 - Delivering sufficient supply of homes

SECN8 - Promoting healthy and safe communities

SECN9 - Promoting sustainable transport

SECN11 - Making effective use of land

SECN12 - Achieving well-designed place

2.3 **Supplementary Planning Documents**

Design Supplementary Planning Document

Vehicle Parking at New Developments Supplementary Planning Document

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

D1 - Sustainable Design

D3 - Protecting Living Conditions

D4 - Air Quality

SP1 - Sustainable Development in North Hertfordshire

SP2 - Settlement Hierarchy

SP8 - Housing

T2 - Parking

3.0 **Representations**

3.1 **Offley Parish Council:** No representations received.

3.2 **NHDC Environmental Health – Land contamination:** No objection

3.3 **NHDC Environmental Health - Noise:** No objection, subject to an informative regarding construction noise and hours.

3.4 **NHDC Environmental Health – Air Quality:** No objection, subject to a condition requiring an Electric Vehicle charging point (and associated informative).

3.5 **NHDC Waste and recycling:** No objection

3.6 **HCC Highways:** No objection, subject to an informative regarding temporary works to highway land.

3.7 **HCC Historic Environment (Archaeology):** No objection

3.8 **Neighbour Consultation**

The application has been consulted on via a site notice and neighbour notification. Objections have been received from the occupiers of No.6 and No.3&4 Claypit Cottages and these are summarised as follows (the objections are available to view on the Council's website):

- There seems to be very little difference from the previous submissions, which were dismissed or found to be unlawful.
- The size of the roof and overall height of the proposed building is hugely obtrusive and will have a severe detrimental effect on the overall amenity of No.6 Claypit Cottages.
- The roof is enormous and clearly shows that once the property is built, subsequent alterations and loft conversion applications will no doubt be submitted to accommodate additional living space
- The drawings are misleading in terms of the ground levels and the subsequent ridge height. The two parking spaces would be unusable.
- The drawings show a very large chimney which is some 2 meters higher than the ridge line. This chimney is a monstrosity and would be so out of keeping with the overall aspect and street views of the surrounding area and again will have a great impact on the amenity of No.6.
- No.6 does not have uninterrupted views that the applicant has stated previously and this must be taken into consideration. If a house with the mass as shown is built on the site No.6 will lose the enjoyment of the existing amenity and outlook.

The inspectors previous report defines outlook as a material fact in his decision of August 2018.

- No.6 does not have views to the west – there are partial views to the north, but any property built to the proposed application would completely remove enjoyment of the outlook amenity to the east.
- There is no doubt that the history of this site and the inspectors 2018 decision are material to any future decisions.
- This proposal does not match that approved in 2012. The size of the proposed house should be reduced to match the approved siting.
- The outlook from No.3&4 Claypit Cottages would not be improved.
- The new dwelling would not be in keeping with the existing Plots A and C due to the huge chimney stack, which is only shown on one drawing.
- The swept path survey drawings are misleading as these only work if the cars entering and leaving are the only vehicles on the site. It has been demonstrated that the 4.1 wide entrance is not big enough for two average sized cars to pass each other.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 Located towards the western edge of Offley, the site is roughly triangular in shape and is to the south of Luton Road, set back from the main road and accessed via a side road from Luton White Hill. The application site is set to the east of a terrace of dwellings know as Claypits Cottages and there are two existing dwellings located to the south of the site, No.9 and No.11 Luton Road, which form part of the original larger site, which was formally a masonry yard. The application site shares an access with No.9 and No.11 Luton Road, with a shared turning area between the site and these existing dwellings.

4.1.2 The land includes the existing/ retained garage building, which is located in the south-west corner of the site and the remainder of the site is currently enclosed with a timber fence around its perimeter. The site is not located within any designated areas, although it is located adjacent to the Offley Area of Archaeological Interest, which extends to the east of the site.

4.2 Proposal

4.2.1 *Erection of one detached 3- bedroom dwelling house, including use of existing garage and existing vehicular access and provision of 2no further on-site car parking spaces (as amended by drawings received 16th and 18th December 2020).*

4.2.2 The application seeks planning permission for the erection of a two storey, three-bedroom detached dwelling. The proposed dwelling would be located approximately in the centre of the site and would measure 6.8m in depth by a width of 9.7m. The proposal would have a height of 8.1m to the ridge of the roof and an eaves height of approximately 5m. The proposal would include a chimney stack to the north-eastern side elevation which would measure approximately 10.1m in height and the proposals also include for a single storey lean-to at the southern front elevation, which would accommodate an entrance porch and a ground floor WC. The proposed dwelling would be of facing brick with a plain tile roof.

The application is supported by the following documents:

- Planning Statement (and associated appendices)
- Design and Access Statement
- Site construction management plan
- Swept-path plans

4.3 Key Issues

4.3.1 The key issues in the determination of this application are as follows:

- Principle of the proposed development in this location
- Impact on the character and appearance of the site and surrounding area
- Impact on the amenity and living conditions of neighbouring properties
- Access and parking
- Environmental considerations

Principle of the proposed development

4.3.2 The site is located within the village boundary of Offley, where housing proposals are supported in principle, in accordance with Saved Policy 7 and Policy 26 of the Saved Local Plan and Policies SP1, SP2 and SP8 of the Emerging Local Plan (ELP). In addition, planning permission was previously granted for a dwelling on this plot, under permission reference 12/00256/1. As such, no objection is raised with regard to the principle of the proposed dwelling on this land.

Impact on the character and appearance of the site and surrounding area

4.3.3 Policy D1 of the ELP states that *'Planning permission will be granted provided that where development proposals: a. Respond positively to the site's local context.* Paragraph 127 of the NPPF states that:

Planning policies and decisions should ensure that developments:

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

4.3.4 Claypit Cottages to the west of the site are of Victoria era and the area of housing to the east of the site is of post-war era and is of a suburban character. The two dwellings directly to the south of the site are of a more modern design an appearance, having been constructed in 2013. The proposed dwelling would be of a relatively simple form and design, similar to the two neighbouring properties to the south at No.9 and No.11 Luton Road. The proposal would be of a suitable scale, relative to the size of the plot and it is also considered that the proposed dwelling would be an acceptable height, which would also relate well to surrounding neighbouring dwellings. It is also worth noting that the dwelling would be of a similar footprint to that approved for this plot in 2012 (under reference 12/00256/1) and would be of a reduce height, at 8.1m to the roof ridge compared to the 9.6m ridge height approved in 2012.

- 4.3.5 The proposed dwelling would include a chimney stack to the north-eastern side elevation and which would measure approximately 10.1m tall (including the chimney pot detail at the top – the main stack would measure approximately 9.35m) and which neighbours have raised objections to. Although this would be 2m taller than the ridgeline of the proposed dwelling, it is considered that the chimney would be in keeping with the surrounding area, as surrounding neighbouring properties also include chimneys, albeit lower than that proposed. Overall, it is considered that the proposed chimney would not detract from the character of the area and it would be of a suitable size in keeping with the proposals, providing some visual interest. As such, the overall height and scale of proposed chimney would not, in itself, warrant a reasonable reason for refusal.
- 4.3.6 In light of the above observations, it is considered that the proposed development would be in keeping with the site and surrounding area, would be of an acceptable scale and design and so would be in accordance with both local and national planning policy in this regard.

Impact of the proposed development on the amenity and living conditions of neighbouring properties

- 4.3.7 Policy D3: 'Living conditions' of the emerging Local Plan states that 'Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions'. Support text under Policy D3 states that '*All development has the potential to have an adverse impact on its neighbours, in a wide variety of ways. Such harm may arise from traffic generation, parking, loss of daylight and sunlight, noise, overlooking, pollution (including light pollution) and dominance as well as other issues*'. It is noted that this Policy was not under consideration at the time the 2012 approval was granted, as it did not yet exist at that time. Any potential overbearing or dominant impact would have been assessed by the case officer in 2012, under saved Policy 57 of the Adopted Local Plan, just as it needs to be considered now for the current planning application, under both saved Policy 57 and emerging Policy D3.
- 4.3.8 It is considered that this is the most key consideration in relation to this site and the current proposal, given the previous planning history of this site. In addition, it is noted that of the objections received from neighbours, these for the main part relate to the impacts on the amenity of neighbouring properties.
- 4.3.9 As is well established in the planning decision making process, each application must be determined on its own merits and so this section of the report will outline and assess the specifics of this current proposal. However, the planning history of a site and any previous decisions are also a material planning consideration. The planning history of this site is outlined above, at section 1 of this report. Of this history, it is considered that three decisions are of most relevance in this case.
- 4.3.10 Firstly, planning permission was granted for a dwelling on this site in 2012, under 12/00256/1 (from herewith referred to as the '2012 approval'). The scale, height and siting of that proposed dwelling, in relation to the impact on neighbouring properties, was found to be acceptable by the Council, approval by Planning Control Committee in accordance with officer recommendation. The relevant approved plans for this site ('Plot B') are attached to this report at Appendix 1. However, the 2012 approval was not implemented and an unlawful dwelling was constructed on site, in a differing location.

- 4.3.11 Subsequently, there have been two appeal decisions relating to the dwelling previously built on this site. Both appeals were dismissed and both found that due to the particular height, scale and siting of the dwelling as previously built (now demolished), it had a detrimental impact on the living conditions at No.3&4 Claypit Cottages. The two appeal decisions referred to are the decision by Planning Inspector Christa Masters in 2014 (referred to as the '2014 appeal decision') and Planning Inspector John Braithwaite in 2018 (referred to as the '2018 appeal decision'). These appeal decisions are attached at Appendix 2 (the 2014 appeal decision) and Appendix 3 (the 2018 appeal decision) of this report.
- 4.3.12 With regard to the 2012 approval and any weight which can be attributed to this previous decision, it is noted that this was considered as a 'fall- back' position during the course of the 2014 appeal as the 2012 approval remained extant at that time. Although the 2012 approval is now expired, it had also expired when the 2018 appeal decision was under consideration and inspector Braithwaite states at paragraph 18 of his 2018 decision, *'The local planning authority has indicated that approval for the erection of a replacement dwelling would be forthcoming. The fall-back position is realistic and the dwelling as built will be compared against the approved dwelling'*. As such, it is considered reasonable to take a similar approach in terms of the consideration of this current application.
- 4.3.13 The impact on No.3&4 Claypit Cottages will be assessed first, as this was the main subject of the two previous appeal decisions. One of the key differences between the 2012 scheme found to be acceptable by the Council and the previously built dwelling found to be unacceptable by two inspectors was the siting of the dwelling. The dwelling as previously built was located significantly further to the south and to the west within the plot, compared to the 2012 approved dwelling, to the extent that much of the south-west side gable elevation sat alongside much of the shared boundary with No.3&4. Inspector Braithwaite explains this at paragraphs 19 and 20 of his 2018 appeal decision where he states:
- '19. The site plan approved under the first permission shows the south-west elevation of the dwelling on Plot B to be to the east of the pathway and between two and five metres from the boundary fence, with the associated garage about one metre from the boundary and to the east of the garden..... Because it is further to the south the dwelling has been built to the east of the pathway and the garden at 3-4 Claypit Cottages. It is this factor, above all others, that is critical'*
- '20. The dwelling as built, given its location further to the south, intrudes into and is more prominent in the outlook from 3-4 Claypit Cottages than would be the approved dwelling. Furthermore, given its location further to the west, the dwelling as built is more dominant in the outlook from the neighbouring property than would be the approved dwelling. From the centre of the garden area at 3-4 Claypit Cottages the south-west gable end of the dwelling as built is at a distance of about 14 metres whereas the gable end of the approved dwelling would be about 15 metres away.'*
- 4.3.14 When looking at the sight-line along the northern boundary of No.3&4, the south-west corner of dwelling as approved in 2012 (the nearest point) would have been set approximately 1.35m north of the that line and the dwelling would not have sat directly alongside the neighbour amenity area. However, due to the unauthorised siting of the dwelling as previously built, it was closer to the shared boundary and sat alongside much of this neighbouring outdoor amenity space, resulting in a dominant and

overbearing impact when viewed from the neighbouring property. It is this that was considered 'critical' by inspector Braithwaite when concluding that the dwelling as-built was harmful to the living conditions of No.3&4.

4.3.15 When assessing the merits of the current proposal, it is noted that drawing 19.20:03J shows that the south-west corner of the proposed dwelling (again, the nearest point) would be set 0.98m to the north of the sight-line of No.3&4. Although this is not set as far to the north as the 2012 approval (it would be approximately 37cm further south), critically the proposed dwelling would not sit directly alongside the amenity space at No.3&4 and would not sit within the primary view when looking east from the neighbouring property. In addition, it is considered that a reasonable gap and set-back of nearly 1m from the line of the neighbouring garden would still be retained. As such the proposal would not be an overly dominant built form when viewed from this neighbouring property. Furthermore, referring to the Inspectors 2018 decision and the distance from the 'centre of the garden' at No.3&4 to the south-west gable elevation of the proposals, the current proposed plans show that the south-west elevation, at its nearest point (south-west corner of the proposed dwelling) would be approximately 15.2m from the centre point of the neighbours garden (the centre of the gable elevation; at its highest point; would be approximately 15.8m away), which is further than both the previously as built dwelling (distance of 'about 14m') and the 2012 approval ('about 15m').

4.3.16 It was the siting of the previously as-built dwelling, together with its height and proximity to No.3&4 as to why it was found to be harmful to the living conditions of No.3&4. The height of the previously as-built dwelling, subject of the 2014 and 2018 appeal decisions, was 9.1m. The issue of the height of the dwelling was exacerbated as it was also found that the ground levels on the application site had been raised. At paragraph 16 inspector Braithwaite explains:

'16. The dwelling on Plot B has a south-west gable end and a steep roof of about 60 degrees. The drawing of the dwelling approved by the first permission shows the dwelling to have a ridge height of about 9.6 metres. The dwelling as built has a ridge height of about 9.1 metres, but evidence indicates that ground levels on Plot B were raised during the implementation of the development. This became apparent during the Hearing when a drawing (ID3) showing pre-development site levels was compared with a drawing (ID5) showing post-development site levels. This raising of ground levels was also noted at the site visit. The consequence of the actual ridge height of the dwelling, compared to the approved height, and the raising of ground levels is that, in height terms relative to ground levels at 3-4 Claypit Cottages, the dwelling as built is about the same as the approved dwelling.'

4.3.17 It can be inferred from this that the ground levels had been raised by approximately 0.5m (Inspector Braithwaite suggests the height of 2012 approval at 9.6m and as built at 9.1m would be similar). The dwelling now proposed would have a similar eaves height to the 2012 approval, at 5m. However, the current proposal would have a shallow roof pitch and so the height to the roof ridge would be 8.1m, which is lower than the previously built dwelling subject of the 2014 and 2018 appeals which was 9.1m and is considered to be significantly lower than 2012 approval which was for a ridge height of 9.6m.

4.3.18 Furthermore, as outlined in the Planning Statement and sectional drawings accompanying this application, the dwelling is also proposed at a reduced ground level, compared to the previously built dwelling. The applicant has outlined that during the

demolition of the previous dwelling and the removal of foundations, the ground level was reduced by approximately 0.15m - 0.2m. It is also proposed to further reduce/lower the current ground level so that as a result, the proposed dwelling would be at a ground level approximately 0.30m – 0.40m lower than the previously built dwelling, which was subject of the two appeal decisions (although the ground level would remain approximately 0.1 – 0.2m higher than the 2012 approval). The finished floor levels and site ground levels can be clarified and secured via a suitable condition, to be agreed prior to the commencement of development (to show both existing and proposed levels).

- 4.3.19 In assessing the particular merits of the current proposal, it is noted from the proposed plans that at its nearest point, the proposed dwelling would be over 5m from the garden at No.3&4 and over 22m from the main eastern elevation of No.3&4, although it would be approximately 19m from an existing ground floor conservatory extension on the eastern elevation of No.3&4, which is not shown on the current proposed plans (the conservatory extension at No.3&4 is shown to be approximately 2.8m in depth, shown on plans for extensions at No.3&4 under reference 11/00874/1HH). The proposed dwelling would be partially screened and separated from the dwelling at No.3&4 by the access path and outbuildings along the shared boundary at No.3&4 and by a tall, dense conifer hedge along the boundary between No.3&4 and No.6. The ridge line of the proposed dwelling would be of the same height as the ridgeline at No.3&4 and the internal finished floor level would be slightly higher than No.3&4 (less than 0.3m above that at No.3-4).
- 4.3.20 It is noted that the dwelling as currently proposed would not be in the exact same location as the 2012 approval, although its siting further to the south by 0.37m is considered relatively minimal. However, in light of the above observations regarding the distances between the proposal and No.3&4 Claypit Cottages, the siting of the proposed dwelling in relation to the neighbouring property and the reduced height of the proposed dwelling (including a consideration of ground levels), it is your officers view that the current proposal overcomes the reasons why the two previous appeals were dismissed. The proposal would be of a significantly reduced height and would not encroach into the site line of the neighbouring garden (being set 0.98m north of the nearest sight-line). The proposals therefore would not be overbearing and would not be overly dominating when viewed from the neighbouring dwelling. In addition, given the distance between the proposed dwelling and No.3&4, it is considered that the proposal would not result in a significant loss of light to this neighbour. The issue of light was found to be acceptable in relation to the larger, closer building as previously built on site (a BRE assessment was provided as part of the 2014 Appeal) and so the same is considered to be the case for the current proposal, which would be set further away and would be of a reduced height. Lastly, it is noted that the proposed dwelling would not include any openings at first floor level to the south-west side elevation and so would not result in any over-looking or loss of privacy at No.3&4.
- 4.3.21 With regard to the impact to No.6 Claypit Cottages, objections have been raised by neighbours with regard to the impact the proposals would have on the amenity enjoyed at this neighbouring property. As outlined above, the current proposal is for a dwelling of a reduced height and at a reduced ground level compared to that considered harmful under the two previous appeal decisions. Owing to the re-siting of the proposed dwelling (compared to the previously built dwelling), No.6 would now be the nearest neighbouring property.

4.3.22 On assessing the proposed plans, it is noted that at its nearest point (the north-west corner), the proposed dwelling would be set approximately 7m away from the boundary of No.6 and would be approximately 20m from the main eastern elevation of No.6. However again, as with No.3&4, the proposed plans do not show the outline of an existing conservatory to the side of No.6, which has a depth of approximately 6.1m (taken from plans for extensions at No.6 under ref. 16/03106/1HH). The proposed dwelling would be located approximately 15m from the end of the conservatory at No.6, at its nearest point.

4.3.23 When considering the previously built dwelling and finding harm to the living conditions at No.3&4, Inspector Masters states at paragraph 16 of her decision that:

‘Turning to consider the issue of dominance, overbearing impact and sense of enclosure, it was clear from the site visit that the outdoor amenity space at 3-4 Claypit Cottages is actively used. Indeed there is a garden room close to the shared common boundary and the kitchen window faces the garden. There are limited opportunities for the use of other amenity space at the property.’

The primary outdoor amenity space at No.3&4 is relatively enclosed and the view to the east from this amenity space is the main outlook and which was directly towards the previously built dwelling (as noted above, which due to its unauthorised location, sat alongside much of the eastern boundary of No.3-4).

4.3.24 In the case of No.6, this dwelling benefits from a much larger outdoor garden and amenity space, compared to No.3&4, which wraps around the eastern side of the dwelling and also to the north of the dwelling. As such, the proposed dwelling would have less of an impact on this neighbour, as it would be less ‘intensified’, given that No.6 benefits from the use of a larger, more open space, much of which would be set well away from the proposed dwelling. In addition, it is noted that the plot at No.6 is separated from the application site by the driveway and access path which leads from the road to No.3&4. Therefore, No.6 is more separated and more screened from the application site by intervening features including two boundary fences, several outbuildings along the driveway/ path at No.3&4 and a tall, dense hedge along the boundary between No.6 and No.3&4.

4.3.25 Inspector Masters also notes at paragraph 8 of her decision that *‘Helpfully, all parties agreed at the Hearing that the separation distances as set out in table 4.5 of the appellant’s appeal statement were correct and an accurate reflection of what had been built on site.’* This refers to Table 4.5 of the David Lane Associates Appeal Statement April 2014 which outlines that the 2012 approval would have been set 19.8m away from No.6. As mentioned above, the current proposal would be set a similar distance from this neighbouring property and it is also noted that the proposed dwelling would be of a reduced height, at 8.1m to the ridge level, compared to 9.6m.

4.3.26 In light of the above observations, given the distances between the proposal and No.6 and the relationship between the two plots, whilst the first floor and roof of the proposal would be visible from No.6, it is considered that the current proposal would not have an overbearing or dominant impact on this neighbouring property (and certainly not to the same extent as identified in the two previous appeal decisions, in terms of the harm caused by the previously built dwelling to No.3&4). In addition, given the distance of the proposal from this neighbour and the reduced height compared to the 2012 approval, together with the intervening boundary treatments, it is considered it would not have a materially adverse impact in terms of loss of light (both natural day light and

direct sunlight). Furthermore, as noted above, the proposal would not include any first floor windows facing towards this neighbouring property and so the proposal would not result in any overlooking or loss of privacy at No.6.

4.3.27 The only other neighbouring properties which would likely be impacted by the proposed dwelling, would be those to the south, at No.9 and No.11 Luton Road, which were originally approved as part of the 2012 approval (Plots A and C), together with the third dwelling on the application site. It is noted that at no point throughout the planning history of this site has any harm been identified to these dwellings. The dwelling as previously built and which was subject of the 2014 and 2018 appeal decisions was located further south than that current proposed and thus would have been in closer proximity to these neighbouring properties. The previously built dwelling was also taller in height and built at a higher ground level than that currently proposed. Again, it is noted that no harm was identified to the neighbours at No.9 and No.11 (the appeals were both dismissed due to the identified harm to No.3&4).

4.3.28 The main southern front elevation of the dwelling now proposed would be set approximately 14m from the main front façade of No.9 and approximately 14.8m from No.11, with the shared access driveway and turning space set between and separating these properties from the proposal. The proposal would be of a slightly lower height than both these neighbours. The frontage of dwellings is generally considered to be the public aspect of a property and these distances are considered appropriate and acceptable in this instance, so as not to cause any overbearing impact or loss of privacy. Furthermore, it is also worth noting that the distance between the proposed dwelling and the front of these neighbouring properties is very similar to that under the 2012 approval, which has already been found to be acceptable. Lastly, the proposed dwelling would be located to the north of No.9 and No.11 and so there would be minimal impact in terms of loss of light to these neighbouring properties.

Summary on impacts to neighbouring properties

4.3.29 This report has assessed the merits of this application with regard to the potential impacts on neighbouring properties, considering the distance to boundaries and the proposed height and scale of the proposal. In addition, this report has also outlined and taken account the planning history of this site and the different decisions made by the Council and the planning inspectorate on differing proposals for a detached dwelling on this site. In summary, it is found that the proposed dwelling would not result in any significantly adverse impacts to any of the neighbouring properties to warrant or justify a reason for refusal, in this instance. As such, the current proposal is found to be acceptable in this regard.

4.3.30 With regard to the amenity of future occupiers, it is noted that the 3 bedroom dwelling would have sufficient floorspace in accordance with the National Space standards and the property would be served by sufficient outdoor amenity space, to the rear and both sides of the dwelling. However, given the relationship with neighbouring properties, it is considered reasonable to impose a condition in the event that permission is granted, which would restrict Classes A, B, C, D and E (extensions, alterations and outbuildings) permitted development rights.

Access and parking

4.3.31 The proposed plans show that the dwelling would be accessed from the existing Luton Road side-road, via the same access serving No.9 and No.11 and the same access as approved under 13/02910/1. This existing access has been considered and assessed

by the HCC Highway officer and it is found to benefit from sufficient vision splays, given the nature of the side-road and is therefore considered to be acceptable.

4.3.32 Concerns and objections have been previously raised by neighbours at Claypit Cottages with regard to the shared turning space between the application site and No.9 and No.11, which was subject to a condition on the original 2012 approval. However, the current layout, which would be retained, has now been in place and used by No.9 and No.11 for approximately 7 years (and for a time by the occupiers of the previously built dwelling.). In addition, this matter has not been raised or objected to by either Planning Inspector as part of the two previous decisions. The turning space would measure approximately 10.3m wide by approximately 14m in length and is considered to be of a sufficient size to allow average sized cars/ vehicles to turn so that they would not have to reverse out into the road. The application is also accompanied by swept-path plans, showing how each of the two new proposed parking spaces can be accessed and used (the third space within the garage would also be retained), as well as demonstrating how vehicles at No.9 and No.11 will also still be able to use the turning space.

4.3.33 The provision of three off-street parking spaces is considered sufficient and in accordance with the requirements of the Councils Parking SPD for a three bedroom dwelling. Although the proposals do not outline any specific on-site cycle parking, the proposed dwelling would be served by the existing garage which could provide ample space for the storage of bicycles, in addition to one vehicle.

4.3.34 In summary, no objections have been raised by the Highway officer and it is considered that the access and parking arrangements as proposed would be acceptable.

Environmental Considerations

Noise, air quality and land contamination

4.3.35 The site and the proposals have been considered by the Councils Environmental Health Officers and no objections are raised in any of these instances and so the proposal is found to be acceptable in this regard. A condition is recommended which would require that an Electric Vehicle Charging Pont is provided on site. Furthermore, informatives are also recommended relating to British Standards on noise levels during the construction phase and limiting hours of construction.

Archaeology

4.3.36 The County Archaeologist has considered the proposals and taking into account the recent history of the site, which included the presence and occupation of a previous dwelling on this site and the complete demolition of that dwelling, including the foundations, it is considered that although the site is adjacent to the Area of Archaeological Significance, the development is unlikely to have a significant impact on heritage assets of archaeological interest. Therefore, no objection is raised in this regard and no conditions are recommended or required.

Thames Water

4.3.37 It is noted that a sewer line runs through the site and it is for this reason why the previously built dwelling was moved further south, compared to the 2012 approval. The proposed site plan shows the line and location of the sewer and the rear elevation of the proposed dwelling would be within close proximity to the sewer. However, the

application is accompanied by a letter from Thames Water dated June 2020, which states that they have no objection to the proposals. As such, the sewer would not need to be dug-up and/ or relocated.

4.4 **Conclusion**

- 4.4.1 The proposed development would be within the village boundaries of Offley and so would be an acceptable form of development in principle. The proposed three bedroom detached dwelling would be of a suitable scale, form and design, in keeping with the character and appearance of the surrounding area. It is found that the proposal would not result in any significantly adverse impacts on the amenity and living conditions of neighbouring properties. As such, the proposed development is considered to be acceptable. I consider there to be no sustainable planning objections to raise to the application and so I recommend that planning permission be granted, subject to certain safeguards set out in the conditions recommended below.

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Climate Change mitigation measures**

- 4.6.1 Members will note that the recommendation includes a condition requiring that an EV charging point be installed as part of this proposal.

4.6.2 **Pre-Commencement Conditions**

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

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

1. The development hereby permitted shall be begun before the 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. Prior to the commencement of the development hereby approved, a landscaping plan is to be submitted to and approved by the Local Planning Authority and only the approved details must be implemented on site. The landscaping plan shall include the following:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained;

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

- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed including boundary treatments with the neighbouring Claypit Cottages as well as within the development; and

- d) details of any earthworks proposed.

Reason: In the interests of the visual amenity of the site.

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. No development shall take until details of the proposed finished floor levels; ridge and eaves heights of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels surrounding the dwelling hereby approved. The development shall be carried out as approved.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted

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

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

8. Prior to occupation, the 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.

9. Before the occupation of the dwelling hereby permitted, the car parking facilities shown on the approved plan, including the existing garage, shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

10. The turning space shown on approved plans and located between the dwelling hereby approved and No.9 and No.11 Luton Road shall be kept free from obstruction and free from parked vehicles and shall be available for the use of turning vehicles at all times.

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

11. Full details of a construction management plan for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (including any pre-construction, demolition or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:

- a) hours of construction operations including times of deliveries and removal of waste;
- b) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- c) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- d) screening and hoarding details, to protect neighbouring residents;
- e) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standards 5228 1997;

- f) wheel washing facilities for construction vehicles leaving the site;
- g) storage and removal of building waste for disposal or recycling.

Reason: To ensure the correct phasing of development in the interests of minimising disruption to the public highway during construction, minimising any environmental impacts, in the interests of highway safety and amenity.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. EV CHARGING POINT SPECIFICATION INFORMATIVE:

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

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

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed determination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

2. HCC recommends inclusion of the following highway informative to ensure that any works within the public highway such as along the verge to accommodate the temporary construction access are carried out in accordance with the provisions of

the Highway Act 1980:

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

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website; <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

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

7.0 **Appendices**

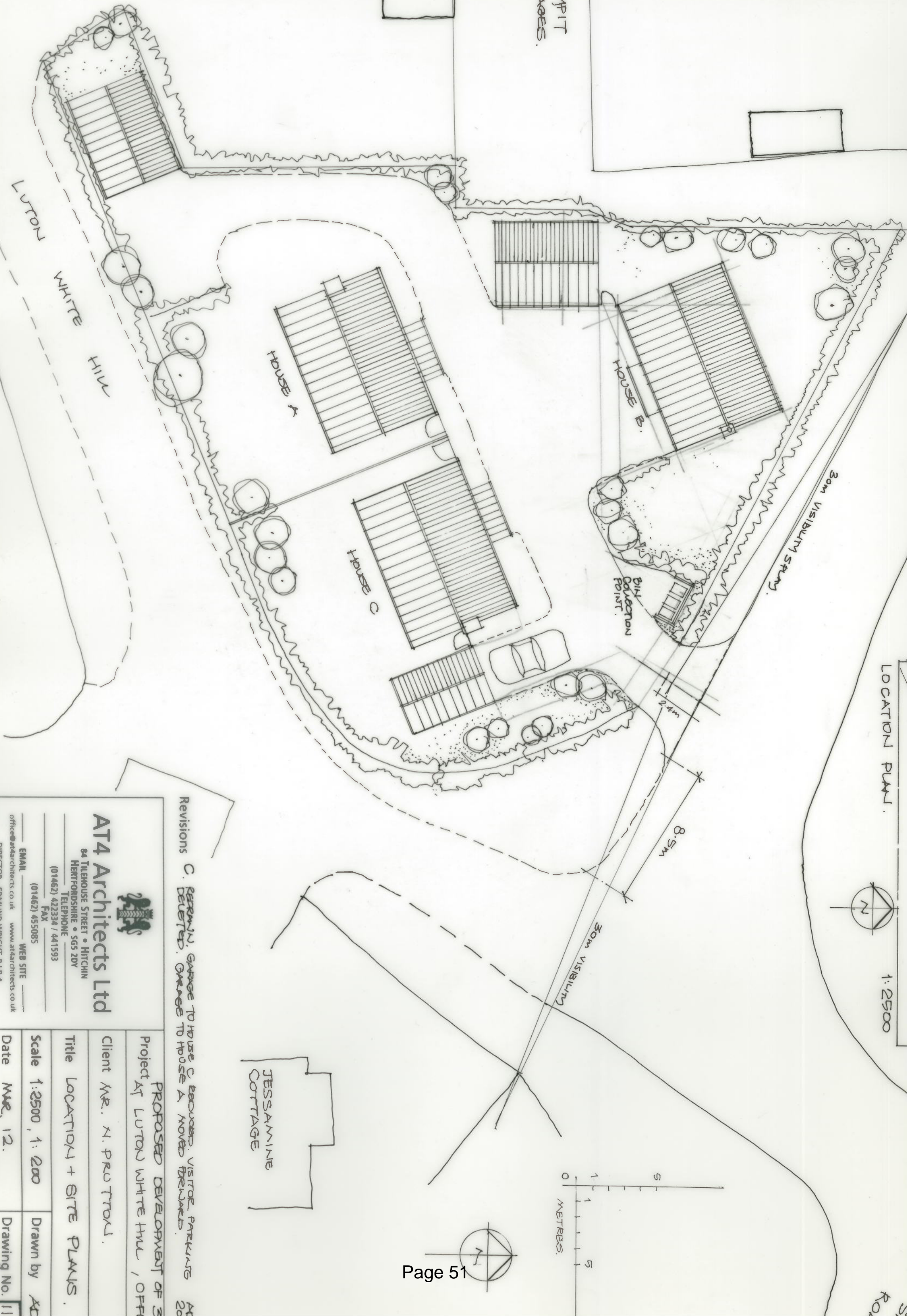
- 7.1 Appendix 1: Approved Plans 11.17.011 and 11.17.03B, under 12/00256/1
- 7.2 Appendix 2: Appeal Decision APP/X1925/A/14/2217598 dated 13 October 2014
- 7.3 Appendix 3: Appeal Decision APP/X1925/C/16/3164458 dated 18 September 2018

LOCATION PLAN.

1:2500



UPIT
TAGES.



Revisions C. RETURN. GARAGE TO HOUSE C. ENCLOSED. VISITOR PARKING AT 20. GARAGE TO HOUSE A. MOVED FORWARD.



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Client Mr. N. PROTON.

Title LOCATION + SITE PLANS.

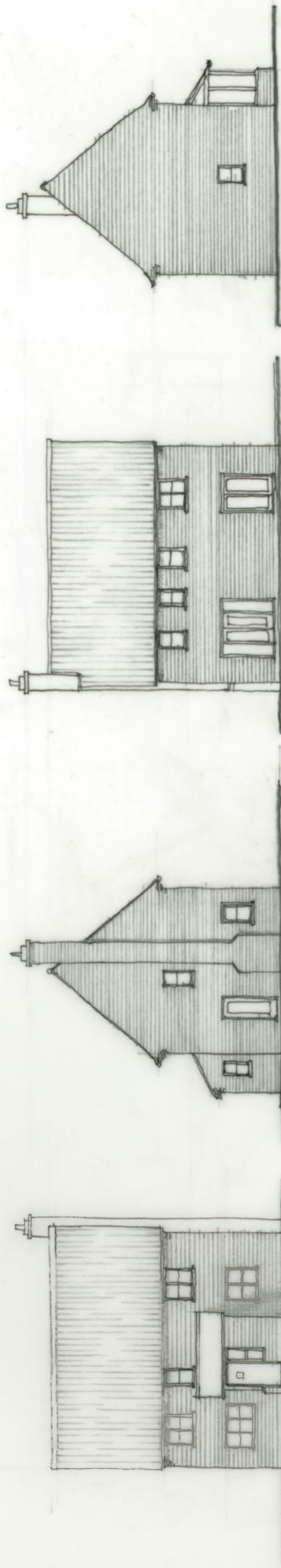
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Date Mar. 12.

Drawn by AT

Drawing No. 1/1

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SOUTH

EAST

NORTH

WEST

ELEVATIONS 1: 200

B Plan + elevations amended. 23.03.12
 A Plan amended Rear gable reduced in height. 26.02.12

Rev Date

Project Proposed 3 No Houses on land adjacent to

**CLAYPIT COTTAGES
 LUTON WHITE HILL
 GREAT OFFLEY**

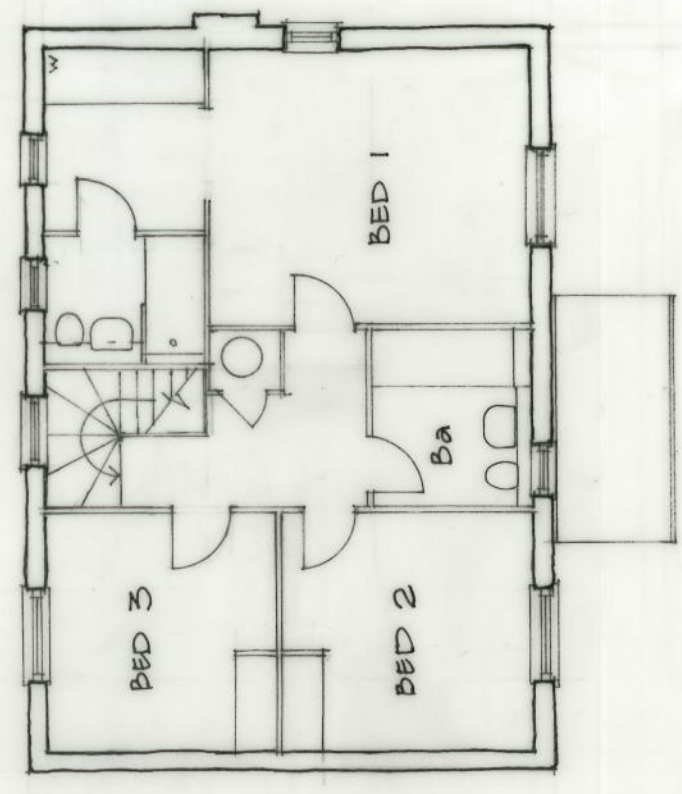
Client Mr N. Prutton

**HOUSE B
 PLANS + ELEVATIONS**

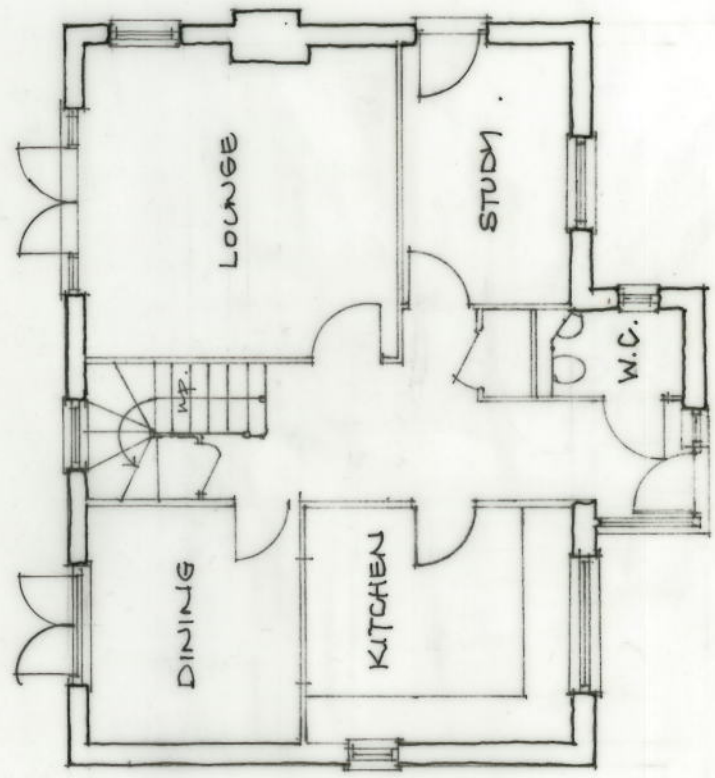
Scale 1: 100, 1:200 at A3 Date June 11

Drawn AD

Drawing No **11.17 : 03** Rev B



FIRST FLOOR PLAN



GROUND FLOOR PLAN



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Appeal Decision

Hearing held on 19 August 2014

Site visit made on 19 August 2014

by Christa Masters MA (Hons) MRTPI

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

Decision date: 13 October 2014

Appeal Ref: APP/X1925/A/14/2217598

L/A Claypit Cottages, Luton Road, Offley, Hitchin SG5 3DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by J J Kelly and Sons Ltd against the decision of North Hertfordshire District Council.
 - The application Ref 13/02910/1, dated 2 December 2013, was refused by notice dated 26 March 2014.
 - The development proposed is described as retention of three detached dwellings together with detached garages and associated parking as variation of planning approval ref 12/00256/1 granted on 29 May 2012.
-

Decision

1. The appeal is dismissed.

Application for costs

2. Prior to the Hearing an application for costs was made by JJ Kelly and Sons Ltd against North Hertfordshire District Council. This application is the subject of a separate decision.

Procedural matters

3. Planning permission was granted on 29 May 2012 (application reference 12/00256/1) for three detached dwellings, detached garages and an access driveway. This appeal relates to a subsequent application made to regularise the overall development and to obtain planning permission for a number of amendments to the original permission. A split decision was issued by North Hertfordshire District Council on 26 March 2014. The decision allowed the retention of plots A and C, however refused planning permission for plot B. It is the amendment to plot B which is now the subject of this appeal.
4. It was confirmed by the Council at the Hearing that the plans against which the appeal should be considered were numbers 386-01, 386-200, 386-201, 386-220, 386-221, 386-222. It was also confirmed that these plans were an accurate reflection of what has been built on site. Additional plans 386-301 and 386-206 were submitted by the appellant as part of the appeal submission. These covered the layout of the proposed scheme compared to the consented scheme and also a further layout plan. Taking into account the judgement given in *Bernard Wheatcroft Ltd v Secretary of State for the Environment* and

Harborough District Council (1980), I do not consider that third parties would be prejudiced through my consideration of these plans and the appeal has therefore been determined on this basis.

5. At the Hearing, concerns were raised by an interested party in connection with the discharge of a number of conditions relating to the original planning permission. These are not the subject of this appeal and as such I will not comment any further on these matters.

Main Issues

6. There are two main issues. Firstly the effect of plot B on the character and appearance of the area, with particular reference to the setting of 3-4 Claypit Cottages. Secondly, the effect of the proposal on the living conditions of existing and future occupiers of 3-4 Claypit Cottages.

Reasons

7. The appeal site is a triangular site which accommodates 3 detached houses with detached garages. The site is set back from the main Luton Road. To the west of the site are Claypit Cottages, a two storey terrace of residential dwellings. 3-4 Claypit Cottages are also known as Redway Cottage however I have used only 3-4 Claypit Cottages throughout my decision.

The effect of the proposal on the character and appearance of the area, and in particular 3-4 Claypit Cottages

8. Helpfully, all parties agreed at the Hearing that the separation distances as set out in table 4.5 of the appellant's appeal statement were correct and an accurate reflection of what had been built on site.
9. The Council's representative explained that the concerns related to the scale and height of the dwelling and its position within the site rather than the separation distances between the dwelling and 3-4 Claypit Cottages. Views were expressed by all parties in connection with the alleged increase in the ground level of the site. However, the matter before me is the height and scale of plot B as currently built. I will not comment any further on any changes to the ground level of the site which may or may not have taken place.
10. The agent for the interested party expressed specific concerns regarding the historical significance of 3-4 Claypit Cottages as a non designated heritage asset. I have considered this issue in the context of the advice contained within paragraph 135 of the NPPF 'the Framework'. 3-4 Claypit Cottages are not listed and neither do they fall within a conservation area. Other than the increased height of the dwelling, I have not been presented with any substantive arguments to justify why the position of plot B causes material harm to the character and appearance of the area or 3-4 Claypit Cottages. Whilst the dwelling on plot B is indeed taller than Claypit Cottages, this fact alone does not mean it is harmful to the character and appearance of the area.
11. The fallback position would mean that there would be a building on the site albeit in a different location. In this context, I do not consider that the effect of the proposal on the existing character and appearance of the area is substantially different from the consented scheme.

12. I therefore conclude on the first main issue that the plot B does not cause any significant harm the character or appearance of the area or 3-4 Claypit Cottages. Accordingly, I do not find any conflict with policy 57 of the District Local Plan No.2 with Alterations (LP) 2007.

The effect of the proposal on the living conditions of existing and future occupiers of 3-4 Claypit Cottages

13. The occupiers of 3-4 Claypit Cottages have also raised concerns regarding loss of privacy as a result of the location of plot B. The current occupier of Plot B spoke at the Hearing and advised that 3-4 Claypit Cottages were not visible from the appeal site. There are no windows at first floor level overlooking 3-4 Claypit Cottages from plot B and so privacy is assured. Although there is activity on the appeal site close to the boundary, the activity is no more than one might reasonably expect in a residential area and so any disturbance would be within reasonable bounds.
14. The interested party explained at the Hearing that since plot B had been constructed, the rear of his property had received very little natural light. The view was also expressed that a significant proportion of the rear garden was now in shadow and the dwelling at Plot B has a an adverse effect on 3-4 Claypit Cottages as a result.
15. A Daylight and Sunlight report was prepared and submitted by BRE on behalf of the appellant. Whilst concerns were expressed by the interested party regarding the methodology used and the fact that a measured survey was not undertaken of 3-4 Claypit Cottages, I am not convinced that this would have materially altered the main findings of the report. On the basis of this report, I find the Daylight and Sunlight to 3-4 Claypit Cottages is not appreciably compromised as a result of the development.
16. Turning to consider the issue of dominance, overbearing impact and sense of enclosure, it was clear from the site visit that the outdoor amenity space at 3-4 Claypit Cottages is actively used. Indeed there is a garden room close to the shared common boundary and the kitchen window faces the garden. There are limited opportunities for the use of other amenity space at the property.
17. I observed that the proposal is built in an elevated position and as a consequence, the height at 9.3m to the ridge combined with the scale and orientation of the two storey structure has a dominant and overbearing impact that is detrimental to the occupiers' living conditions. The flank elevation of plot B is close to and extends for a significant part of the length of the common boundary. The lack of visual permeability caused by the large and dominant side elevation means that the effect of plot B is oppressive and overbearing to the occupiers of 3-4 Claypit Cottages. Such is the degree of this harm I am dismissing the appeal in relation to this issue alone.
18. Whilst I appreciate that there is still an extant planning permission for a dwelling at Plot B in a different location, this fallback location would have a much lesser impact on the living conditions of 3-4 Claypit Cottages when considered against the proposal now before me.
19. I therefore conclude on the second main issue the proposal causes material harm to the living conditions of the existing occupiers of 3-4 Claypit Cottages, contrary to policy 57 of the LP. It would also have the same effect on any

future occupiers of the property. Policy 57 is a detailed 12 part policy concerning, amongst other things, design and layout and privacy. It states that site characteristics and topography are all factors which can effect layouts. Furthermore, it goes onto state that as each housing site is unique, each new development must relate to the site's physical shape and existing features. The proposal also conflicts with a similar objective in the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

20. Councillor Faye Frost represented Offley Parish Council at the Hearing. The concerns expressed related to the differences between the consented scheme and the current position of Plot B. It was also stated that the new layout of the site was not considered acceptable and was detrimental the local community as a result. I have addressed this matter in the conclusions I have reached above.
21. I accept the proposal would assist in the delivery of a wider choice of homes. However, this fact alone does not outweigh the harm I have identified above in relation to the living conditions of the neighbouring property.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christa Masters

Inspector

APPERANCES

FOR THE APPELLANT:

Mr D Lane BSc (Hons) DipTP, MRTPI FRSA	DLA Town Planning Ltd
Mr P Brigwell	BL Architecture
Mr P Littlefair	BRE
Ms S King	BRE

FOR THE LOCAL PLANNING AUTHORITY:

Ms M Caldwell	North Hertfordshire District Council
Cllr M Weeks	North Hertfordshire District Council
Cllr I Mantle	North Hertfordshire District Council
Cllr D Barnard	North Hertfordshire District Council
Cllr M Muir	North Hertfordshire District Council

INTERESTED PARTIES:

Mr A Evans

Mr A Jones

Ms L Hwazi

Ms F Frost

CgMs

Redway Cottage, Luton Road

15 Luton Road

Lodge Cottages, Lilley Bottom

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Appeal Decision

Hearing Held on 8 August 2018

Site visit made on 8 August 2018

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 18 September 2018

Appeal Ref: APP/X1925/C/16/3164458

Land at Plot B adjacent to Claypit Cottages, Luton Road, Offley SG5 3DN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by J J Kelly and Sons Limited against an enforcement notice issued by North Hertfordshire District Council.
- The enforcement notice was issued on 13 September 2016.
- The breach of planning control as alleged in the notice is the erection of an unauthorised detached house and associated garage both edged blue on the attached plan.
- The requirements of the notice are (i) Demolish the dwelling and garage edged blue on the attached plan and remove any hard standing and foundations associated with the unauthorised development (excluding any block pavements in association with the driveway and access roads hatched on the attached plan); and (ii) Clear the site of all demolition materials, make good and set the area where the dwelling and garage were located with grass seed or turf.
- The period for compliance with the requirements is (i) 3 months from 22 December 2016; and (ii) 4 months from 22 December 2016.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 as amended (the Act).
- This decision supersedes that issued on 9 August 2017. That decision on the appeal was remitted for re-hearing and determination by consent order of the High Court.

Decision

1. The enforcement notice is corrected by the deletion of 'from 22 December 2016' in both periods for compliance in section 6 of the notice.
2. The enforcement notice is varied by:
 1. the deletion of 'and garage' and 'hardstanding and' in requirement (i) in section 6 of the notice;
 2. the deletion of 'and garage were' in requirement (ii) in section 6 of the notice and the substitution instead of 'was'.
3. The appeal is dismissed with regard to the dwelling and planning permission is refused on the application deemed to have been made for the dwelling under section 177(5) of the Act.
4. The appeal is allowed with regard to the garage and planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the development already carried out, namely the erection of a garage on

land at Plot B adjacent to Claypit Cottages, Luton Road, Offley, subject to the following condition:

1. The garage shall only be used for residential purposes and not for any commercial or business purpose.
5. Subject to the correction and the variations the enforcement notice is upheld.

Correction to the enforcement notice

6. The periods for compliance in section 6 of the enforcement notice state the start date of the periods. The date became incorrect once an appeal had been submitted against the notice. The enforcement notice has therefore been corrected by the deletion of the date in both periods for compliance.

Site and planning history

7. The appeal site is part of a plot of land for which planning permission 12/00256/1 was granted for the erection of three detached dwellings and detached garages (the first permission). This permission was implemented but the buildings have been erected in different positions and to different designs to those shown on approved drawings. Planning permission 12/02507/1 (the second permission) was granted for material amendments to the first scheme and, subsequently, having been alerted to the incorrect positioning of the dwellings, the Council granted planning permission 13/02910/1 (the third permission) to regularise the development, but only for Plots A and C. Planning permission was refused for Plot B and a subsequent appeal (the previous appeal) against that decision was dismissed. Two further applications seeking authorisation for the as built position of the dwelling on Plot B have also been refused.

Reasons

8. The reasons for issuing the enforcement notice do not state the alleged harm caused by the unauthorised development or any conflict with the development plan by reference to plan policies. For this reason the Appellant maintains that the notice is a nullity. The reasons do refer, amongst other things, to the refusal of retrospective planning permission for the dwelling and garage, and to the dismissal of a previous appeal against that refusal of planning permission. The planning application number is stated as is the appeal reference number.

9. The planning application refusal notice, which the Appellant will have understood because he submitted an appeal against it, identifies the harm alleged to have been caused by the development, and relevant development plan policies are considered in the appeal decision. Reference to the two documents in the reasons for issue of the notice is sufficient for the requirements of section 173(10) of the Act to have been met. Furthermore, the Appellant makes no claim that he has been prejudiced. For these reasons the notice is not a nullity.

The ground (c) appeal

10. The Appellant has argued that the as built position of the dwelling on Plot 2 was shown on a drawing submitted with the second permitted application for material amendments to the first permission, and that therefore approval has been granted for its revised position. But the description of the development, either as made or as amended by the Council, makes no mention of the repositioning of the

dwelling on Plot B and nowhere else in the second application is there mention of the revised siting of the dwelling. The aforementioned drawing is a landscape drawing. It is not annotated to indicate that the position of the dwelling is different to that approved in the first permission, it does not show, importantly, the position of the dwelling relative to neighbouring properties, and there are discrepancies with the site plan approved in the first permission. For these reasons the landscape drawing does not alter the conclusion that the second permission did not authorise the revised position of the dwelling on Plot 2.

11. The Appellant has also argued that the differences between the approved and as built position of the dwelling on Plot 2 are *de minimis*, and that, therefore, the as built position is approved by the first permission. A report commissioned from a surveying consultant by the Appellant concludes that the dwelling as built on Plot B is 1.57 metres to the west and 1.79 metres to the south of the position approved by the first permission. Such siting differences might be *de minimis* when considering the siting of an agricultural building in a remote countryside location but they are not *de minimis*, as a matter of planning judgement, when considering the siting of a dwelling in a village location where dwellings and other buildings are sited in close proximity to each other. In such a location siting differences as set out above can have significant consequences for matters of acknowledged importance such as outlook from neighbouring properties.

12. The siting of the dwelling on Plot B is not approved by the first permission and the differences between the approved and the as built positions of the dwelling are not *de minimis*. The ground (c) appeal thus fails.

The ground (a) appeal

13. The main issue is the over dominance of the dwelling on Plot B as built in the outlook from, and therefore its effect on the living conditions of, the residents of 3-4 Claypit Cottages, a mid-terraced dwelling to the west of Plot B.

14. The Development Plan is saved policies of the North Hertfordshire District Local Plan No.2 (DLP). DLP policy 57 is a detailed twelve part policy concerning, amongst other things, design, layout and privacy. The policy states that site characteristics and topography are all factors which can affect layouts, and each housing site is unique and that each new development must relate to the site's physical shape and existing features.

15. 3-4 Claypit Cottages is a two storey dwelling with a garden area on its east side that is about 17 metres long and 9 metres wide. From the north-west corner of the garden a paved pathway about 22 metres long leads to the public highway. To the east of the garden and pathway is Plot 2 and along the boundary is a high fence. On the east elevation of the terraced dwelling is a small sun room, and a kitchen and bedrooms at first floor level overlook the garden. The property has an amenity area on its west side beyond which is an open field. Access to and from the dwelling for residents is via the pathway and through the garden, within which is play equipment, a garden house and paved sitting out areas.

16. The dwelling on Plot B has a south-west gable end and a steep roof of about 60 degrees. The drawing of the dwelling approved by the first permission shows the dwelling to have a ridge height of about 9.6 metres. The dwelling as built has a ridge height of about 9.1 metres, but evidence indicates that ground levels on Plot B were raised during the implementation of the development. This became apparent during the Hearing when a drawing (ID3) showing pre-development site

levels was compared with a drawing (ID5) showing post-development site levels. This raising of ground levels was also noted at the site visit. The consequence of the actual ridge height of the dwelling, compared to the approved height, and the raising of ground levels is that, in height terms relative to ground levels at 3-4 Claypit Cottages, the dwelling as built is about the same as the approved dwelling.

17. The appeal decision that was quashed by consent order of the High Court granted planning permission for the dwelling as built on Plot B subject to one condition. The condition required off-white horizontal cladding board to be installed to the top half of all the brick elevations of the house on Plot B. The Appellant complied with the condition and the house has off-white cladding above ground floor brick elevations. From the garden area at 3-4 Claypit Cottages the cladding on the gable end of the dwelling is stark, bright and visually intrusive. If planning permission was again to be granted it would be subject to a condition that the cladding is removed. Consequently, the impact of the dwelling will be considered as if the cladding had been removed.

18. The Appellant maintains that the dwelling as built should be compared against the fall-back position of a house erected on Plot B in the position as approved. The dwelling was 'moved' from its approved position, in part, to accommodate the installation of a drain around the north corner of the dwelling. A dwelling in its approved position would be over the drain but it is conceivable that the drain could be relocated and even that the drain could pass under the building subject to the approval of the statutory water authority. The local planning authority has indicated that approval for the erection of a replacement dwelling would be forthcoming. The fall-back position is realistic and the dwelling as built will be compared against the approved dwelling, though without reference, given the conclusion in paragraph 15, to ridge height.

19. The site plan approved under the first permission shows the south-west elevation of the dwelling on Plot B to be to the east of the pathway and between two and five metres from the boundary fence, with the associated garage about one metre from the boundary and to the east of the garden. The current residents of 3-4 Claypit Cottages have not expressed any substantive concern about the garage, despite its proximity to the boundary, because it is single story and because its roof slopes up away from the boundary. Because it is further to the south the dwelling has been built to the east of the pathway and the garden at 3-4 Claypit Cottages. It is this factor, above all others, that is critical.

20. The dwelling as built, given its location further to the south, intrudes into and is more prominent in the outlook from 3-4 Claypit Cottages than would be the approved dwelling. Furthermore, given its location further to the west, the dwelling as built is more dominant in the outlook from the neighbouring property than would be the approved dwelling. From the centre of the garden area at 3-4 Claypit Cottages the south-west gable end of the dwelling as built is at a distance of about 14 metres whereas the gable end of the approved dwelling would be about 15 metres away. As mentioned in consideration of the ground (c) appeal siting differences of even this nature can have significant consequences for the effect of a building on the outlook from a neighbouring property.

21. The removal of the cladding from the dwelling would not reduce the height, scale and bulk of the dwelling as built and would not alleviate any harm caused. There is a realistic fall-back position and the dwelling as built has been compared to that position. But, in the final analysis, the dwelling as built must be judged on

its individual merits. Taking into account its physical size and its proximity and relationship to the neighbouring property to the west, the dwelling as built on Plot B, as a matter of planning judgement, is prominent, dominant and intrusive in the outlook from 3-4 Claypit Cottages. The dwelling as built on Plot B has a significant adverse effect on the living conditions of the current residents, and would have on any future residents, of this neighbouring property.

22. It was suggested at the Hearing that the dwelling as built could be altered to have a hipped roof rather than a gable roof. Such a material alteration to the dwelling would significantly alter its appearance and would require a grant of planning permission. In any event, the dwelling has a steep pitched roof of about 60 degrees and altering the roof in this way would not reduce the ridge height of the dwelling, would not appreciably reduce the bulk of the building, and would not alleviate the harm that is caused to neighbouring living conditions.

23. The dwelling as built on Plot B has a significant adverse effect on the living conditions of the current residents, and would have on any future residents, of 3-4 Claypit Cottages. Removal of the off-white cladding would not alleviate the harm that is caused and there are no other conditions that would result in the development being acceptable in planning terms. The dwelling conflicts with DLP policy 57. The ground (a) appeal thus fails in relation to the dwelling.

24. The Council agreed at the Hearing that the garage, and associated hardstanding, could be retained. If the dwelling is demolished to comply with the terms of the corrected and varied enforcement notice, the garage would be unrelated to a dwelling and there would be the potential for its use for non-residential purposes. It is, however, sited in close proximity to dwellings on Plots A and C and is in a residential neighbourhood and the garage could serve a useful residential purpose subject to imposition of a condition to control its use. A condition to control use of, and activity on, the hardstanding associated with the garage fails the tests of necessity and enforceability.

25. The ground (a) appeal thus succeeds in relation to the garage and planning permission has been granted subject to the aforementioned condition. The enforcement notice has accordingly been varied by the deletion of references to the garage and hardstanding.

The ground (f) appeal

26. The Appellant argues that the requirements of the enforcement notice exceed what is necessary to remedy the breach of planning control, because the first planning permission granted approval for a dwelling and garage on Plot B. But varying the notice to require, in the alternative, the erection of a dwelling in accordance with the first permission would serve no purpose because the dwelling as built must first be demolished, which is the principal requirement of the notice. The possibility of altering the dwelling to have a pitched roof rather than a gable roof has been considered in the ground (a) appeal. No other matters mentioned in support of the ground (f) appeal alter the conclusion that the demolition of the garage does not exceed what is necessary to remedy the breach of planning control. A future use of Plot B must be determined through the submission of a planning application to the local planning authority. The ground (f) appeal fails.

John Braithwaite

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr C Watts DMS MRTPI Planning Consultant

Mr Sanders

Mr T Cooper

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Ranatunga Barrister

Mr P Hughes Planning Consultant

INTERESTED PERSONS:

Mr A Jones Neighbour

Mr D Edwards QC Representing Mr Jones

















Mr A Evans Planning Consultant representing Mr Jones

DOCUMENTS

- 1 Site photographs
- 2 Construction Phase Plan
- 3 Existing Ground Level Survey and Trial Pit Locations
- 4 Location and Site Plans
- 5 Planning Permission Overlay – Drwg. No. GO-3.DWG
- 6 Topographical Survey – Drwg. No. 17525
- 7 Existing Site Plan – Drwg. No. 386-02-A

Application Validation Sheet

20/02631/FP Site of Former 15 Luton Road, Offley, Hertfordshire

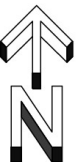
-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapp99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prstbld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prcrea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
Prjnzshp.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prfpm.shp



Scale 1:1,250

Date: 26/01/2021

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<u>Location:</u>	Land at Turnpike Lane and Adjacent to 4 Manor Close Turnpike Lane Ickleford Hertfordshire
<u>Applicant:</u>	Mrs Grainger
<u>Proposal:</u>	Erection of five dwelling houses in association with a new access spur from the Lodge Court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space. (Amended plans received 22/06/20 and 07/12/20).
<u>Ref. No:</u>	20/00891/FP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 22.06.2020

Submitted Plan Nos

Location plan P01 P02 P03 P04E P05 T01A T02A TS18-25D

1.0 Site History

- 1.1 Application 18/02785/FP proposed 7 dwellings including the widening of the existing access road, creation of new pedestrian footpath and vehicular access road and garages. This application was withdrawn on 28/01/20.

2.0 Representations

- 2.1 **HCC Highways** – no objection subject to condition and an informative.
- 2.2 **HCC Archaeology** – the site is located directly adjacent to an Area of Archaeological Significance, which covers the historic core and immediate surrounds as Ickleford was a medieval village. The proposed development area is adjacent to the course of the Icknield Way (now Turnpike Road). This is an ancient routeway running along the Chiltern Ridge from Wilshire to East Anglia. Parts of it were in use in the Roman period. Prehistoric, Roman and later settlement remains can be found clustered along the Icknield Way to the east and west. There is also the potential at this location for medieval remains, given the proximity of the site to the medieval core of the village. Therefore, an archaeology condition is recommended.

- 2.3 **HCC Hertfordshire Ecology** – Hertfordshire Environmental Records Centre does not hold any record of notable ecological significance for the proposed development site but the presence of the adjacent plantation woodland (an example of Habitat of Principle Importance under S41 of the NERC Act) and that 'Cadwell Marsh and Burymead Springs' Local Wildlife Site and a number of known bat roosts nearby suggest a landscape of some ecological significance. Though the proposed development site itself does not appear to support notable ecological interest, the presence of the adjacent woodland and likelihood of bats foraging or even roosting on or adjacent to the site strongly suggest that the Council does not have the information at hand to determine this application at this point in time. Therefore, prior to determination, the application should be encourage to commission a Preliminary Ecological Appraisal. (Officer note – this has not been submitted and HCC Ecology has been re-consulted on this documents. Any update will be presented at the Planning Control Committee).
- 2.4 **HCC Lead Local Flood Authority** – as this is a minor application we do not provide comments. However, we would recommend a condition requiring a surface water drainage strategy for the site. (Officer note – HCC LLFA has been consulted to ask for appropriate conditions regarding this matter. Any update will be presented at the Planning Control Committee).
- 2.5 **NHDC Environmental Health** – no objection subject to informatives regarding building hours and following the appropriate Code for Practice.
- 2.6 **NHDC Environmental Protection** – no objection subject to conditions requiring EV charging points and land contamination investigation and repair / removal works if needed.
- 2.7 **NHDC Planning Policy** – makes the following comments:
- the site is vacant land on the southern edge of Ickleford. The current Local Plan designates the site as Green Belt and beyond the Ickleford settlement boundary. However, the emerging Local Plan removes the Green Belt designation, which is activated by the emerging Policy SP5 part a. ii, and instead designates the site as white land within the Ickleford settlement boundary.
 - The North Hertfordshire Green Belt Review (July 2016) outlines an assessment of the site and identifies that the Green Belt in this location makes a moderate contribution to Green Belt purposes as it helps to prevent sprawl north of Hitchin.
 - The application impacts on Ickleford Conservation Area and five grade II listed buildings, which lie to the north east of the site. Emerging Policies SP13 and HE1 relate to heritage assets and largely reflect national policies.
 - In line with Policy 57 of the current Local Plan, Guideline 1 stipulates that special account should be taken where the site is located at the edges of towns or villages and within or adjoining Conservation Areas.
 - The site is identified as Site 328 in the Ickleford Heritage Impact Assessment, which was prepared as evidence for the Council's emerging Local Plan. This outlines that this site can be developed with minimal impacts upon the significance of the heritage assets.
- 2.8 **NHDC Landscape and urban Design** – makes observations on the scheme including:
- Although plots 1 – 4 are pulled further way form the existing western boundary vegetation, which is welcomed, the properties form a straight building line which given the impression of a suburban street rather than a small development on the edge of a village.

- The communal open space in the north-east corner provides a landscape setting of Ickleford Conservation Area and the listed building and creates a buffer between the proposed dwellings and the properties on Manor Close. However, it is not clear why the houses are not grouped around the open space to create a more informal layout with the green area as the focal point for the development.
- It is not clear why plot 4, the two bedroom house, has the largest garden and its parking is located by the visitor parking.
- The layout of the access road gives the impression that it could continue south across the site boundary giving access onto the adjoining land.
- There is too much hard surfacing on the site. If the houses were grouped differently this could be reduced.
- Hard surfacing and landscaping details have not been included for consideration.

2.9 Following the receipt of the amended site layout plan P04E, the Landscape Officer comments that the reduction in the amount of hard standing in the frontages of plots 1 – 3 and the increased amount of planting across the site is welcomed but the objections to the linear layout still remain.

2.10 **Ickleford Parish Council** – objects for the following reasons:

- Prematurity – the PC objected to the inclusion of this site within the settlement boundary during the EiP of the Local Plan. The developers assume that the Local Plan is a foregone conclusion but it is a far from conclusive outcome. The Planning Inspector's recent decision reject the application for the development of ETF2 in Pirton, in part, on the fact that the proposed development lay outside of the settlement boundary. Until such a time of the Local Plan Inspector approves the emerging Local Plan this development site remains outside the Ickleford Settlement boundary.
- 2016 SHLAA – this site was revised then and classed as 'does not meet the tests in the SHLAA' due to the reasons of it being a small plot of undeveloped land rear of the existing properties on Manor Close and the access would need to be taken from Lodge Court, leading to a potential impact on the setting of the Listed Buildings and Conservation Area.
- The site is laid out to the detriment of the neighbouring houses and are not in keeping with the surroundings. The dwellings are very similar and lack character and individuality. No consideration has been shown to the site's location or its surrounding development. There would appear to have been little account taken of the Ickleford Conservation Area Character Statement and the need for any proposed dwellings to blend well with the surroundings.
- The proposed dwellings have large windows and will overlook nearby homes.
- Object to the mature trees being felled.
- If cars are parked on the access road refused trucks will not able to get through.
- No consideration has been given in the application to the impact on the setting of the Conservation Area.
- The area is Green Belt and is not needed for housing as other sites in the Local Plan are allocated to meet the Council's housing target.
- No consideration has been given to local ecology and there is the presence of badgers, foxes, bats and deer on this land. There is a decline of many species and simply adding bat boxes on the completed development does not address this very serious ecological concerns.
- No consideration has been given to local archaeology.
- We are concerned that this development could lead to flooding in Manor Close after a heavy downpour in the lower lying Manor Close.
- There is insufficient parking.

- Insufficient thought has been given to the access onto the very busy and relatively narrow Turnpike Lane. Whilst there is a pavement in the development, no consideration is given to how pedestrians will cross the road at this point.
- We note that at 5 houses this is below the Anglian Water threshold of 10 houses to comment on the application. However, the Victorian pipes in the village already cannot cope and the houses at either end are plagued by the back up of sewerage and waste / rainwater. We are very concerned this development will add to and exacerbate this problem.

2.11 **CPRE Hertfordshire** – we continue to object to the application as the site is Green Belt land outside of the village boundary. No case of very special circumstances is proposed because the Council has proposed to adjust the settlement boundary and to remove the site from the Green Belt in the submission Local Plan so the applicant presents no further justification for the development. The site is adjacent to the Conservation Area and the design of the properties is mundane and seems poorly related to the grain of the older village and driven by the aim for detached dwellings with on plot parking. The sub-station imposed amidst the street trees of Turnpike Lane is also poor.

2.12 **Neighbour notification** - The application has been advertised with a site notice and neighbour notification letters. Replies have been received from 19 households. All object. Key points raised include:

- the site is Green Belt and should not be built on;
- there are no exceptional circumstances to allow this development;
- the land is a greenfield site;
- the development is totally unnecessary and will blight the adjacent heritage area;
- I object to the loss of the trees and the loss of the area for wildlife and the impact on wildlife this will have;
- the green areas in the village are rapidly disappearing. Turnpike Lane has had two developments in the past three years. Packing more houses into the centre of the village is not fair on the residents of the environment;
- the road is narrow and hard to cross. Having more pedestrian, families and children walking along here and more cars on the road and turning on and off the road will be a danger;
- this is next to the Conservation Area and listed building at Lodge Court and will impact their setting. The site is part of the old Ickleford Manor grounds and should continue to be protected;
- plot no.5 overlooks the house and garden of no.4 Manor Court and will compromise our privacy;
- plot 5 will block the west-facing aspect of no.4 Manor Court and will significantly reduce sunlight amenity;
- there are no positives from the development to outweigh the harms it will have;
- these houses are not needed in the village given the re-development of the Bowman's Mill site;
- the local sewerage system is already at capacity;
- my driveway is opposite the Lodge Court turning and my vehicular access both to and from my property will be compromised by the addition of multiple vehicles;
- if this is granted there will be more applications to be built on the open space area in the development;
- 12 mature trees have already been felled on the land and they also propose to fell a 100 year old lime tree;

- the noise from Bowman's Mill will have adverse harm on the new dwellings which are sited much closer than I am.

2.13 The application is called in to committee by Cllr Sam North on the basis that the site is Green Belt, the development of it is not sustainable, the proposal is not in keeping with local character, it will cause the expansion of the village and is the over development of the site

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

3.1.1 The application site is land on the south side of Turnpike Lane to the west of Lodge Court and Manor Close. The land is currently outside of the village boundary for Ickleford, and is part of the Green Belt. The land, formerly, was part of the grounds of Ickleford Manor house which lies to the east of Lodge Court. The neighbouring buildings, Waltham Cottage and numbers 3 – 6 Lodge Court are all listed buildings and Waltham Cottage is within the Ickleford Conservation Area. The vehicle access for Lodge Court cuts through the northern part of this site, although this is set back from the road with a belt of mature trees between the access lane and Turnpike Lane itself which are covered by a blanket TPO, which also extends along Turnpike Lane to the west. The land is fenced but is open paddock land in character with mature trees around the boundaries of the site and some within it. Although, as noted from the neighbour comments, 12 mature trees on the site were felled prior to the application being submitted.

3.2 **Proposal**

3.2.1 This is a full planning application for the residential re-development of the land with five dwelling houses. The houses are all two storey, detached houses, although plots 2 and 3 are linked by garages adjoining on the boundary line between the two houses. Plot 1 at the front of the site is the largest. This comprises a hallway with w.c., study, lounge, utility room and kitchen / dining / family room at ground floor with four bedrooms, one with an en-suite and one family bathroom, at first floor level.

3.2.2 Plots 2 and 3 are in the centre of the site, and are three bedroom houses with a hallway with w.c., a front to back lounge and kitchen / dining room with separate utility at ground floor and three bedrooms, one with and en-suite and one family bathroom at first floor level.

3.2.3 Plots 4 and 5 are both detached two bedroom houses. Both have a hallway with w.c. and then an open plan lounge / kitchen / dining room at ground floor and two bedrooms and two bathrooms at first floor level.

3.2.4 The plans show that plots 1 – 4 are to be positioned in a 'street' with the front elevations facing on to the internal access road which is to run roughly north – south through the centre of the site, with their rear elevations and gardens extending to the west boundary of the site. Plot 5 is positioned in the south-east corner of the site with an area of open space on the east side of the internal access road in front of plot 5 adjoining Lodge Court at the front of the site. Even though the site contains the access for Lodge Court and the belt of the TPO trees at the site frontage with Turnpike

Lane, the development area of the site is to the south of the existing Lodge Court vehicle accessway.

3.2.5 Plots 1, 2 and 3 have both a garage and on plot parking, plot 5 has tandem style on plot parking, whilst plot 4 has no on plot parking with three parking bays next to this plot on the south side boundary. Two are allocated parking spaces for plot 4 and one is a visitor space. There is also a further visitor parking area in front of plot 5 to the rear of the area of open space. Each house has a private rear garden, a front garden area and solar panels on its rear roof slope.

3.2.6 A number of documents have been submitted in support of the application. These are: Design and Access Statement; Planning Statement; Transport Statement; Arboricultural Impact Assessment; Energy and Sustainability Statement; Ecology Statement, Landscaping details; Response to NHDC Landscape Design Officer comments and Highways Technical Note. Key points from the DAS and Planning Statement in support of this application are:

Design and Access Statement:

- the development site is 0.45 ha of land;
- the village amenities include three pubs, a store, a hair and beauty salon, primary school, church, sports and recreation club and a village hall;
- the designation of the site is Green Belt however the site has been identified as land to be removed from the Green Belt designation under the emerging Local Plan 2011 – 2031;
- the development site is set well back from Turnpike Road and is flanked to the south by Bowman's Mill which represents a significant and dominant built form in the location;
- the site constraints include the mature trees and TPO designation at the front of the site; root protection zones; conservation area and listed buildings to the east and access arrangements to the neighbouring properties;
- the site provides a great opportunity for a high quality residential re-development that will increase visual interest and follow the previous pattern and character of the development in the location. This has been achieved by responding sensitively to the scale, form and massing of the surrounding context via creating a clear physical break from the conservation area in order to provide breathing space for the listed building and wider conservation area;
- the design of the proposed development has sought to reflect the character, scale and form of the surrounding context whilst maintaining the optimum form of development on site;
- the position of the properties enables a continuous linear built form providing a best practice street relations and providing generous space around the respective properties allowing generous amenity space for future residents;
- the proximity of the listed building and conservation area has not been ignored in terms of the setting of the development against the character and design of the development as a whole. The layout, massing and design of the development has informed the development in accordance with the Ickleford Conservation Area character statement;
- the design of the houses reflects local character which is traditional form whilst at the same time of the site's isolated from the surrounding streets allow an individual expression and variety in architectural style. The stone case window coping and triangular porch are provide design emphasis on the exiting surrounding character context.

Planning Statement:

- the site is currently designated as Green Belt but has been identified in the emerging Local Plan as a development site to be including in the village boundary, thereby releasing from current Green Belt designation;
- due to the identification of the site within the emerging Local Plan and low numbers of new housing constructed in the borough significant weight is given to the consideration of the site for residential development;
- if NHDC were to consider refusing this site on principle grounds, that material assessment would primarily be a reliance on the 1996 adopted policy. While elements of the 1996 plan have been saved post NPPF adoption, the policies in the emerging Local Plan 2011 -2031 are known to be heavily relied on for planning decisions in the authority. Refusal of the application land principle would be at odds with recent decisions.

3.3 Key Issues

3.3.1 The material considerations in this instance are as follows:

- Green Belt status;
- five year supply of housing land, local plan progress and consideration of case;
- layout and design considerations;
- consideration of the adjacent Ickleford Conservation Area and nearby listed buildings;
- sustainability;
- amenity;
- parking, access arrangements and bins;
- ecology, trees and landscaping.

Green Belt status

3.3.2 Under the provisions of the existing saved policies in the Local Plan 1996, the site is outside of the village settlement boundary for Ickleford and is within the Green Belt. Therefore saved Policy 2 of the existing Local Plan is applicable. This policy states that the Council will aim to keep the uses of land open in character, except when proposals provide for 'very special circumstances'. Planning permission will only be granted for new buildings and the change of use of land which are appropriate in the Green Belt.

3.3.3 Green Belt policy is set out in section 13 of the NPPF. Paragraph 134 sets out that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban areas.*

3.3.4 Section 13 of the NPPF has a section for proposals affecting the Green Belt. Paragraph 144 sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by the reason of inappropriateness, and any other harm resulting from the proposal, is clearing outweighed by other considerations.

3.3.5 Paragraph 145 states that the construction of new buildings are inappropriate development unless if it is for one of six exceptions set within paragraph 145. These exceptions are:

- a) buildings for agriculture or forestry;
- b) appropriate facilities for sport, recreation, cemeteries or allotments;
- c) extension or alteration to an existing building so long as it does not result in disproportion additions over and above the size of the original building;
- d) the replacement of a building;
- e) limited in-filling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan.

3.3.6 This proposal is for five market houses on land within the Green Belt. The houses are not affordable housing and the site is outside of the village boundary and not within the village where limited in filling may be acceptable. As set out above, the NPPF exceptions do not allow for new market housing to be built in the Green Belt, unless a case of very special circumstances can be demonstrated.

3.3.7 Within the emerging Local Plan 2011 – 2031 this site will be ‘white land’ within the village boundary. ‘White land’ being land that is not designated as an official housing site, but land that is within the village settlement boundary. Given that Ickleford is an excluded village within the Green Belt, this results in changing the status of the land from land in the Green Belt, where outlined above, there is an objection to the principle of the proposal, to land within the village boundary removed from the Green Belt, so the objection to the principle of development on the site because the site is Green Belt falls away. As set out below, the emerging Local Plan is at an advance stage, combined with the Council being behind on its delivery of housing land, together have to be regarded as forming a case of very special circumstances.

Five year supply of housing land, local plan progress and consideration of case

3.3.8 Section 2 of the NPPF ‘Achieving Sustainable Development’ is relevant as this sets out that there are three aims of sustainable development (economic, social and environmental). This section goes on to state that there is a presumption in favour of sustainable development unless, as detailed by paragraph 11.b(ii), “*the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole*”.

3.3.9 To date the Council is behind on its housing delivery, with the latest estimates putting the Authority with less than 2.2 years of housing land supply. Within the emerging Local Plan strategic housing sites, which are to deliver the large majority of the Council’s housing numbers, are allocated. The emerging Local Plan 2011 – 2031 is at an advanced stage towards adoption, having gone through a public examination process and has had Modifications published in November 2018. The Inspectors interim letter has required for further EiP sessions. These were originally meant to have taken place in March 2020, but the global coronavirus Covid 19 pandemic resulted in the need for social distancing requirements which meant that those session in March could not take place. These session have now commenced on 23 November 2020. Whilst it is not possible to give any indication as to when the adoption of the

emerging Local Plan can be anticipated, the emerging Local Plan is at an advanced stage of preparation and significant weight can be given to the emerging policies contained within it.

3.3.10 The application sets out that in the emerging Local Plan 2011 – 2031 the Green Belt boundary around Ickleford is re-drawn so that this land becomes within the village settlement boundary area. Under the 1996 Local Plan the Green Belt boundary is drawn down the east side boundary of this land and in the emerging Local Plan it is drawn down the west side boundary. Ickleford is an excluded village within the Green Belt where in-fill development within the village is acceptable in principle subject to other design and layout considerations, as Ickleford itself is classed as a sustainable village with a primary school, public houses and a village shop. The application states that due to the combined factors of the land becoming land within the village settlement boundary under the emerging Local Plan combined with the Council currently being behind its five year land supply requirements, these two factors together outweigh Green Belt protection.

3.3.11 Whilst it is acknowledged that this application has been submitted prior to the conclusion of the emerging Local Plan, in support of the determination of this application at this time in advance of the conclusion of the emerging Local Plan, (and thereby giving significant weight to the view that the emerging Local Plan is at an advanced stage and the lack of the five year housing supply together can and do amount to a strong case of very special circumstances) are paragraphs 79 and 80 of the Council's 'Housing Delivery Test Action Plan', which was agreed by Cabinet in June 2020. These state:

79. *As set out in the previous Action Plan, proposed housing sites currently within the Green Belt generally remain subject to the very special circumstances tests set out in National Policy and potential ministerial call-in. It may now be appropriate, subject to an open and balanced consideration of all relevant factors, to determine some planning applications on these sites in advance of the Plan examination being concluded. This position has been reached having regard to the various factors outlined in this Action Plan, the potential for early delivery of key infrastructure and the acute shortfall of housing provision against Government measures.*

80. *Continuing to grant permission for suitable schemes in advance of the new Plan's adoption will ensure an ongoing supply of new homes until such time as the largest, strategic sites come on stream. Taking greater ownership of the Council's growth agenda and proposals would allow for more proactive negotiation of ...schemes to ensure they can proceed through the planning system without unnecessary delay".*

3.3.12 Given this is a non-allocated white land site, the contribution of five new dwellings is a positive contribution to the Council's housing supply figures. The approval of this small scheme on an unallocated Green Belt site, given the above view in the Action Plan, is not considered to undermine the proposed large scale strategic Green Belt sites in the emerging Local Plan or to represent an unwelcome precedent being established on this basis. In bringing this application before committee at this stage, prior to the adoption of the ELP, this is in accordance with the agreed action plan.

3.3.13 Furthermore, there are no outstanding objections lodged against this site being considered by the Inspector in the preparation of the emerging Local Plan. To require

the applicant to put this application on hold until the completion of the emerging Local Plan is contrary to Council advice. Therefore, the very special circumstances in this case of the site becoming white land within the village boundary under the emerging Local Plan, the plan's advanced stage of preparation, the lack of a five year housing land supply and the advice in the Housing Delivery Test Action Plan result in amounting to a robust enough case of very special circumstances to justify the Green Belt objection being overcome in this instance. There is therefore no Green Belt objection to the development of this site with five market houses.

Layout and design considerations

- 3.3.14 The NPPF puts significant weight on the importance of the design of the built environment in planning decisions. It states that *"the creation of high quality buildings and places is fundamental to what the planning and development process should achieve"* and that *"good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities"*. The aims of the NPPF are reflected in saved Local Plan Policy 57 and emerging Local Plan Policy D1
- 3.3.15 The application is proposing five houses, with plots 1 – 4 forming a 'street' facing on to the internal access road and rear elevations and gardens facing towards the west boundary, with plot 5 set into the south-east corner of the site. I have no objection to five dwellings as this allows for a large area of open space to maintain local setting and distance to the existing neighbour's in Lodge Court. I consider the external height of 8m with the proposed external design of brickwork with stone windows sills and small gable fronted storm porches to be acceptable as it is complementary to local character. Each house has a good sized rear garden, ranging in sizes from just over 182 sqm (plot 3) to 275 sqm (plot 5). All of the gardens are well in excess of the 75m private amenity space requirement set out in Saved Policy 57 and will provide for a good level of amenity space for future occupiers.
- 3.3.16 With a site area of 0.45 ha and five houses proposed, this provides a density of development of 11 dwellings to the hectare. Given this is an edge of village location, this low density layout with generous gardens and an attractive open space setting in the centre is considered to be appropriate.
- 3.3.17 The layout plan has been amended reducing the amount of hard surfacing and increasing the landscaping and planting mix across the site which is welcomed. Plots 1 – 3 and plot 5 all have on plot parking, and plot 4 has its parking off plot but adjacent to it on the south boundary alongside a visitor parking space. The applicant was asked to move this parking on plot and to remove the parking from the south boundary and to increase the landscaping in this location, but had declined to do so on the basis that the south boundary is adequately landscaped. In my view this is regrettable, as it can be anticipated that given the generous front garden area for plot 4 future occupiers will change this to hardstanding resulting in an over provision of parking on the development and a more generous landscaping belt of trees could have been achieved on the south boundary. However, given the overall benefits of the proposal, this is not considered to be a reason sufficient to justify the refusal of the application on.
- 3.3.18 A relatively close relationships is proposed between the side flank of plot 5 and the rear elevation of the neighbour, no.4 Manor Close. Given that no.4 as existing outlooks over a green space, any development rear of this house will be noticeable to these occupiers. However, plot 5 is positioned between 14m to 16m away from the rear of

no.4, and no windows are proposed in the side flank wall of plot .5, so whilst the occupiers of no.4 will clearly see the side flank of plot 5, there will be no direct overlooking or loss of privacy to the rear of this house. I therefore conclude that whilst the occupiers of no.4 will clearly see this house, given the proposed spacing and no side flank windows, I do not consider that its position would be directly adversely harmful by way of over dominance or loss of privacy to the occupiers of no.4. I accept that they will clearly see it, but in planning there is right to a view, and an application cannot be refused for this reason if there is no other actual harm.

3.3.19 It is noted that the proposed layout will result in the loss of the mature lime tree to achieve the vehicle access point. This tree is outside of the belt of protected trees at the front of the site. The loss of this tree is regrettable and replacement planting of nine trees within the development is proposed as compensation. Four of these trees are in the open space area, one each is in the front gardens are plots 2 and 3, one is on the south boundary by plot 4 and one each is in the rear gardens of plots 3 and 4. Given the replacement planting is proposed along with the delivery of five new homes, no objection is raised to the loss of the lime tree.

3.3.20 I note that the Council's Landscape Officer expressed areas of concern with the proposed layout with regards to the linear form of the development and the amount of hardstanding. The Council's Landscape Officer has been re-consulted on the amended site layout plan and whilst she welcomes the reduction of hardstanding in the frontages of plots 1 -3 and the increased planting across the site, she still maintains her objection to the linear layout of the proposal. In response to this objection and in support of the layout the agent states:

"I accept the four houses form a linear frontage however I believe this provides a strong and legible development and best utilises the development plot allowing for generous gardens while maintained generous separation distances with adjacent neighbouring houses".

3.3.21 On balance, I do not support the Landscape Officer's objection to the layout. The linear layout allows for the site to meet turning space on site for large vehicles and with the generous garden sizes, the open space at the front of the site and the low density of 11 dwellings to the hectare, I consider that the layout is complimentary to this local edge of village location.

3.3.22 The DAS sets out that the external materials are to be a blended red multi stock brick, with the roof tile to be a Hollander clay pantile in a BMI Redland colour with black water goods and either composite aluminium or softwood windows and small sections of cladding on the storm porch details above the front doors. These external materials are considered to be acceptable and a condition is recommended on this basis.

3.3.23 For the above reasons, the layout and design of the application is considered to be acceptable and in accordance with the provisions of Saved Policy 57, emerging Policy D1 and in compliance with the design requirements of the NPPF.

Consideration of the adjacent Ickleford Conservation Area and nearby listed buildings

3.3.24 Paragraph 193 of the NPPF states: *"When considering the impact of the proposal development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ...This is irrespective of whether any potential harm amounts of substantial harm, total loss or less than substantial harm to its significance".*

- 3.3.25 Paragraph 194 states: *“Any harm to, or loss of, the significance of a designated heritage asset (...or from development within its setting), should require clear and convincing justification”.*
- 3.3.26 Paragraph 196 states: *“Where a development proposal will lead to less than substantial harm other significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use”.*
- 3.3.27 The Council's Conservation Officer was consulted on this application on 29/04/20, but due to his high workload he now is only involved in applications where the works are to a listed building or within a Conservation Area. He did comment on the previous application, 18/02785/FP, and some of his general comments are still applicable:

“This site lies outside the Ickleford Conservation Area (a Designated Heritage Asset for the purpose of applying the aims of Section 16 of the NPPF) and to the south-west of nos.3, 4, 5 and 6 Lodge Court (Cedar House) - a detached building that was principally built under application ref: 86/00748/1 and subsumed the former dining room to the Manor House.

At its nearest point, the application site is approx. 30m to the south-west of the listed building and nos.1 & 2 Lodge Court on the north side and no.7 Lodge Court on the south side of the entrance driveway impair the approach towards and therefore the setting of, nos. 3 - 6 (incl.) Lodge Court. There is also much C20 development on the north side of Turnpike Lane before entering the site.

The fact that the site lies beyond but adjacent to the conservation area, that the nearest listed building is 30m away and that the development would be located over 30m to the south of Turnpike Lane, the impact of the development upon the setting of heritage assets is reduced but not insignificant. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 remains pertinent. Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016) are relevant in terms of my consideration of the above scheme. The significance of this site, lies in the fact that it appears to have once formed a parkland setting to the former Ickleford Manor or Ickleford House, however, this setting has been eroded over time.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. The term setting is not defined in purely visual terms in the NPPF which refers to the “surroundings in which a heritage asset is experienced”. The word “experienced” has a broad meaning, which is capable of extending beyond the purely visual.

Policy SP13 the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016) states that the Council will balance the need for growth with the proper protection and enhancement of the historic environment and that a positive strategy will be pursued for the conservation and enjoyment of the historic environment through: a. Maintaining a strong presumption in favour of the retention, preservation and enhancement of heritage assets and their setting.

The Framework clearly sets out the need to address 'less than substantial harm' in a balanced manner against benefits associated with such schemes and I reiterate that it would be for the case officer to assess this harm against any perceived public benefits derived from this development. The harm to the significance of Ickleford Conservation Area can be considered 'less than substantial' for the purposes of paragraph 196 of the Framework. Nevertheless, even harm that is 'less than substantial' still represents a harmful impact to the conservation of this heritage asset".

- 3.3.28 At that time Mr Simmons' made comments regarding the proposed scheme for 8 dwellings which are not applicable here. As the layout of the proposal, which is now for a low density development of five houses which is considered appropriate for this edge of village location, with a large area of open space to lead up to the side of the site closest to the listed buildings in Lodge Court, along with replacement trees and other landscaping to set the development, my view is that the proposal will not harm the setting of the nearby listed buildings.
- 3.3.29 With regards to the impact on the setting of the Conservation Area, the Conservation Area is set off from the site to the north-east with the belt of TPO trees between the main part of the development area of the site and the conservation area. Due to this distance and visual separation caused by the belt of trees, I do not consider that the application represents harm to the setting of the Conservation Area. I consider that this view is supported by the comment from the Council's Policy Officer who states that the: *"The site is identified as Site 328 in the Ickleford Heritage Impact Assessment, which was prepared as evidence for the Council's emerging Local Plan. This outlines that this site can be developed with minimal impacts upon the significance of the heritage assets".*
- 3.3.30 Furthermore, the NHDC Conservation Area Character Statement for Ickleford (November 2019) states a key view is north up Turnpike Lane from the southern boundary of the Conservation Area. This is considered to be a key view as it highlights the 17th century historical outbuildings directly fronting the edge of the road, with the disparity in the heights of the rooflines presenting a historic quality to the street frontage. This 'key view' is close to, but outside of, the application site, and the site is set further back along Turnpike Lane to the west and rear of the TPO trees. I consider that this further supports my view that acceptable development on this site does not harm the setting of the Conservation Area.

Sustainability

- 3.3.31 With regards to the three aims or 'threads' of sustainability outlined above, given the site is to be land within the village boundary of Ickleford and within walking distance of the local facilities within the village, the site will provide the opportunity for future residents to live in a sustainable way if they wish.
- 3.3.32 An 'Energy and Sustainability Statement' has been submitted in support of the application. This states that the houses are to be built to surpass the CO2 emissions target of Part L1A of the Building Regulations by achieving low emissions from the houses. This is to be achieved with the use of thermal fabric efficiency, air tightness, effecting heating control with 'ideal logic code combi ESP1 38 boilers' which benefit from built in 'flue gas heat recovery' and solar panels on the rear roof slopes of each of the houses. Furthermore, a condition is recommended to ensure that each house is provided with an EV charging point. The application can therefore be considered to

meet the economic, social and environmental tests of the NPPF as well as the aims of emerging Policy NE12 and no objection is raised to this application on the basis of sustainability.

Amenity

- 3.3.33 Saved Policy 57 of the Local Plan sets out residential guidelines and standards for achieving acceptable development. The application set outs that the two bedroom houses meet the space requirements of the National Space Standards while the three and four bedroom houses are in excess of these standards. All houses have front and rear gardens and parking provision and with the houses looking out on to the open space at the frontage and plots 1 – 4 outlooking on to open countryside at the rear, I consider that these houses represent a high quality living environment for future occupiers.
- 3.3.34 The frontage of plot 1 will outlook toward the frontage of no.7 Lodge Court, but with a gap of 35m between these two houses and with some trees proposed to be planted in the open space area, I raise no objection to this proposed relationship. As set out above, I have a degree of concern regarding the relationship between proposed plot 5 and the rear of no.4 Manor Court, but on balance this relationship is considered to be acceptable and no objection is raised to it.
- 3.3.35 I note the neighbour comments that Bowman's Mill to the rear of the site is still in operation and that this generates noise and disturbance in the locality. I note that there are other existing dwelling houses in Manor Close as close to this mill as these proposed houses and the Council's Environmental Health department was consulted on this application and did not make any comments regarding the mill being an adverse neighbour. As a result, I do not consider that the mill represents such an unacceptable neighbour to justify the conclusion that this site cannot be developed for residential purposes. I therefore raise no objection on the basis of amenity issues.

Parking, access arrangements and bins

- 3.3.36 The Council's SPD 'Vehicle Parking at New Development' sets out that for houses with two or more bedrooms there must be two spaces per dwelling as a minimum, as well as one covered cycle space per dwelling and between 0.25 to 0.75 visitor spaces per dwelling, rounded up to the nearest whole number, with the lower standard being applied where there are no garages. The scheme requires for each house to have at least two parking spaces, and as there are three garages in the scheme and two dwellings without garages, this requires a visitor parking allocation of 2.25 spaces rounded up to three visitor spaces.
- 3.3.37 Plots 1 – 3 have a garage (7m by 3m in size meeting the size requirements of the Council's parking SPD) and two driveway spaces in a tandem layout. Plot five has two spaces on plot in a tandem layout and plot 4 has two spaces off plot in a side by side layout. There are also four visitor spaces within the development. This is considered to be an acceptable provision for car parking and no objection is raised to the scheme on this basis.
- 3.3.38 With regards to cycle parking, plots 1 – 3 have garages so external cycle storage is not required. Plots 4 and 5 have large gardens where cycle storage is possible. I note that no cycle stands have been specifically provided, and a condition is recommended

on this basis to ensure the scheme is fully in accordance with the provisions of the parking SPD

- 3.3.39 The access arrangements have been negotiated with HCC Highways to achieve a recommendation of approval with conditions for the access works. I have no objection to the access arrangements, and note that a footpath is being provided alongside the Lodge Court access. I note the concern of the Parish Council that this is a busy road and there is no crossing point. However, there is a speed 'pillow' in the road which the pavement leads to and it would be down to pedestrians to take due care to cross the road. I do not support the Parish Council's concerns regarding this point.
- 3.3.40 Bin stores / enclosures have not been provided within the gardens of the proposed houses. However, given that each of the houses has a generous garden with side garden access, there is space for each house to store bins on plot down the side of the house. As a result, designated bin enclosure areas on plot are not considered to be necessary. Future owners will have to drag bins out to the curb side for collection, which is standard procedure and no objection is raised on this basis.

Ecology, trees and landscaping

- 3.3.41 The statutory consultation responses above set out that HCC Ecology require for further investigation regarding ecology on site to be investigated and the result to be submitted prior to determination. This requirement is supported by emerging Policy NEx which states that all development should seek to deliver net gains for biodiversity. This survey work has now been undertaken and the results submitted. Herts Ecology has been re-consulted and their updated comments will be reported as the Committee meeting.
- 3.3.42 The Ecology Report found no protected species during the time of the survey but does conclude that the whilst the scattered trees provide low potential roosting opportunities for bats, the scrub land and scattered trees do provide a high potential for breeding birds with the grassland, scattered trees and scrub providing suitable habitat for foraging and commuting bats, badgers and birds. An ecology condition is recommended preventing works being undertaken in the bird nesting season, as well as the provision of bat and bird boxes in the development, a reptile survey to be undertaken and a corridor for wildlife to be created across the site.
- 3.3.43 The arboricultural report submitted in support of the application sets out that two trees are to be removed for safety reasons, two small group of trees are to be removed, one from the garden of plot 1 and one from plot 5 to allow cleared rear gardens and the lime tree is to be removed to allow the access point. The landscaping proposals are detailed in the report by Sharon Hosegood dated 20/11/20. These details are now included on the revised layout plan (P04E) and show the replacement trees to be planted, areas of grassland, with some sections with bulbs planted within the grassland and hedges within the front gardens along the pavement or access road. The proposed landscaping proposal are considered satisfactory and will result in attractive soft landscaping in the development, contributing to the sense of place making. These measures are secured by condition.

3.4 Conclusion

- 3.4.1 Whilst it is acknowledged that the site is currently designated as a Green Belt site under the provisions of the Local Plan 1996, in the emerging Local Plan it will become

'white land' within the settlement boundary for Ickleford where there is no objection to the principle of the development. Given the advanced stage of the emerging Local Plan combined with the Council's being behind in its delivery of a five year supply of housing land, this is considered to amount to a robust case of very special circumstances to allow the Green Belt objection to fall away, thus resulting in no objection in principle to the residential re-development of this site.

- 3.4.2 The layout and design of the dwellings is considered to be acceptable. Each house will have a good sized private rear garden, parking provision, space for bins and cycle storage. The external height, design and materials for the dwellings combined with the proposed soft landscaping details will result in an attractive form of development providing a high quality living environment for future residents. The layout and spacing to existing neighbours is acceptable and there will be no adverse impact on the setting of the nearby listed buildings in Lodge Court or Ickleford Conservation Area. The application is therefore recommended for conditional permission.

3.5 **Alternative Options**

- 3.5.1 None applicable

3.6 **Pre-Commencement Conditions**

- 3.6.1 None applicable.

3.7 **Climate Change Mitigation**

- 3.7.1 With regards to the policy emphasis to mitigate climate change, the proposed design of the dwellings with the application setting out that fixtures are to be used to allow the dwellings to be low emissions dwellings, combined with an EV charging point for each dwelling to be secured via a condition, results in the proposal being sufficiently sustainable to be considered to be in compliance with Policy D1 of the emerging Local Plan.

4.0 **Recommendation**

- 4.1 To GRANT planning permission 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 external materials for the houses shall be those set out within the DAS unless

otherwise agreed in writing with the local planning authority.

Reason - to ensure the visual interests of the locality.

4. 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.

5. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

6. Prior to the first occupation of the development hereby approved, the soft landscaping of the development shall be done in accordance with the details contained in the report submitted by Sharon Hosegood in support of the application, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the visual interests of the locality.

7. No gates shall be provided across the access to the site.

Reason: In the interests of highway safety so that vehicles are not forced to wait in the carriageway while the gates are being opened or closed.

8. Prior to occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

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.

9. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided 5.5 metres wide and thereafter retained at the position shown on the approved drawing number P04E in conjunction with ttp drawings number 2020-3940-001 revision B and swept path analysis detailed ttp drawing number 2020-3940-TR01(2) revision B Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

10. Prior to the first occupation of the development hereby permitted the footway leading from the development shall be provided and extended as shown on the approved drawing number P04E to the west side of the reconfigured access and shall include for pedestrian dropped kerbs and tactile paving and corresponding dropped kerbs and tactile paving opposite on the existing of Turnpike Lane. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and shall be secured and undertaken as part of the s278 works.

Reason: To ensure satisfactory pedestrian access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the highway as shown on drawing number 2020-3940-001 revision B and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2.0 metres above the level of the adjacent highway carriageway.

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

12. The gradient of the vehicular access shall not exceed 1:20 for the first 12 meters into the site as measured from the near channel edge of the adjacent carriageway.

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

13. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

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 view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

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

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

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

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

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

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

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

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

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

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

Reason: To protect / record any remains found on site.

16. The measures set out in the Cherryfield Ecology report must be undertaken on site pre-development and during construction. This includes:

- before any other works on site a reptile survey is undertaken between the month of March and October. If any reptiles are found then appropriate trapping / clearing methods must be undertaken prior to any other works commencing;
- no site / tree clearance during the bird nesting season;
- the use of bat and bird boxes in the development;
- the creation of a 'hedgehog highway' across the site;
- no lighting near to or shining on to any trees, especially those with any bat or bird boxes.

Before any other development commences details and timings of the above measures are to be submitted to, and agreed in writing by, the Local Planning Authority and the approved measures must be undertaken on site. The results of the survey work is to be submitted to the Council.

Reason: To protect ecology on site.

17. Prior to the first occupation secure cycle storage is to be provided in the rear gardens of plots 4 and 5.

Reason: To comply with the requirements of the Vehicle Parking SPD.

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. HIGHWAYS INFORMATIVE:**

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

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

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

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

2. ENVIRONMENTAL HEALTH INFORMATIVES:

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.

1) 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.

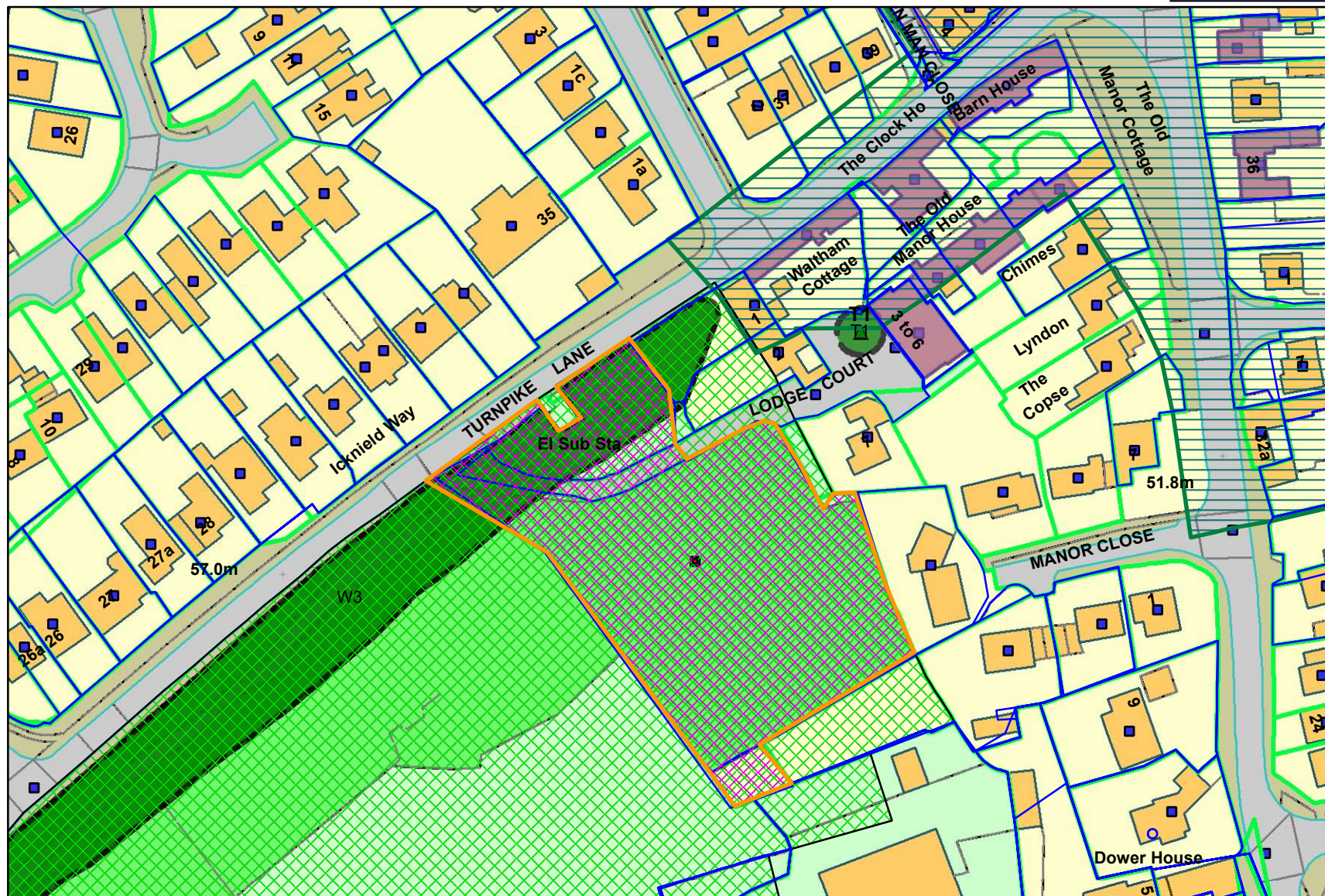
Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

Application Validation Sheet

20/00891/FP Land at Turnpike Lane and adjacent to 4 Manor Close, Turnpike Lane, Ickleford, Hertfordshire

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



Scale 1:1,250

Date: 28/01/2021

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<u>Location:</u>	Land Adjacent to Dungarvan Back Lane Preston Hertfordshire SG4 7UJ
<u>Applicant:</u>	Mrs S Boyle
<u>Proposal:</u>	Erection of one detached 4-bed and two detached 5-bed dwellings including garages and creation of vehicular access off Back Lane (as amended by plan received 19.11.2020).
<u>Ref. No:</u>	20/01564/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

23 September 2020

Submitted Plan Nos.:

PL.001, PL.002, 2020-04-PL.101, 2020-04-PL.102, 2020-04-PL.103, 2020-04-PL.104.

Reason for Delay

Amended details and Committee cycle

Reason for Referral to Committee

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

1.0 Background

- 1.1 Members will recall that this application was deferred from consideration at the Planning Control Committee of 15th October 2020 (the original report is attached as **Appendix A**) for the following reasons:

RESOLVED:

That application 20/01564/FP be **DEFERRED** planning permission for the following reasons:

- Members deferred the decision but were minded to grant planning permission. They are looking for a package of measures to seek compliance with Policy HD5 of the Preston Neighbourhood Plan, many of which are already in the scheme, including EV charging points. There is discussion in the policy of water conservation, biodiversity and landscaping. Officers will work with the applicant to seek this submission and report back to Members with a report focussed only on these matters.

1.2 The applicants have produced an amended site plan, an Energy Strategy Statement that includes water conservation measures, and an Arboricultural Method Statement.

1.3 The amended site plan shows the following amendments with respect to biodiversity:

- Wildlife corridors on the side and rear boundaries consisting of tree and hedge planting.
- Additional tree planting in plots 2 and 3.
- New vegetation planting on the front boundary.

The Energy Strategy Statement proposes:

- Using a 'fabric first' approach to reduce energy demand through fabric efficiency such as low U-values, triple glazing and good air-tightness.
- Efficient heating and use of ground source heat pumps.
- Log burning stoves for secondary heating.
- A reduction in carbon emissions of 52.26% compared to those of the latest 2013 Building Regulations Part L1A.
- A 38.76% reduction in the energy requirements of the site.
- Total water consumption is proposed to be 87.47 litres/person/day, exceeding Building Regulations Part G maximum and minimum requirements of 125 and 110 litres/person/day.

1.4 The applicants consider through their supporting statement and consultation with the Local Planning Authority, that they have addressed the issue of lighting and CCTV as raised by the Planning Committee on 15th November. In view of the information submitted the application is reported back to the Planning Committee for determination.

2.0 **Policies**

2.1 See original report at **Appendix A**

3.0 **Representations**

3.1 All neighbours and the Parish Council notified of the original application, including statutory consultees have been re-notified of the proposed additional information. Responses received at the time of writing this report are set out below. Any further comments will be reported at the Committee meeting.

3.2 **Neighbours** – The following objections were received:

- Inadequate amendments.
- Does not maintain privacy.
- Request a 6ft fence 2m from us to maintain privacy and light, and to prevent noise.
- Amended plan shows very few changes.
- No survey has taken place of trees and vegetation.
- Insufficient detail of new vegetation/planting. No landscaping report.
- Access road should be re-located.
- Wildlife areas are needed as hedges are not enough. Inadequate provision of wildlife habitats.
- Some land should be left to nature.
- Energy Statement refers to open fires and air source heat pumps, which are hard to see would provide a carbon reduction and do not work well in cold weather respectively.

- Impacts on sewerage and water pressure.
- The measures relate to cost savings not energy savings.
- Other renewable technologies not included for strange reasons.
- Preferable to know how rainwater is to be harvested.
- Would like to know what information about the surroundings of the site will be in the proposed Home User Guide.
- Can't see a proviso for the footpath.
- Density, size of footprint, height and orientation.
- Issues with covenant.

3.3 **Parish Council** – Comments dated 27th January 2021:

At their meeting on Thursday 15 October 2020, the Planning Control Committee deferred the decision on this application so that a package of measures to seek compliance with Policy HD5 of the Preston Neighbourhood Plan could be provided.

Three documents have been added to the website: an amended plan on 19 November 2019 and a Tree Protection Order and an Energy Strategy Statement by Briary Energy in January 2021. Preston Parish Council would like to make the following comments on whether these documents meet Policy HD5 of the Preston Parish Neighbourhood Plan (PPNP), as well as instances when other policies of the PPNP have not been addressed.

Amended Site Plan, landscaping and biodiversity

The Parish Council notes that the amended site plan improves the situation for the residents of Dungarvan / Cherry Trees because the boundary is now further away from their windows. However, a hedge around the site can only be classed as minimal landscaping and it does not address biodiversity and the loss of wildlife which will be caused by this development. Policy HD5 of PPNP states: landscape schemes that improve biodiversity will be encouraged. There is nothing on this plan to improve biodiversity.

The Parish Council believes that a full ecology survey should be a condition of any planning consent, taking account of PPNP Policy EH7 which says: *Development proposals should maintain and where practicable enhance the elements of the natural environment as identified in Appendix C2 (pages 68 to 84). Where appropriate development proposals should also incorporate measures to ensure their connectivity to the wider habitats in the neighbourhood area.*

The Parish Council is pleased to see that a Tree Protection Order has been placed on the established oak tree so that it will be saved but does not understand why the site access has not been moved, raising concerns that the oak tree may be damaged during the construction period and thereafter due to the proximity of passing traffic.

The Parish Council believes that PPNP Policy EH8 should be taken into account to preserve other existing trees and hedgerows on this site: Where appropriate and relevant to the site concerned development proposals should retain and maintain existing trees and hedgerows within the site and along its boundaries.

PPNP Policy EH3 states: New development should not have an unacceptable negative impact on the uses and functions of existing green infrastructure (i.e. all types

of green space, large or small, public or private) within the village and wider parish. This statement has not been addressed in any way in the amended plan for this site.

Energy Strategy Statement

The Parish Council has noted the changes to the Energy Strategy Statement, particularly that Ground Source Heat Pumps will be used rather than Air Source Heat Pumps and a log burner will provide supplementary heating when the first version used open fires as secondary heating. It is also noted that rain water will be harvested and used to flush toilets but there are no practical details as to how this is to be achieved.

While these changes would normally be welcome the Parish Council has no confidence in this document. It states that Ground Source Heat Pumps will be used on pages 1,6,8, and 13 but on Page 17 says: A full assessment of appropriate technologies has been undertaken, concluding ASHP the most suitable for this development, providing a 9126kWh energy and 3018.9 kgCO₂ carbon reduction.

The above is a clear example of a cut and paste exercise inefficiently undertaken. It was the Parish Council who pointed out to the Planning Officer that the Site Location and Transport page in the first version issued this year was clearly not for this application. Coventry station is not 3.6 miles from Preston, Hertfordshire. The Parish Council asked for the whole document to be checked for accuracy before being re-issued. Had this been done, the point outlined above should have been corrected.

SuDS on page 18 is very detailed and technical but also very confusing when it contains a map of a different area. If a map is to be included, it should be of the site for development. There is no indication in this document as to what needs to be undertaken on this particular site to address flood risk.

The Parish Council believes that this energy statement should be rejected and one that is accurate and relevant to the proposed development should be issued so that informed comments can be made on what is being provided to address energy and sustainability issues.

Preston Parish Neighbourhood Plan Policies

It is not possible to consider Policy HD5 in isolation. Policies EH3, EH7 and EH8 are interlinked with policy HD5 and for the proposed development overall. The Parish Council does not believe that the points in Policy HD5 have been adequately addressed.

The Parish Council notes than the Planning Officer's original report, paragraph 4.3.13, says that PPNP Policy HD3 will not be complied with in this application but that the three proposed dwellings would be of benefit to the District's housing supply as a whole. The Parish Council firmly believes that it is unacceptable to discount PPNP Policy HD3 and that if this proposal was amended to 6 smaller houses it would be of greater benefit to North Hertfordshire's housing need, as well as complying with PPNP Policy HD3 and, most importantly, would better reflect the housing needs of Preston.

In conclusion, Preston Parish Council would like the decision to be deferred again so that further plans can be submitted which meet the policies of the PPNP and which ensure that these dwellings meet acceptable levels of sustainability and biodiversity.

- 3.4 **NHDC Grounds Maintenance (Trees) Officer** - Having viewed the arboricultural method statement for the site it would appear satisfactory in protecting the oak tree so as not to affect its condition should works progress.

4.0 **Discussion**

- 4.1 This discussion concerns whether the additional measures proposed by the applicant comply with Policy HD5 of the Preston Neighbourhood Plan. Policy HD5 states:

Policy HD5: Sustainability and Energy Efficiency:

Proposals for the provision of measures for water conservation and landscape schemes that improve biodiversity will be encouraged. Proposals with a low carbon footprint will be encouraged. The provision of electric car charging points for all new homes will also be supported as will proposals that enable residents to work from home. Prior to occupation, each residential property shall incorporate an Electric Vehicle (EV) ready, domestic charging point.

- 4.2 Section 1.3 of this report sets out additional measures proposed by the applicant to comply with HD5 following the deferral of the application on the 15th October committee. EV charging was previously specified to be required by condition (with this condition to be retained), therefore the proposal would comply with that part of HD5.
- 4.3 To comply with the other parts of HD5, the amendments propose:
- New tree and hedge planting including wildlife corridors.
 - The protection and retention of an Oak tree near the proposed site entrance, as set out in the submitted Arboricultural Method Statement (date January 2021, reference AMS/MF/003/21).
 - Reductions in carbon emissions of 52.26% compared to the latest Building Regulations standards, and a 38.76% reduction in the energy requirements of the site.
 - Log burning stoves are proposed instead of open fireplaces.
 - Water use to be below current Building Regulations standards, including rainwater harvesting.
- 4.4 The above measures would result in biodiversity gains within the site through additional tree and vegetation planting and wildlife corridors (further details of which would be required by condition). The Oak tree is considered would be protected during construction and retained by the measures set out in the Arboricultural Method Statement (which is considered acceptable by the Council's Tree Officer and is given significant weight), which will be required by condition to be complied with. Solar PV has not been proposed due to poor performance and being visually intrusive. The new dwellings would exceed current Building Regulations standards for carbon emissions and water use, and will be required by condition to comply with the measures in the Energy Strategy Statement.
- 4.5 With reference to the comments from the Parish Council, the present Energy Statement relates sufficiently to the application site and proposal to be considered as demonstrating Policy HD5 would be complied with. HD5 does not require all renewable energy technologies to be implemented on a development or that methods of water conservation are fully specified – the applicant has in any case given sufficient details in the Energy Statement to demonstrate that those objectives of HD5 would be complied with. How the development relates to other Neighbourhood Plan policies has been addressed in the original report. Regarding the other objections received, those relevant to Policy HD5 have been addressed in this report. One comment

concerns a footpath, however this is not a public footpath therefore no provisions need to be made for it to pass through the site. Other objections relate to matters covered by the original report in Appendix A.

5.0 **Conclusion**

- 5.1 For the reasons above the proposal complies with Policy HD5 of the Preston Neighbourhood Plan, complies with all other relevant local and national policies, and that planning permission should be granted.

5.2 **Alternative Options**

None.

5.3 **Pre-Commencement Conditions**

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

6.0 **Legal Implications**

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

7.0 **Recommendation**

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

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

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

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

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

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

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

4. **Prior to commencement of the approved development, the following landscape details shall be submitted:**

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

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

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

d) **details of any earthworks proposed**

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

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

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

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

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

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

Reason: To protect the residential amenity of nearby residents.

8. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plans. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

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

Reason: In the interests of ecology.

10. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided 4.2 metres wide and thereafter retained at the position shown on the approved plan drawing number 2020-04 PL.002. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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

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

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

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

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

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

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

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

15. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and
1. The programme and methodology of site investigation and recording;
 2. The programme of post investigation assessment;

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

Reason: In the interests of archaeology.

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

Reason: In the interests of archaeology.

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

Reason: In the interests of archaeology.

18. Land Contamination Condition
 - (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a view to determining the presence of contamination likely to be harmful to human health, and the built and natural environment.
 - (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology
 - (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority
 - (d) This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

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

19. The development shall be completed in accordance with the measures set out in the Energy Strategy Statement (dated January 2021).

Reason: To minimise carbon emissions in the interests of the environment and climate change.

20. Throughout the period of construction of the development hereby permitted and thereafter the oak tree adjacent to the proposed site entrance shall be protected and retained, in accordance with the measures set out in the Arboricultural Method Statement (date January 2021, reference AMS/MF/003/21).

















Reason: In the interests of the preservation of the tree, biodiversity and ecology.

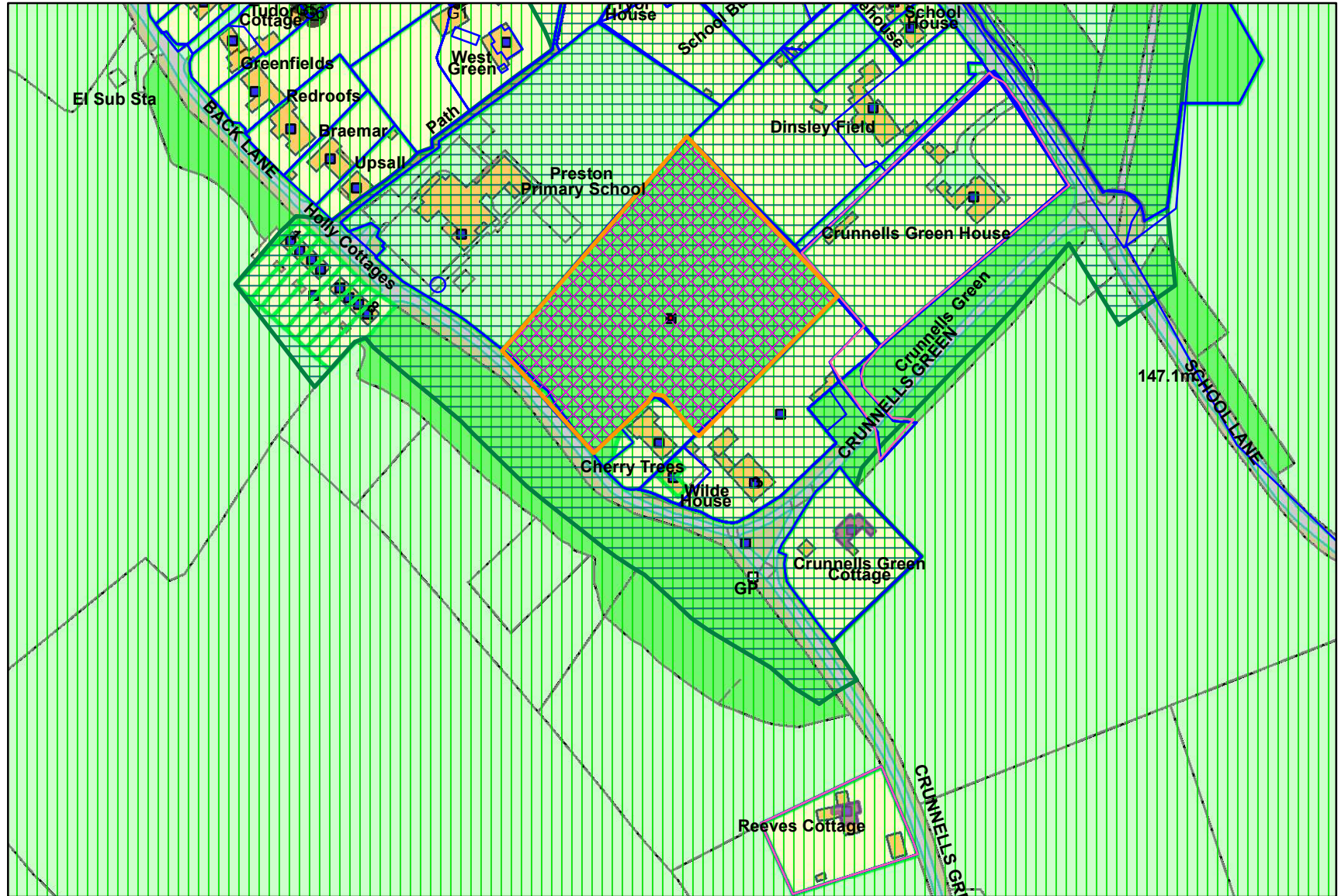
Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Application Validation Sheet

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

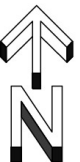
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-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prifpn.shp



Scale 1:2,500

Date: 29/09/2020

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<u>Location:</u>	Land North of Oakleigh Farm Codicote Road Welwyn Hertfordshire
<u>Applicant:</u>	Mr Kevin McBride
<u>Proposal:</u>	Erection of 7 x 4-bed detached dwellings with associated detached garages, parking and amenity areas following demolition of all existing buildings and structures. Change of use of eastern section of land to paddock and alterations to existing access road.
<u>Ref. No:</u>	20/00598/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

16 June 2020

Submitted Plan Nos.:

2019-942-01E, 2019-942-02F, 2019-942-03F, 2019-942-04, 2019-942-05, 2019-942-06, 2019-942-07, 2019-942-08, A1_500, B02913-SWH-ZZ-XX-DR-C-0500-P02, B02913-SWH-ZZ-XX-DR-C-0501-P01, B02913-SWH-ZZ-XX-DR-C-0502-P01, B02913-SWH-ZZ-XX-DR-C-0503-P01, B02913-SWH-ZZ-XX-DR-C-0510-P02, B02913-SWH-ZZ-XX-DR-C-0511-P03 1 OF 3, B02913-SWH-ZZ-XX-DR-C-0511-P03 2 OF 3, B02913-SWH-ZZ-XX-DR-C-0511-P03 3 OF 3.

Extension of statutory period:

23 August 2020

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater (the site area is 1.36ha), as set out in 8.4.5 (a) of the Council's 2019 Scheme of Delegation.

1.0 Site History

NHDC area

- 1.1 19/02753/FP - Erection of 7 x 4-bed detached dwellings with associated detached garages, parking and amenity areas following demolition of all existing buildings and structures. Change of use of eastern section of land to paddock and alterations to existing access road – Withdrawn 02/01/20.

- 1.2 19/00777/LDCE - Lawful Development Certificate (Existing Use): Unit 5 - General Industrial and Storage (Mixed B2 and B8 Use). Unit 6 - General Industrial (B2 Use). Unit 7c - General Industrial (B2 Use). Unit 7d - General Industrial and Storage (Mixed B2 and B8 Use). Unit 8 - Equestrian. Unit 9 - Equestrian. Unit 11 - Storage (B8 Use). Unit 12 - Storage of Plant and Equipment (B8) – Approved 01/07/19.

Welwyn Hatfield area

- 1.3 6/2020/0714/MAJ - Change of use of land from general industrial and storage (B2 and B8) to dwelling houses (C3) to facilitate erection of 7x dwellings following demolition of existing buildings – Refused 26/11/20 for the following reasons:
1. The proposed development constitutes inappropriate development in the Green Belt and causes harm to the openness of the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified in relation to one of the purposes of including land in the Green Belt and the impact on the character and appearance of the area. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal would therefore be contrary to policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SADM 1 and SADM 34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, the Supplementary Design Guidance 2005 and the National Planning Policy Framework 2019.
 2. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions and retention of the paddock as open land by any method other than a legal agreement and the proposal is therefore contrary to Policies IM2 and H2 of the Welwyn Hatfield District Plan 2005, policies SADM 1 and SP 13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.
- 1.4 6/2019/0757/LAWE - Certificate of lawfulness for use of land and buildings for storage of plant and equipment – Refused 15/10/19 for:
1. The site may be considered as one site comprising a composite use and together with the introduction of new uses on the site within the last ten years, the use of the site as a whole may not be considered to have been on-going for the required ten year period of time for a certificate of lawfulness to be issued. Together with inconsistencies in the evidence, insufficient evidence has been provided to the Local Planning Authority to clearly demonstrate, on the balance of probabilities, that the site has been used for the purposes of the storage of plant and equipment for a period of at least 10 years. The use of the land and buildings for the purposes of storage of plant and equipment is therefore not lawful under Section 192 of the Town and Country Planning Act 1990.

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 5 – Excluded villages
Policy 14 – Nature Conservation
Policy 26 – Housing proposals
Policy 36 – Employment Provision
Policy 51 – Development effects and planning gain
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 National Planning Policy Framework

Chapter 2 – Achieving sustainable development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 6 – Building a strong, competitive economy
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Green Belt land
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

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

SP1 – Sustainable development in North Hertfordshire
SP2 – Settlement Hierarchy
SP3 - Employment
SP5 – Countryside and Green Belt
SP6 – Sustainable transport
SP7 – Infrastructure requirements and developer contributions
SP8 - Housing
SP9 – Design and sustainability
SP11 – Natural resources and sustainability
SP12 – Green infrastructure, biodiversity and landscape
ETC2 – Employment development outside Employment Areas
CGB4 – Existing rural buildings
T1 – Assessment of transport matters
T2 – Parking
HS3 – Housing mix
D1 – Sustainable Design
D3 – Protecting Living Conditions
D4 – Air quality
NE1 - Landscape
NE6 – Designated biodiversity and geological sites
NE7 – Reducing flood risk
NE8 – Sustainable drainage systems
NE11 – Contaminated land

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 31/03/2020 Expiry Date: 23/04/2020

3.2 **Press Notice:**

Start Date: 02/04/2020 Expiry Date: 25/04/2020

3.3 **Neighbouring Properties:**

The following objections and comments were received from Nos. 103, 105 and 85 Codicote Road:

- This is a re-submission (if not an exact replica) of 19/02753/FP.
- Application 19/02753/FP received numerous comments, including objections.
- It would be reasonable to receive an explanation of what changes have been made.
- Pending further clarification I cannot remain neutral. Objections could be removed with further clarification.
- Potential overlooking from Plot 7.
- Wish to fully understand the risk of flooding into our garden as it is below the access road height.
- The new access needs to drain towards the footpath and be maintained regularly.
- Wish to understand the impacts on our drive from construction, and that we will have unrestricted access to it.
- Construction noise and dust is unwelcome. Would like restricted work hours.
- Lighting on the new access road would be a new light source and would be unwelcome.
- No consideration to existing users during construction.
- No detailed plans of mains sewerage and foul water drainage. Need to know to understand how this will affect the existing system.
- Sewage arrangements would appear to have no detrimental effect, but an increased risk of blockage could not be ruled out.
- Would welcome further details of power supply and broadband.

3.4 **Codicote Parish Council:**

Objection:

- ☐ Green Belt
- ☐ Narrow bends and tight access to site

3.5 **Statutory Consultees:**

Waste Officer – No objections.

Hertfordshire Ecology – No objections.

A simple, brief but suitable plan should be prepared showing the areas where new hedgerows will be established, their composition (which should comprise native species) and a management programme including, in broad terms, how often they would be trimmed and laid, ideally with some degree of rotation to encourage structural diversity. The management programme should draw on emerging biodiversity law to cover a period of up to 30 years.

This should be secured by a suitably worded condition and require the written agreement of the Council prior to the commencement of development but there would be no need to consult Herts Ecology again.

Environmental Protection Air Quality – No objections.

Hertfordshire County Council Growth and Infrastructure - Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.

Hertfordshire County Council Growth and Infrastructure, Environment and Infrastructure - Based on the information to date for the development of 7 dwellings (Market: 7 x 4 bed) with a development area of 1.36 hectare we would seek financial contributions towards the following projects:

- Primary Education towards the expansion of Codicote Primary School by 1 form of entry from 1FE to 2FE (£26,047 - This contribution is based on Table 2 below index linked to PUBSEC 175)
- Secondary Education towards the expansion of Monks Walk Secondary School from 8 form of entry to 9 forms of entry (£30,961 - This contribution is based on Table 2 below index linked to PUBSEC 175)
- Library Service towards enhancement of Welwyn Library by improvements by installing a smaller enquiry desk to create additional capacity (£1,687 - This contribution is based on Table 2 below index linked to PUBSEC 175)
- Youth Service towards improving and extending the entrance area of the Welwyn Garden City Young People's Centre in order to increase access (£574 - This contribution is based on Table 2 below index linked to PUBSEC 175).

CPRE - This site lies in the Metropolitan Green Belt. The boundary between the two councils divides it, with approximately one third of the site in North Herts and two thirds in Welwyn Hatfield and the proposed development straddles that boundary. The layout of the development is such that the applications cannot be determined in isolation, but only by joint co-operation between the Councils. The documentation submitted to each Council is identical.

In preparation for submitting this application for residential development, the applicant sought certificates of lawful development for the existing mixed uses on the site. According to the Planning Statement, the two authorities took different views, with North Herts granting approval for those buildings within their jurisdiction and Welwyn Council taking the view that they considered the whole area one planning unit and refusing the application. Clearly this is not a situation which can be sustained and, until it is resolved, these applications cannot be determined.

The bulk of the Planning Statement is taken up with explanations of the various activities

undertaken in each of the buildings on the site. This clearly demonstrates that the site, in its totality, is one of mixed use. The determination of the planning unit in such a

situation is clear, first established in the case of *Burdle v. Secretary of State for the Environment*, namely that the planning unit “will comprise the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time but the different activities are not confined within separate and physically distinct areas of land.” Consequently, in our view, Welwyn Hatfield are correct in considering the whole area to be one planning unit.

Probably acting on the position taken by North Herts, the applicant appears to consider that the site is previously developed land, development is appropriate under para. 145(g) of the National Planning Policy Framework and so presents no planning case. In determining the planning balance, it will therefore be necessary for both Councils to agree the quantum of lawful uses on the whole site, and whether or not the proposed development represents a greater spatial and visual impact on the openness of the Green Belt.

Because the applicant has submitted applications to both authorities, what is essentially the same application will be considered against two different Local Plans and sets of policies. We urge the Councils to resolve the issue of lawful use of the current site and, to avoid unnecessary and wasteful duplication of resources, to agree with the applicant that one Local Planning Authority acts on behalf of both.

Landscape and Urban Design - 1. The site lies to the south of Codicote outside its settlement boundary and is covered by Green Belt designation. Most of the site lies within Welwyn Hatfield district with only the north-west corner of the site and access drive off Codicote Road within North Hertfordshire district. The site currently contains buildings and land for storage and lies to the rear of commercial buildings and residential properties along Codicote Road. The land rises away from Codicote Road and up from Oakleigh Farm.

2. The proposal is for seven detached properties, located in the northern part of the site accessed off Codicote Road via an existing track. As well as erecting the seven dwellings, improvements to the access road are proposed together with the creation of a paddock in the eastern part of the site.

3. I have several concerns with this proposal:

- i) The development would contribute to infilling between Welwyn and Codicote;
- ii) The layout, number and scale of dwellings creates a suburban residential scheme in a rural location;
- iii) Although the dwellings are 1.5 storeys, to reduce their overall height, they have large footprints;
- iv) The dwellings are some distance from Codicote Road so unlikely to promote sustainable forms of transport such as walking into Codicote or the use of buses;
- v) The location and layout of the development requires substantial amount of hard surfacing for road access;
- vi) All the properties have detached garages exacerbating the amount of development on the site and reducing the openness of the Green Belt;
- vii) Planting is proposed around the development to help screen it and should be the subject of a condition of any planning approval;
- viii) It is not clear where the proposed paddock will be accessed from.

Hertfordshire County Council archaeologist – No comment to make.

Environmental Health – No objections

Noise:

I have reviewed the submitted “Noise Assessment, Oakleigh Farm...” Report reference RP01-19338, dated 30 August 2019 by Cass Allen Associates. Noise sources from the adjacent industrial estate included pneumatic tools and extract ventilation from the car workshops – Autoline and JE Drury. It is noted that Mechanical Ventilation with Heat Recovery is proposed for the development; the specification is detailed at section 3.18. The noise assessment determined that standard thermal double glazing will be satisfactory to achieve the design criteria internal noise levels (Table 3). The proposed site layout has buildings facing the industrial estate, creating a barrier such that the rear gardens are afforded protection from noise. Noise levels in external amenity areas – gardens – are acceptable. The Report is satisfactory and may be approved.

Demolition and construction phases:

Due to the potential for nuisance due to noise, dust etc. during these phases I have included informatives below.

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

Environmental Protection Contaminated Land - I have no objection to the development. However, I recommend that our standard condition re contamination be attached to any permission given.

Lead Local Flood Authority – No objections.

The applicant had previously contacted us as part of our Surface Water Advisory Service, and a site meeting was carried out 06 November 2020. Following an assessment of the additional comments sent via email on 08 October 2020 and site visit on 06 November 2020, we are now in a position to remove our objection.

Crate soakaways have been proposed to each dwelling and have been sized accordingly to cater for all storm events up to and including the 100 year event +40% for climate change. The road is proposed to be constructed of permeable tarmac and driveways to be constructed on permeable block paving.

From a review of the Access Road Drainage Layout drawing, the applicant has presented two options for draining the access road: “Permeable Tarmac OR Impermeable asphalt draining to an adjacent trench filter drain”. Whilst we do not have any concerns regarding these options, this should be confirmed at detailed design stage.

Given the fact that the red line boundary only includes the access road at this point, it is acknowledged that there is little room to improve flood risk in this area. The applicant has stated how where overland surface water flow is indicated on the EA's flood map; the proposed access road levels are to be no higher than existing ground levels in order that flood flow routes are not affected.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site is occupied by a number of buildings in the north-west corner, which are in use as industrial and storage (Use Classes B2 and B8), and equestrian. A rectangular area in the north-east corner of the site is used as open air storage, parking and waste for building and construction. Other areas of the larger northern part of the site are used for parking, small-scale building materials and waste storage, and some small storage buildings such as shipping containers. The western third of the site is within NHDC land, with the other two-thirds within Welwyn Hatfield district.
- 4.1.2 The site is connected by an internal access road, which extends to the south and west to provide vehicular access to public highway Codicote Road. Ground levels are highest in the north-west corner, and fall to the east and south. The access drive adjacent to No. 85 Codicote Road is lower than that road, and also includes an area of hardstanding that can be used for passing or parking.
- 4.1.3 The boundary of the site with No. 85 is comprised of fences and vegetation varying in height from 1.8m to 0.5m, lowering to the east. The west boundaries of the site with adjoining properties on Codicote Road is comprised of 1.8m high fences, and hedges and trees varying in height from approx. 2m to 6m. Trees at least 5m high comprise the north boundary. The site boundaries to the east are more open low-rise fences.
- 4.1.4 The character of the locality is more rural, particularly around the northern part of the site, where adjoining land is agricultural. Oakleigh Farm owns this adjoining agricultural land, with the main farm house east of the site to the south. Equestrian land and a manege owned by Oakleigh Farm adjoin the south-east boundary. Adjoining the west boundary of the site are dwellings to the south, and a commercial/industrial estate to the north. The north-west boundary of the site comprises a belt of woodland with the large grounds of a dwelling beyond.
- 4.1.5 The site is within the Green Belt in the adopted Local Plan. In the emerging Local Plan the site is proposed to continue as Green Belt.

4.2 Proposal

- 4.2.1 Planning permission is sought for the demolition and removal of all buildings, structures and hard surfaces, and the erection of seven detached chalet-bungalow style dwellings. The dwellings would be sited in the north-west corner of the site. Each dwelling would have four bedrooms, pitched roofs, and dormer windows. Each dwelling would have its own detached single garage with pitched roofs. Two visitor parking spaces would be provided within the site.
- 4.2.2 Each dwelling would have parking provision on hardstanding within their own curtilages, which would be accessed by an internal road. The internal road would replace the existing access drive and would be of a similar siting. The new access road would be wider than the existing and would include a pedestrian footway on one side, which would continue to Codicote Road. The vehicular access onto Codicote Road would be widened in association with the works to the access road. The rectangular area in the north-east part of the site would be changed to a paddock, to be used in association with Oakleigh Farm.

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). The site was however visited during the assessment of withdrawn application 19/02753/FP (date of visit 05/12/19).

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.
- The impact of the proposal on drainage and flood risk.
- The requirement for planning obligations.

Principle of Development:

4.3.3 The site is within the Green Belt in the adopted Local Plan and the emerging Local Plan, therefore for the purposes of assessing whether the proposed development is acceptable in principle, the application will be assessed against relevant Green Belt policies.

4.3.4 The site falls outside of the settlement boundary of Codicote in the adopted 1996 Local Plan, therefore Policy 2 of that Plan is the relevant Policy regarding whether the proposed development is appropriate. Policy 2 states:

In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.

4.3.5 Paragraph 2.12 of the supporting text for this Policy sets out what type of development would be appropriate. These are:

Except within Green Belt settlements and in very special circumstances, the purposes listed are "that required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area; or the use for hospitals or similar institutional purposes of existing large residential buildings situated in extensive grounds, provided (a) the buildings are not suitable for continued residential use, and (b) the proposed use is not such as to lead to a demand for large

extensions or for additional buildings in the grounds." Therefore, Local Plan Policy 2 applies in addition to the Structure Plan Policy 1, and relates to other policies in this Plan, in particular for the re-use of rural buildings, and extensions and replacements to dwellings (Policies 25 and 30).

- 4.3.6 The Local Plan and this Policy date from 1996 and are however relatively old. National policies on what type of development is acceptable in the Green Belt and not inappropriate are contained within paragraphs 145 and 146 of the NPPF. Paragraphs 145 and 146 state:

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.*

- 4.3.7 The emerging Local Plan in Policy SP5 c. states that the Council will only permit development in the Green Belt where they would not result in inappropriate development, i.e. whether new development would be in accordance with the NPPF.

4.3.8 The proposed development would not fall within the categories of what is appropriate under Policy 2 of the adopted Local Plan. However, this Policy can be given only limited weight in respect of the categories of appropriate development specified due to the age of the Policy and its differences to the NPPF.

4.3.9 The NPPF is given significant weight, which sets out a number of categories of development that would not be inappropriate in Green Belts. The applicant has put forwards the argument that the proposed dwellings will not result in impacts on the Green Belt compared to the existing buildings. The proposal could potentially comply with paragraph 145 g) of the NPPF, which states:

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.*

4.3.10 The development does not include affordable housing provision, therefore the second point is not applicable. The first point is whether there would be a greater impact on the openness of the Green Belt than the existing development. The applicant has provided a comparison of existing and proposed footprints, floor spaces and volumes of the existing and proposed buildings (in m² and m³). These are below:

	Existing	Proposed	% Change
Footprint	1213.74	1190.45	-1.92
Floor space	1154.96	1408.86	+21.98
Volume	5226	5344.26	+2.26

4.3.11 The table above shows a slight reduction in footprint and a slight increase in volume. The increase in floor space is more significant as this includes floor space within the roof spaces of the dwellings. I consider the volume comparison a more accurate comparison between the existing and proposed buildings. The difference in volume is very small, and would not in my view result in the proposed buildings having a greater impact on openness of the Green Belt than the existing buildings.

4.3.12 The site also needs to constitute previously developed land (PDL). PDL is defined in the glossary of the NPPF as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 4.3.13 The buildings to be removed are considered permanent, with the land around them considered to be their curtilages, and that of the site as a whole. PDL does not include land that is or was occupied by agricultural buildings. The present use of the buildings and land within the site are a mix of B2, B8 and equestrian, which does not fall within being agricultural.
- 4.3.14 The previous application 19/00777/LDCE sought to establish whether the buildings and land within NHDC land had been in their lawful uses for 10 years from the date of that application. On the Comparison Schedule References Key Plan, these buildings are numbers 3 to 10 inclusive. This also includes approximately half of land area B. All were assessed as being in lawful use as B2, B8 and equestrian for the 10 years from the date of that application. There were three exceptions – two units within building 8, and whole building 4, labelled as such on the Comparison Schedule References Key Plan.
- 4.3.15 The two units in building 8 were not considered lawful as their uses had switched between B2 and B8 in the preceding 10 years. The B2 and B8 uses are not however agricultural. Building 4 was not considered lawful as there was no evidence that it had been on the site for 4 years since its stated construction in 2015. Building 4 was stated as being used for vehicle storage – this is supported by photos from December 2019 and April 2020, notwithstanding that evidence wasn't sufficient to approve its lawfulness. Given the overall lawful use of the site in NHDC land has been assessed as being B2, B8 and equestrian, I consider it likely that building 4 is not in agricultural use.
- 4.3.16 Buildings within the application site but outside of NHDC land are 1, 2, 11, 12, 13 and A as annotated on the Comparison Schedule References Key Plan. The Certificate of Lawfulness (Existing) application submitted to Welwyn Hatfield Borough Council (WHBC) (reference 6/2019/0757/LAWE) assessed these parts of the site, and also the site as a whole as it was considered as one planning unit.
- 4.3.17 The application submitted to WHBC included the whole site within its identified area, including the parts of the site within NHDC. The grounds for the WHBC application were for *The uninterrupted use of the land and buildings for storage of plant and equipment in excess of 10 years*. It was on that basis that the application was assessed. As it was evident that other uses such as equestrian and B2 uses had been operating at the site, and that areas of land in use for storage had expanded and contracted, the application was refused as the whole site had not been in use for storage for the last 10 years and there was some uncertainty over the precise nature of some of the storage uses.
- 4.3.18 The decision made by WHBC does not therefore in my view mean that the site can be considered agricultural, as the storage use the application applied for did not reflect a greater number of uses at the site. The counterpart NHDC decision confirmed the lawfulness of B2, B8 and equestrian uses on most of the NHDC land, while the other uses not determined as being lawful are considered not to constitute agricultural uses. I therefore consider that the site west of the proposed paddock is PDL, and that this element of scheme is not inappropriate.
- 4.3.19 The proposed widening of the access drive is considered minor and not harmful to the openness of the Green Belt. The change of use of the north-east area of the site used for open-air storage to a paddock would comply with 146 e) of the NPPF, which states:

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:

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

4.3.20 This element of the proposal would preserve the openness of the Green Belt as it would not include the erection of buildings, and would not be part of the residential development. The removal of the storage and its replacement with a grassed paddock would be considered beneficial to openness as this would return the land to a more natural state. This would also remove encroachment of development into the countryside, which is one of the five purposes of Green Belts as stated in paragraph 134 of the NPPF.

4.3.21 The WHBC officer report for their refused application 6/2020/0714/MAJ included the following paragraphs as their key grounds for refusing planning permission with respect to the Green Belt:

It is not disputed that the proposed development would reduce the built footprint of development on the site (in accordance with calculations provided by the applicant by around 23 sqm or 1.92%). The proposed development would however result in a slight increase in the total volume of development on the site (by approximately 118m³ or 2.3%) and an increase in floorspace (by approximately 398 sqm or 34.5%) although this is not surprising as first floor accommodation is proposed within the roofs of the dwellings and many of the existing buildings do not have first floor accommodation. The existing buildings on the site range in height from approximately 4.2 m high to 6.5 m (although only two of the existing buildings on the site exceed 6 m in height), and the proposed dwellings would have a maximum height of approximately 6.4m.

The existing buildings on the site are generally concentrated along or close to the western and part of the northern boundaries of the site, and a large barn is located close to the centre of the site. The proposed layout of the development would disperse development across the site, with some dwellings proposed to be sited on land where there is currently no built form.

Visually, the proposed dwellings would also be more substantial in their construction and appearance than the existing buildings, which are essentially rural in their nature and unobtrusive/not uncommon in the landscape. Despite the commercial use of some of the buildings, they are typical of the sorts of buildings that you would expect to find in this kind of rural context.

The effect on openness is not confined solely to permanent physical works. Cars parked within the site, illumination at night, play equipment and other domestic paraphernalia in the gardens and boundary treatments will also have some effect on the openness of the Green Belt. Overall, there would be an unacceptable suburbanisation of the site and a greater impact on openness both in spatial and visual terms, although it is acknowledged that from a visual perspective there are limited views of the site from public viewpoints.

The proposed development would therefore result in a greater impact on openness than the existing development and would be inappropriate development within the Green Belt. Para. 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. For the reasons set out above, the proposed development would represent encroachment into the countryside and would therefore also conflict with one of the five purposes of including land in the Green Belt.

4.3.22 In response to the above, the key points as to why NHDC planning officers considers the proposal acceptable in principle in the Green Belt are:

- The existing and proposed volumes are essentially the same.
- The dwellings and their curtilages would be sited where the existing buildings and open storage areas are.
- There would be improvements to openness from the conversion of the large commercial storage area on the eastern part of the site.
- There would be additional benefits from the redevelopment and improvement of the appearance of the site, including large amounts of new planting.

4.3.23 In summary of this section, the proposed dwellings would have a comparable impact on the openness of the Green Belt to the existing buildings on the site. The proposed dwellings would be sited largely in the vicinity of the existing buildings and storage land, and overall would not be considered to encroach into the open countryside. There would be additional benefits in removing untidy/unsightly open-air storage and parking, and a large amount of new planting. I do not therefore consider the proposed development inappropriate in this Green Belt location, while there would in addition be some benefits to its openness. The proposal therefore complies with relevant Local Plan Policies and the NPPF.

Character and appearance, and sustainability:

4.3.24 The proposed dwellings would have four bedrooms each, however they would be of a relatively modest chalet bungalow design, each being approx. 6.4m in height. The first floor elements would appear relatively small, therefore I consider that the proposal would appear largely as a new development of bungalows.

4.3.25 This development would be of a different character to the existing site, which due to the presence of what are considered to be unsightly areas of open-air storage and parking of materials, plant and vehicles alongside relatively unattractive buildings in B2 and B8 use, is considered visually harmful to the character and appearance of the site and the locality.

4.3.26 The proposed development would appear somewhat separated from the main village of Codicote, however as Oakleigh Farm house is nearby to the south and other dwellings are to the west and south, I do not consider the development would appear out of place here. The development would appear low-rise and relatively spacious, which is considered an acceptable approach in this more rural location.

4.3.27 There would also be a number of visual and other benefits from the proposed development, primarily – the ceasing of industrial and storage activity; removal of associated buildings, hardstanding, vehicles, plant and materials; the creation of a new paddock; and the planting of new trees and hedges (providing visual and ecological benefits).

- 4.3.28 The dwellings would be on the higher part of the site. It is not clear how their ground levels would relate to the existing, therefore a condition would be imposed on any permission granted requiring such details prior to any development commencing. The dwellings would be of a more traditional design approach with walls of brick and render, and plain and profiled tiled roofs, which would be considered to provide an appearance of an acceptable quality. Details or samples of external materials would be required by condition if permission was to be granted. The detailing such as windows and dormers are considered acceptable.
- 4.3.29 The existing access driveway would be widened to accommodate the new residential traffic, however I do not consider that the impacts of this would be significantly greater and more harmful than the existing. New planting would further soften the wider access drive. The proposed paddock would be lawn/grass – as this would be a clear improvement to existing untidy appearance of this part of the site, there are no objections to this. Each dwelling would have its own bin storage, and refuse collection is considered satisfactory given that the Council's Waste Officer has not objected to the development. I consider that Class B permitted development rights for roof enlargements should be removed by planning condition due to the potential for such enlargements to cause harm to the character and appearance of the dwellings and the wider development and locality.
- 4.3.30 Potential occupants of the dwellings would be reliant on the use of private cars to access shops and services to some extent, however the village of Codicote and its shops and services is within walking distance along Codicote Road to the north (estimated 10 to 15 minute walking time), along a pavement opposite the site entrance to the centre of Codicote. The proposed widened internal access drive includes a pedestrian footway to Codicote Road that would encourage journeys by foot to and from the site. There are bus stops a short distance to the north and south of the site entrance, therefore the site is considered reasonably accessible to public transport to Codicote, Welwyn and Hitchin and their shops and services. The site is considered to be in a more sustainable location and acceptable in this respect.

Impacts on Neighbouring Properties:

- 4.3.31 The dwellings would be sited in the north-west part of the site, where their closest neighbours are an employment/industrial area to the west, and a belt of maturing woodland to the north. The closest dwellings outside of the site and Oakleigh Farm are on Codicote Road to the south-west – the rear elevations of these dwellings would be approx. 100m from the proposed dwellings and there would also be trees and vegetation remaining and planted on the site boundaries, therefore the proposed dwellings would not appear overbearing or result in overshadowing and loss of light to any of the Codicote Road dwellings.
- 4.3.32 Only the proposed dwelling on Plot 7 would be closest to the rear boundaries of some of the Codicote Road dwellings. This dwelling would however be a minimum of approx. 12.8m from the rear garden boundaries of the closest dwellings, relatively low-rise and would benefit from screening from trees and vegetation on the rear boundaries of opposite Codicote Road dwellings. Therefore I do not consider that this dwelling would appear harmfully overbearing or cause loss of light to the rear gardens of dwellings on Codicote Road.

- 4.3.33 The Plot 7 dwelling would include a dormer window and a rooflight at first floor level facing towards the site boundary with the Codicote Road dwellings. The rooflight would be small and relatively high on the roof slope and would also serve a bathroom, and would not be considered to result in loss of privacy. The dormer would also serve a bathroom and the plans show this window would be obscure glazed, therefore subject to this window being required to be obscure glazed by condition if permission was to be granted, this would not cause overlooking and loss of privacy.
- 4.3.34 No. 85 Codicote Road raised concerns over potential overlooking from the Plot 7 dwelling. This dwelling is sited such that views from its rear elevation openings and raised rear terrace would be predominantly towards Oakleigh Farmhouse and the site access drive. Potential views of No. 85 would be more oblique, relatively far (approx. at least 130m away) and obscured by trees and vegetation. Therefore I do not consider loss of privacy and amenity would be caused to that dwelling.
- 4.3.35 Oakleigh Farmhouse is the other dwelling closest to the proposed dwellings. The Plot 6 and 7 dwellings would be closest to the farmhouse, however at a distance of approx. 100m between them I do not consider that harm to the amenity of any occupants to this dwelling would occur.
- 4.3.36 The change of use of the storage area to a paddock would not affect residential amenity as no dwellings are close to this part of the site. The proposed wider internal access road would have similar impacts to the existing and would not affect residential amenity. Concerns have been raised regarding lighting of the access road. I anticipate some level of lighting would be provided, however this has not been shown on the submitted documents. Details of lighting can however be required by condition if permission was to be granted, and could then be assessed and controlled accordingly.
- 4.3.37 I do not anticipate harmful amounts of noise and disturbance from the proposed development, including from vehicular traffic, as a relatively small amount of dwellings are proposed. Such impacts may in any case be comparable or likely less than those from the existing use of the site. Regarding the objections and comments from neighbouring dwellings, most of these have been addressed elsewhere in this report. Hours of construction can be controlled by condition, which would in turn minimise noise and dust impacts. I do not anticipate adverse impacts on the driveway of No. 85 Codicote Road as there would be a separation between the proposed works and No. 85, or that access to No. 85 would be restricted. Impacts on sewerage capacity, and details of power supply and broadband are not material planning considerations. The differences between this application and withdrawn application 19/02753/FP are that the current application has included details of drainage. I do not therefore consider harm to residential amenity would be caused by the proposed development.

Amenity of Future Occupiers:

- 4.3.38 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.
- 4.3.39 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

space sufficiently far apart to avoid causing mutual overbearing impacts, loss of light and privacy to each other. The private rear gardens of the dwellings would be of a sufficient size and quality to provide acceptable amenity space for their potential occupants.

- 4.3.40 The proposed dwellings would be relatively close to an employment/industrial estate to the west, which is a potential source of noise and other forms of disturbance that could affect the living conditions of occupiers of the dwellings, notably from some car workshops. A Noise Assessment submitted with the application has specified double glazing for the dwellings, which the Council's Environmental Health Officer considers will provide acceptable internal noise levels. The built form of the dwellings would create a sufficient barrier from noise adversely affecting their rear gardens, therefore noise in external areas is considered acceptable. Living conditions of future occupiers are considered acceptable.

Parking and Highways:

- 4.3.41 Each dwelling would have at least three parking spaces – this is in excess of the Council's minimum parking standards of two spaces for a dwelling with two bedrooms or more, therefore parking provision would be acceptable. Each dwelling would include a garage that could accommodate two cycle parking spaces, therefore cycle parking provision is considered acceptable.
- 4.3.42 Two visitor parking spaces are proposed, which is a shortfall of 3.25 spaces based on the Council's parking standards in Appendix 4 of its 2016 Proposed Submissions emerging Local Plan (ELP). The November 2018 Main Modifications version of the ELP however requires 1.75 visitor parking spaces for the proposed development, therefore the amount of visitor parking proposed would not be a shortfall under the 2018 parking requirements. Visitor parking requirements may be subject to further changes during the completion of the examination of the ELP, however as each dwelling would have parking provision above the minimum requirements it is considered that sufficient capacity for visitor parking would be available within the site.
- 4.3.43 The proposal would widen the existing vehicular access in association with the widening of the internal access road. Given that the County Council highways officer has not objected to the wider access in relation to impacts on the public highway, I do not see any reasons to disagree. The highways officer has not raised concerns relating to turning space for manoeuvring of vehicles within the site, therefore this is considered acceptable. I therefore consider parking provision and impacts on the public highway acceptable.

Trees and Landscaping:

- 4.3.44 The site contains one 11m Leyland Cypress tree that would be removed. This tree is not subject to a TPO and is not considered of such visual or other significance that it should be retained. There are numerous trees and hedges on or close to the north and west boundaries of the site, which would require some minor cutting or would not be affected by the development. These impacts are minor, and would be substantially outweighed by proposed replacement tree planting.
- 4.3.45 The amount of hard landscaping would be small relative to the soft landscaping provided, which is considered would result in an acceptable quality and finish to the site in isolation and taking into account its rural countryside surroundings. The new

landscaping as part of the development would in any case result in a substantial visual improvement to the character and appearance of the site and locality. Sufficient details of soft landscaping and planting are considered to have been provided on drawing 'Landscape Mitigation Plan'. Further details of hard surfaces and boundaries for the dwellings are however required, which can be secured by an appropriate condition. Landscaping and impacts on trees are considered acceptable.

Ecology:

- 4.3.46 Hertfordshire Ecology provided comments on 30th March 2020 advising that the site and its surroundings do not hold records of ecological significance. Ecological surveys submitted with the application confirmed this. Mitigation measures are however required to compensate for some limited harms, being carrying out tree work outside of bird nesting season, and the planting of new hedgerows. Hertfordshire Ecology have advised that these can be achieved with an informative and a condition respectively. I do not disagree with Herts Ecology given their expertise in these matters, therefore I do not consider that the proposal would be harmful to ecology. There would in addition be general benefits from the large amount of new planting proposed.

Drainage and flood risk

- 4.3.47 The Lead Local Flood Authority have not objected to the proposed development on the grounds of drainage and flood risk. The access road would be of permeable tarmac or impermeable asphalt draining to an adjacent filter trench drain, with both options considered acceptable by the LLFA with further details to be required by condition. The levels of the access road would not be higher than the existing therefore flood flow routes would not be affected. Conditions are recommended by the LLFA requiring some further details of the drainage scheme proposed and the development to be completed in accordance with the drainage details provided, which are considered reasonable and appropriate. Given their expertise in these matters, which is given significant weight, I consider that the site would have appropriate drainage and that run-off and other water would not adversely affect neighbouring properties and the public highway. Drainage and flood risk mitigation are considered acceptable.

Planning obligations

- 4.3.48 No affordable housing or such contributions are required as the number of dwellings proposed is under 10. No other obligations are required by NHDC to mitigate the impacts of the proposed development.
- 4.3.49 Hertfordshire County Council Growth & Infrastructure have requested planning obligations for fire hydrants; and financial contributions towards education, libraries and youth facilities. The planning application is a minor application for 7 dwellings. NHDC has not sought to secure planning obligations requested by the County Council on other minor applications for residential development (the County Council also rarely requests such obligations). Furthermore the application is only major development by site area due to the inclusion of the change of use of part of the site to a paddock, which is not related to the residential element (removing the paddock site would reduce the site area to less than 1 hectare which would not be major development). I do not therefore consider it reasonable to seek financial contributions for the proposed development.

Climate Change Mitigation:

- 4.3.50 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 will be conditioned to be installed on each of the proposed new dwellings. The applicant has also submitted a Sustainability Statement demonstrating that the new dwellings in terms of carbon emissions generated would exceed the latest Building Regulations requirements, therefore further helping to minimise climate change.

4.4 Conclusion

- 4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is engaged as the proposal is not considered harmful to the Green Belt. There will be moderate benefits from the provision of seven additional dwellings, which is not considered harmful to the locality. There would be further benefits from the redevelopment of the site and associated visual improvements. 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 Pre-commencement conditions as below are recommended, which have the agreement of the applicant.

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

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

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

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

4. Prior to commencement of the approved development, the following landscape details shall be submitted:

- a) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
- b) 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 the commencement of the development, ground levels of the existing and proposed development shall be provided to the Local Planning Authority. The development shall be completed in accordance with these approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

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

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

9. The development hereby permitted shall not commence until the existing access from the Codicote Road has been re-constructed 5.50 metres wide with 6.0 metre radii kerbs as identified on drawing number B02913-SWH-ZZ-XX-DR-C-0510-P02, the footway leading from the development shall extend to each side of the reconfigured access for a minimum distance of 10 metres and shall include for pedestrian dropped kerbs and tactile paving and corresponding dropped kerbs and tactile paving opposite on the existing Codicote Road. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and shall be secured and undertaken as part of the s278 works.

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

10. Prior to occupation of the development hereby permitted the existing access road from the Codicote Road shall be improved and re-constructed 5.50 metres wide as identified on drawing number 2019/942/02 revision E and the internal road layout shall be complete as identified on drawing number 2019/942/03 revision E to the Local Planning Authority's satisfaction.

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).

11. Prior to commencement of each phase of the development, details of all materials to be used for hard surfaced areas within the site, including roads, drainage details, driveways and car parking areas shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that internal roads, drainage and parking areas are built to Highway Authority standards and requirements in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. CONSTRUCTION MANAGEMENT PLAN

No development shall commence until a Construction Management Plan has been

submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class B 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.

14. Prior to the commencement of the development, details of external lighting for the access road shall be submitted to the Local Planning Authority for approval. Such details shall include siting and design of installations, method of illumination, light spillage, and hours of operation. Lighting shall be implemented in accordance with the approved details.

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

15. Prior to the first occupation of the development, the Mechanical Ventilation with Heat Recovery system shall comply with the standard specified in "Noise Assessment, Oakleigh Farm..." Report reference RP01-19338, dated 30 August 2019 by Cass Allen Associates. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenity of future residents.

16. Land Contamination Condition

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

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

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology

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

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

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

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

17. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment, reference B02913 Rev 02, dated August 2020 prepared by Scott White and Hookins and all supporting information and the following measures;

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

2. Undertaking appropriate drainage strategy based on infiltration and to include permeable paving and soakaways.

3. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

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

18. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment, reference B02913 Rev 02, dated August 2020 prepared by Scott White and Hookins, dated 18 September 2020. The scheme shall also include:
1. Detailed infiltration testing be carried out pre-commencement in accordance with BRE Digest 365 standards at the proposed locations and depths of all SuDS features.
 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 and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
 3. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features.
 4. Provision of half drain down times within 24 hours
 5. Silt traps for protection of any residual tanked elements
 6. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
 7. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

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

19. Upon completion of the drainage works for the site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. Provision of a complete set of as built drawings for site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

20. The development shall be completed in accordance with the measures set out in the Sustainability Statement (dated December 2020).

Reason: To minimise carbon emissions in the interests of the environment and climate change.

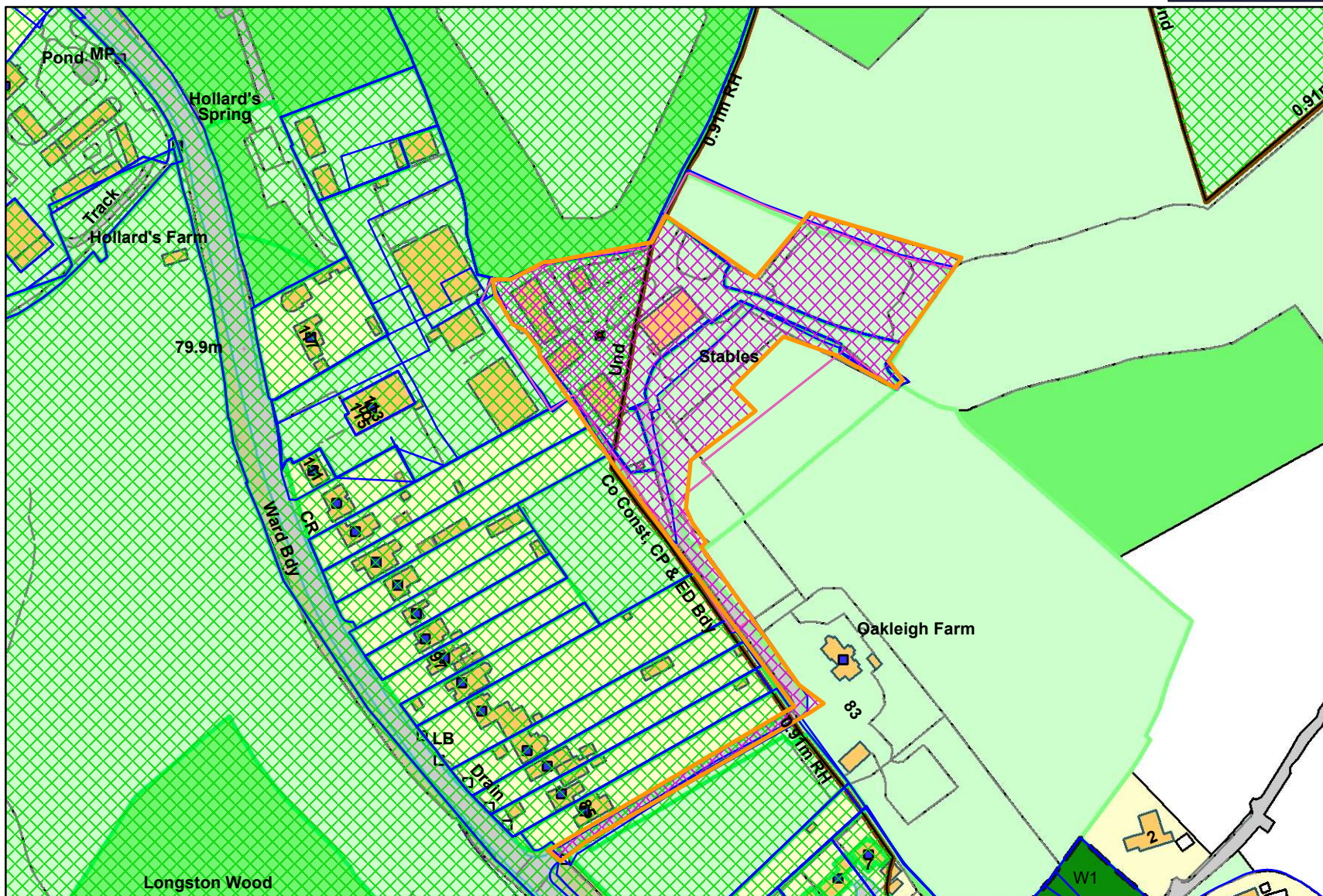
Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Application Validation Sheet

20/00598/FP Land North of Oakleigh Farm, Codicote Road, Welwyn, Hertfordshire

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbld.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
Prjmzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:2,500

Date: 27/01/2021

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<u>Location:</u>	Bibbsworth Hall Farm Bibbs Hall Lane Ayot St Lawrence Hitchin Hertfordshire SG4 8EN
<u>Applicant:</u>	-
<u>Proposal:</u>	Erection of one semi-detached 5-bed dwelling, one semi-detached 4-bed and one detached 4-bed dwelling including garaging and home office outbuilding following demolition of existing buildings, re-location of public footpath (amended plans received 18/11/20)
<u>Ref. No:</u>	20/01254/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

10 August 2020

Submitted Plan Nos.:

23786A-16 REV P3, 23786A-00 Rev P1, 23786A-01 Rev P3, 23786A-02, 23786A-03, 23786A-04, 23786A-05, 23786A-06, 23786A-07, 23786A-10 Rev P5, 23786A-11 REV P1, 23786A-12 Rev P2, 23786A-13 REV P1, 23786A-14 REV P1, 24369, 23786A-15 REV P2, 23786A-17 REV P2.

Extension of statutory period:

23 January 2021

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater (the site area is 0.7ha), as set out in 8.4.5 (a) of the Council's 2019 Scheme of Delegation.

1.0 Site History

- 1.1 20/01255/LBC - Demolition of existing buildings and erection of three dwellings, garaging and office/garden store – Withdrawn 24/11/20.
- 1.2 87/00828/1 - Change of use of land to use as a clay pigeon shooting ground – Refused 30/07/87.

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 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 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Green Belt land
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment

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

SP1 – Sustainable development in North Hertfordshire
SP5 – Countryside and Green Belt
SP6 – Sustainable transport
SP8 - Housing
SP9 – Design and sustainability
SP11 – Natural resources and sustainability
SP12 – Green infrastructure, biodiversity and landscape
SP13 – Historic environment
CGB4 – Existing rural buildings
T1 – Assessment of transport matters
T2 – Parking
HS3 – Housing mix
D1 – Sustainable Design
D3 – Protecting Living Conditions
D4 – Air quality
NE1 - Landscape
NE6 – Designated biodiversity and geological sites
NE7 – Reducing flood risk
NE8 – Sustainable drainage systems
NE11 – Contaminated land
HE1 – Designated heritage assets
HE4 - Archaeology

2.4 Supplementary Planning Document

Vehicle Parking at New Development SPD (2011)

3.0 Representations

3.1 Site Notice:

Start Date: 24/06/2020

Expiry Date: 17/07/2020

3.2 **Press Notice:**

Start Date: 25/06/2020

Expiry Date: 18/07/2020

3.3 **Neighbouring Properties:**

The following objections were received from Ayot View, Bibbs Hall Lane:

- Not informed.
- Main concern is over wildlife, particularly swallows. Applicant mitigation proposed inadequate. Needs to be protection during proposed works.
- Link to Youtube video of swallows.
- Increased traffic. Hope there won't be road widening as this would affect wildflowers and change the character of the area. A management plan is required.
- The new homes will be under the flight path of Luton Airport.

3.4 **Kimpton Parish Council:**

Kimpton Parish Council considered this application and makes the following comments:

1. How is the proposal assisting in supporting the requirements of 'Kimpton Parish Housing Needs Survey March 2019'? This document clearly states the need for 24 additional affordable homes mainly of 1 and 2 bedroom size within the parish. The current applicant proposal offers no contribution to achieving this defined need to the community of Kimpton. The applicant should provide financial contribution to the parish for supporting the delivery of such size properties elsewhere within the parish.

2. KPC and NHDC have adopted a 'climate emergency' policy. Please confirm what the climate impact of the development is and what avoidance of external energy and water usage has been incorporated within the application? There is currently no quantifiable statement within the application. Apart from the provision of SUDs there is no indication of an approach to these matters. No mention is made of providing electric car charging points to either residents or visitors. No mention is made of the energy source for the development.

3. Land Title

The application is not clear on the indication of land that would be within the ownership of individual houses and land that may remain in the ownership of a separate party. Please indicate these.

4. Foot Path.

The records indicate that there is a number of footpaths in the area of Bibbsworth Hall Farm. None are particularly well marked or accessible at this time. We would not see issue to the proposed re-direction of the footpath provided the land owner makes improvement to the ability for the public to access the public footpaths and that clear marking of public footpaths in the area of Bibbsworth Hall Farm is provided. We would not see objection to the wider exploration of footpath route relocation to afford improved connected footpath route access within the local area.

5. Community

The central farm yard appears quite sterile with only provision for car parking indicated. To be a successful community the opportunity for people to interact is important. The creation of potential seating areas particularly in areas receiving sunlight should be considered and means to avoid it becoming an uncontrolled car park.

3.5 Statutory Consultees:

Environmental Health Officer (Noise) – No objections.

Waste Officer - While the Proposed Site Plan shows a vehicle accessing and egressing in forward gear, no vehicle dimensions are given. We would need to see that a freighter of 12.1m length with a kerb-to-kerb radius of 11.4m could perform this manoeuvre.

Recommend a condition requiring further details.

Environmental Protection Air Quality – No objection.

Landscape and Urban Design Officer - 1. The proposal is to demolish a number of existing barns grouped around the Grade II Listed Bibbsworth Hall Farmhouse and replace with three new dwellings in a style that reflects the character of the existing buildings. The site lies in a rural location on a plateau which provides longer views where existing hedgerows and surrounding woodlands allow. The development will reuse the two existing accesses on Bibbs Hall Lane. Public footpath PROW Kimpton 15 runs across the site northwest-south east and this is proposed to be re-routed to avoid cutting through individual plots. An orchard is proposed in the western part of the site which will provide a buffer between the development and the adjoining cottages.

2. I have no comments on the general layout and style of the development but there are a few details which need resolving either through conditions or submission of further information.

- i) Confirmation of what existing trees and shrubs are to remain and if any are to be removed;
- ii) Details of planting including grassed areas, hedgerows and screening along Bibbs Hall Lane;
- iii) Details of the new orchard planting including species, maintenance and who will be responsible for its management;
- iv) Hard surfacing details;
- v) Boundary treatments for the orchard, plot boundaries, between rear gardens and any gates;
- vi) Details of surfacing for the rerouted PROW and any access and boundary treatment.

Hertfordshire County Council highways officer – Does not wish to restrict permission subject to conditions.

COMMENTS

The proposal comprises of the erection of one semi-detached 5-bed dwelling, one semi-detached 4-bed and one detached 4-bed dwelling including garaging and home office outbuilding following demolition of existing buildings, re-location of public footpath.

VEHICLE ACCESS

The development is located offset from Bibbs Hall Lane that is classified as local access road subject to a derestricted speed limit.

Within section 12 of the application form Pedestrian and vehicle access, roads and rights of way the applicant has implied that there is no new or altered vehicle access proposed to the existing vehicle access to or from the public highway to the property. Within the above recommended planning conditions the accesses are in need of reconstruction to avoid extraneous materials being deposited on the adjacent highway

There is sufficient room in order that waste collection and emergency vehicles can turn around and egress the site in forward gear.

WASTE COLLECTION

The method of waste collection must be confirmed as acceptable by North Herts refuse collection agency.

Waste collection vehicles that serve the site should be able to reach a waste collection point in a reasonable location within 15 metres for two wheeled bins of the waste collection vehicle (MfS 6.8.9) for access for WCVs

HIGHWAY SAFETY - Visibility along the highway from the existing access

Vehicle to vehicle inter-visibility and pedestrian visibility is unaffected by the proposal. The present level of visibility from the existing access is acceptable and is in accordance with "Sightlines at Junctions" (Ref: Manual for Streets [Site Stopping distances table 7.1 page 91 and visibility along the street edge 7.8.3 page 94]

Public Transport

The application site is not within 400 m of a bus stop.

Walking and Cycling

Pedestrians have no access to footways.

Railway station

Other town and villages and local facilities have a realistic access from the development by cycling albeit that there is no dedicated cycle lanes, the rail station of Welwyn Garden City and Harpenden is approximately 8 to 9 km away

PUBLIC RIGHTS OF WAY

The Highway Authority has also recommended a highway informative to ensure the applicant contacts Hertfordshire County Council's Rights of Way Service to obtain their requirements for the ongoing maintenance of the surface of the Right of Way adjacent to the proposed site. This should be carried out before any construction work on the proposed development commences.

CONCLUSION

Hertfordshire County Council as Highway Authority has considered that the proposal is of low scale development therefore the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway consequently has no objections on highway grounds and does not wish to restrict the grant of planning permission, subject to the above recommended planning conditions and highway informative.

Hertfordshire Ecology – No objections.

The Recommendations in the Nocturnal Bat Survey report should be followed by condition.

A Swallow Mitigation Strategy should be produced and implemented prior to demolition of any of the buildings with evidence of nesting swallows, to safeguard the local swallow population that uses the buildings for nesting. This should be secured by condition. Once sufficient alternative nesting sites for swallows are provided, it is recommended that any destructive building work (i.e. clearance and demolition) is undertaken outside the breeding bird season, and I advise the following condition.

An Arboricultural Report has identified a few trees for removal. These will be adequately replaced with the proposal for an orchard on the western side of the development.

The road verges in the lane outside the property are floristically diverse with some interesting species. They should be protected from unnecessary disturbance from construction vehicles where possible.

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. The reports propose enhancements for biodiversity in the form of native species planting, orchard tree planting, and the provision of 10 bat and 15* bird boxes. To bring all these biodiversity aspirations together, and to ensure net gain is achieved, I

recommend the production of a Landscape and Ecological Management Plan (LEMP) should be secured by way of condition.

Herts and Middlesex Wildlife Trust – No objections.

The ecological survey identifies a significant population of swallows and house sparrows, and recommends artificial nest provision. This site is reported to be the only swallow nesting site in the area and must be preserved. If compensation is not provided they will be lost from the local area because they will have nowhere to nest. They are almost totally dependent on buildings for nesting.

HMWT agree with the need to provide compensatory features, but it needs more information regarding where these boxes will be located. Location is particularly important for swallows. Boxes must be erected in buildings and this presents a design implication for the scheme. Having looked at the plans, the garages provide the most acceptable solution. Artificial nests should be placed in the bin stores, the wood stores and the garages. They will require access to these and that will involve suitable sized access holes. Nests in the garages will also need ledges beneath to prevent droppings. All this information must be provided either pre application or via a condition. Similarly house sparrows should have permanent nest sites provided. These should be detailed in a nest plan but should consist of integrated sparrow terraces in the brickwork of the buildings.

In addition to a bird nesting plan, the requested condition should also require a continuity plan to ensure that the swallows are not left without an existing or compensatory nesting resource. They are likely to desert the site if nesting sites are not available for even 1 nesting season.

Lead Local Flood Authority - As this is a minor application, we are not a statutory consultee.

CPRE – Object to the development as it is contrary to the relevant policies in the current and submission Local Plans:

- Conflicts with Policies 6 and CGB1.
- Car-dependent unsustainable location.
- Whether there will be any impacts on the setting of the nearby listed building.
- Benefit to the District's housing land supply marginal.

Environmental Health Contaminated Land – No objections.

Hertfordshire County Council Archaeologist – No objections.

The historic environment record (HER) notes that Bibbs Hall was first documented in the late twelfth century and incorporates a Saxon name Bibba. The site is later mentioned in a document from 1560 as Bybseworth Hall (HER15442). The adjacent farmhouse is Listed as being of architectural and historic significance and dates from the eighteenth century (LB1102780). OS mapping from the nineteenth century suggests the site underwent further development at this time. Post medieval farms in Hertfordshire have frequently been found to have medieval origins, as suggested in this instance by the documentary record.

I believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

Conservation Officer - I have given great weight to the conservation of these Heritage Assets (para 193, NPPF). This is not a barn conversion scheme, hence, I accept that there will be overtly domestic elements to this scheme which would not necessarily be the case with a conversion. Having said that, in my opinion, it is essential that the scheme overall is perceived as having an agrarian theme and that, therefore, the 3no. new dwellings do not immediately read as dwellinghouses in the context of the grade II listed farmhouse's setting. The architect has applied a degree of sensitivity to the scheme that assures that the agrarian theme prevails. Subject to the aforementioned conditions, it is considered that the proposed development would not occasion harm to the setting of Bibbsworth Hall Farmhouse. I, therefore, raise **NO OBJECTION** on the basis that the proposal would satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and will meet the aims of Policy HE1 : Designated Heritage Assets, of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018) and the aims of Section 16 of the NPPF.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site comprises ten agricultural buildings (barns) of varying sizes, in addition to a number of smaller more temporary buildings such as shipping containers and sheds, together with related hardstanding and grassland/vegetation within the site. Some mature trees are sited near/on the front north boundary. The site has two vehicular accesses onto Bibbs Hall Lane. The last lawful use of the site was agricultural, with the buildings being presently vacant. A public footpath passes through the site from west to east and from front to rear.

4.1.2 Close to the east site boundary is the farmhouse for Bibbsworth Hall Farm. The farmhouse is a grade II listed two storey detached dwelling. Barn B4 adjacent to the east site boundary is considered to be curtilage listed. On the advice of the Council's

Conservation Officer, the buildings within the application site are not considered to be curtilage listed.

- 4.1.3 The site is in the countryside, where the predominant character of the locality is of rural agricultural land. The closest neighbouring properties outside of the red-edged site plan are the farmhouse to the east, and one pair of two storey semi-detached dwellings to the west (these three dwellings are within the blue-edged area).
- 4.1.4 The site is within the Rural Area beyond the Green Belt in the adopted Local Plan. In the emerging Local Plan the site is proposed to be within the Green Belt.

4.2 Proposal

- 4.2.1 Planning permission is sought for the demolition and removal of all buildings, structures and hard surfaces, and the erection of three new dwellings with ancillary buildings on a similar siting to most of the existing buildings.
- 4.2.2 All the dwellings would be a mix of two and one storeys, and are designed of an agrarian character and appearance appearing as converted barns or other agricultural buildings. The dwellings would predominantly have pitched tiled roofs, with walls of brick, weatherboarding and flintwork. One dwelling (Unit 2) would have 5 bedrooms, with the other dwellings having 4 bedrooms. A combined double garage and store building would be sited at the front of the site, which would serve two of the dwellings. A separate double garage and outbuilding would be at the rear of the site.
- 4.2.3 Both existing vehicular entrances would provide access, each of which would include gates. New hard surfacing would be created for vehicle parking and manoeuvring. One tree and minor vegetation would be removed. A new orchard would be planted on the western third of the site, and other new trees and vegetation planted elsewhere within the site. The public footpath would be diverted in two places to the west, remaining within the site.

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:
- The acceptability of the principle of the proposed works in this location.
 - The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area and on designated heritage assets.
 - 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 In the adopted Local Plan, the site is in the Rural Area beyond the Green Belt (RA). The site is not in a Selected Village beyond the Green Belt, therefore Policy 6 is relevant as to whether the proposal is acceptable in principle. Policy 6 has the overall aim of maintaining the existing countryside and villages, and their character. A proposal should also comply with one of parts i. to iv. of that Policy. For reasons that will be set out in more detail below, I consider that the proposal will maintain the character of the countryside; and would comply with part of part iii. that states development should not have any other adverse impact on the local environment or other policy aims within the Rural Area.
- 4.3.4 The site is within the Green Belt in the emerging Local Plan (ELP). The relevant policy relating to development in the Green Belt in the ELP is SP5, which states that development will be permitted only where it is not inappropriate. National policies on what type of development is acceptable in the Green Belt and not inappropriate are contained within paragraphs 145 and 146 of the NPPF. Paragraphs 145 and 146 state:

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 proposal does not meet the above criteria as the site is agricultural and therefore not previously developed land (PDL), and as the new buildings would not be in the same use as the ones they would replace (with the other criteria also not being relevant). The proposal is therefore inappropriate development when assessed against Green Belt policy.
- 4.3.6 Inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances (VSC's). Substantial weight is given to this harm. VSC's will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The VSC's stated by the applicant in the Planning Statement can be summarised as:
- If the buildings were converted to employment use under permitted development or by planning permission they would then become PDL, which would comply with NPPF 145 g).
 - The enhancement to the listed farmhouse as a designated heritage asset.
- 4.3.7 With regard to the VSC's, the proposal is not considered to be an enhancement to the listed building on the basis of the Council's Conservation Officer's comments (although no objections have been raised either by the CO). There is no certainty over whether planning permission would be granted for a change of use of the existing buildings, therefore this is not a VSC. The buildings could potentially be converted to commercial uses under the prior approval process, however there is not clear certainty that prior approval would be granted as such applications are subject to various criteria being fulfilled. I do not therefore consider that these are VSC's.
- 4.3.8 The proposal would however result in a reduction of buildings (in footprint of approx. 300 m²) and hardstanding on the site, and would improve the openness of the Green Belt in this respect. There would be visual improvements to the site (which is beginning to show effects of the ceasing of much of the agricultural use since September 2017), the provision of three new dwellings, and new planting/vegetation and associated benefits. These can be viewed as benefits (and potentially VSC's), which will be factored into the planning balance as part of the assessment of the proposal. At the time of writing this report, matters relating to the Green Belt in the emerging Local Plan examination had not yet concluded, therefore I give moderate weight to the proposed designation of the site in the Green Belt.

Heritage, character and appearance, and sustainability:

- 4.3.9 The existing buildings, structures and hardstanding to be removed are not curtilage listed or listed, and no objections to their removal have been raised by the Conservation Officer. These buildings are not considered to be of significant architectural or historic merit, therefore there are no objections to their removal.
- 4.3.10 The proposed new dwellings, ancillary buildings, hardstanding and other alterations to the site are considered to be designed to a high standard on the basis of the comments from our Conservation Officer (the development at this stage has gone through detailed pre-application discussions and some amendments during the course of the planning application to reach this stage). The proposed dwellings and the development as a whole would be of an agrarian design, character and appearance that would not immediately appear as dwellings and is important to the context of the

setting of the listed farmhouse. I agree with our Conservation Officer that there would not be harm to the setting of the farmhouse, therefore the proposed development is considered acceptable with regard to its impacts on this designated heritage asset.

4.3.11 The design, size, layout and detailing of the development are considered acceptable in design terms in all other respects due to the high standard of design and sensitivity to the heritage asset. The agrarian design and layout of the development would maintain the character and appearance of the wider locality and countryside. There will in addition be some benefits from the provision of three new dwellings, improvements to the appearance of the site through its redevelopment, and additional trees and vegetation. I consider it necessary to withdraw Classes A, B, C, D and E permitted development rights to the dwellings to ensure that their agrarian appearance would not be harmfully altered in the interests of preserving the setting of the listed building and the character of the development. Refuse can be satisfactorily collected inside the site based on the proposed site plan showing two 12m refuse vehicles with tracking in the site (and a condition will be imposed requiring further details as recommended by the Council's Waste Officer), with bin collection areas within reach of collection vehicles.

4.3.12 The site is however isolated and outside of any settlements. Potential occupants would be largely reliant on the private car to access shops and services, with the closest settlements with at least one shop (Kimpton and Wheathampstead) being approx 1.7 miles and 2.4 miles away respectively along narrow lanes without footways or cycle paths. The site is less sustainable with regards to its location which is an adverse impact, albeit only three new dwellings are proposed.

Impacts on Neighbouring Properties:

4.3.13 There are only three dwellings in close proximity to the proposed development, which are all inside other land owned by the applicant. These are the listed farmhouse to the east, and Nos. 1 and 2 Bibbs Hall Cottages to the west. Starting with Bibbs Hall Cottages, the closest proposed dwelling would be approx. 29m from its curtilage, with the two storey part of that dwelling being further away (as would the other dwellings and their ancillary buildings). The proposed dwellings would also be obscured from Nos. 1 and 2 Bibbs Hall Cottages by the proposed planting on the west side of the site, albeit this would take a bit of time to be established. Due to the above, the amenity of the occupants of Nos. 1 and 2 Bibbs Hall Cottages would not be harmed.

4.3.14 The proposed development would be visible primarily from the front elevation and garden of the farmhouse. The Unit 2 dwelling would be the closest building, however it would be at an oblique angle and would be partially obscured by existing buildings, with no upper floor openings proposed facing the farmhouse, therefore I do not consider that Unit 2 would cause loss of amenity. The other closest building would be the long garage/store building, which would be approx. 17m from the front of the farmhouse. Due to this distance and as the building would have a hipped roof sloping to the west, I do not consider that this building would be harmful. No other aspects of the development are considered harmful to amenity.

Amenity of Future Occupiers:

4.3.15 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.

- 4.3.16 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 space sufficiently far apart to avoid causing mutual overbearing impacts, loss of light and privacy to each other. The private rear gardens of the dwellings would be of a sufficient size and quality to provide acceptable amenity space for their potential occupants. Living conditions of future occupiers are considered acceptable.

Parking and Highways:

- 4.3.17 Each dwelling would have at least three parking spaces – this is in excess of the Council's minimum parking standards of two spaces for a dwelling with two bedrooms or more, therefore parking provision would be acceptable. The four visitor parking spaces are acceptable. Each dwelling would include a garage and storage that could accommodate two cycle parking spaces, therefore cycle parking provision is considered acceptable.
- 4.3.18 The County Council highways officer has not objected to proposal subject to conditions requiring the diversion of the existing public footpath and re-construction of the existing vehicular access to a width of 4m for a length of 10m, both of which conditions are recommended. Impacts on the public highway and parking provision are therefore acceptable.

Trees and Landscaping, and Ecology:

- 4.3.19 The site contains a small number of trees in its front section and around its front boundary, which are not protected by TPO's or another form of Council protection. Four trees are to be removed, three of which are young and small and not considered worthy of retention. One mature Lombardy Poplar would be removed on the basis of storm damage and decay, which is not considered objectionable. The proposal would retain the majority of trees in and near the site, and would in addition include new tree planting on its western third and to the rear. This will more than offset the small loss of trees, and will benefit the appearance of the site and be beneficial towards biodiversity. Details of trees and other planting proposed can be sought by an appropriate condition.
- 4.3.20 The amount of hard landscaping would be small relative to the soft landscaping provided, which is considered would result in an acceptable quality and finish to the site in isolation and taking into account its rural countryside surroundings. Further details of hard surfaces and boundaries for the dwellings are however required, which can be secured by an appropriate condition. Landscaping is considered acceptable.
- 4.3.21 Hertfordshire Ecology provided comments on 3rd June 2020 advising that the recommendations in the Bat Survey report should be followed by condition; a Swallow Mitigation Strategy should be secured by condition; and a Landscape and Ecological Management Plan should be secured by condition to bring an increase in biodiversity. These measures are considered sufficient to ensure biodiversity would be protected and enhanced.

Climate Change Mitigation:

- 4.3.22 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 will be conditioned to be installed on each of the proposed new dwellings. The new trees that are proposed to be planted will also absorb and reduce potential carbon emissions.

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 not however engaged as the proposal is not considered harmful to assets or areas of particular importance set out in footnote 6 of that paragraph. The proposal should therefore be assessed according to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

4.4.2 The benefits are considered to be an improvement to openness from a reduction in the amount of buildings and hardstanding, three new dwellings, visual improvements to the site, and new planting. These benefits are considered moderate. The adverse impacts are considered to be new dwellings in a less sustainable location, which are considered limited. The benefits would outweigh the adverse impacts.

4.4.3 The proposed development is therefore 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. The granting of conditional permission is recommended.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

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

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

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

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

Purchase Act 2004.

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

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

3. Prior to the commencement of development above slab level, eaves details and the means of ventilating each roof shall be submitted to and approved in writing by the Local Planning Authority and the works thereafter shall be undertaken in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

4. Prior to the commencement of development above slab level, details/samples of all new roof materials for all three units, garaging and home office outbuilding shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the roofs shall be covered in the approved materials.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

5. Prior to the commencement of above ground works, a sample brickwork panel(s) for all new facing brickwork and a sample flintwork panel for all new facing flintwork shall be made available for inspection on site and the panels approved in writing by the Local Planning Authority. Thereafter, the brickwork and flintwork shall be undertaken in accordance with the approved panels.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

6. A sample of the weatherboarding including external finish shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the weatherboarding shall be undertaken in accordance with the approved sample.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

7. The joinery details (including glazing bar profile) for all new windows and external doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the window and external door joinery shall be undertaken in accordance with the approved panels.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings

and Conservation Areas) Act 1990 and to maintain the character of the area.

8. Full details of all garage/store doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the garage/store doors shall be manufactured and installed in accordance with the approved panels.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

9. Details of all new rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the rainwater goods shall be installed in accordance with the approved panels.

Reason: To ensure that special regard is paid to protecting the setting of the grade II listed Bibbsworth Hall Farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character of the area.

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

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

11. Prior to occupation of the approved development, the following landscape details shall be submitted:

- a) which, if any, of the existing vegetation inside and adjoining the site 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. Hard surfacing shall be permeable or porous, or shall include provisions to prevent the discharge of surface water runoff onto the public highway.

Landscaping shall be implemented in accordance with the approved details.

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

12. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the

completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

13. Prior to occupation, each 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.

14. The development hereby permitted shall not be brought into use until the proposed accesses have been re-constructed for the first 10 metres approximately 4.0 m wide and the join to the existing carriageway has been constructed to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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

15. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through any of the country lanes in the area and shall be carried out as approved.

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

16. Prior to the commencement of the works a Footway Diversion Order shall be promulgated to divert the existing footway 15 around the development as identified on drawing number 23786A-10 P5. The route and surfacing condition shall be constructed to the satisfaction of the Highway Authority to accord with advice from HCC Rights of Way Team with the ultimate design being technically approved prior to commencement on site to the local Planning Authority's satisfaction.

Reason: To ensure that work undertaken on the bridleway is constructed to the satisfaction of the local planning authority and current specification of the Highway Authority, to an appropriate standard and by a contractor who is authorised to work in the public right of way.

17. Land Contamination Condition
(a) 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
 - (b) 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 (a), above; has been submitted to and approved by the Local Planning Authority.
 - (c) 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 (b) 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.
 - (d) Any contamination, other than that reported by virtue of condition (a), 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.

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

Reason: In the interests of archaeology.

19. 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 18.

Reason: In the interests of archaeology.

20. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

21. The recommendations set out in the Nocturnal Bay Surveys report by MKA Ecology (date November 2018) shall be implemented as set out in the report. These measures shall thereafter be retained in perpetuity.

Reason: In the interests of ecology.

22. Prior to the commencement of the approved development, a Swallow Mitigation Strategy, detailing suitable protection, mitigation and compensation measures to demonstrate how the favourable conservation status of the swallow population can be maintained, shall be produced and submitted to the Local Planning Authority for written approval. The strategy shall provide details of the number of swallow nest sites that will be lost and an appropriate number of replacement nesting sites with their location.

Reason: In the interests of ecology.

23. Prior to any destructive building works (including clearance or demolition) sufficient alternative Swallow nest sites shall be provided in a suitable location to maintain the swallow population that currently depends on the buildings for nesting. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Reason: In the interests of ecology.

24. Prior to commencement of development above slab level, a Landscape and Ecological Management Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan shall include details of planting / sowing, orchard maintenance and management, as well as the location and number of habitat structures (for bats, birds, etc) to be installed. The plan shall be submitted to the LPA to demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met.

Reason: In the interests of ecology.

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

Reason: To facilitate refuse and recycling collections.

Proactive Statement:

















Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the

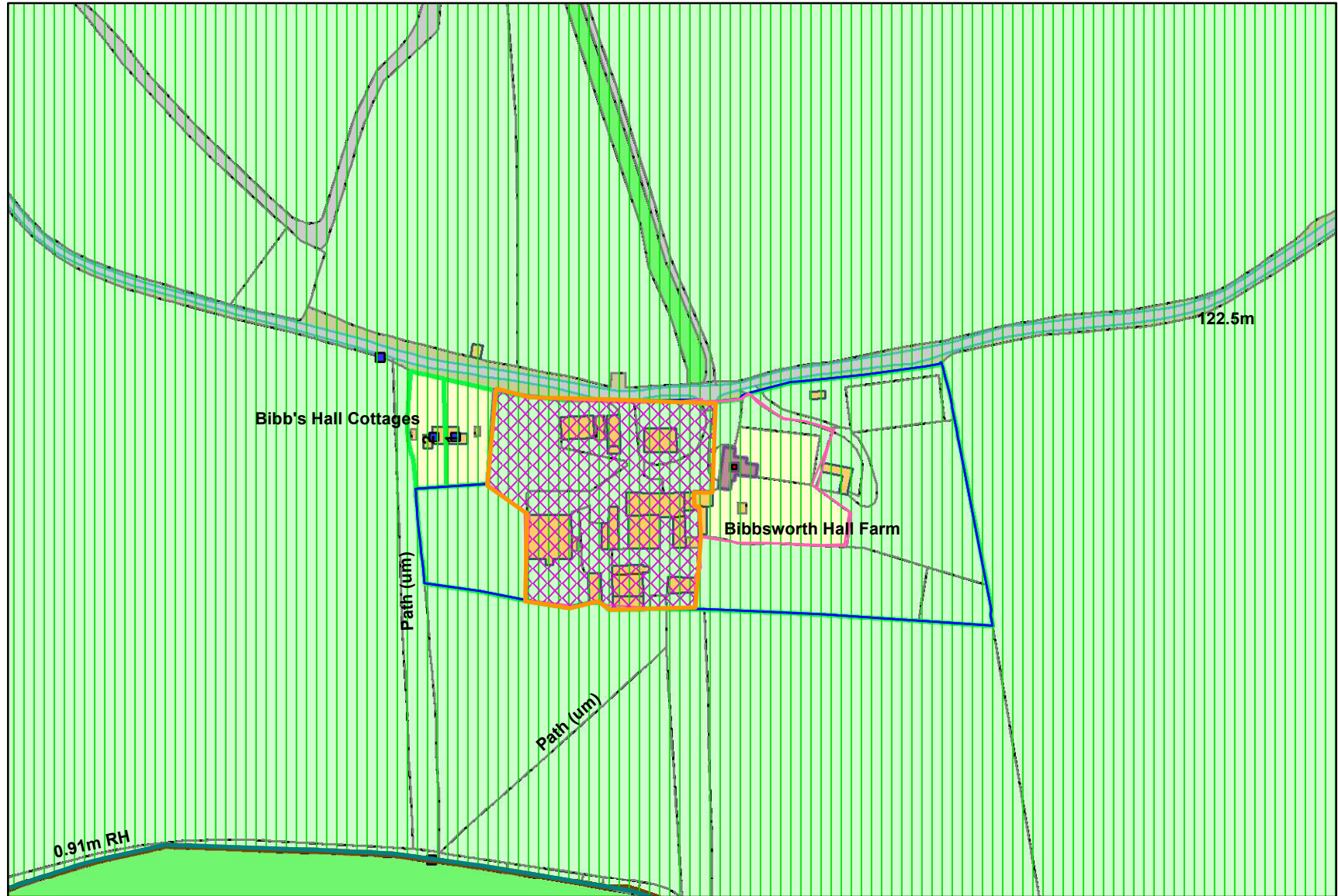
scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Application Validation Sheet

20/01254/FP Bibbsworth Hall Farm, Bibbs Hall Lane, Ayot St Lawrence, Hitchin, Hertfordshire, SG4 8EN

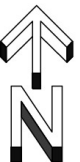
-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE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



Scale 1:2,500

Date: 27/01/2021

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PLANNING CONTROL COMMITTEE

DATE: 10 February 2021

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr. Danny Taylor	Erection of one 4-bed dwelling with ancillary access and parking area Land Rear of 33 Wymondley Road	Land Rear Of 33 Wymondley Road Hitchin Hertfordshire	20/00892/FP	Appeal Dismissed on 14 January 2021	Delegated	<p>The Inspector concluded that the proposed access to the development would cause harm to the living conditions of the occupiers of Nos 33 and 35 as a consequence of noise and disturbance.</p> <p>The Inspector also concluded that the proposal would cause harm to the living conditions of the occupiers of 1 Wymondley Close, and that there would also be some harm to the living conditions of occupiers of the development</p> <p>The appellant's associated cost decision was also refused.</p>
Mr And Mrs Payne	Single storey side extensions to both existing elevations	Hogsnorton Cottage Sally Deards Lane Codicote Welwyn AL6 9UE	20/00791/FPH	Appeal Dismissed on 21 January 2021	Delegated	<p>The Inspector concluded overall that the proposed development would represent a disproportionate addition over and above the size of the original building and as such would be inappropriate development within the Green Belt. It would also harm openness. Whilst the harm would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm in the Green Belt.</p>

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PLANNING CONTROL COMMITTEE

DATE: 10 February 2021

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr Rick Willmott	15.01.2021	Extension and alterations to garden room between Westbury Moat House and Westbury Farm House. (Amended plans received 01/07/20 and 24/07/20).	Westbury Farm House West End Ashwell Baldock SG7 5PJ	20/00734/FPH	Written Representation
Mr Rick Willmott	15.01.2021	Extension, alterations and internal alterations to garden room between Westbury Moat House and Westbury Farm House. (Amended plans received 01/07/20 & 24/07/20).	Westbury Farm House West End Ashwell Baldock SG7 5PJ	20/00735/LBC	Written Representation
Mr & Mrs J P Uys	22.01.2021	Erection of a 1.5 storey detached garage to include storage room above following demolition of existing detached single storey garage	139 Coleridge Close Hitchin Hertfordshire SG4 0QY	20/02017/FPH	Householder Appeal Service
MBNL (EE & H3G)	26.01.2021	Installation of 20M high monopole supporting 12 no antenna apertures including ground-based equipment cabinets following removal of existing 15M monopole.	Land Adjacent To Ashfield Drive Blackhorse Road Letchworth Garden City Hertfordshire	19/02678/FP	Written Representation

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Appeal Decision

Site visit made on 5 January 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2021

Appeal Ref: APP/X1925/W/20/3258611

Land Rear of 33 Wymondley Road, Hitchin, Hertfordshire SG4 9PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Danny Taylor against the decision of North Hertfordshire District Council.
 - The application Ref 20/00892/FP, dated 27 April 2020, was refused by notice dated 7 August 2020.
 - The development proposed is described as 'erection of one dwelling with ancillary access and parking area Land Rear of 33 Wymondley Road'.
-

Decision

1. The appeal is dismissed.

Application for costs

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

Main Issues

3. The main issues are:
 - i) the effect of the proposed access to the development on the living conditions of the occupiers of 33 and 35 Wymondley Road with particular regard to noise and disturbance; and
 - ii) whether or not living conditions for future occupiers of the proposed dwelling would be acceptable, and the effect of the proposal on the living conditions of the occupiers of 29 Wymondley Road and 1 Wymondley Close, all with particular regard to privacy.

Reasons

Noise and Disturbance

4. The appeal proposes a dwelling on land to the rear of 33 Wymondley Road which would be accessed by a driveway between No 33 and the neighbour at 35 Wymondley Road. To the side of No 35 are a large number of windows which face towards the proposed access. The closest part of the side of No 33 includes a door, but it additionally has windows to its front and rear positioned fairly close to the side of the building. Separation between both neighbouring dwellings and their boundaries with the route of the access is limited, and as a result the driveway would be in very close proximity to windows which extend above the height of the existing boundary fence and which include windows to

habitable rooms. It would also pass close to the raised patios to both of these dwellings, and would run alongside the full depth of their rear gardens.

5. There has been a previous appeal decision on the site where the Inspector found that noise and disturbance associated with the access would cause harm to the living conditions of occupiers of Nos 33 and 35. That appeal related to an outline application with all matters reserved, but given that it also concerned a single dwelling on the site and similarities between the access point considered by the Inspector and the arrangements before me, I consider that this earlier appeal decision is an important material consideration.
6. The current appeal is accompanied by a 'Noise Assessment Report' (NAR). This asserts that the increase in traffic movements would not cause a significant impact over the existing case. However, as the NAR highlights, the national Planning Practice Guidance advises that the subjective nature of noise means that there is no simple relationship between noise levels and impacts which will depend on a number of factors in any particular situation. That expected traffic movements may be no more than for other properties nearby, or fewer than movements into Wymondley Close and on Wymondley Road, is not compelling evidence that such a level of traffic would not be perceptible or cause a change to the particular situation around the appeal site. Moreover, it seems to me that vehicle movements on Wymondley Close and Wymondley Road would be less constrained than on the appeal site as a result of the greater width of these streets, and so would not pass in similarly close proximity to adjacent dwellings and their plots as in this case.
7. The NAR does not include an objective assessment of existing background noise levels and impacts on these, or other information to robustly demonstrate noise levels that would be associated with use of the access, and the extent to which this would alter the particular existing situation experienced by neighbouring occupiers. Accordingly, there is little to substantiate the NAR's comment that it might be argued that there would be 'No Observed Adverse Affect'. Whether or not numbers of vehicle movements would be similar to other properties, the weight that I can place on the assertion within the NAR that impacts would not be significant in the context of the appeal site is therefore limited.
8. While there may be a requirement to incorporate charging points on the site, it would not be possible to restrict use of the access to electric vehicles only. Nor would it be possible to control the number of vehicle movements along the access or the time of day that these would occur. I accept that vehicles would be likely to be travelling at fairly low speeds, and that hard surfacing could reduce tyre noise in comparison to gravel. Nonetheless, there would remain some noise in addition to that associated with vehicle engines.
9. At my visit, I found the appeal site to be generally peaceful, and I did not experience a noticeable background of noise from the street or elsewhere. Given this context and the very close proximity of the access to the adjacent dwellings and their gardens, I consider that noise and disturbance associated with vehicle movements would be likely to be noticeable to occupiers, despite the current boundary fencing. In comparison to the existing undeveloped site, the effect of noise and disturbance from even low numbers of vehicle movements would in my view be intrusive, and would detract from the neighbouring occupiers' quality of life.

10. The appellant suggests that acoustic fencing could offer mitigation. However, details of the form that this would need to take to address potential impacts has not been provided. Accordingly, I cannot be sure that the living conditions of neighbouring occupiers would not be adversely affected, nor that it would be effective. Given this uncertainty, I am not satisfied that it would be appropriate to defer consideration of whether the harm could be adequately mitigated to a planning condition.
11. Given the number of properties served, I note that a nearby access between 27 and 31 Wymondley Road is likely to carry more traffic than an access to one dwelling on the appeal site. However, while that access passes close to the sides of Nos 27 and 31, I do not know the circumstances which led to this relationship being found to be acceptable. In addition, it appeared to me that neither of these properties include comparable levels of fenestration facing the access as at No 35. Accordingly, I do not find the existence of this access a compelling justification to support development which would detract from the living conditions of the occupiers of Nos 33 and 35.
12. The appellant has also drawn my attention to 2 decisions allowing appeals for developments in Luton. In contrast to the current appeal, the proposal at 727 Dunstable Road utilised an existing access. The Land Rear of 10 Arundel Road decision does not explicitly examine the effects on neighbours of access to the development, but from the submitted details, the relationship and separation to neighbouring dwellings was not directly comparable to the appeal proposal.
13. I note that the Council's Environmental Health Officer has not raised an objection to the proposal. Nevertheless, for the reasons above and with regard to the particular circumstances of the appeal site and relationship with adjacent properties, I am not satisfied that I have sufficiently robust evidence to determine that neighbouring occupiers would not be adversely affected by noise or disturbance associated with use of the access. I do not therefore find that there is a compelling justification to support a different conclusion to that reached by the Inspector in the previous appeal on this matter.
14. I therefore conclude on this main issue that the proposed access to the development would cause harm to the living conditions of the occupiers of Nos 33 and 35 as a consequence of noise and disturbance. Accordingly, I find it would conflict with Saved Policy 57 of the North Hertfordshire District Local Plan No.2 with Alterations 2007 (NHDLP) which seeks, amongst other things, to minimise nuisance from traffic and to control noise. It would also be contrary to Policy D3 of the emerging Local Plan which advises that permission will be granted for development that does not cause unacceptable harm to living conditions. However, as I cannot be sure that it will be adopted unchanged, I afford the conflict with this policy less weight.

Privacy

15. The proposed dwelling would be set forward of the front elevation of the adjacent property at 29 Wymondley Road. Views from the appeal site to the ground level windows and garden of this neighbour would be obscured by the existing boundary fencing. The first-floor front windows would be visible from the site, but the upward angle means that there would not be meaningful views into the interiors of the rooms. Moreover, views would be similar to those already available from the access to No 29 which serves other properties, and so would not cause a harmful loss of privacy to occupiers of No 29.

16. The main outlook from windows to the front of No 29 is towards the rear garden of 31 Wymondley Road. Views over the appeal site would be possible, but given the separation to the largest part of the garden to the front of the development and that views would be oblique rather than direct, I am satisfied that there would not be unacceptable overlooking to this space. Views towards the space to the rear of the dwelling would for the most part be at a much tighter angle, and while there are angled bays, these are of limited depth and do not include panes orientated directly towards the boundary. There would also be potential for additional planting at the boundary and taking these factors together, I do not find that overlooking would be significant so as to harmfully diminish privacy for future occupiers of the site.
17. Turning to consider the relationship with 1 Wymondley Close, the rear elevation of this neighbour is set very close to its boundary with the site. I am satisfied that the differing orientations of the dwellings means that there would not be harmful overlooking between windows serving No 1 and to the development. However, there would be clear views at very close range between large first-floor rear windows to No 1 and the garden and patio to the rear of the dwelling, even without the removal of existing vegetation at the boundary.
18. The rear patio would not be directly aligned with the windows to No 1 and would be below ground level. Even so, I consider that the separation is so limited that the views from No 1 would result in pronounced overlooking of the patio and a material lack of privacy which would significantly harm its attractiveness and use. Similarly, there would be reciprocal views from the patio to the windows of No 1. Given the proximity at which these views would occur, I find that they would cause a notable loss of privacy.
19. Although there would be alternative outdoor space forward and to the side of the dwelling, the rear patio would be much larger than the one to the front of the dwelling. It would also be accessed from the ground floor level which would provide for the core living space, as well as from bedrooms at lower-ground level. It therefore seems to me that future occupiers would have a reasonable expectation that the rear patio should play an important role in providing outdoor space closely related with the dwelling, and would be likely to make use of it accordingly. Given this role, I find that the effect of overlooking between the patio and No 1 would be of particular significance so as to cause harm to the quality of life of the occupiers of both dwellings, irrespective of the availability of alternative outdoor space within the appeal site.
20. To be of sufficient height and density to adequately obscure views, new planting at the boundary with No 1 would be likely to have some effect on light to this dwelling, and would in any event take some time to become established. I am also concerned that installing obscure glazing over the rear patio could have consequences for living conditions within the dwelling, including through reducing light to and outlook from its lower level windows. Accordingly, I do not consider that it would be appropriate to use planning conditions to secure these as measures to mitigate the harm that I have identified.
21. With particular regard to privacy, I therefore conclude on this main issue that the proposal would cause harm to the living conditions of the occupiers of 1 Wymondley Close, and that there would also be some harm to the living conditions of occupiers of the development. As a consequence, there would be conflict with Saved Policy 57 of the NHDLP which seeks privacy between

dwellings. The development would also be contrary to Policy D3 of the emerging Local Plan, although as this is not part of the adopted development plan and is subject to change, this conflict attracts less weight.

Planning Balance

22. The main parties indicate that the Council is not able to demonstrate a 5 year supply of deliverable housing sites. In accordance with the National Planning Policy Framework (the Framework), the policies which are most important for determining the proposal are therefore considered to be out-of-date. In these circumstances, paragraph 11 of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
23. The Framework refers to boosting significantly the supply of housing, and highlights that small and medium sized sites such as the appeal site can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. It also indicates that development of windfall sites should be supported, giving great weight to the benefits of using suitable sites within existing settlements for homes.
24. The proposal would make more efficient and effective use of the site to deliver an additional dwelling within an existing built-up area. In accordance with the Framework, the provision of an additional home here for which there is an acknowledged need is a benefit of considerable importance. The contribution the development would make though is limited given the small scale of the proposal, and I therefore give it moderate weight overall. The development would offer some further short-term economic benefits during the construction period, as well as support for the local economy by future occupiers, and associated social benefits to the community. However, the contributions have not been quantified, and are likely to be constrained by the small scale of the development. The weight that I afford to these benefits is therefore limited. While the Council has not identified adverse impacts on the character of the area, this is a neutral factor and weighs neither for nor against the proposal.
25. The Framework advises that where there is an existing shortage of land to meet housing needs it is important that decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Nonetheless, it requires any assessment in this context to take into account the policies within the Framework, and these also highlight that development should function well, provide a high standard of amenity for existing and future users, and not undermine quality of life. Similarly, even if I were to accept the appellant's suggestion that the flexible approach to policies or guidance relating to light advocated by the Framework should be extended to also apply to other development effects, the principle is subject to provision of acceptable living standards. The harm that I have identified above to the living conditions of neighbouring and future occupiers would be contrary to these requirements of the Framework, and weighs against the proposal.
26. I consider that the harm to the living conditions of future occupiers of the dwelling would be fairly modest given the availability of alternative outdoor space. Nevertheless, it would be in addition to the harm that the proposal would cause to the living conditions of the occupiers of 33 and 35 Wymondley Road and 1 Wymondley Close which taken together I find to be significant. In

the context of paragraph 11(d) of the Framework, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development set out at paragraph 11(d).

27. The proposal would conflict with Saved Policy 57 of the NHDLP. Insofar as this policy seeks to manage the effects of development to ensure acceptable living conditions, it is broadly consistent with the expectations of the Framework. The conflict with this policy therefore carries significant weight, and the proposal would conflict with the development plan when it is read as a whole. Material considerations, including the Framework, do not lead me to conclude that a decision contrary to the development plan should be reached.

Conclusion

28. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR



Costs Decision

Site visit made on 5 January 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2021

Costs application in relation to Appeal Ref: APP/X1925/W/20/3258611 Land Rear of 33 Wymondley Road, Hitchin, Hertfordshire SG4 9PN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Danny Taylor for a full award of costs against North Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for development described as 'erection of one dwelling with ancillary access and parking area Land Rear of 33 Wymondley Road'.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and where the unreasonable behaviour has directly caused unnecessary or wasted expense in the appeal process.
3. It goes on to explain that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to procedural matters or to the substance of the matter under appeal. The application for a full award of costs is made on both procedural and substantive grounds.
4. There was a delay in the registration of the planning application subject of the current appeal. The Council advise that this arose as a result of a misunderstanding over whether an appeal had been made against refusal of a previous application. I acknowledge the applicant's frustration at the delay and that it led to him seeking professional advice. However, from the information before me, I have no clear reason to find that the delay was other than a result of a genuine misunderstanding or that the Council sought to deliberately or unreasonably hold up the progress of the application. In addition, while the power to decline to determine overlapping applications under Section 70B of the Town and Country Planning Act 1990 is discretionary, I have not been provided with substantive evidence demonstrating that the Council exercised this power improperly.
5. Moreover, the PPG notes that costs can only be awarded in relation to unnecessary or wasted expense at the appeal stage, and it has not been shown how the delay has resulted in such expense. Similarly, the applicant's dissatisfaction with the outcome of an earlier planning application and the progress of complaints made to the Council do not alter my assessment of the

- grounds of the current application which must be considered on its own merits and with specific regard to the costs incurred in connection to the related appeal.
6. Informal advice offered before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all material factors. The Council provided pre-application advice that an application for a dwelling on the site could be supported, but this was predicated on a robust noise assessment and mitigation. To my mind, the requirement for a robust assessment is clear that the content of any such submission would need to be considered. A finding of no harm to the character and appearance of the area is also said to be subject to suitable design. I have not been provided with details of the information that was before the Council, but it is not therefore clear that the advice was given with regard to details which would have enabled more comprehensive assessment and advice on the acceptability of development of the form specifically proposed by the current appeal. Although the pre-application advice was not referred to within the Council's report on the application and its value is questioned by the applicant, I therefore have no firm basis to conclude that the informal advice given was misleading so as to amount to unreasonable behaviour.
 7. I do not doubt that the applicant took steps to work with the Council and address concerns. However, even if I were to agree that the statement on the decision notice suggesting that advice to the applicant was ignored amounted to unreasonable behaviour, it has not been demonstrated how this has led to unnecessary or wasted expense in the appeal.
 8. The Council concluded that the appeal scheme addressed most of the reasons for refusal of previous proposals on the site, but that does not mean that the remaining concerns were insignificant or without basis. Nor just because they cover a fairly narrow range of impacts relating only to living conditions does it mean that it was unreasonable for the Council to refuse permission in light of these concerns. I also find no compelling evidence to suggest that it was unreasonable or improper for the application to have been determined under powers delegated to officers rather than by Committee, or that the Council's planning judgement was compromised.
 9. The assessment of the effect of overlooking is essentially a matter of planning judgement. While the applicant disagrees with the Council's conclusions, I consider that these are adequately explained within its evidence, and I do not find that its position on this matter was unreasonable or unsubstantiated.
 10. The appeal proposal was accompanied by a 'Noise Assessment Report' (NAR). The NAR is a fairly brief document, much of which comprises details of guidance around the consideration of noise impacts. As highlighted within my appeal decision, it provides little in the way of objective analysis of existing background or likely future noise levels which may be experienced by occupiers neighbouring the appeal site. Nor does it clearly demonstrate that these occupiers would not experience a change from their particular existing situation, or that effects would be of no significance. Irrespective of whether traffic movements would be similar in number to other properties, it is also not clear from the submitted information that the relationship of neighbouring dwellings with the access would be directly comparable to examples cited by the applicant. Accordingly, while I note that the NAR was prepared by acoustic

consultants, I do not find that it offers a robust assessment of the likely effects of the proposal which the Council's pre-application advice recommended.

11. The PPG confirms that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. The Council's Environmental Health Officer (EHO) considered the NAR and did not raise an objection to the proposal. However, the EHO is a consultee, and in determining the application, the Council was required to take into account all relevant material considerations. As my decision records, these include a previously dismissed appeal on the site where an Inspector determined that noise and disturbance associated with the access to the site would result in harm to neighbouring occupiers. As set out within my decision, I agree with the Council that the NAR does not offer robust additional information to that available to the Inspector in the previous appeal so as to overturn the conclusion of harm. I also note a subsequent planning application that was submitted with the NAR, but which was refused by the Council with similar concerns. Given the above, I therefore find that there was adequate justification for the Council to reach a different conclusion to the EHO with regard to whether or not the effects of the development would be acceptable.
12. The Council's evidence does not explicitly consider advice within the National Planning Policy Framework that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Nevertheless, my decision sets out the reasons why I do not consider that it would be appropriate to rely on planning conditions to mitigate identified harm in this case. Accordingly, I do not find that this led the applicant to incur unnecessary or wasted expenditure.
13. The applicant has pointed to examples of backland development near to the site, and at appeal stage provided additional examples of developments in Luton. However, it was entirely proper for the Council to take into account the specific circumstances of the appeal site. From the information before me, the examples cited by the applicant are not directly comparable to the appeal site, including in respect of their relationship with neighbouring properties. I do not therefore find that they demonstrate an inconsistent approach by the Council.

Conclusion

14. I therefore find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, for the reasons given above, the application for a full award of costs is refused.

J Bowyer

INSPECTOR

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Appeal Decision

Site visit made on 15 December 2020

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21/01/2021

Appeal Ref: APP/X1925/D/20/3258996

Hogsnorton Cottage Sally Deards Lane Codicote AL6 9UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Payne against the decision of North Hertfordshire District Council.
 - The application Ref 20/00791/FPH, dated 16 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is single storey side extensions to both existing elevations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council refer to policies within the emerging local plan in their decision notice but from the information before me it is not clear when the plan will be adopted. I can only give these policies limited weight in my determination of the appeal.
3. The appellant has suggested within the grounds of appeal that there is the potential to demolish a garden structure of 24 square metres at the property. No further details are given. The proposal that is considered on appeal should be the same one that was considered by the Council. As such, it would not be appropriate for me to consider this as an option and I will base my decision on the information assessed by the Council during the original planning application.
4. It is not clear from the information before me whether Marshmallow, the adjoining cottage, retains its listed building status. I note that the Council has determined the application on the basis it does. Likewise, I shall determine the appeal on this basis.

Main Issues

5. The main issues in this appeal are as follows:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt and
- Whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

6. The Framework states that the construction of new buildings is inappropriate development within the Green Belt unless the development falls within one of a number of specified exceptions. These include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.¹ The Framework requires that assessment of whether an addition is disproportionate is made with reference to the original building, in this case the building as it existed on 1 July 1948.² Saved Policy 2 of the North Hertfordshire District Local Plan with Alterations (Local Plan), whilst it predates the Framework, mirrors national policy in only permitting development proposals in the Green Belt which are appropriate in the Green Belt and which would not result in significant visual impact.
7. Hogsnorton (Hogsnorton) is a semi detached cottage situate in the Green Belt which has been the subject of previous extensions. The appellant suggests that the 'original building' could be interpreted as including the row of cottages which were located behind Hogsnorton in 1948, the footprints of which remain in what is now the residential curtilage. This would bring the total proposed floor space to less than that occupied by the original building and the row of cottages. However, from the information before me, the row of cottages and Hogsnorton were buildings physically separate from each other with no internal connections and occupied independently. As such I do not consider that the row of cottages can be regarded as being part of the 'original building'.
8. The Framework does not explain what a disproportionate addition means, nor does it specify percentage increases or specific extension sizes where an extension might be considered disproportionate. Hogsnorton was a modest cottage which has been enlarged subsequently. The extensions now proposed, in addition to those already constructed, would significantly increase its floorspace and massing. Even on the calculations put forward by the appellant the volume increase is not insignificant. In my view, their scale would amount to a disproportionate addition to the original building.
9. The appeal proposal cannot be regarded as a replacement for the row of cottages under paragraph 145(d) of the Framework since these buildings are no longer on the land. Nor can the appeal proposal be considered an exception under paragraph 145(g) of the Framework. Even if the appeal proposal could be considered to fall within the terms of this sub-paragraph, this exception is subject to the proposal not having a greater impact on openness. Given that

¹ Paragraph 145(c) of the Framework

² Glossary of the Framework

the proposed development would introduce additional development both in terms of its footprint and bulk this would not be the case in this instance.

10. Accordingly, the proposed development would amount to inappropriate development within the Green Belt which is by definition harmful. The proposal would also therefore conflict with Saved Policy 2 of the Local Plan where development proposals are only permitted if they would result in appropriate development.

Openness

11. The essential characteristics of the Green Belt are their openness and permanence. The appeal proposal would result in additions to the building and add to the level of built development in this location. There would be a reduction in the openness of the Green Belt, which would represent harm to one of the Green Belt's essential characteristics outlined in the Framework.
12. There is a visual aspect to openness. Hogsnorton has a deep rear garden and is well screened at the side. One of the proposed extensions is to the rear of the property, and within a gap to the side of its boundary with Marshmallow where views of it would be limited. The side extension would be visible when directly approaching the site along Sally Deards Lane. As such, the proposal would have a limited impact to the visual amenity of the Green Belt.
13. The appellant refers to the historical development on what is now the residential curtilage of Hogsnorton as being relevant in this assessment. Irrespective of the extent of former structures, these buildings are no longer on the land. I cannot see any justification in either the Framework or Planning Policy Guidance in considering openness so as to encompass buildings no longer on the land, and in the case of the row of cottages demolished over 60 years ago.
14. Accordingly, whilst views of the proposal would be limited, it would nonetheless result in a loss of openness to the Green Belt, contrary to national and local policy to protect it.
15. I conclude overall that the proposed development would represent a disproportionate addition over and above the size of the original building and as such would be inappropriate development within the Green Belt. It would also harm openness. Whilst the harm would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm in the Green Belt.

Other considerations

16. There is a requirement that special regard is had to the desirability of preserving any Listed Building or its setting or any features of special architectural or historic interest which it possesses. The Council has concluded that by reason of the separation distance between the proposed extensions and Marshmallow, the appeal scheme's design, materials and siting would preserve the setting of Marshmallow. The assessment of the effects of the appeal scheme on the designated heritage asset reflects the absence of an objection from the Council on heritage grounds to the proposed development. I concur with the Council's assessment and as such, no conflict would arise with the heritage and design policies of the Framework.

17. The appellant has drawn my attention to the several extensions which have been permitted at the neighbouring property at Marshmallow and at other locations in the vicinity. I can appreciate the appellant's frustration given that other properties in the locality have had the benefit of additional extensions approved. The Framework does not however allow for comparisons to be made against neighbouring properties when determining whether proposed extensions are disproportionate or not. Nor do I have the specific details before me to determine with any degree of confidence on the specifics of each scheme or how the decisions were made. I note however in the case of the one report before me that the scheme approved in 2008 was for a single storey rear extension following demolition of an existing rear extension. Its context therefore differs to the scheme before me. As such these developments only merit limited weight and do not lead me to a different view in this case.
18. Paragraph 11 of the Framework states that the presumption of sustainable development does not apply when specific policies in the Framework provide a clear reason for refusing the development. The footnote to this paragraph notes that the policies referred to include those that relate to land designated as Green Belt. Therefore, even if the Council's 5 year housing supply is in deficit, this would not be a factor that would carry any weight.
19. The appellant highlights that the proposal would contribute to the need for larger family homes and would help the Council in meeting their housing objectives. The proposal does not however increase the number of bedrooms at Hogsorton and the provision of enlarged accommodation to one dwelling would provide only a very modest contribution to any under supply of housing provision.
20. I acknowledge that the proposal would provide enlarged additional facilities and enhance the accommodation for adult families and their households; and that it would provide enhanced facilities to enable home working and promote outdoor pursuits. However, these would be largely private benefits to which I attach limited weight.
21. I note that the proposal would be in matching materials. I note too that the Council has raised no concerns to the amenity of the occupiers of the adjacent property and harm to the character and appearance of the host dwelling and area. I also note that there are no objections to the proposal. However these are not factors which weigh positively in favour of the proposal.
22. I note also the appellants' reference to the Council's handling of the application but this is not a matter before me, nor does it alter my findings. I note too the reference to previous applications having been approved following a previous refusal but again this does not alter my findings of the matter before me.

Conclusion

23. I find that the proposal would be inappropriate development in the Green Belt. There would also be some limited harm to the openness of the Green Belt. In line with the Framework, substantial weight must be given to the harm caused by reason of inappropriateness and other harm. The other considerations described above do not clearly outweigh the totality of the harm I have identified. Accordingly, the very special circumstances necessary to justify this proposal do not exist. The proposal would therefore conflict with Saved Policy 2 of the Local Plan and the National Planning Policy Framework.

24. For the reasons set out above, and having regard to all other matters, the appeal is dismissed.

K Winnard

aINSPECTOR

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