

NORTH HERTFORDSHIRE DISTRICT COUNCIL



20 August 2021

Our Ref Planning Control Committee/2 September
2021
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To: Members of the Committee: (Chair) Ruth Brown, (Vice-Chair) Sue NgwalaRuth Brown,
Sue Ngwala, John Bishop, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter,
David Levett, Ian Moody, Mike Rice, Terry Tyler and Tom Tyson

Substitutes: Councillors Simon Bloxham, 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 in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON
ROAD, LETCHWORTH GARDEN CITY**

On

THURSDAY, 2ND SEPTEMBER, 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. 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.	
2. MINUTES - 15 JULY 2021	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 15 TH July 2021.	(Pages 5 - 14)
3. 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.	
4. 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.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 21/01470/S73A LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD, HERTFORDSHIRE	REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping	(Pages 15 - 34)

and attenuation areas (Section 73A application: Variation to Condition Nos. 5 (Street maintenance proposals), 6 (Construction Method Statement), 8 (Final Design of Drainage Scheme), 10 (Archaeological Written Scheme of Investigation), 13 (Foul Water Strategy), 15 (Details of Electric Vehicle Car Parking provision) & 18 (Construction Traffic Management Plan) of planning permission 19/01758/FP granted 22.10.2019).

- 7. 21/01392/FP LAND REAR OF 17, WALNUT TREE ROAD, PIRTON, HERTFORDSHIRE** (Pages 35 - 56)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of ten dwellings comprising of two 2-bed, four 3-bed, one 4-bed and three 5-bed dwellings with associated garaging and landscaping including creation of new vehicular access off Walnut Tree Road.
- 8. 20/02292/OP LAND ADJACENT TO 9, NORTH END, KELSHALL, HERTFORDSHIRE** (Pages 57 - 72)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Outline application for a single dwelling with new vehicular access onto North End (appearance, landscaping and layout reserved)(as amended by plans received on 31 March 2021).
- 9. 20/01764/FP THE BELL INN, 65 HIGH STREET, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8XD** (Pages 73 - 98)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Residential development comprising of 9 dwellings including associated parking, landscaping and refuse storage and provision of car parking spaces for Public House use following demolition of existing outbuildings (Amended by plans received 18.03.2021).

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Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH
ON THURSDAY, 15TH JULY, 2021 AT 7.30 PM

MINUTES

Present: *Councillors: (Chair), Councillor Sue Ngwala (Vice-Chair), John Bishop, Morgan Derbyshire, Tony Hunter, David Levett, Mike Rice and Tom Tyson*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer) and William Edwards (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 7 members of the public, including registered speakers.*

11 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes 10 seconds.

Apologies for absence were received from Councillors Val Bryant, Mike Hughson, Kay Tart and Terry Tyler.

Having given due notice Councillors Ian Mantle and Michael Muir advised that they would be substituting for Councillors Val Bryant and Ian Moody respectively.

12 MINUTES - 27 MAY 2021

Audio Recording – 2 minutes 37 seconds.

Councillor Sue Ngwala proposed, Councillor Morgan Derbyshire seconded and it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 27 May 2021 be approved as a true record of the proceedings and be signed by the Chair.

13 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 34 seconds.

There was no other business notified.

14 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 43 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) The Chair clarified matters for registered speakers as follows:

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 bell would sound at 4 1/2 minutes to alert them that they have 30 seconds left

At 5 minutes, a bell would sound again to signify that the speaker must cease.

The Chair noted for item 6 that they had increased the speaking time to 10 minutes per group i.e. 10 minutes for objectors and 10 minutes for supporters. This 10-minute time limit also applies to Member Advocates.

(5) The Chair advised that Item 8 on the agenda, application 20/01764/FP, had been removed and would not be taken due to additional consultations being required before presentation.

15 PUBLIC PARTICIPATION

Audio recording – 5 minutes 45 seconds.

The Chair confirmed that the registered speakers were in attendance.

16 19/00520/OP LAND BETWEEN CROFT LANE NORTON ROAD, AND CASHIO LANE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE

Audio Recording – 6 minutes.

Councillor Michael Muir advised that he was a Hertfordshire County Councillor. However, he had not had any input at County level on this application nor had the application gone before the Hertfordshire County Council Development Control Committee. Having sought advice from the Deputy Monitoring Officer, he would remain in the room and take part in the debate and vote on this item.

Councillor Sue Ngwala advised that the previous time this application came before the Committee she had seconded to a motion to refuse the application on Highways grounds. The application was deferred until a Highways officer could address the Committee. Having sought advice from the Deputy Monitoring Officer, she would remain in the room and take part in the debate and vote on this item as a Highways officer was present to provide information not available at the previous meeting.

The Senior Planning Officer presented the report in respect of application 19/00520/OP supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor David Levett;

In response the Senior Planning Officer advised that his recommendation was made on the basis of a balance between planning policy requirements, the level of harm anticipated as a result of the proposal, and the necessity to provide a form of access technically acceptable by

Highways standards that would enable the development to provide the benefits of affordable housing and appropriate housing mix.

The Chair invited Mr Kevin Hinton and Mr Nathan Hanks to address the Committee.

Mr Kevin Hinton thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- He was a resident of the area for 37 years and was Chair of the Norton Action Group;
- The officers report states that Croft Lane was the only feasible access option but the public consultation conducted by Vincent and Goring Ltd stated that Croft Lane access was the 'achilles heel,' of the development;
- Impact to the surrounding conservation area had been limited by the current access options and would be increased if this development was approved;
- Croft Lane was currently in keeping with the conservation area in that it was home to buildings designed by key architects involved in the foundation of Letchworth Garden City;
- There were sight lines to the conservation area which would be impacted;
- The report's judgement that no substantial harm would ensue as a result of the access scheme and development was a judgement of convenience;
- Croft Lane was 3.8m wide at its narrowest and there were no footpaths for 320 meters from the access to the proposed site;
- Pedestrians and vehicles shared the access surface;
- According to the access assessment vehicle movement would increase by 350% between 8AM-9AM;
- The assessment did not make mention of the children expected on the site as a result of the 145 bedroom development;
- The proposed pedestrian crossing would attract more pedestrians to Croft Lane;
- The Information Commissioners Office had confirmed the NAG's request for unredaction of key documents had merit but said documents had not been received;
- The proposed use of Croft Lane for this development would detract from the value area, prejudice living conditions of existing and future residents, damage heritage assets, and result in a loss of safety for road users;
- Additional vehicles on a lane not designed for heavy traffic would result in a breach of NPPF regulations;
- The access scheme contravened the Hertfordshire Highways Design Guide, and there was additional risk of damage that could be incurred during construction.

Mr Nathan Hanks thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- Members of the Committee had shared his concerns around the lack of a footway but Hertfordshire County Council Highways officers had not provided a response to those concerns;
- The Road Safety Audit conducted by the applicant did not consider pedestrian safety along the section of the highway where no works were proposed; a Pedestrian Environment Review System would be required to consider the impact on the section of Croft Lane with no footway;
- Highways Officers would argue that Croft Lane provided adequate access without a pedestrian footway but this did not mean it could be considered safe when the increase in vehicle use as a result of the development was considered;
- The proposals would increase peak use of the access by a factor of three to four times;
- Croft Lane was used as a route to nearby schools and future residents on the proposed development would use it similarly;
- He was prepared to act as an expert witness on Highways matters on appeal at no cost to the Council;

- A significant expansion of the use of the highway with no widening of the road was not acceptable and unusual in cases such as this;
- The provision of a pedestrian crossing on Norton Road was no longer associated with this application;
- If Members were not satisfied that this access scheme would provide safe access to the site the application should be refused.

The Chair thanked Mr Kevin Hinton and Mr Nathan Hanks for their presentations.

The following Members asked questions:

- Councillor Ian Mantle

In response to questions Mr Nathan Hanks advised that Hertfordshire County Council guidance on Highways development required that any development over 25 houses have separate footways and roads, and in failing to meet this requirement the proposed access scheme was unacceptable.

The Chair invited Members to ask questions of Mark Youngman, Highways Officer from Hertfordshire County Council.

The following Members asked questions:

- Councillor David Levett

In response to questions Mark Youngman advised:

- HCC Highways had worked with the developer over the course of this application to build mitigation measures and an access scheme acceptable to relevant policies;
- The process of consultation with the developer had led to 8 different access options being considered;
- If the conservation area had not been a factor Highways Officers would have felt it reasonable to negotiate more in the way of traffic calming measures;
- Road widths in this application were proposed on the basis of pre-application advice made with reference to developing standards to future-proof the development.

The Chair invited Councillor Daniel Allen to address the Committee in his capacity as Member Advocate.

Councillor Daniel Allen thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- He was speaking against the application;
- Herts County Council contradicted themselves in their recommendations relating to this development;
- Access to the site has to be at least 3.8m wide at certain points to accommodate emergency vehicles and bin wagons;
- There were points of Croft Lane where pedestrians and vehicles shared the road surface;
- The access proposal required vehicles to sweep across the opposite side of the road to enter the site;
- He had informed the Committee of safety issues resulting from the roadway in its current form which would only be exacerbated by an increase in road traffic;
- The development would not decrease footfall across Croft Lane;
- The widened area only covered a third of Croft Lane;

- Most objections to the development are as a result of a lack of consideration for health and safety of residents around the use of the roads and lack of transparency in decision-making;
- Recent developments approved by this Committee based on flawed access schemes had resulted in road accidents;
- Key documents had not been disclosed to the Norton Action Group and the developers had demonstrated little respect for residents or NHDC;
- The proposal was unsafe and unsuitable and should be rejected.

The Chair invited Ms Claire Newbury and Ms Nicola Morris to address the Committee.

Ms Claire Newbury thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- The site was allocated for residential development in the emerging local plan and was given full consideration at Local Plan hearings, which included representations from the Highways Authority that confirmed suitable access could be achieved;
- The inspector had not disputed the suitability of the site;
- The proposed development would provide market and affordable housing to meet the identified housing needs of the district including 40% affordable housing and .37 hectares of public open space, employment during construction and investment in community facilities;
- A heritage assessment had identified assets in the vicinity of the site consisting of listed buildings principally set in substantial garden plots; overall the site made a neutral contribution to the conservation area;
- The proposed development had a low density layout with generous plot sizes, deep front gardens and tree lined streets;
- Access off Croft Lane was devised to resemble a country lane framed with an open landscape corridor to minimise impact on the conservation area;
- Extensive consultation had been conducted which included consideration of a number of access options;
- Planning balance consideration concluded that the access option proposed here resulted in the least harm to the conservation area while delivering a scheme safe and acceptable in Highways terms.

Ms Nicola Morris thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- She represented Stonemore Ltd which had conducted the transport assessment for the site;
- There had been extensive consultation on access options with the Highways and Planning Authorities;
- On balance it was determined that a scheme of access with two entrances to the site, Croft Lane for vehicle use and Cashio Lane for active travel was the most appropriate to the scale of the development;
- Accident data from Herts County Council showed no relevant figures between 2016 and December 2020;
- Based on contributions from HCC and NHDC it was predicted that traffic generation from the site would be low in view of the Cashio Lane active travel access providing sustainable and priority access to Letchworth Garden City directly;
- The access scheme envisioned a localised widening of site access at the east end of the site on to Cashio lane and retaining good visibility along Croft Lane as well as implementing off site measures to improve pedestrian crossing options;
- Two road safety audits had been undertaken and demonstrated no evidence that the roads were unsafe, and regular views of accident data confirmed no indication of an accident problem in the area;

- Existing traffic flow was light and while additional residents would result in a significant percentage increase the active amount would not be high; it was anticipated the development would result in an one additional vehicle every three to four minutes at key times;
- On the Norton Road crossing, HCC had identified the crossing as an existing requirement based on work undertaken in the Letchworth and Baldock transport plans, not as a result of this development;
- The implications of this development on a new crossing had been considered and any crossing would be delivered to meet local transport plan policies;
- The access strategy had considered a range of options and the current proposal considered all the advice given by relevant authorities.

The following Members asked questions:

- Councillor David Levett

In response to questions Ms Claire Newbury advised that since the Emerging Local Plan examinations there had been detailed discussions with the Highways authority to cover detailed access plans which had adequately covered the suitability of the access scheme presented.

In response to questions Ms Nicola Morris advised that the safety audit had considered options included flat-top road humps, speed reduction areas at a variety of ranges, widened development access, localised widening of existing footway and a new pedestrian crossing facility; it was not a 'Safer Routes to School,' assessment.

The Chair thanked the registered speakers for their contributions

The following Members asked questions of Mark Youngman, Herts County Council Highways Officer:

- Councillor Mike Rice
- Councillor Tony Hunter

In response to questions Mr Mark Youngman advised:

- A scheme of traffic calming measures had been proposed that complement the new junction layout including speed tables;
- The Highways Authority had worked with the applicant on proposing appropriate mitigations and had aimed to be respectful of the setting of the conservation area;
- The proposed Cashio Lane active travel access complied with LTP4 on reducing car journeys and ensuring any journeys as a result of housing growth were made by sustainable means;
- The width of access roads had been calculated with reference to active and vehicle access schemes, in order to preference vehicle access further away from the link in to the town centre;
- The accident record did not demonstrate evidence of injury accidents on Cashio Lane or Croft Lane and low traffic flows;
- The proposed development was not dense and would not result in a high increase in active use of the highway;
- In view of the lack of evidence in the accident record there was no basis upon which HCC could justify a refusal of planning permission on Highways grounds.

Councillor Morgan Derbyshire exercised his Councillors' Speaking Right, contributing points including the following and then taking no further part in the debate or vote regarding this item:

- He seconded Councillor Daniel Allen's presentation;

- 3.8m was not wide enough to cope with the volume of traffic generated by the development;
- Residents of Croft Lane had expressed concern about issues of congestion resulting from 42 new homes on a street with no public footpath;
- This development would have an unacceptable impact on highways safety and should be refused on highways grounds.

The following Members took part in the debate and consideration of this item:

- Councillor David Levett;
- Councillor John Bishop
- Councillor Ian Mantle

Councillor David Levett proposed, Councillor Mike Rice seconded and upon the vote it was:

RESOLVED: That application 19/00520/OP be **REFUSED** planning permission for the following reason:

“In the opinion of the Local Planning Authority the proposed vehicular access associated with this development would generate additional traffic onto Croft Lane which has a substandard road width. Such additional traffic would be to the detriment of highway safety in the locality, contrary to Policies T1, SP6 and SP7 of the Emerging North Hertfordshire District Local Plan (2011-2031) and to paragraphs 109 and 127 (f) of the National Planning Policy Framework (NPPF).”

N.B the Chair adjourned the meeting for a short break. The meeting resumed at 1 hour 36 minutes on the audio recording.

17 20/03018/FP LAND WEST OF, ROYSTON BYPASS, ROYSTON, HERTFORDSHIRE

Audio Recording – 1 hour 36 minutes.

The Senior Planning Officer presented the report in respect of application 20/03018/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Ms Laura Grimason to address the Committee.

Ms Laura Grimason thanked the Chair for the opportunity to address the Committee and gave a presentation including:

- She was acting as agent for the applicant and speaking in support of the application;
- The property would be owned by Frontier Estates and managed by Quantum Care delivering care home services to residents;
- Quantum Care was based in Hertfordshire and run on a not-for-profit basis, worked with Herts County Council, and operated a home in Royston;
- The new home would reflect the needs of the community and deliver services to cater for a mixture of residents with differing needs;
- There would be accommodation for residents in need of 24hr specialist support in addition to medical services;
- Some residents would be unable to leave the site unaccompanied;
- The site had been subject to two applications recently, the first of which was rejected by the Council but approved at appeal, and the second of which was an amended scheme at a reduced scale;
- This application would provide 73 beds in buildings over two storeys, minimising the difference between the care home and future neighbouring homes;
- The development provided an innovative approach to levels and gave residents direct access to gardens from each floor;

- The development provided benefits including the provision of care beds to meet a local shortfall and wider benefits to the health and wellbeing of the community, allowing residents to access care in their home towns where proximity to their families was important;
- The pandemic had demonstrated the importance of purpose built care homes;
- Royston had no care home beds with en suite provision which this development would provide;
- En suite provision was a minimum standard and essential for infection control;
- The care home would provide a short term economic benefit due to construction and a longer term benefit in the provision of 53 full time jobs in the home;
- The site was considered appropriate and sustainable for development in ecological term and the development complemented the character of the area with additional landscaping and biodiversity enhancements.

The following Members asked questions:

- Councillor David Levett

In response to questions Laura Grimason advised the applicant had not yet decided which of the two development proposals would be progressed if both were granted planning permission.

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

- Councillor Tony Hunter
- Councillor Ian Mantle

Councillor Tony Hunter proposed, Councillor Ian Mantle seconded and on the vote it was:

RESOLVED: That application 20/03018/FP be **GRANTED** planning permission subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

18 20/01764/FP THE BELL INN, 65 HIGH STREET, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8XD

This item was withdrawn from the Agenda and was not presented at this meeting.

19 21/00401/FP LAND AT IVEL COURT, RADBURN WAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE

Audio Recording – 1 hour 59 minutes.

Councillor David Levett declared an interest in that he was a member of the Cabinet which had made the decision to sell the land concerned by this application. As such he would take no part in the debate or vote on this item and would leave the meeting.

Councillor Tony Hunter declared an interest in that he was a member of the Cabinet which had made the decision to sell the land concerned by this application. As such he would take no part in the debate or vote on this item and would leave the meeting.

The Legal Regulatory Team Manager confirmed that as Councillor Levett and Councillor Hunter had made a decision as members of the executive to sell this land conditional on gaining planning permission they have fettered their discretion to take part in the decision making process for planning permission. To the reasonable person, if they were to take part in the decision for planning permission at PCC it would be seen as predetermination.

The Development and Conservation Manager presented the report in respect of application 21/00401/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Michael Muir

In response to questions the Development and Conservation Manager advised:

- Detailed specifications of cycle storage in the development were not included in the application but a sizeable unit had been allocated, and if Members were minded a condition on size could be included;
- The applicant was not an affordable housing provider and would not act as the owners of the affordable housing in the scheme.

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

- Councillor Ian Mantle
- Councillor Michael Muir

In response to questions the Development and Conservation Manager advised that a condition on electric vehicle charging could be added to the recommendations of the report.

Councillor Ian Mantle proposed, Councillor Michael Muir seconded and it was:

RESOLVED: That application 21/00401/FP be **GRANTED** planning permission subject to the conditions and reasons outlined in the report of the Development and Conservation Manager and the following additional condition:

“Prior to the commencement of the development hereby permitted, full details of internal cycle and mobility vehicle storage and EV charging, shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in completed accordance with the approved details or particulars, unless otherwise agreed in writing by the Local Planning Authority.”

20 PLANNING APPEALS

Audio Recording – 2 hours 14 minutes.

The Development and Conservation Manager presented the report entitled Planning Appeals.

It was:

RESOLVED: That the report entitled Planning Appeals be noted.

REASON FOR DECISION: To keep the Planning Committee apprised of planning appeals lodged and planning appeal decisions.

The meeting closed at 9.45 pm

Chair

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<u>Location:</u>	Land To The East Of Bedford Road And West Of Old Ramerick Manor Bedford Road Ickleford Hertfordshire
<u>Applicant:</u>	Armstrong C/O Agent
<u>Proposal:</u>	Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas (Section 73A application: Variation to Condition Nos. 5 (Street maintenance proposals), 6 (Construction Method Statement), 8 (Final Design of Drainage Scheme), 10 (Archaeological Written Scheme of Investigation), 13 (Foul Water Strategy), 15 (Details of Electric Vehicle Car Parking provision) & 18 (Construction Traffic Management Plan) of planning permission 19/01758/FP granted 22.10.2019).
<u>Ref. No:</u>	21/01470/S73A
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 04/08/2021

Extension of statutory period: 3/9/2021

Reason for referral to Committee: The development is residential development with a site area of 0.5 hectares or greater (7.0 hectares)

1.0 Policies

1.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 16: Archaeological Areas of Significance and other Archaeological Areas

Policy 26: Housing Proposals

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

1.2 National Planning Policy Framework (Revised July 2021).

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well designed places

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

1.3 Proposed Submission North Hertfordshire Local Plan 2011-2031 (Incorporating the Proposed Main Modifications November 2018 and May 2021)

Strategic Policies

SP1: Sustainable development in North Herts

SP2: Settlement hierarchy

SP6: Sustainable transport

SP7: Infrastructure requirements and developer contributions

SP8: Housing

SP9: Sustainable Design

SP10: Healthy communities

SP11: Natural resources and sustainability

SP13: Historic environment

Development Management Policies

T1: Assessment of transport matters

T2: Parking

HS2: Affordable Housing

HS3: Housing mix

HS5: Accessible and adaptable housing

D1: Sustainable Design

D3: Protecting living conditions

D4: Air quality

NE5: New and improved public open space and biodiversity

NE7: Reducing flood risk

NE9: Water quality and environment

NE10: Water Framework Directive and wastewater infrastructure

NE11: Contaminated land

HE1: Designated heritage assets

HE4: Archaeology

1.4 **Supplementary Planning Documents**

Vehicle Parking at New Development September 2011

2.0 **Site History**

- 2.1 19/01758/FP : Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas. Granted 22/10/19.

The development is under construction.

3.0 **Representations**

The following representations have been received:

3.1 **Ickleford Parish Council**

Objects:

- Violates conditions attached to original planning permission
- Unauthorised and damaging use of public footpath/private driveway

3.2 **Hertfordshire Highways:**

Confirm that the highway adoption plan is acceptable

3.3 Environmental Health (Noise & Nuisance)

Concern at generic nature of the Construction Method statement

3.4 Environmental Health (Contamination and Air Quality)

No comments

3.5 Lead Local Flood Authority

Raise several concerns with regard to drainage strategy and have requested further information.

3.6 NHDC Waste & Recycling officer

Confirms waste arrangements including vehicle access is satisfactory

3.7 Hertfordshire County Council Historic Environment Advisor:

No response

3.8 HCC Growth & Infrastructure:

No further comments to make.

3.9 Bedford and River Ivel Drainage Board:

No further comments to make

3.10 Henlow Parish Council :

'No comment'

3.11 Central Bedfordshire Council :

'No objection'

3.12 Historic England:

'Do not wish to make any comments'

3.13 Responses to site notices / public consultation:

Several responses have been received including the following concerns (full details of correspondence is on the Planning website) :

- Too much housing is being developed in the area
- Highway congestion / damage

- Housing too expensive for locals

There is no authorised access through the site into The Railway at Henlow

4.0 **Planning considerations**

4.1 Site and surroundings

The development site the subject of this planning application is located on the south side of Lower Stondon just inside the district boundary with North Hertfordshire. The site is currently being built out under planning permission ref: 19/01758/FP and is approximately 60% completed. The site is known as Lavender Grange.

4.2 Proposals

4.3 This application has been submitted under Section 73A of the Town and Country Planning Act 1990 (as amended). Section 73A permits the submission of an application for development that has already been carried out and where there is no planning permission or development is not in accordance with a planning permission or where a development does not comply with some conditions subject to which planning permission was granted.

4.4 In this case, the development approved for 144 dwellings at the above site ,under planning permission 19/01758/FP, was started before several of the pre-commencement conditions were submitted for discharge / or discharged by the Local Planning Authority resulting in a breach of the planning permission.

4.5 This application seeks to resolve the breach of planning permission through an amendment to the wording of several of the pre-commencement conditions. These conditions are as follows:

Condition 5 – details of the future management and maintenance of the proposed streets within the development.

Condition 6 – Construction Method Statement

Condition 8 – Final design of a drainage scheme

Condition 10 – Archaeological Written Scheme of Investigation

Condition 13 – Foul Water Strategy

Condition 15 – Details of Electric vehicle car charging points

Condition 18 – Construction Traffic Management Plan

4.6 Subject to the information submitted in respect of the above conditions being acceptable the Local Planning Authority is able to issue a fresh planning permission

with the wording of the planning conditions concerned altered to reflect the commencement of the development and the updated documents submitted.

- 4.7 The original planning permission – 19/01758/FP – was pursuant to a legal agreement under Section 106 of the Act and as the current application would result in the further grant of planning permission (subject to all material considerations) a further Section 106 Agreement is required. A draft Section 106 has been prepared. Any planning permission granted with revised conditions would be subject to the legal agreement being completed.
- 4.8 The application includes revised wording for conditions 5, 6, 8, 10, 13, 15 and 18. To support these conditions the following documents are submitted:
- Surface water drainage drawings and maintenance plan
 - Foul water sewerage design
 - Construction Method statement
 - Construction Method statement plan
 - Direction of Traffic Plan
 - Traffic Management Strategy Plan
 - Private Road adoption strategy and plan
 - Archaeological Written Scheme of Investigation
- 4.9 For clarity, this application does not propose any alterations to the number of dwellings or the design, layout or landscaping of the development. Its sole purpose is to rectify a breach of the planning conditions through revised wording to the conditions affected.
- 4.10 Discussion
- 4.11 For the purposes of assessing this Section 73A application it is necessary to go through each condition proposed to be altered and to assess whether the wording is satisfactory having regard to the submitted supporting information.
- 4.12 Condition 5 – Road adoption
- 4.13 A road adoption plan (ref: 1910D) showing the internal roadway to be adopted by the Highway Authority has been submitted and agreed by Hertfordshire Highways.
- 4.14 The proposed revised wording reads as follows:

The approved streets within the development will be maintained in accordance with the approved Technical Note – Private Road Maintenance Strategy by RCP, Ref. BNL/E4483/17570, endorsed under NNDC Ref. 19/03047/DOC and drawing No. 44833/H7417/D1/1910D (Management Company Land Plan) as agreed under Section 38 of the Highways Act 1980.

The Highway Authority has confirmed that they have no objection to the revised wording. It is recommended that this is agreed.

4.15 Condition 6 – Construction Method statement

4.16 A revised Construction Method Statement Plan (drawing BDWNT-LS-CMS-01) has been received showing site storage compounds, wheel washing sites, contractors parking, all site access and egress from the main access off Bedford Road, security hoarding, signage, routing for construction vehicles and the phasing of the development. In addition a statement setting out site management, and health procedures and safety and hours of working has also been submitted.

4.17 At the start of the development and for several months prior to the creation of the main access onto Bedford Road all construction traffic accessed the site off the public footpath Ickleford 001 which runs along the southern boundary of the site and also serves Nos 1 – 4 Ramerick Cottages and Old Ramerick Manor. Construction activity through this footpath caused disruption to residents and footpath users and damage to the surface of the footpath / roadway. It also presented a danger to highway safety because of the restricted sightlines at the junction of the footpath with the A600 Bedford Road. The developer subsequently ceased using this route as an access to the site and the site entrance off this footpath has been closed up and the surface repaired. All construction traffic now enters the site off the permanent site entrance off Bedford Road.

4.18 The proposed revised wording for condition 6 reads as follows:

The development shall be carried out in accordance with the submitted and approved Construction Method Statement and Construction Method Statement Plan.

Following the submission of revised details, the closure of the site access on footpath 001 and the implementation of the main access off Bedford Road construction at the site has progressed more quickly and is much safer for pedestrians and motorists as well as improving the amenity of residents who live along footpath 001. It is therefore recommended that the revised wording of condition 8 is agreed.

4.19 Condition 8 – Final design of drainage scheme

4.20 In support of the discharge of this condition the applicant has provided a significant amount of information including drainage calculations, detailed plans of the SuDS features, surface and foul water layouts and identification of informal flood areas. Despite this the Lead Local Flood Authority, whilst acknowledging that some of the information is acceptable, still require more detailed information including treatment for discharge into a water course and further data regarding drainage times. At the time of writing this report the LLFA has commented twice raising objections on both occasions.

Further information has now been provided by the applicant and the comments of the LLFA are awaited and will be reported at the Committee meeting.

4.21 Currently the applicant proposes the following revised wording for condition 8:

The drainage scheme shall be carried out in accordance with the approved drainage details and associated management plan comprising the following:

RCP letter dated 14.4.2021 responding to LLFA comments dated 12.4.2021 SJO/BHL/E4483/17847

Micro drainage calculations SW1C.MDX

Micro drainage calculations SW2D.MDX

RCP letter dated 9.12.2020 LD/BNL/E4483/17772

Surface water longitudinal sections BNL/E4483/221 E

Surface water longitudinal sections BNL/E4483/222 D

Surface water longitudinal sections BNL/E4483/223 D

Section 104 adoption layout BNL-E4483-401 E

Section 104 adoption layout BNL-E4483-402 E

Section 104 adoption layout BNL-E4483-403 F

Surface water manhole schedules BNL-E4483-411 F

Surface water manhole schedules BNL-E4483-412 D

Section 104 drainage construction details BNL/E4483/421 C

Section 104 drainage construction details BNL/E4483/422 B

Surface water attenuation details BNL/E4483/424 B

Surface water attenuation details BNL/E4483/425 C

Basin setting out details BNL/E4483/426 A

Basin setting out details BNL/E4483/427 A

Domestic drainage layouts BNL/E4483/451 K

Domestic drainage layouts BNL/E4483/452 J

Domestic drainage layouts BNL/E4483/453 G

Domestic drainage layouts BNL/E4483/454 N

Domestic drainage layouts BNL/E4483/455 K

Domestic drainage layouts BNL/E4483/456 G

Domestic drainage layouts BNL/E4483/457 H

Domestic drainage layouts BNL/E4483/458 G

Private drainage construction details BNL/E4483/461 A

Private drainage construction details BNL/E4483/462 A

Control chamber construction details BNL/E4483/463 D

Control chamber construction details BNL/E4483/464 D

Owners manual relating to surface water drainage maintenance BNL/E4483

In view of the current response of the LLFA it is recommended that this condition is not agreed until such time that the LLFA removes its objections. Should the objection be overcome it is possible that there may be some amendments to the approved documents.

4.22 Condition 10 – Archaeological Written Scheme of Investigation

4.23 A WSI was agreed by Hertfordshire County Council Historic Environment Advisor and works have been carried out on site and the results produced in an Archaeological Evaluation by Cotswold Archaeology (2017). The County Archaeologist has confirmed that the completion of the archaeological works is satisfactory recommending that no further archaeological work is required at the site and discharging condition 11 (Completion of site investigation and post investigation assessment).

4.24 The applicant proposes the following revised wording for condition 10:

The development shall take place in accordance with the approved Archaeological Written Scheme of Investigation prepared by Orion Heritage Ltd (April 2020), Ref. PN1429

In view of the completion of the archaeological works to the satisfaction of the Hertfordshire County Council Historic Environment Advisor it is recommended that the revised wording of condition 10 is agreed

4.25 Condition 13 – Foul water strategy

4.26 Anglian Water as the appropriate water authority recommended the discharge of condition 13 in February 2020 under discharge of condition ref 19/03050/DOC.

4.27 The applicant proposes the following revised wording:

Foul water drainage works shall be carried in accordance with the details endorsed under NHDC

Ref. 19/03050/DOC, comprising the approved details as follows:

Title Reference

Rising main longitudinal section BNL/E4483/251 B

Rising main longitudinal section BNL/E4483/252 B

Section 104 adoption layout BNL-E4483-401 C

Section 104 adoption layout BNL-E4483-402 C

Section 104 adoption layout BNL-E4483-403 D

Domestic drainage layouts BNL/E4483/451 K

Domestic drainage layouts BNL/E4483/452 J

Domestic drainage layouts BNL/E4483/453 J

Domestic drainage layouts BNL/E4483/454 N

Domestic drainage layouts BNL/E4483/455 K

Domestic drainage layouts BNL/E4483/456 G

Domestic drainage layouts BNL/E4483/457 H

Domestic drainage layouts BNL/E4483/458 G

Foul water longitudinal sections BNL/E4483/211 E

Foul water longitudinal sections BNL/E4483/212 D

Foul water longitudinal sections BNL/E4483/213 D

Foul water manhole schedules BNL/E4483/413 E

Foul water manhole schedules BNL/E4483/414 D

Micro drainage calculations FW-1C

Given the approval of Anglian Water to the foul water strategy it is recommended that the revised wording to condition 13 is agreed.

4.28 Condition 15 – Details of Electric Vehicle car charging points

4.29 The details pursuant to this condition were found to be acceptable under discharge of condition reference 19/03051/DOC.

4.30 The applicant proposes the following revised wording:

Electric Vehicle (EV) car parking spaces will be provided in accordance with details endorsed under NHDC Ref. 19/03051/DOC, comprising the approved Site External Works Overall Layout Plan, Ref. 4483/H7417/D1/1906D. The approved EV car park spaces will have designated plug-in points and be served by EV charging points prior to the first occupation of the dwelling they serve and shall be retained for that purpose thereafter.

It is recommended that the revised wording of condition 15 is agreed

4.31 Condition 18 – Construction Traffic Management Plan

4.32 The Highway authority have said that the circulation of construction traffic shown on the submitted Construction Traffic Management Plan is acceptable however the details of the construction traffic to the site do not meet the reasons and purposes of the original condition. The authority requires the CTMP to show the marked route of the construction vehicles including the location of the signage that should be detailed highlighting construction traffic routes.

4.33 The applicant proposes the following revised wording :

The development shall be carried out in accordance with the approved [Traffic Management Strategy Ref. BDWNT-LS-DOT-01 Rev12].

The revised wording is not currently acceptable and it is recommended that this condition is not agreed until such time that the Highway Authority removes its objections. Should the objection be overcome it is possible that there may be some amendments to the approved documents.

4.34 **Conclusion**

4.35 There is no objection to the re-wording of conditions 5, 6, 10, 13 and 15 for the reasons set out above and therefore it is recommended that these conditions can be agreed.

4.36 It is important that condition 8 (Drainage scheme) is resolved because of the potential for surface water flooding if the system is not fit for purpose and the consequent adverse impact that would have on the environment and the amenity of existing and proposed residents. The issue of construction traffic management is less critical because of the advanced stage of construction and the short term impact however there are still environmental concerns from HGV traffic being inappropriately routed to the site.

4.37 This development includes 57 affordable housing units many of which have already been completed and it is in the interests of the wider community that there is no further delay in the delivery of these housing units . It is therefore recommended that a resolution to grant permission is made subject to the removing of the objections raised by the Lead Local Flood Authority and the Highway Authority as well as the satisfactory completion of the submitted Section 106 document.

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, subject to the objection of the Lead Local Flood Authority and the Highway Authority to the re-wording of conditions 8 and 18 being resolved and the completion of the submitted Section 106 Agreement, that planning permission be granted for the development subject to the following conditions:

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

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

2. No part of the development shall be occupied until the proposed works shown on 'in-principle' I Transport drawing ITB12014-GA-002 revision H and Drawing: P18-0685_01 SHEET NO: REV: M; on the A600 are completed to satisfaction of the Highway Authority.

Reason: To ensure that the impact of development traffic on the local road network is minimised.

3. No part of the development shall be occupied until the proposed principal access road is provided as defined on I Transport drawing ITB12014-GA-002 revision H and Drawing: P18-0685_01 SHEET NO: REV: M; 6.0 metres wide for at least the first 100 metres thereafter the access roads shall be provided 5.0 metres wide to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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

4. The approved streets within the development will be maintained in accordance with the approved Technical Note - Private Road Maintenance Strategy by RCP, Ref. BNL/E4483/17570, endorsed under NNDC Ref. 19/03047/DOC and drawing No. 44833/H7417/D1/1910D (Management Company Land Plan) as agreed under Section 38 of the Highways Act 1980.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard

5. The development shall be carried out in accordance with the submitted and approved Construction Method Statement and Construction Method Statement Plan.

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area

6. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by RCP reference LAD/BNL/E4483/16718 dated June 2018 and following mitigation measures;

1. Limiting the surface water run-off to a maximum of 13.4l/s generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The following rates should be provided as maximum for each development area;

- Detention basin 1: 5.0l/s

- Detention basin 2: 7.9l/s

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

3. Undertake drainage strategy to include to the use attenuation basin as indicated on drawings BNL-E4483-014E and BNL-E4483-013F

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

7. The drainage scheme shall be carried out in accordance with the approved drainage details and associated management plan comprising the following:

RCP letter dated 14.4.2021 responding to LLFA comments dated 12.4.2021
SJO/BHL/E4483/17847

Micro drainage calculations SW1C.MDX

Micro drainage calculations SW2D.MDX

RCP letter dated 9.12.2020 LD/BNL/E4483/17772

Surface water longitudinal sections BNL/E4483/221 E

Surface water longitudinal sections BNL/E4483/222 D

Surface water longitudinal sections BNL/E4483/223 D

Section 104 adoption layout BNL-E4483-401 E

Section 104 adoption layout BNL-E4483-402 E

Section 104 adoption layout BNL-E4483-403 F

Surface water manhole schedules BNL-E4483-411 F

Surface water manhole schedules BNL-E4483-412 D

Section 104 drainage construction details BNL/E4483/421 C

Section 104 drainage construction details BNL/E4483/422 B
 Surface water attenuation details BNL/E4483/424 B
 Surface water attenuation details BNL/E4483/425 C
 Basin setting out details BNL/E4483/426 A
 Basin setting out details BNL/E4483/427 A
 Domestic drainage layouts BNL/E4483/451 K
 Domestic drainage layouts BNL/E4483/452 J
 Domestic drainage layouts BNL/E4483/453 G
 Domestic drainage layouts BNL/E4483/454 N
 Domestic drainage layouts BNL/E4483/455 K
 Domestic drainage layouts BNL/E4483/456 G
 Domestic drainage layouts BNL/E4483/457 H
 Domestic drainage layouts BNL/E4483/458 G
 Private drainage construction details BNL/E4483/461 A
 Private drainage construction details BNL/E4483/462 A
 Control chamber construction details BNL/E4483/463 D
 Control chamber construction details BNL/E4483/464 D
 Owners manual relating to surface water drainage maintenance BNL/E4483

The development shall be carried out in accordance with the approved details
 Reason: To reduce the risk of flooding to the proposed development and future occupants

8. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
 1. Provision of complete set of as built drawings for the 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 and disposal of surface water from the site.

9. The development shall take place in accordance with the approved Archaeological Written Scheme of Investigation prepared by Orion Heritage Ltd (April 2020), Ref. PN1429

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

10. The development hereby permitted shall be carried out in accordance with the noise mitigation measures detailed in section 4 and appendix 5 of the Cass Allen Associates report reference RP01-17634 Revision 1 dated 15th June 2018 (Acoustic Assessment- Land to the east of Bedford Road, Ickleford) relating to glazing and ventilation specifications. The development shall not be occupied until the approved scheme is fully implemented in accordance with the details provided. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenities of future occupiers of the development

11. Foul water drainage works shall be carried in accordance with the details endorsed under NHDC Ref. 19/03050/DOC, comprising the approved details as follows:

Title Reference

Rising main longitudinal section BNL/E4483/251 B
Rising main longitudinal section BNL/E4483/252 B
Section 104 adoption layout BNL-E4483-401 C
Section 104 adoption layout BNL-E4483-402 C
Section 104 adoption layout BNL-E4483-403 D
Domestic drainage layouts BNL/E4483/451 K
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Domestic drainage layouts BNL/E4483/455 K
Domestic drainage layouts BNL/E4483/456 G
Domestic drainage layouts BNL/E4483/457 H
Domestic drainage layouts BNL/E4483/458 G
Foul water longitudinal sections BNL/E4483/211 E
Foul water longitudinal sections BNL/E4483/212 D
Foul water longitudinal sections BNL/E4483/213 D
Foul water manhole schedules BNL/E4483/413 E
Foul water manhole schedules BNL/E4483/414 D
Micro drainage calculations FW-1C

Reason: To prevent environmental and amenity problems arising from flooding

12. Electric Vehicle (EV) car parking spaces will be provided in accordance with details endorsed under NHDC Ref. 19/03051/DOC, comprising the approved Site External Works Overall Layout Plan, Ref. 4483/H7417/D1/1906D. The approved EV car park spaces will have designated plug-in points and be served by EV charging points prior to the first occupation of the dwelling they serve and shall be retained for that purpose thereafter.

13. The external lighting at the development shall be carried out in accordance with the details approved under discharge of condition approval 21/00572/DOC dated 13th April 2021.

Reason: In the interests of biodiversity and local amenity

14. The development hereby permitted shall be carried out in accordance with the residential travel plan approved under discharge of condition document 21/00573/DOC.

Reason: In the interests of promoting sustainable transport and minimising the impact on local air quality

15. The development shall be carried out in accordance with the approved [Traffic Management Strategy Ref. BDWNT-LS-DOT-01 Rev12].

Reason: To ensure the construction work traffic has no, or a minimal, impact on existing levels of air pollution within established Air Quality Management Areas within North Hertfordshire

16. The development hereby permitted shall be carried out in accordance with the details of the pumping station and sub-station approved under discharge of condition document 19/03052/DOC granted on 11th February 2020.

Reason: In the interests of visual amenity and to ensure that development is implemented as approved.

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.

Informative/s:

1. Water Authority Informative:

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

2. NHDC Environmental Health Informative

1. EV Charging Point Specification:

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

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

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

external charge point.

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

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

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

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

3. Additional Environmental Informative:

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

During the construction 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.

4. Flood Authority Informative:

The applicant is advised that the adjacent watercourse is classified as an ordinary watercourse and lies in the Internal Drainage Board area. The applicant is advised to contact the IDB in relation to any concerns they may have as this may impact the proposed drainage strategy. Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

5. Highway Authority Informatives:

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

1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38/278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. It is advisable that all internal roads could be designed and built to adoptable standards.

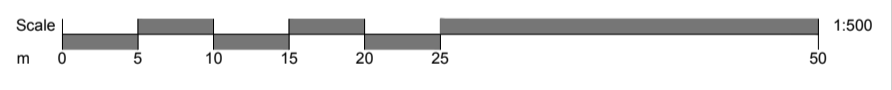
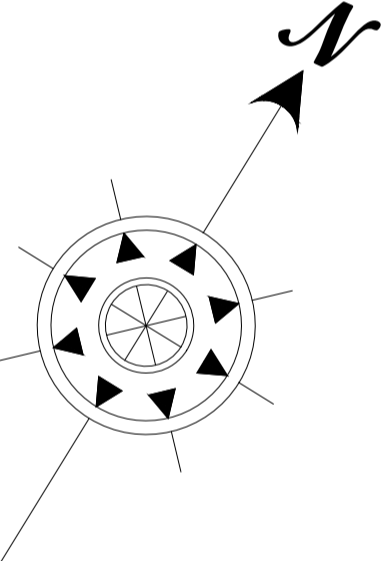
3. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

MANAGEMENT COMPANY LAND PLAN



KEY

- ESTATE BOUNDARY
- ROADS AND FOOTPATHS INTENDED TO BE ADOPTED BY HIGHWAYS (SECTION 38)
- (SECTION 278)
- MANAGED LAND
- SHARED DRIVEWAY OR FOOTPATH
- LAND TO BE TRANSFERRED TO REGISTERED PROVIDER
- PUBLIC OPEN SPACE TO BE MANAGED BY THE MANAGEMENT COMPANY UNLESS ADOPTED
- EASEMENTS
- + PLOT BOUNDARY OWNERSHIP MARKER
- PLOT NUMBER
- V VISITORS PARKING SPACE
- P15 PARKING SPACE
- G15 GARAGE NUMBER
- CS BICYCLE STORE
- CP CAR PORT
- PS PUMPING STATION
- SS ELECTRIC SUBSTATION
- RCP REFUSE COLLECTION POINT
- STREET LIGHT POSITION
- + CAR CHARGING POINT FOR VISITORS
- * VISIBILITY SPLAY SUBJECT TO EASEMENT IN FAVOUR OF BUCKS HIGHWAYS. ALL PLANTING WITHIN VISIBILITY SPLAY TO BE KEPT BELOW 500mm ABOVE GROUND LEVEL
- STREET NAME PLATES
- + ROAD SIGNS



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D	120421	BOUNDARY MOVED PLOTS 141-144 TO AVOID TREE STUMPS	MD	DE	DE
C	240321	STREET NAME PLATES ADDED AND ROAD NAMES UPDATED	MD	DE	DE
B	260121	S38 ROAD AND LIGHTING UPDATED	MD	DE	DE
A	130121	S38 ROAD VERGES UPDATED VISIBILITY SPLAYS SHOWN	MD	DE	DE
Rev.	Date	Details	By Chkd/Avpd		

Client:-

Site:-

**BEDFORD ROAD
LOWER STONDON
BEDFORDSHIRE**

Drawing Title:-

**MANAGEMENT COMPANY
LAND PLAN**

Date: MAY 2019 Scales: 1:500@A1
 Drawn: AD Checked: DE Approved: DE
 Drawing No. **4483/H7417/D1/1910D**

Rogers Cory Partnership
Architectural and Civil Consultants

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<u>Location:</u>	Land Rear Of 17 Walnut Tree Road Pirton Hertfordshire
<u>Applicant:</u>	Mr O Doyle
<u>Proposal:</u>	Erection of ten dwellings comprising of two 2-bed, four 3-bed, one 4-bed and three 5-bed dwellings with associated garaging and landscaping including creation of new vehicular access off Walnut Tree Road.
<u>Ref. No:</u>	21/01392/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 04/08/2021

Extension of statutory period: 3/9/2021

Reason for referral to Committee: The development is residential development with a site area of 0.5 hectares or greater (0.61 hectares)

1.0 **Policies**

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

Policy 7: Selected Villages beyond the Rural Area beyond the Green Belt

Policy 16: Archaeological Areas of Significance and other Archaeological Areas

Policy 26: Housing Proposals

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

1.2 **National Planning Policy Framework (Revised July 2021).**

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well designed places

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

1.3 **Proposed Submission North Hertfordshire Local Plan 2011-2031 (Incorporating the Proposed Main Modifications November 2018 and May 2021)**

Strategic Policies

SP1: Sustainable development in North Herts

SP2: Settlement hierarchy

SP6: Sustainable transport

SP7: Infrastructure requirements and developer contributions

SP8: Housing

SP9: Sustainable Design

SP10: Healthy communities

SP11: Natural resources and sustainability

SP13: Historic environment

Development Management Policies

T1: Assessment of transport matters

T2: Parking

HS3: Housing mix

HS5: Accessible and adaptable housing

D1: Sustainable Design

D3: Protecting living conditions

D4: Air quality

NE5: New and improved public open space and biodiversity

NE7: Reducing flood risk

NE9: Water quality and environment

NE10: Water Framework Directive and wastewater infrastructure

NE11: Contaminated land

HE1: Designated heritage assets

HE4: Archaeology

1.4 **Supplementary Planning Documents**

Vehicle Parking at New Development September 2011

Pirton Design SPD

1.5 **Pirton Neighbourhood Plan**

PNP1: Meeting Local and Wider Needs

PNP2: Design and Character

PNP4: Hedgerows, Trees and Verges

PNP5: Wildlife

PNP6: Local

PNP8: Heritage Assets and Archaeological Heritage

PNP11: Safety of Pedestrians, Cyclists, Equestrians and Motorists

PNP13: Car Parking

2.0 **Site History**

18/01635/FP: Erection of 8 dwellings comprising two x 2-bed, five x 3-bed and one x4-bed dwellings associated garaging and landscaping including creation of new vehicular access off Walnut Tree Road (as amended by drawings 2016-37.P.001B, P002E, P005A,P006A, and P007A received 07/01/2019 and drawings ST-2596- 01C, 02C, and 03C received 08/01/2019).

Granted 27/2/19

20/01070/FP: Erection of 8 dwellings comprising two x 2-bed, five x 3-bed and one x 4-bed dwellings associated garaging and landscaping including creation of new

vehicular access off Walnut Tree Road. Granted 5/8/20

20/02835/FP: Erection of eight dwellings comprising of two 4-bed and six 3-bed dwellings with associated garaging and landscaping including creation of new vehicular access off Walnut Tree Road (as amended on 26.02.21). Granted planning permission 22.03.21 and under construction.

3.0 **Representations**

The following representations have been received:

3.1 **Pirton Parish Council:**

Object to the granting of permission until such time as:

1. An archaeological assessment is carried out on the additional piece of land and arrangements made for appropriate work to be undertaken to record any archaeological remains
2. A bat assessment is carried out on the additional piece of land and arrangements made for net biodiversity gain which will benefit bats in the area
3. The Heritage statement is improved
4. The DAS includes a correct photograph of the whole site and accurate descriptions of the proposed houses
5. There is confirmation that the two spaces at the turning area are large enough to act as a turning space for large vehicles;
6. There is confirmation that the proposed garages are large enough to accommodate a modern car;
7. That the heights of the tallest buildings are substantially reduced to no more than 8 metres and the 2 bedroom properties revert to their original modest bungalow design.
8. That the issue of Footpath 005 is resolved.

The Parish Council have also requested Section 106 contributions towards leisure facilities, sustainable transport and public open space.

3.2 **Hertfordshire Highways:**

No objections subject to conditions

3.3 **Environmental Health (Noise & Nuisance)**

Recommends conditions and an informative

3.4 Environmental Health (Contamination and Air Quality)

Recommends a land contamination condition and an electric vehicle recharging infrastructure condition.

3.5 Lead Local Flood Authority

Raise several concerns with regard to drainage strategy and have requested further information.

3.6 NHDC Waste & Recycling officer

Confirms waste arrangements including vehicle access is satisfactory

3.7 Hertfordshire County Council Historic Environment Advisor:

Recommends an archaeological condition

3.8 Hertfordshire County Council Water Authority:

Requests the provision of fire hydrants

3.9 HCC Growth & Infrastructure:

Requests contributions towards primary and secondary education and library facilities.

3.10 HCC Rights of Way unit:

No response

3.11 Anglian Water:

Recommends an Informative concerning connection to the public sewer.

3.12 Responses to site notices / public consultation:

Several responses have been received including the following concerns (full details of correspondence is on the Planning website) :

- No need for 5 bedroom properties
- Insufficient parking
- Excessive height of houses
- Developers seeing profit and not sensitive to local needs
- Plot 1 an overdevelopment and not in keeping
- Insufficient ecological mitigations
- No bungalows
- Supporting documents poorly presented, lacking information

- Lack of extended consultation period
- Inadequate archaeological and ecological assessment
- Housing Mix, density and parking provision does not meet Local Plan / Neighbourhood Plan policies

4.0 **Planning considerations**

4.1 Site and surroundings

4.2 The application site is located towards the eastern edge of the defined settlement boundary of Pirton with the rural area beyond the Green Belt lying beyond said boundary. The site is located to the rear of several properties, nos. 7-17 Walnut Tree Road, north of No. 19 Walnut Tree Road and south of No. 4 Hambridge Way. To the east of the site is No. 10 Hambridge Way and agricultural fields. The Toot Hill Scheduled Monument is located to the west of the site on the other side of Walnut Tree Road. The site also lies within the Pirton Conservation Area albeit to its eastern edge. A public footpath (Pirton Footpath 5) runs diagonally across the site from the western boundary to the south-eastern corner to link with the recreation ground which is located to the south-east.

The majority of the site (central and southern section) is currently being developed with 8 dwellings with associated access road from Walnut Tree Road following the grant of planning permission in March 2021.

4.3 Proposals

4.4 Since the previous grant of planning permission for 8 dwellings (21/02835/FP) and the commencement of that development on site, further land to the north (formerly part of No. 4 Hambridge Way) has been acquired to form a larger development area and a consequent increase in the total number of dwellings served off Walnut Tree Road from 8 units to 10. As the additional land is accessed through the development approved under permission ref: 20/02835/FP a further application for 10 dwellings in total is submitted for consideration.

4.5 The proposed development now comprises the following mix of 2, 3, 4 and 5 bed homes:

Plot 1 Detached 4-bed two-storey house

Plot 2 Detached 3-bed two-storey house

Plot 3 Detached 3-bed two-storey house

Plot 4 and 5 Semi-detached 3-bed two-storey houses

Plot 6 Detached 2-bed one and a half- storey bungalow

Plots 7 and 8 Detached 5-bed two-storey houses

Plot 9 Detached 5-bed two- storey house

Plot 10 Detached 2-bed one and a half- storey bungalow

4.6 In addition to the two new plots (Plots 7 & 8 on the northern part of the site) the approved development has altered in respect of the following:

- Plot 1 – provision of additional rear single storey projection
- Plot 4 – provision of a car port and drive (previously a two space driveway)
- Plot 5 - provision of a car port and drive (previously a two space driveway)
- Plot 6 - provision of a car port and drive (previously a two space driveway)
- Plot 9 (previously Plot 7) – increase in footprint / redesigned elevations
- Provision of additional 2 visitor parking spaces
- Extended access road leading to plots 7 & 8

4.7 The application is supported by the following:

- Planning, Design and Access statement
- Heritage statement
- Flood Risk Assessment
- Archaeological Written Scheme of Investigation (for Plots 7 & 8)
- Tree Survey and Tree protection Plan
- Ecology report (May 2021)
- MKA Ecology Bird and bat box plan (June 2021)
- Construction Management Plan
- Materials schedule
- Landscape plan, management and maintenance details

4.8 Key issues

4.9 Planning permission for 8 dwellings has been granted on the central and southern section of this site on three occasions and the latest approval is being implemented on site and is nearing completion. Whilst there are some changes to the approved scheme (as set out at paragraph 4.6 above) these are relatively minor and do not raise any significant planning issues in my opinion. There is no increase in height to any of the 8 dwellings as previously approved and now being constructed and there is no material change to the siting of the 8 plots as approved.

The provision of the two new dwellings on plots 7 & 8 is the main issue for consideration with this application together with design, layout and parking matters. In addition, the impact of the additional dwellings on designated heritage assets as well

as other environmental matters and impact on surrounding residents are also matters for discussion.

4.10 Principle of additional development

4.11 The land forming the northern addition to this development site falls within the designated village boundary as recognised in the local plan and neighbourhood plan. Pirton is identified as a Category 'A' village in the Emerging Local Plan (Policy SP2) within which '*general development will be allowed within defined settlement boundaries*' (extract from Policy SP2 'Settlement Hierarchy and Spatial Distribution'). Similarly, the Pirton Neighbourhood Plan supports residential development within the village boundary (Policy PNP1) subject to several criteria. I consider that the development proposal as a whole meets, by and large, the criteria set out in PNP1 as follows:

1.1 The site is within the boundary of the village

1.2 It is a development of no more than 30 houses

1.3 It has regard to the needs of young families by providing 2/3 bedroom homes

1.4 It includes two chalet bungalows on small manageable plots suitable for the elderly

1.5 It provides a mix of homes

1.6 Affordable housing – not relevant to this site

1.7 The application includes a construction management plan

4.12 In terms of spatial context and with particular reference to the new Plots 7 & 8, the northern part of the site is surrounded on all sides by development (Nos 4 and 10 Hambridge Way, Nos 7 – 9A Walnut Way and the 8 dwellings under construction to the south). As such it is considered that there can be no objection in principle to the proposed additional dwellings - subject to all other material considerations which are discussed below.

4.13 Design, layout and appearance

4.14 In terms of the central and southern section of the site the design, layout and appearance of plots 1 – 8 have been previously agreed and granted planning permission under ref 20/02835/FP. The additional ground floor projection to plot 1 is modest in scale and of an appropriate design. The additional garages have pitched roofs and meet the required dimensions (3 x 7 metres measured internally). The re-design of plot 9 is mainly limited to the re-positioning of the garage and an increase in width by 3 metres. These changes are unobjectionable in design terms and can be accommodated given the size of this plot. Finally, the additional visitor parking spaces in the south eastern corner do not hinder the turning area radii of the access road.

- 4.15 Turning to the northern part of the site and the new plots 7 & 8 it will be noted that these dwellings are on generous plots sizes in keeping with the relatively large plots of the surrounding houses and reflective of the edge of settlement location where density is expected to reduce towards the settlement boundaries. The space around these dwellings allows for the retention of several of the trees on this part of the site and the new dwellings do not impinge on the mature planting along the site boundaries.
- 4.16 In terms of design, dwellings 7 & 8 are proposed to be of a traditional gabled roof design with a steep pitch. The proportion of fenestration to brickwork and render is appropriate and the provision of chimneys and casement windows add to the overall quality in this conservation area setting.
- 4.17 The overall density of the development equates to around 16 dwellings per hectare (dph) which is appropriate for this location near to the village boundary and by comparison less than the density of more recent developments in the village close to the settlement boundary (such as Drovers Way, Saxon Close and Baulk Gardens which are between 17.7 - 21 dph) .
- 4.18 Policy PNP 2 of the Neighbourhood Plan relates to Design and Character of new development. I believe that the proposals meet the majority of the requirements of this policy. This is a low density development of a height and scale that reflects the surrounding two storey development. The use of quality materials including buff brick, slates and clay tiles is sympathetic with the conservation area setting. It is fully integrated into the village with public footpath No. 5 maintained and connecting the site to the village recreation ground. All of the dwellings will have garages that are oversized for storage and discreet bin storage areas are provided. Every dwelling has a garden and parking does not dominate the streetscape.
- 4.19 In terms of landscape impact this development does not affect any of the Key Views and Vistas set out in PNP 7. In addition, the development does not directly affect any of the Local Green Spaces (Policy PNP6). A full landscape schedule is included with this application providing native trees, shrubs and hedge planting. Existing boundary planting, particularly along the eastern boundary is maintained minimising the visual impact of the development (Policy PNP 4).
- 4.20 In terms of connectivity this development maintains the existing footpath through the site and in doing so provides access to the countryside (via the recreation ground) for the prospective occupiers. Arguably, the more open sections of the maintained footpath No. 5 through the site provide for a better experience for users than the previous enclosed part of the footpath. The development therefore complies with NP Policy PNP 12.
- 4.21 Impact on living conditions
- 4.22 As states there are no significant material changes to the approved scheme for 8 dwellings therefore the main impact will be from the two new dwellings on Plots 7 & 8. As mentioned these dwellings are set within generous plots with a good amount of

spacing around them . Each dwelling is two storey and approximately 9.8 metres in maximum height which is comparable with surrounding properties. Plot 7 is over 30 metres from the rear elevations of No2. 9 & 9A Walnut Tree Road and 22 from the side elevation of 4 Hambridge Way. The back gardens are between 12 and 15 metres in depth therefore there would be adequate separation distance from No 4. The site is flat therefore there would be no overbearing impact. There would be ample amenity space for the occupiers of the new dwellings and at least 4 parking spaces to each property. In conclusion, I consider that the living conditions for prospective and existing residents would be acceptable.

4.23 Impact on heritage assets

4.24 The application is accompanied by a Heritage assessment however it does not fully describe the significance of the heritage assets affected. Nevertheless, these are assessed as follows:

The Pirton Conservation Area

The site is within the Pirton Conservation Area and therefore the proposal must preserve or enhance its character and appearance. The former allotments on the southern part of the site and the former garden to No. 4 Hambridge Way are not specifically mentioned as having any particular value to the Conservation Area and there are no key views across the site in the Pirton village Conservation Area Character statement or in the Neighbourhood Plan. The principle of residential development on the majority of the site has already been accepted by the granting of planning permission previously and the addition of part of the former garden to No. 4 Hambridge Way to provide two additional dwellings of a similar scale and density to surrounding residential development does not raise conflict with the heritage asset's conservation in my view.

7 Walnut Tree Road

This property is grade II listed and located to the north west of the site fronting Walnut Tree Road but with its rear garden boundary abutting the site. The property is timber framed and sub-divided into two dwellings. The nearest dwelling at Plot 7 would be approximately 5 metres from the garden boundary with No. 7 Walnut Tree Road and approximately 35 metres from the rear elevation of the listed building. Given the distances involved and the development surrounding No. 7 at present I consider that the proposed siting of Plot 7 does not have any significant impact on the setting of the listed building.

Toot Hill Schedule Monument

The monument is located to the west of application site on the other side of Walnut Tree Road. Historic England confirmed at the time of the consideration of the first application (18/01635/FP) that the redevelopment of the site would have no impact on

the setting of the Scheduled Monument. This remains the case with this application in my view notwithstanding the inclusion of the additional land involved to the north.

Non-designated heritage assets

The cottages at Nos 1 & 2 Hambridge Way and 3 & 5 Walnut Tree Road are buildings of local interest and they make a positive contribution to the Pirton Conservation Area. The cottages are some distance from the majority of the application site and only No. 2 has a curtilage that is close to or near the northern part of the site where Plots 7 & 8 are proposed. Their contribution to the setting of the Conservation area is not affected by this development.

4.25 Overall, the development would have a neutral impact on the heritage assets identified above in my view. However, if the view was taken that there would be some harm from the development it would be less than substantial and a harm that is outweighed by the public benefits of the scheme which are the delivery of housing at a time when the Council cannot demonstrate a five year supply of deliverable housing land together with the maintenance of the public footpath through the site.

4.26 Impact on archaeological assets

4.27 The site is within an Area of Archaeological Significance which covers the core of the village of Pirton which has origins in the early to middle Anglo-Saxon period. The planning permission currently being carried out at the site was subject to compliance with a previously agreed Written Scheme of Investigation (WSI). The current application required an additional archaeological WSI and this has been submitted and approved as satisfactory by the County Archaeologist. Site investigation works have been carried out on the land allocated for Plots 7 & 8 and the results are expected in an evaluation report. The County Archaeologist has advised that a condition is required to ensure that the development is carried out in accordance with the latest WSI. In view of the comments provided by the County Archaeologist and the similar conditions attached to the previous planning permissions I can see no grounds to raise an objection to this scheme in terms of archaeological assets.

4.28 Ecological implications

4.29 The application is accompanied by an ecological report which focuses on the northern part of the site to be occupied by Plots 7 & 8. The report, following an on-site assessment, concludes that the site is of relatively low ecological value (being until recently mown garden land), but with potential to support protected and notable species of breeding birds and buildings and habitat suitable for bats, reptiles and hedgehogs. The report says that the site provides opportunities for biodiversity enhancement and to create new habitats. Several recommendations are made in the report which is also supported by a bat box plan which advise the placement of several bird and boxes within the wider site.

- 4.30 Hertfordshire Ecology have not responded to consultation with any request for conditions or informatives. However, it is clear that there is an opportunity for wildlife enhancement in line with NPPF advice should the recommendations in the ecology report be followed through (8 in total) . It is recommended that a condition is attached to require the development to be carried out in accordance with the recommendations and mitigations set out in the submitted ecology report together with the implementation of the bird and bat box plan.
- 4.31 Flood risk and drainage
- 4.32 Because of the scale of the previously approved schemes the Lead Local Flood Authority were not directly involved (as the developments fell below the 'Major' development threshold of 10 dwellings). The current application does now require the input of the flood authority and whilst happy with some elements of the scheme, the authority have raised an objection to the proposed drainage strategy . Revised information has been provided to the LLFA and a further comment is awaited from the authority. Although the site is within Flood Zone 1 where there is the lowest risk of flooding there are some elements of the scheme in respect of the lack of sustainable urban drainage options that the LLFA are not satisfied with and require further justification. Clearly this is a technical matter but one which does require resolution in order that the development overall will meet with the guidance set out in the NPPF which requires major applications to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 4.33 The vast majority of the development is well advanced in terms of construction on site and it is clearly in the interest of both the developer and the wider community to ensure that the technical objection raised by the LLFA is resolved without delay. As such, I propose that any recommendation to grant planning permission is subject to the Lead Local Flood Authority withdrawing their objection and subject to any additional conditions that the authority requires. If the matter is not capable of resolution this application will be brought back to this Committee for further consideration.
- 4.34 Highway and parking issues
- 4.35 The main access into the site including road width, alignment and refuse vehicle tracking has already been agreed under the previous consents. This revised scheme retains much of the approved road layout but with an extension of the internal access road to reach the additional plots 7 & 8. The submitted details demonstrate that the largest refuse vehicle can access and turn around within the centre of the site and can adequately serve all of the dwellings including the new plots 7 & 8.
- 4.36 No objections are raised by the highway authority to the additional dwellings in terms of the impact on the highway network and recognises the submission of a Construction Traffic Management Plan. The authority has only requested detail on the tactile paving either side of the main bellmouth access. This detail has subsequently been submitted and has been approved as part of a Section 278 Highways agreement. As such it is considered acceptable and negates the requirement for the condition.

- 4.37 The development as now proposed provides 34 car parking spaces overall including visitor spaces. The parking provision meets the standards set out in the Council's Supplementary Planning document (Vehicle Parking at New Development 2011) as amended by Appendix 4 in the Emerging Local Plan. In terms of the Neighbourhood Plan Policy PNP 13 on car parking it is noted that 4 of the dwellings do not meet the 3 spaces per dwelling target (for 3 bed plus houses) however the provision of 5 visitor parking spaces assists in addressing this slight shortfall noting that Policy PNP 13 does not make any requirement for visitor parking. Furthermore, the width of the shared surface service road (7.6m) does allow for some on street parking in compliance with 13.2 of PNP 13.
- 4.38 Planning Obligations
- 4.39 The proposed development is under the threshold at which the Local Planning Authority can seek affordable housing (20 units for Policy 29A of the adopted local plan and 11 units for Policy HS2 of the Emerging Local Plan). In terms of developer contributions towards local infrastructure such as education and transport the Council's draft 'Developer Contributions Supplementary Planning Document (July 2021) expects developer contributions on sites over 10 units.
- 4.40 Climate change mitigation
- 4.41 To assist in achieving the aims to mitigate and adapting to climate change Electric vehicle car charging points will be installed at each of the proposed dwellings. The site is also in a sustainable location close to the centre of the village and village facilities including bus services and close to a network of public footpaths and as such residents and visitors will be encouraged to promote sustainable transport modes.
- 4.42 Planning balance and conclusion
- 4.43 The Local Planning Authority is not able to demonstrate a five year housing land supply (as of 1st April 2021 this figure is 1.47 years supply) and this application is for the delivery of housing within the defined village boundary of a Category 'A' village as designated in the Emerging Local Plan. The proposals do not exceed the 30 housing unit limit on any one development site as identified in Policy PNP 1 of the Neighbourhood Plan. This delivery of housing in a sustainable location carries substantial weight in the planning balance.
- 4.44 This development would have a neutral impact on heritage assets in my assessment. Even there were to be considered some harm to designated heritage assets this harm would be less than substantial and outweighed by the public benefit of the delivery of housing.
- 4.45 There are economic and social benefits through the provision of additional housing and employment during construction as well as continued and improved use of local services and facilities. In terms of the environmental perspective there is potential to

enhance the biodiversity of the site through a detailed landscape scheme and ecological mitigation measures.

- 4.46 The proposed development is considered to comply with both the adopted and emerging local plan, the policies set out in the National Planning Policy Framework as a whole and would also generally comply with policies in the Pirton Neighbourhood Plan. Given that there is no significant harm to protected assets which provide a clear reason for refusal the tilted balance as set out in paragraph 11 (d) of the Framework applies and accordingly planning permission should be granted.

Alternative Options

None applicable

Pre-Commencement Conditions

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

5.0 Legal Implications

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

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the resolution of the objection from the Lead Local Flood Authority and the following conditions:

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

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

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

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

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

Means of Access drawing

number ST-2596-01- revision E. 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.

4. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety

5. The development shall be carried out in accordance with the Construction Management Plan approved under discharge of condition application ref: 20/02326/DOC and the submitted Construction Management Plan and accompanying plan

Reason: In the interests of highway safety and the control of environmental impacts.

6. The following ecological mitigation measures are to be observed during the construction phase:
 - Vegetation and building clearance works should only occur between the months of September and February inclusive to avoid impacts on breeding birds. Where this timing is not feasible works should be preceded by a nesting bird check.
 - If one or more bats are found once works have commenced, work must cease immediately and a licenced bat ecologist consulted.
 - Ivy should be removed from any tree which is proposed to be felled during the development process as soon as possible, to restrict potential opportunities for roosting bats.
 - During construction, any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing to enable foraging hedgehogs to be able to pass freely through the site.

Reason: To ensure that the construction of the proposed development causes minimal disruption to species of local and/or national importance.

7. The development shall be carried out in accordance with the recommendations and mitigation measures set out in the submitted Preliminary Ecological Appraisal (2021) by MKA Ecology and the submitted Bird and Bat box Plan (June 2021) by MKA Ecology. The bird/bat boxes shall be installed on site no later than 6 months following the first occupation of the development and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements in line with the National Planning Policy Framework

8. Prior to the occupation of the development hereby permitted a sensitive lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to allow for suitable roosting and foraging areas for bats within the site with maximum use of down lighting and hoods where necessary. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the construction and occupation of the proposed development causes minimal disruption to species of local and/or national importance.

9. 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.

10. The development of this site shall be carried out in accordance with the details approved under discharge of condition application ref: 20/02525/DOC

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.

11. Prior to occupation, each of the 10 proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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

12. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the document '17 Walnut Tree Road, Pirton: Archaeological Mitigation Written Scheme of Investigation' by Headland Archaeology for Blakeney Estates Ltd., ver 2.0, October 2020 and the submitted 'Written Scheme of Investigation for Migration of Plots 7 & 8 ' (July 2021) by Headland Archaeology.

Reason: To ensure adequate protection and preservation of any assets of archaeological significance.

13. 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 Investigations referred to in condition 12 and the

provision made for analysis and publication where appropriate.

Reason: To ensure adequate protection and preservation of any assets of archaeological significance.

14. 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.

15. With the exception of plots 7 & 8 located in the northern part of the site and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

16. Notwithstanding the approved plans, the following windows relating to the development hereby permitted shall be permanently glazed with obscure glass and restricted opening mechanism unless otherwise agreed in writing with the Local Planning Authority:

- First floor window on Plot 4 side left elevation;
- First floor window on Plots 2 and 5 side right elevation;

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

Proactive Statement:

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

Informative/s:

1. 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.
2. 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>

HIGHWAY INFORMATIVES:

AN1) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website:

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

[https://www.hertfordshire.gov.uk/services/highways-roads-and-](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-inf)

[pavements/business-and-developer-inf](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-inf)

[ormation/development-management/highways-development-management.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-inf)

or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of

the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

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

AN6) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

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

https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_8

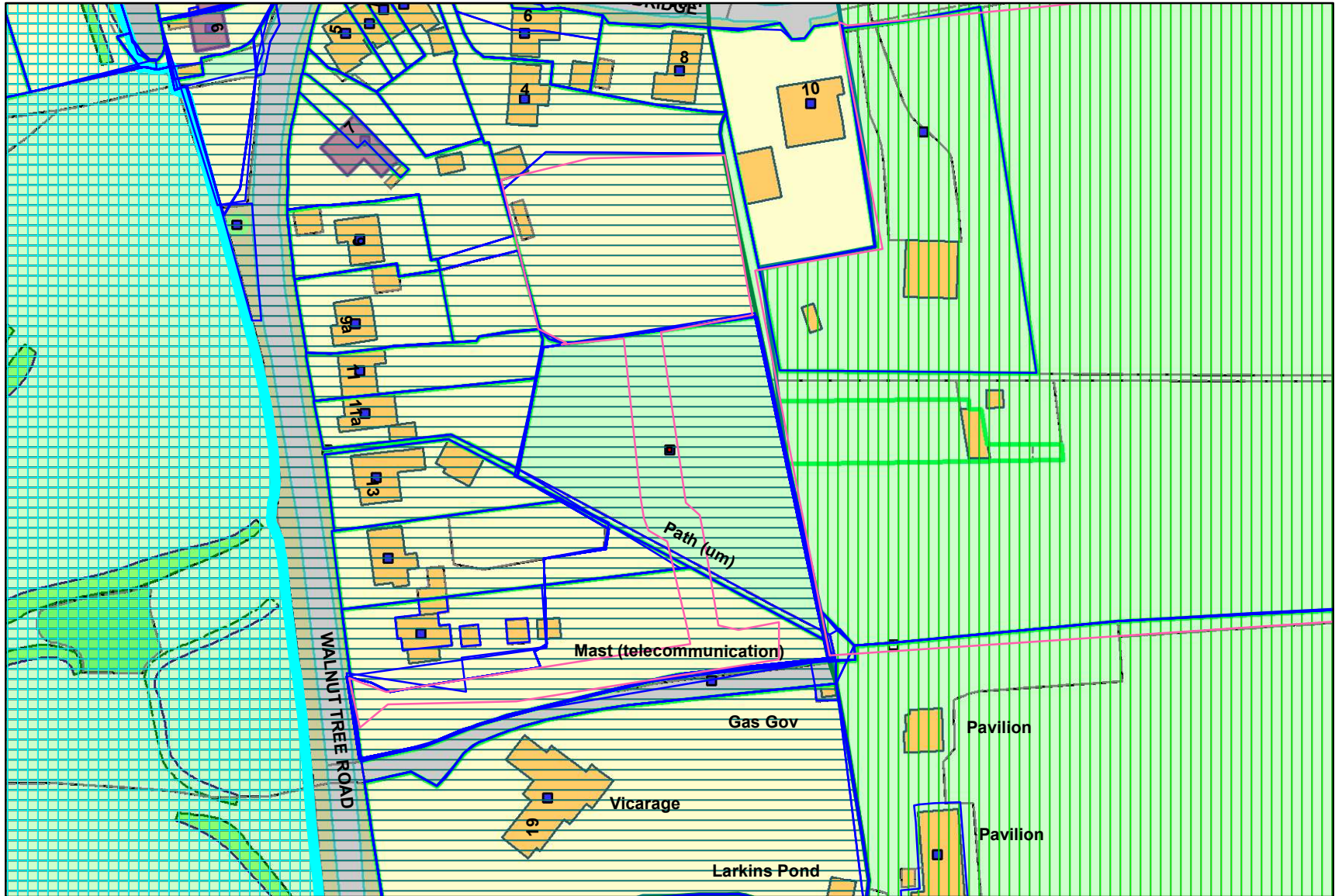
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Application Validation Sheet

21/01392/FP Land Rear of 17 Walnut Tree Road, Pirton, Hertfordshire

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



Scale 1:1,250
Date: 17/08/2021



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<u>Location:</u>	Land Adjacent To 9 North End Kelshall Hertfordshire
<u>Applicant:</u>	Mr Peter Lapham
<u>Proposal:</u>	Outline application for a single dwelling with new vehicular access onto North End (appearance, landscaping and layout reserved)(as amended by plans received on 31 March 2021).
<u>Ref. No:</u>	20/02292/OP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period : 15.12.2020

Reason for referral to committee: Council is applicant.

1.0 Site History

1.1 None

2.0 Policies

2.1 **NPPF (2021):** Generally, and specifically 12. Achieving well designed places; 5. Delivering a sufficient supply of homes; 15. Conserving and enhancing the natural environment. 16 Conserving and enhancing the historic environment.

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

Policy 6 – Rural Areas beyond the Green Belt

Policy 55 – Car Parking

Policy 57 – Residential Guidelines and Standards

2.3 North Hertfordshire District Local Plan 2011-2031 Emerging Local Plan and Proposals Map:

Policy SP1 Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy

Policy SP5 Countryside and Green Belt

Policy SP8 Housing

Policy SP9 Design and Sustainability

Policy SP11 Natural Resources and Sustainability

Policy SP12 Green Infrastructure, Biodiversity and Landscape

Policy CGB1 Rural Areas beyond the Green Belt

Policy T2 Parking

Policy HS5 Accessible and Adaptable Housing

Policy D1 Sustainable Design

Policy D4 Air Quality

Policy NE1 Landscape

Policy NE7 Reducing Flood Risk

Policy NE9 Water Quality and Environment

Policy NE10 Water Framework Directive and Wastewater Infrastructure

Policy HE4 Archaeology

2.4 Two supplementary planning documents are applicable. These are Design and Vehicle Parking Provision at New Developments.

3.0 **Representations**

3.1 **Kelshall Parish Meeting** – No response

3.2 **Local Residents** – A number of representations have been received by local residents and are mixed in terms of the views expressed – both for and against development on the site. I have summarised the range of points raised below:

- Concerns that approving this application will set a precedent in the village
- Ruin character of the village
- Put pressure on services
- Concerns about the Council granting permission to itself
- Kelshall is a 'closed' village
- No impact on Council's housing deficit
- Loss of trees
- Expansion of village into countryside

Support/Comment

- This is an infill plot which will not harm the character of the village
- Unreasonable that Kelshall does not contribute to the requirement for housing
- Opportunity should be taken to increase biodiversity such as bird boxes built in.
- Should be affordable

3.3 **Highway Authority** – There are no significant highway issues as a result of this proposal therefore Hertfordshire County Council as Highway Authority would not want to restrict the grant of planning permission on highway grounds subject to the inclusion above planning conditions and highway informative.

3.4 **Environmental Protection** – (Air quality) Recommend the imposition of an EV charging condition and informative.

3.5 **Environmental Protection** (Contaminated Land) – Standard condition.

3.6 **Herts Archaeology Service** – No objection subject to evaluation conditions.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises an enclosed area of maintained garden land associated with No 9 North End, a property which is one of a group of 4 semi detached dwellings at the northern end of the village travelling towards Therfield.

4.2 **Proposal**

4.2.1 The application is made in outline for a single dwelling of bespoke 'eco' design (indicative). The application is submitted with access and scale included for consideration in detail at this stage. Information pertaining to landscaping, layout, and appearance has however been provided for indicative purposes. This reserved detail would be the subject of a separate 'reserved matters' planning application should permission in outline be granted.

4.2.2 The access is shown at the southern side of the site directly onto North End which has been amended following a Traffic Survey and to overcome highway objections in regards to visibility splays.

4.3 **Key Issues**

4.3.1 The key issues in this case are, for ease of navigation, discussed under the following headings:

- Policy and principles
- Design, landscaping and visual impacts
- Highways and access

- Social Sustainability
- Heritage issues (archaeology)
- Ecology
- Other matters
- Planning balance

For each substantive area of discussion, a summary is provided highlighting the central themes and, where appropriate, their assessed importance in the planning balance.

Policy and principles

4.3.2 The application site has not been identified in the emerging local plan (ELP) as a housing site and currently lies within an area designated as rural area beyond the green belt subject to Saved Policy 6 of the Saved Local Plan (SLP) 2007. This noted, the ELP proposes that Kelshall become a Cat B settlement (Policy SP2 – Settlement Hierarchy) in which infill development which does not extend the built core of the village will be supported as a matter of principle (see ‘Design, Landscape and Visual Impacts’ below). Paragraph 48 of the NPPF advises that the emerging plan can be afforded weight according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

With regards criterion a), the plan is well advanced with the completion of the EiP Hearings and consultation on additional modifications. Only two stages remain, receipt of the Inspector’s report following conclusion of the Hearings and anticipated adoption of the Plan in Autumn 2021. In terms of b) above, there has been very little discussion / objection / debate about the lower tiers of the settlement hierarchy (categories other than ‘A’). To date there has been no suggestion or request from the ELP Inspector that any of the Category B settlements should be looked at again for promotion or demotion. Following discussion with the Policy Team I would conclude that weight at the upper end of moderate can be attributed to Policy SP2 in relation to Kelshall.

4.3.3 The Authority accepts that it cannot currently demonstrate a 5-year supply of housing land and that its SLP policies are out of date for the purposes of para 11 d) of the NPPF. Accordingly, the Authority should apply the provisions of paragraph 11(d)(ii). This requires the decision maker to apply a ‘tilted’ balance and grant planning permission “unless any adverse impact would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole” (the presumption in favour of sustainable development).

- 4.3.4 Setting aside whether the assessment of this proposal, against policy and other material considerations, is calibrated using a tilted balance or on the basis of a neutral (or non-tilted) test of harm vs benefit, it would be useful at this juncture to broadly scope the nature of both benefits and harm. Social, benefits would be derived from the delivery of new homes and the associated economic benefits of this delivery. A grant of permission would contribute to boosting housing supply in line with the Framework and assist in addressing the Council's substantial housing supply deficit. There may also be some minor environmental benefit in 'improving' the application site, principally by removing the extensive concrete hardstanding.
- 4.3.5 Potential harm includes adverse environmental (visual) street scene and character impacts arising from the introduction of residential development in this location. Further, the social and environmental impact of the proposal on the reasonable living conditions of the immediate neighbour at No 9 must be considered. There is also potential harm (sustainability) associated with the site's relatively isolated location and the ability of future inhabitants to access services and facilities, including the local school. This could amount to both environmental and social harm in the planning balance. Any development in this location, with its associated level of traffic generation, may also give rise to adverse highway conditions, including for pedestrians, and this would amount to both environmental and social harm in the planning balance.

Summary

- 4.3.6 **The application site currently lies within the Rural Area Beyond the Green Belt in the SLP and is subject to the provisions of Policy 6. This acknowledged, the settlement of Kelshall has be categorised as a Category 'B' settlement in the ELP under Policy SP2 and this allows for infill provided that the proposal does not give rise to the outward expansion of the settlement beyond the built core. Weight at the upper end of moderate may be attributed to this policy for Kelshall given the progress of the ELP. The Council cannot currently demonstrate a 5-year supply of housing land and the provision of a dwelling must be seen as a benefit in the planning balance.**

Design, landscape and visual impacts

- 4.3.7 The application site currently appears as garden associated with No 9 North End. The application proposes a building which, in scale, is redolent of a small agricultural building. The applicant's DAS demonstrates that a structure of this scale and form would not be out of kilter with the adjacent host at No 9. While appearance is a reserved matter, the DAS offers a significant level of detail as to how a proposal might be executed. The applicant explains a considered scheme which picks up on local farming architectural flavour as follows:

"In addition to planned model farms and agricultural settlements, the industrial revolution introduced construction systems and building forms. Machine-made brick was commonly used in the inter-war period. This was in combination with metal roofs, features such as windows, patent glazing enlarged space standards

and concrete floors which emerged as a result of changing hygiene standards led to larger shallower roof spans. Multifunctional sheds and their associated hard standings for vehicles and moving stock, widely introduced in the 1950s, are a vital feature of the modern farming industry.”

The architect's well observed assessment of the sort of utilitarian architectural forms which are familiar in a working countryside, feed into a design better suited to the specification of energy efficient measures. The other advantage of this approach in my view is that it would encourage an innovative and imaginative solution other than what might be an anonymous residential building which does little to reinforce sense of place in a settlement rooted historically in agriculture. Despite scale and access being the only matters for detailed consideration at this stage, the detailed indicative approach set out in this submission would allow the authority to more closely control appearance and layout at the reserved matters stage and better ensure good design as required by paragraph 130 of the NPPF

130. 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);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.3.8 Turning now to the ELP and the identified status of Kelshall as Cat B settlement within which the Council will be broadly supportive of 'infill' development. Infill is variously defined as the development of a gap in an otherwise built up frontage. However, the Policy SP2 of the ELP is drafted in a more flexible way, characterising infill as development as follows:

“Infilling development which does not extend the built core of the village will be allowed in the Category B villages...”

The application site does enjoy a frontage onto the highway but is not bounded to the south by another building or dwelling (No 9 being to the north of the proposed dwelling). This said the development of the site would not in my view result in the outward expansion of built core of Kelshall. Moreover, the land in question is undoubtedly domestic in appearance being an extension of the garden of No 9 (while not in the ownership of this property). In these circumstances, I am minded to conclude that the site does meet the broad criteria for development in a Cat B settlement as set out in Policy SP2.

- 4.3.9 Many of the representations received in opposition to this proposal cite a concern about precedent. While these concerns are duly noted, the ELP categorisation of Kelshall as a Cat B settlement will inevitably invite further applications for housing development as part of a planned approach to increasing housing supply in smaller settlements. The issue is not that more development will be encouraged in the village, rather that it will be delivered in a measured, appropriate and sensitive manner. It is these latter considerations which are pertinent to a determination in this case depending on the weight which can be attributed to this emerging policy shift (see Planning Balance below and 4.3.2 above).

Summary

- 4.3.10 **The presented scheme for a single dwelling of an indicated agrarian form, designed to make optimum use of renewable resources on what is currently garden land, would not in my view be at odds with the spirit of Policy SP2 (in categorising Kelshall as a Cat B settlement). Further, the proposal has the potential to improve the character of the area as required by the NPPF and comply with Policies 57 of the SLP and D1 of the ELP.**

Highways and access

- 4.3.11 There is no technical objection from the Highway Authority in respect of a new vehicular access onto North End following the amended location..

Social Sustainability

- 4.3.12 The NPPF is clear that sustainability is the central and guiding aim of the planning system – the ‘golden thread’. In overview, sustainability issues may be considered as falling into three overlapping categories, namely the economic, the social and the environmental. All of the issues discussed in this report under discrete headings locate into one of these categories and all are a measure of a proposal’s ‘sustainability’ - on their own and in combination. This acknowledged, this section of the report will consider the matter of social sustainability or the degree to which the proposal can be said to adequately support the residents it will house by reason of its social connection with the community to which it will relate.
- 4.3.13 Kelshall has no services or facilities other than a church and village hall. There is no convenient bus service, post office or convenience store - the nearest food shopping being Royston. It is, for all relative purposes, an isolated settlement. There are now a

significant number of appeal decisions in the District which highlight the view that new residential development in locations which would necessitate the use of private transport, in order to access essential facilities and services, would be at odds with the NPPF in its aim to promote sustainable patterns of development. This said, the ELP is now a more weighty material consideration and its identification of Kelshall as a Cat B settlement going forward, capable of taking limited and appropriately located and designed development, reduces the hitherto identified conflict with the aims of the NPPF in this regard, proportional to the progress of the Plan (see 4.3.2 above).

Heritage issues

- 4.3.14 The application site lies within an archaeological area and the Archaeological Service (HCC) consider that its relatively undisturbed nature offers the prospect of finding archaeological remains. Accordingly, they have recommended the imposition of three archaeological conditions (see recommendation).

Ecology

- 4.3.15 The site is currently largely down to lawn and the application is outline in form (all matters save access reserved). In considering the principle of development on such a site I am of the view that there is no need to require the applicant to survey the site for ecology up front. However, I would recommend that any landscaping scheme, which necessarily accompanies a reserved matters application, does include a baseline biodiversity assessment and clearly demonstrates how the proposal would affect a net gain (biodiversity net gain assessment) through new and sustainable habitat creation, including in the new dwelling itself (swift and bat accommodation for example).

Other matters

- 4.3.16 The Council's Environmental Protection Team has recommended conditions requiring the provision of electric vehicle charging (this would be more appropriately imposed at the reserved matters stage) and the notification of any onsite contamination.

Planning Balance

- 4.3.17 The NPPF at paragraph 11 advises on the relevant calibration for a planning balance where a local authority is unable to demonstrate a 5 year supply of housing land: For decision-taking this means:

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.3.18 The Council is not currently in a position where it can demonstrate a 5 years supply of housing land and in these circumstances the tilted balance is normally engaged, unless the development impacts negatively on areas or assets of particular importance (Conservation areas, listed buildings Green Belt etc) such that provides a 'clear reason' to refuse planning permission (thereby disabling the tilted balance set out at ii) above).

4.3.19 Given the carefully considered design code advanced for a building (an approach which can be secured by condition of approval) , I conclude that the proposal would not occasion harm to its setting or any assets of particular importance such that would warrant a refusal of planning permission. Accordingly, the tilted balance set out I paragraph 11 ii) above is engaged.

4.3.20 The settlement of Kelshall is identified in the ELP as a Cat B village within which appropriate 'infill' development will be supported. The advanced status of the ELP reduces the social and environmental harm, in terms of access to services and facilities, previously identified by appeal inspectors. Consequently, in order to warrant a refusal of planning permission this harm, along with any other harm, must significantly and demonstrably outweigh the benefits of the development in the planning balance.

4.4 Conclusion

4.4.1 The proposal would deliver an additional dwelling in the village of Kelshall. The indicative design adequately demonstrates that a new dwelling would not give rise to any materially adverse impacts on its neighbours, setting or the street scene and would reinforce sense of place. In location terms, the occupiers of the new property would rely heavily on private transport to access essential services and facilities and this is social and environmental harm in the planning balance. However, this harm is substantially attenuated by the identification of Kelshall as Cat B settlement in the ELP. In summary then, it is my view that the identified harm would not, in sum, significantly and demonstrably outweigh the modest benefit of delivering an additional dwelling in the village.

4.4.2 In addition to standard conditions and those relating to contamination, archaeology and electric vehicle charging facilities, I would recommend the imposition of a condition which secures a net gain in biodiversity on the site. Further, I would recommend an informative which secures the delivery of a high-quality reserved matters scheme very similar to that indicated in the submitted Design and Access Statement.

4.5 Alternative Options

4.5.1 None applicable

4.6 Pre-Commencement Conditions

4.6.1 Applicant agrees.

4.7 Climate Change

- 4.7.1 In terms of future proofing the development with regard to climate change the development will incorporate an Electric Vehicle charging point and the size of the plot can facilitate the inclusion of low and zero carbon technologies such as ground source heat pumps. The applicant proposes a 'fabric first' approach to construction of the dwelling with high levels of insulation and energy efficient measures to exceed current building regulations requirements.

5.0 Recommendation

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

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

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

2. Prior to occupation, any 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.

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

Reason: To safeguard the archaeological record

4. 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 (3)

Reason: To safeguard the archaeological record

5. 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 (3) and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record.

6. Any suspected contamination encountered during the development of this site, shall be brought to the attention of the Local Planning Authority as soon as practically possible; in such a case, 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.

7. Details of landscaping, submitted at the reserved matters stage, shall include a baseline biodiversity assessment for the site. The reserved matters proposal shall demonstrate a biodiversity net gain against this baseline, including by the specification of building adaptations such as swift boxes and bat lofts.

Reason: To enhance onsite biodiversity as required by local and national planning policy

8. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 48 metres in the southerly direction and 2.4 metres by 41 metres in the northerly direction, shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

9. Prior to the first occupation of the development hereby permitted the main vehicular access shall be provided 3.3 metres wide and thereafter the access shall be retained at the positions shown on the approved Site Plan Number 087-010 Rev C. 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.

10. The gradient of the vehicular accesses shall not exceed 1:20 for the first 5.50 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of

highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan

11. The access shall be constructed in a hard surfacing material for the first 6 metres from the edge of the carriageway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety and to ensure the 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

12. The development hereby permitted shall not be occupied until a properly consolidated and surfaced turning space for vehicles has been provided. The turning space thereafter should be free from obstruction and available for use at all times.

Reason: To ensure vehicles may enter and leave the site in forward gear and 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.

13. Any gates provided to the vehicular access shall be set back a minimum of 5.50 metres from the edge of carriageway and shall open inwards to the site.

Reason: To allow a vehicle to wait clear of the carriageway while the gates are being opened and closed and 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.

14. 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 Management Plan 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

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 Informative

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>

Design Informative

2. HIGHWAY 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:

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website;

















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

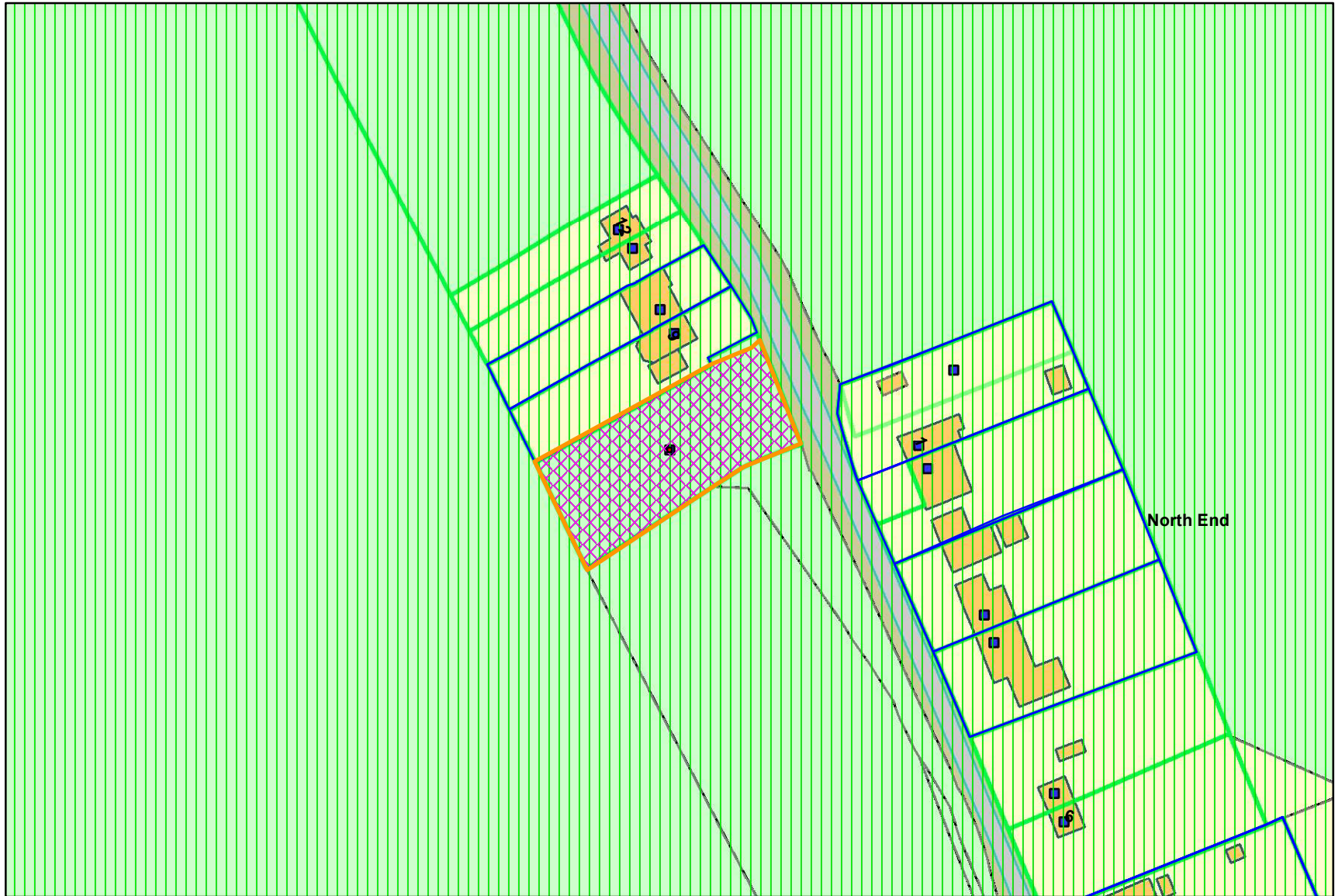
or by telephoning 0300 1234047.



Application Validation Sheet

20/02292/OP Land Adjacent to 9 North End, Kelshall, 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**
Prstbid.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prconca.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
Prjnzzone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:1,250
Date: 17/08/2021



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<u>Location:</u>	The Bell Inn 65 High Street Codicote Hitchin Hertfordshire SG4 8XD
<u>Applicant:</u>	C/O Agent
<u>Proposal:</u>	Residential development comprising of 9 dwellings including associated parking, landscaping and refuse storage and provision of car parking spaces for Public House use following demolition of existing outbuildings (Amended by plans received 18.03.2021).
<u>Ref. No:</u>	20/01764/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

6 October 2020

Submitted Plan Nos.:

2641-PL101, 2641-PL102, 2641-PL103, 2641-PL104, 2641-PL105, 2641-PL106, 2641-PL107, 2641-PL108, 2641-PL109, 2641-PL110, 2641-PL111, 2641-PL112, 2641-PL113, 2641-PL114, 2641-PL115, 2641-PL116, 2641-PL117, 2641-PL118, 2641-PL119, 2641-PL120, 2641-PL121, 2641-PL122.

Extension of statutory period:

Not agreed.

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of being called in by Councillor Ian Moody for the following reasons:

I'd like to call this application please as there is a lot of public objections to the development.

1.0 Site History

1.1 02/00786/1 - Change of use of staff bedrooms to four guest rooms – Approved 16/07/02.

1.2 02/00161/1 - Single storey detached building to provide 7 additional units (as amended by drawing nos. 2045/01A and 04 received 07.05.2002, drawing no. 2045/02A received 14.05.2002 and drawing no 28.08.02/1 received 18.09.2002) – Approved 12/11/02.

- 1.3 00/00840/1 - Outdoor decked seating area – Refused 09/08/00
- 1.4 91/00436/1 - Single storey side extension incorporating conservatory and single storey part rear extension. Six light columns – Approved 03/06/91.
- 1.5 89/01605/1 - 4 single storey blocks to provide 16 additional bedroom units, existing 5 unit block extended to 6 units plus additional parking facilities, erection of new pitched roof garage (As revised amended plans received 12th March and 19th March – Approved 12/04/89.
- 1.6 87/00931/1 - Erection of 2 single storey detached buildings to provide 8 bedroom units for motel – Approved 30/07/87.
- 1.7 87/00806/1 - Erection of single storey rear extension, entrance canopy and resiting detached garage as a variation of previous permission 1/341/87 – Approved 12/06/87.
- 1.8 87/00341/1 - Erection of single storey rear extension, entrance canopy and resiting detached garage – Approved 30/03/87.
- 1.9 The site has also been subject to other non-relevant advertisement consent applications

2.0 **Policies**

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

- Policy 5 – Excluded villages
- 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 (July 2021)**

- 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)**

- Policy SP1 - Sustainable development in North Hertfordshire
- Policy SP2 - Settlement hierarchy and Spatial Distribution
- Policy SP3 - Employment
- Policy SP4 - Town and Local Centres

Policy SP6 - Sustainable transport
Policy SP8 - Housing
Policy SP9 - Design and sustainability
Policy SP10 - Healthy communities
Policy SP11 - Natural resources and sustainability
Policy SP12 - Green infrastructure, landscape and biodiversity
Policy SP13 - Historic environment
Policy ETC2 – Employment development outside Employment Areas
Policy ETC7 - Scattered local shops and services in towns and villages
Policy T1 - Assessment of transport matters
Policy T2 - Parking
Policy HS3 - Housing mix
Policy D1 - Sustainable design
Policy D3 - Protecting living conditions
Policy D4 - Air quality
Policy HC1 - Community facilities
Policy NE1 - Landscape
Policy NE6 - Designated biodiversity and geological sites
Policy NE8 - Sustainable drainage systems
Policy NE11 - Contaminated land
Policy HE1 - Designated heritage assets
Policy HE4 - Archaeology

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 21/08/2020 Expiry Date: 13/09/2020

3.2 **Press Notice:**

Start Date: 20/08/2020 Expiry Date: 12/09/2020

3.3 **Neighbouring Properties:**

The following objections, 14 in total, were received from dwellings on High Street, Bury Lane, Taverners Place, Valley Road, The Ridgeway, Pond Court:

- The site is not large enough for the development.
- Do not want more expensive houses.
- Loss of village amenities.
- Detrimental to openness of the area.
- Close to heritage assets. No. 63 High Street, Pond House, and The George and Dragon, are listed buildings.
- No. 63 dwarfed by proposed buildings.
- Detrimental to setting of No. 63 and its curtilage.
- Harms the Conservation Area.
- Rear dwellings more dominant due to higher ground levels.

- The future of The Bell is key to the Conservation Area.
- Negative impacts on viability of The Bell due to loss of motel and external storage.
- Potential for inappropriate new storage.
- Proximity. A 21m back-to-back distance. Too imposing and overwhelming.
- Overbearing.
- Massing.
- Loss of privacy. Overlooking (including of proposed dwellings).
- Loss of light and overshadowing.
- Harmful impacts of future extensions to dwellings.
- Loss of views.
- Increased noise compared to existing use, exacerbated by removal of boundary vegetation.
- Car park close to garden. Increased noise and light from car park.
- Pollution from vehicles.
- Traffic generation.
- Impacts on highway safety.
- Parking insufficient for The Bell and proposed dwellings, causing more on-street parking.
- The access is opposite a major junction in the village.
- Loss of public footpath.
- Unsuitable refuse storage.
- Loss of an oak tree.
- No room for new boundary planting. Trees should be required on the north boundary.
- Existing flooding. Proposal could worsen this.
- Flood risk would be increased.
- Positioning of soakaways and likely impacts.
- No cross-section/site levels drawings.
- No west elevation drawing.
- Infrastructure limited, including water.
- Disturbance from construction.
- Possible land slippage.
- Rear boundary of No. 63 incorrect.
- Inaccuracies in statements.
- Permitted development rights should be restricted.

The following comments in support were received:

- See no reason why it shouldn't go ahead.
- Saving The Bell is a positive.
- Development well-designed, spacious, with adequate facilities.
- Massive improvement.

The following other comments were received:

- Opportunity to improve the car parking situation.
- Space should be reserved near the frontage for public car parking, still leaving space for the dwellings.

Following amended plans received on 18/03/21, the following further objections were received from Nos. 2a Bury Lane and 63 High Street:

- Amendments do not alleviate concerns.
- Excessive height, scale and mass.
- Too many houses, which are too high.
- Support the Conservation Officer's original advice to remove plots 1 and 2, and to reduce the width and height of plots 3 to 9.
- Dominate the Conservation Area visually.
- Do not agree with the Conservation Officer's most recent comments. Impacts on Conservation Area and listed buildings disproportionate.
- Not sure if Conservation Officer and Historic England fully understand the scheme.
- Negative impacts on openness of the area.
- Dominate the skyline.
- Potential for future upward development of plot 1.
- There may be an intention to change site levels.
- Visible from No. 63.
- Need site levels and cross-section analysis.
- Proximity – Plot 4 is 20m from my house.
- Privacy and overlooking, including of proposed dwellings.
- Visual impacts of fence and wall.
- Loss of views.
- Contrary to Local Plan Policy 57.
- Impacts from pub garden.
- Massing, and an increase over the motel.
- Hedges offer little protection.
- Ground destabilisation.
- Mass and amount of development viewed from the High Street between 63 High Street and The Bell.
- Existing flooding.
- Increased flood risk to Nos. 61 and 63, and other properties and areas.
- There should be a sustainable drainage solution, with a flood risk assessment.
- Further information is required.
- Developer has no interest on the site's impacts on residents, nor the future of The Bell.
- Site has been neglected, not secured from vandalism.
- Suspect a commercial use for The Bell Inn is unlikely.

3.4 **Codicote Parish Council:**

OBSERVATION

CPC will adhere to the Planning Officer's recommendations.

The new home owners may be disturbed by the noise late at night if The Bell PH were to be re-opened.

3.5 **Statutory Consultees:**

3.6 Hertfordshire County Council Growth and Infrastructure – We will not be seeking financial contributions.

3.7 Environmental Health Officer – No objections.

Noise

I have reviewed the submitted “Technical Note - The Bell Motel, 65 High St, Codicote – Noise Impact Assessment”, Project Ref: TN01-20442, dated 31 July 2020 by Cass Allen Associates Ltd. The desktop study Report was prepared under lockdown conditions when The Bell Inn was not operational, however I consider the use of data from records held by the Acoustic Consultants to predict and model noise associated with the Public House (including fish and chip takeaway extractor noise) to be acceptable in determining the potential noise impact on the proposed future residents. The noise from the kitchen extraction system was determined to be lower at the proposed dwellings than at existing residential dwellings; it is therefore acceptable. Noise impact from use of The Bell Inn, car park and beer garden were predicted. For the closest proposed dwelling (Plot 1) no enhanced noise mitigation measures to achieve satisfactory internal noise levels were found to be required (standard glazing and ventilators will be satisfactory). To achieve satisfactory noise levels in external amenity area (garden) of Plot 1 a 1.8 metre high close boarded fence between the Public House boundary and Plot 1 is recommended (Page 5 of Report). The Technical Report may be Approved. I recommend a Condition below.

Lighting

Details of proposed external lighting have not been submitted. In order to ensure that the amenity of residential occupiers is not adversely affected by any obtrusive or spill over light or glare from any external lighting on the proposed development once constructed I recommend a Condition below..

Construction phase

Due to the potential for nuisance during this phase I have included informatives.

3.8 Environmental Health Air Quality – No objection.

3.9 Waste Officer – No objections.

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

The application comprises of a residential development comprising of 9 dwellings including associated parking, landscaping and refuse storage and provision of car parking spaces for Public House use following demolition of existing outbuildings (Amended by plans received 18.03.2021).

VEHICLE ACCESS

The submitted details show one point of access from the High Street that is classified as the B656 secondary distributor road subject to a speed limit restricted to 30 mph along the frontage of the development.

Within section 8 of the application form Pedestrian and vehicle access, roads and rights of way, the applicant has implied that there is a no new or altered vehicle access proposed to the existing vehicle access to or from the public highway to the property. The access road and proposed turning areas have sufficient room for vehicles using the proposal

such as residents' cars, delivery and emergency vehicles to enter and exit the development in forward gear.

HIGHWAY SAFETY - Visibility along the highway from the existing access.

A site visit revealed that the vehicle to vehicle inter-visibility from the existing access is in accordance with "Sightlines at Junctions Manual for Streets section 7.7

IMPACT ON THE LOCAL HIGHWAY NETWORK - Traffic Generation

Within Section 9. Vehicle parking the applicant states that given that the proposal involves a redevelopment with a reduction to parking provision of three spaces this has been considered not to significantly alter the traffic generation of vehicles to the property.

The forecast of trips generated show that a total of 9 two-way vehicle trips will occur during the morning peak travelling period and in the evening travelling period a total of 11 two-way vehicle trips are anticipated resulting in an average vehicle movement either way every 5 minutes which will be accommodated by the existing access junction.

WASTE COLLECTION

There are 2 bin storage points provided within the site which are within the 30m walking distance for residents to carry their waste to a point to be collected. A further bin collection point is provided within 15 m of the public highway for the North Herts District Council waste collection operators. A waste management company would collect the bins on collection day (Tuesday) from the resident's storage areas and then return the empty bins back to the resident's area collection point. This method of collection would need to remain in place for perpetuity for the duration of the residential development.

ACCESSIBILITY - Public Transport

The nearest bus stops are within the recommended 400 metres from the site.

The bus route along the High Street including routes to destinations such as Hitchin town centre and Welwyn. There are presently 5 bus services throughout the day.

CONCLUSION

The B656 is a secondary distributor road capable of accommodating the traffic movements

associated with the development. Hertfordshire County Council as Highway Authority has considered that the proposal is a small scale development consequently the proposal would not significantly increase the traffic generation to the area and have an unreasonable impact on the safety and operation of the adjoining highway and has no objections on highway grounds to the application.

3.11 Archaeology – No objections.

3.12 Landscape and Urban Design Officer - I have no objection to the layout or design of the scheme. However, details will need to be provided of proposed planting, including species, size, type, numbers and location together with materials for surfacing and enclosure.

- 3.13 Hertfordshire Ecology – No objections.
- 3.14 Environmental Health Contamination – No objection.
- 3.15 Lead Local Flood Authority – No objection.

We have reviewed the following documents as additional information submitted in support of this application:

- Surface and Foul Water Drainage Strategy, Drawing Reference 6601415-MLM-ZZ-XX-DR-C-0002, Revision P03, Prepared by MLM Group, Dated 16.07.2021

As the LLFA we were previously consulted on the above application. In our previous letter dated 5 July 2021 we recommended the LPA obtained an updated drainage layout for the amended site layout and that the required amount of storage can be provided within the permeable paving 700mm sub-base prior to the approval of planning permission.

We have reviewed the additional information submitted by the applicant in support of the planning application and note that the applicant has submitted an updated drainage layout for the amended site layout. Therefore, we can provide the previous comments:

We note the applicant has undertaken soakage testing onsite, and that the results of these tests have proven infiltration to be unfeasible on the site. The drainage strategy, therefore, is now proposing to discharge surface water into the Thames Water Foul Water Sewer, we note the applicant has obtained prior approval from Thames Water in the form of a pre-planning enquiry for the proposed connection, consenting the connection and proposed discharge rates for the development.

We understand the driveways of the proposed residential development will consist of permeable block paving, so that surface water on the driveway drains into the type 3 subbase below and surface water from the building roofs are also directed via downpipes to the type 3 subbase below the permeable paving before final discharge into the sewer via a hydrobrake flow control. The proposed access road will consist of asphalt paving so that surface water so that surface water drains via gullies into sewers that are directed to the type 3 subbase below the car park for storage to allow a restricted surface water discharge rate via hydrobrake flow control. The car park at the rear of the public house will also consist of asphalt paving and will drain via channel drains connected to the type 3 subbase for storage before discharging to the sewers at a restricted surface water discharge rate.

In order to secure the final detail of the drainage scheme, we therefore recommend the following conditions to the LPA should planning permission be granted.

- 3.16 Conservation Officer - I reiterate that in my opinion, the amount of development remains higher than what I would consider would make a positive contribution to the local area but it is also acknowledged that the applicant has sought (to an extent) to positively address matters raised despite maintaining a 9-unit scheme. As such, I consider that alternative solutions have been explored and ultimately what is now presented is sufficiently better than the previous iterations and I am prepared to remove my objection.

Recommendation

The 'Design and Access Statement Addendum - March 2021' sets out very clearly the progression from the initial submission and initial amendments (both of which were considered to occasion harm) through to the current scheme. I have given great weight to the conservation of the Codicote Conservation Area and to the setting of nearby listed buildings and conclude that the proposal (as amended) whilst it may still be considered, by some, that there is small amount of harm still occasioned to the character and appearance of the conservation area and to the setting of nearby listed buildings, by reason of the height and density of the proposal, that harm (if considered to exist) would, in my opinion, be very much towards the lower end of the continuum. That harm should then be weighed against any public benefits.

Although a reduction in dwelling numbers and providing a more generous rear curtilage to The Bell Inn would have been the most desirable outcome and my intended goal, in my view, the amended scheme does make a much more positive contribution to the character and appearance of the conservation area when compared with earlier iterations. In light of the changes made, particular in the area of original Plots 1 and 2 and the retention of the outbuilding, I am prepared to conclude that the proposal is **UNOBJECTIONABLE** in conservation terms and would satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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.

- 3.17 Historic England – Historic England consider that the applicant has attempted to address the concerns within our previous comments and the scheme would now result in a neutral impact to the character of the Codicote Conservation Area.

Recommendation

Historic England has no objection on heritage grounds.

4.0 Planning Considerations

4.1 Site and Surrounding

- 4.1.1 The site comprises The Bell Inn, No. 65 High Street, which is a public house (Use Class A4) and includes a small take-away (Use Class A5) in the main building, both of which have now closed. The site is relatively large, with the majority comprising a motel of separate single storey buildings, an associated car park, hard and soft landscaping including some lawned areas for motel guests, and trees and other vegetation around the edges. Ground levels rise gradually from west to east, and from south to north.

- 4.1.2 The locality has a predominantly residential character with dwellings to the west, north and east. To the south is a two storey residential care home, with a public footpath between it and the site. Some additional dwellings are west of the care home and south of the site. The site is also on the High Street, where a short distance to the south the character is a mix of commercial and residential with shops, services and pubs nearby. The site is within the settlement boundary of Codicote. The whole site is within the Codicote Conservation Area. Listed buildings are to the north, west and south.

4.2 Proposal

- 4.2.1 Planning permission is sought for the redevelopment of the majority of the site behind the public house (which would be retained) to provide 9 new dwellings. All existing buildings and hardstanding would be removed, although a small length of the vehicular access drive would be retained.
- 4.2.2 All dwellings would be two storeys with pitched roofs, apart from Plot 1 which would be single storey. Plots 1 to 4 would be a terrace, Plots 5 to 7 would be linked-detached, and Plots 8 and 9 would be detached. The dwellings would be of a more traditional design, with external materials of plain clay roof tiles, bricks, and stained timber boarding. One dwelling would have two bedrooms (Plot 1), five dwellings would have 3 bedrooms, and the remaining three dwellings would have 4 bedrooms. Dwelling heights would vary from approx. 5m to a maximum height of 8.8m.
- 4.2.3 The dwellings would be accessed by a new access road that would extend to the rear of the site, following the south boundary before turning north at the eastern end of the site. Plots 1 to 7 would have two parking spaces, with Plots 8 and 9 having three spaces. Plot 9 would also include a detached single garage with a pitched roof. Five visitor parking spaces will be provided. Two bin stores with flat roofs will be provided close to the public footpath and south boundary of the site. The development also includes an 11 space car park for The Bell public house in the blue line area, with 4 spaces to be provided in an existing outbuilding. An area of land west of the Plot 1 curtilage will be kept undeveloped as open amenity space for the development. A retaining wall and standalone timber fence is proposed on the boundary with No. 2 Bury Lane, which would be a combined height of approx. 2.6m. Storage for The Bell will be within the building of the pub itself.

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 designated heritage assets and the character and appearance of the area.
 - The impact that the proposed development would have on the living conditions of neighbouring properties.
 - Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings, and the future viability of the public house.
 - The impact that the proposed development would have on car parking provision and the public highway in the area.
 - The quality of landscaping proposed and the impact the proposed development would have on trees.
 - The impact that the proposed development would have on ecology and protected species.
 - The impact of the proposal on drainage and flood risk.

Principle of Development:

- 4.3.2 With regards to the proposed development, the site is in the settlement boundary of Codicote, where new buildings and new residential development is acceptable in

principle in the adopted and emerging Local Plans in Policies 5 and SP2 respectively. The proposal will also result in the loss of existing motel accommodation, of which there is no policy presumption in the adopted and emerging Local Plans and the NPPF against this. The proposed development is therefore considered acceptable in principle.

Heritage, character and appearance:

- 4.3.3 The existing single storey motel buildings to be demolished date from the late 1980's onwards and as such are relatively new. These buildings are not considered to be of significant historic or architectural merit, therefore there are no objections to their removal and their associated hardstanding, fencing etc.
- 4.3.4 The proposal would create a new residential development of dwellings in a cul-de-sac arrangement, which would contrast with the existing motel business. Development around the site is predominantly residential, therefore new dwellings are not considered out of character with these surroundings. Residential cul-de-sacs are also present in this area of Codicote, therefore new residential development is in general considered in keeping with that of the locality.
- 4.3.5 The site is within a Conservation Area. There are also listed buildings near the site, in particular No. 63 High Street, which has a curtilage that partially adjoins the site. No. 67 High Street and No. 2 Bury Lane are also listed buildings that share boundaries with the site. Of key importance is how the proposed development will affect the above, which are all designated heritage assets. The Conservation Area will be directly affected by the development. With regards to the listed buildings, the material consideration is whether their settings and significance would be harmed.
- 4.3.6 The plans proposed have followed numerous negotiations involving Council Planning and Conservation Officers, and are now considered to be of a design quality that would not be harmful to the significance and setting of the above designated heritage assets. Plot 1 is single storey, with the larger two storey dwellings set sufficiently far back so as not to detract from the setting of No. 63 (and therefore the other two closest listed buildings). Plots 2 to 4 have also been improved sufficiently in height, design, size and scale to be of an acceptable quality. The design approach for Plots 2 to 4 continues to Plots 5 to 9, which is also considered of an acceptable quality with regard to the significance of the Conservation Area. The absence of objections from the Council's Conservation Officer, and Historic England, are given significant weight.
- 4.3.7 The proposal will provide a new car park on a part of the site that is presently largely of hardstanding, with 4 parking spaces to be provided within an existing building with a pitched roof behind the pub. The retention and proposed use of this building, and the area of land kept as open space, would provide an acceptable buffer between the pub and the development.
- 4.3.8 The layout of the proposed development is considered acceptable, and not untypical of a residential cul-de-sac. The proposal would use existing ground levels satisfactorily. There would be a mix of dwelling types, sizes and bedrooms, with 6 of the proposed dwellings being smaller with 2 or 3 bedrooms. The size, height and scale of the proposed dwellings are considered comparable to nearby dwellings. There are no objections to the detached garage for Plot 9, and for the two bin stores. Class A and C permitted development rights are recommended to be removed by condition if

permission was to be granted, to maintain control over the future appearance of the development. The site's location in a Conservation Area removes permitted development rights for roof enlargements. The proposal in terms of its design, impacts on designated heritage assets, and impacts on the wider locality, are considered acceptable.

Impacts on Neighbouring Properties:

- 4.3.9 There are a number of dwellings that share a boundary with the site or are close to it, which are on the High Street, Bury Lane, Valley Road, and a residential care home off The Ridgeway. The impacts of the proposed development on these properties will be considered below. Starting with dwellings on the High Street, No. 67 High Street, and Nos. 4, 5 and 6 Coach House, are considered sufficiently far away from the proposed development to be adversely affected, although it would be visible to a limited extent.
- 4.3.10 Nos. 63 and 61 High Street share their rear garden boundaries with the site. The closest proposed dwelling to Nos. 63 and 61 is Plot 1, which would be single storey. This dwelling would be approx. 11.8m from the rear boundaries of those dwellings and at an oblique angle, would have its curtilage separated from them by the proposed undeveloped area of land, and would in any case be largely obscured by means of enclosure and vegetation on and close to the rear boundaries of Nos. 63 and 61. The Plot 1 dwelling would not therefore appear overbearing or result in loss of light and privacy. The next closest proposed dwelling is Plot 2, which would be approx. 22m from the curtilages of Nos. 63 and 61. At this distance, and as no facing side upper floor openings are proposed, the Plot 2 dwelling would not adversely affect Nos. 63 and 61. Visual impacts of the new boundary fence on No. 61 would be largely obscured by an outbuilding and vegetation in the rear garden and on the boundary of No. 61. The other elements of the residential development would be further away than Plot 2, therefore it is not considered that this part of the development would harm the amenity of Nos. 63 and 61.
- 4.3.11 The proposal also includes a new car park for the pub, which would have 11 spaces, and be sited close to the side and rear boundaries of No. 63, although it would be set away from No. 61. The car park would be obscured from the rear garden of No. 63 by a wall and vegetation on its boundary, and would not appear visually overbearing. This part of the site is presently comprised of hardstanding and vegetation, used as a yard/storage area for the pub and motel, and is not open to pub customers vehicles. The change of use of this part of the site to a public car park would therefore result in customers vehicles being much closer to No. 63, which would result in additional noise and some pollution. The Council's Environmental Health Officer has not however raised concerns relating to these aspects of the proposed development on Nos. 63 and 61 or any other existing dwellings, which is given significant weight. On this basis, while acknowledging the greater impacts of the car park than the existing development, it is not considered harmful to the amenities of nearby dwellings.
- 4.3.12 Bury Lane has dwellings Nos. 2, 2a and 10 that share a boundary with the site. No. 4 Bury Lane is called 'The Vicarage' however this is also in residential occupation, therefore the impacts of the development on the above four properties are material considerations. Starting with No. 2, this dwelling has a relatively large plot, and is approx. a minimum of 8m from the site boundary. The proposed dwellings are a minimum of 25m from the rear elevation of No. 2 and at oblique angles, which is sufficient to prevent overbearing impacts, loss of light and loss of privacy to any main

habitable rooms. The Plot 2 and Plot 3 dwellings would be approx. 14m from the rear garden boundary of No. 2, which is considered sufficient to avoid harmful loss of privacy. The proposed boundary fence with No. 2 would be a height of 1.8m on ground at the same level as the rear garden of that dwelling, which would be a typical height for a rear boundary fence, and is not considered harmful to amenity. The other elements of the scheme would not be harmful to No. 2, therefore the amenity of No. 2 will not be harmed.

- 4.3.13 No. 2a is east of No. 2, and would face towards proposed dwellings on Plots 3 and 4. The other dwellings proposed are considered to be sufficiently far from No. 2a and at oblique angles such that they would not harm the amenity of that dwelling. The impacts of Plots 3 and 4 will therefore be considered in more detail. The first floor rear elevations of Plots 3 and 4 would be approx. 13m and 12m respectively from the boundary with No. 2a, and 29m and 21m from its rear elevations. These distances between the rear elevation and garden of No. 2a are considered typical for dwellings facing each other, and are not considered harmful. It is not considered that the amenity of No. 2a would be harmed by the proposal.
- 4.3.14 Turning to No. 4 Bury Lane, the Plot 5 and 8 dwellings would be closest to it. These proposed dwellings would be sited obliquely from the rear and side windows of No. 4 with the two storey elements of those dwellings set away from the boundary, therefore it is not considered that main habitable rooms of No. 4 would be adversely affected. Plots 5 and 8 would be more visible from the garden of No. 4. Single storey side projections of those dwellings would be the closest to the boundary, however it is not considered they would cause loss of amenity as the site is lower than No. 4, they would have roofs sloping away from the boundary, and they would be obscured/softened by the boundary vegetation. The two storey side walls of Plots 5 and 8 would be approx. 4m to 6m from the boundary with No. 4 and on lower ground levels, which is considered sufficient to minimise any visual and overshadowing such that these impacts would not be harmful. No upper floor openings are proposed facing No. 4, therefore no loss of privacy would occur. No. 4 would not be affected by the rest of the proposed development, therefore impacts on the amenity of No. 4 are considered acceptable.
- 4.3.15 No. 10 Bury Lane has a rear garden with one side boundary shared with the rear of the application site. Proposed dwellings 8 and 9 would be closest to this boundary, being approx. a minimum of 11m to the boundary, with Plot 8 being 18m from the rear of No. 10. The 11m distance to the rear boundary from the rear of Units 8 and 9 is fairly typical for dwellings, and is not considered unreasonable or harmful in terms of visual impacts, overshadowing and privacy. The rear window-to-window distance from Plot 8 to No. 10 would be approx. 20m, which is also fairly typical between dwellings, and is considered acceptable. The detached garage for Plot 9 would be single storey and located at the end of the rear garden of No. 10, and is not considered harmful. Impacts on the amenity of No. 10 are considered acceptable.
- 4.3.16 South of No. 10 is No. 2 Valley Road, which shares a boundary with the site. No. 2 and its curtilage are however primarily to the south of Unit 9 and its garage, and there is also a footpath between No. 2 and the site. Due to the distance, siting and size of the development from No. 2, it is not considered that loss of amenity would be caused to that dwelling.

- 4.3.17 To the south-east of the rear of the site is a two storey building Pond Court, accessed off The Ridgeway. Pond Court is considered to have a C2 residential use, and has residential accommodation with a number of units with openings facing the site at ground and first floor level. A fence and vegetation 2m to 3m high on the north boundary of Pond Court would effectively mitigate any potential impacts to ground floor accommodation. The closest of the proposed dwellings to the north elevation of Pond Court would be Units 7 and 9, which would be approx. 14m and 11m respectively from that north elevation. The development would be to the north, and would not cause loss of light. The dwellings would be visible at the above distances, however it is considered they would be sufficiently far to avoid being harmfully overbearing.
- 4.3.18 Unit 7 would include a first floor side window facing Pond Court that would serve a bathroom, and can be required to be obscure glazed by condition if permission was to be granted to avoid loss of privacy. This is also applicable to Unit 9, therefore the privacy of residents of Pond Court would not be harmed. The garage for Unit 9 would be separated from Pond Court by an adjacent footpath, and is not considered harmful. The bin stores would have low heights and would not appear overbearing or cause loss of light.
- 4.3.19 Some of the objections from Pond Court residents concern smells from nearby bin store 2. It is acknowledged that some smells could occur from bins placed there, however both the Council's Environmental Health Officer and Waste Officer have not objected in this respect. Loss of amenity from bin storage is considered to be more likely to be an issue from commercial refuse storage, which is not the case here as domestic refuse would be smaller in scale and therefore its impacts. The proposed bin store 2 is therefore considered acceptable.
- 4.3.20 Regarding the objections received, many have been addressed elsewhere in this report. Disruption and noise etc. from construction would be unfortunate to nearby residents, however this not a reason to refuse planning permission as such impacts will be temporary and can also be controlled by a Construction Management Plan. A pub garden is not part of the proposal. Potential impacts on ground stability are not considered to be material considerations, while it is also considered that the applicant would seek to ensure ground stability as it would be in their own interests to do so. The public footpath would not be affected by the proposal. Details of any external lighting would be required by condition. Impacts on residential amenity are therefore considered to be acceptable.

Amenity of Future Occupiers, and Viability of the Public House:

- 4.3.21 Paragraph 127 (f) of the NPPF states that "*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*". Paragraph 127 (f) is largely reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.
- 4.3.22 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.

- 4.3.23 The Bell public house and a fish and chip shop takeaway inside the pub in a separate wing are presently closed, however these could re-open in the future. Noise, smells and other disturbance from the above uses could affect the living conditions primarily of Unit 1, with the other dwellings considered to be sufficiently far away to avoid being adversely affected.
- 4.3.24 Regarding impacts on Unit 1, the applicant submitted a Noise Impact Assessment. This stated that the noise from the kitchen extraction system was determined to be lower at the proposed dwellings than at existing residential dwellings, and is considered acceptable by the Council's Environmental Health Officer (EHO). No special noise mitigation measures are required for the fabric of Unit 1, while a 1.8m high fence is considered to be required on the west garden boundary of Unit 1 to achieve satisfactory noise levels in the garden. Living conditions of future occupiers are considered acceptable.
- 4.3.25 Potential residents could complain about noise, disturbance etc. from the pub, which could affect its viability. The adopted Local Plan does not contain any policies relating to this, therefore there are no relevant development plan policies.
- 4.3.26 The emerging Local Plan under Policy HC1 paragraph 10.2 refers to development that could affect local shops and pubs, which should be assessed against Policy ETC7. ETC7 refers to the loss of an existing facility being acceptable only where a. there is another service or facility of a similar use available within walking distance. There are two other pubs on the High Street in Codicote a short distance away to the south-east therefore any possible adverse impacts on the viability of the pub are not considered detrimental to Codicote as a whole. Required storage for the pub would be provided within the pub building. In any case the noise mitigation measures and acceptance of the impacts on the pub and take-away on the proposed dwellings are considered acceptable by the EHO, therefore there is no evidence to demonstrate that the proposed development would harm the viability of the existing pub.

Parking and Highways:

- 4.3.27 Each dwelling would have two or three parking spaces, which complies with 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 or space within its curtilage that could accommodate two cycle parking spaces, therefore cycle parking provision is considered acceptable. Dwellings 5, 6 and 7 would include garages that would provide one of their two parking spaces, therefore it is considered that permitted development rights for conversion of these garages be removed by condition to maintain an adequate amount of parking. The five visitor parking spaces are considered acceptable.
- 4.3.28 The internal access road and turning area would be a sufficient size for the largest vehicles including refuse and emergency vehicles to enter and leave the site in a forwards gear. Refuse collection arrangements are considered acceptable on the basis of the absence of objections from the Council's Waste Officer and the County Council highways officer. Expected trip generation from the development is considered small (an average vehicular movement every 5 minutes in the morning and evening peaks), would be accommodated satisfactorily by the existing access, and would not be detrimental to the highways network. The development would not result

in detrimental impacts to the public footpath. Parking provision and impacts on the public highway are considered acceptable.

Trees and Landscaping:

- 4.3.29 The site contains little tree cover given its size, with most trees being at the rear of the pub and close to the boundaries. These trees are not subject to Tree Preservation Orders, although they are protected by virtue of being in a Conservation Area. Four trees are proposed to be removed that are close to the north boundary of the site, which are considered of a minor scale as the highest is 8m, with the other three being 3-5m tall. These losses are not considered harmful, and would be off-set by new tree planting as part of the proposed development.
- 4.3.30 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 as well as a reduction in the existing amount of hardstanding. Further details of hard and soft landscaping are however required, which can be secured by an appropriate condition. Landscaping and impacts on trees are considered acceptable.

Ecology:

- 4.3.31 Hertfordshire Ecology provided comments on 19th September 2020 with reference to an ecological report submitted with the application, advising that the site is not home to protected species, low potential for bat roosts, and the potential for being habitats for nesting birds and hedgehogs. The report sets out suitable precautions to safeguard bats, birds and hedgehogs, which can be required to be implemented by condition. A Landscape and Ecological Management Plan will also be requested by condition to ensure that a biodiversity net gain is delivered. The proposal is not therefore considered harmful to ecology.

Drainage and flood risk

- 4.3.32 The Lead Local Flood Authority (LLFA) have not objected to the proposed development on the grounds of drainage and flood risk, which is given significant weight. Surface water would be discharged into the Thames Water Foul Water Sewer, which the applicant has prior approval for. The hardstanding proposed will be permeable or will include gullies/drains to direct water at appropriate discharge rates to the sewer. I acknowledge that some of the objections received from nearby properties relate to potential for drainage and flooding, however I'm satisfied that the LLFA's absence of objections will ensure that drainage and flood risk will be satisfactory and not harmful. References to works being carried out within The Bell are not considered materially relevant as any such works would be outside the application site. Some further details of drainage will be required by condition in accordance with the recommendations of the LLFA. This is therefore acceptable.

Climate Change Mitigation:

- 4.3.33 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 at each of the proposed new dwellings, and at least one charging point for the car park for the pub. 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 designated heritage assets. There will be moderate benefits from the provision of nine 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 of brick type, bond and mortar mix shall be submitted to and approved in writing by the Local Planning Authority prior to the above ground brickwork being constructed. Thereafter, the brickwork shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to safeguarding the character and appearance of the Codicote Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The roofs shall be covered with a clay plain tile, a sample of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the roof-tiling. Thereafter, the roofs shall be covered using the approved tiles.

Reason: To ensure that special regard is paid to safeguarding the character and appearance of the Codicote Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to commencement of the approved development (excluding demolition), the following landscape details shall be submitted:

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

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

- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

- d) details of any earthworks proposed

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

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

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

7. Prior to occupation, each dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point, and the new car park behind The Bell shall include at least three EV ready charging points.

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. 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;
- hi. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- i. 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).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and C 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.

10. Contaminated Land Condition

(a) The Phase I Report indicated a reasonable likelihood of harmful contamination: 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.

11. The development shall be completed in accordance with the measures set out in the Recommendations (section 7) of the Ecological Assessment (dated July 2020).

Reason: To minimise potential harm to ecology.

12. The development shall be completed in accordance with the measures set out in the Arboricultural Report (dated July 2020).

Reason: To provide appropriate protection for trees.

13. The proposed dwellings shall not be occupied until the noise mitigation measure (1.8 metre close boarded fence between the public house and Plot 1) as detailed in "Technical Note - The Bell Motel, 65 High St, Codicote - Noise Impact Assessment", Project Ref: TN01-20442, dated 31 July 2020 by Cass Allen Associates Ltd has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenities of existing and future residents.

14. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding demolition), and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: To protect the residential amenity of existing and future residents.

15. Prior to the commencement of the approved development (excluding demolition), 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.

16. No development shall take place/commence (excluding above ground demolition works) 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.

17. No development shall take place/commence (excluding above ground demolition works) except in accordance with the programme of archaeological works set out in the Written Scheme of investigation approved under condition 17.

Reason: In the interests of archaeology.

18. 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 17 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

19. The development permitted by this planning permission shall be carried out in accordance with the Drainage Statement in relation to the proposed residential development at The Bell Inn 65 High Street Codicote Hitchin Hertfordshire SG4 8XD, dated November 2020, reference: 6601415-MLM-ZZ-XX-RP-C-0004, prepared by MLM Consulting Engineers Drainage Statement, Rev 03, 10.11.2020 and the Surface and Foul Water Drainage Strategy, Drawing Reference 6601415-MLM-ZZ-XX-DR-C-0002, Revision P03, Prepared by MLM Group, Dated 16.07.2021 and the following mitigating measures:
1. Limiting the surface water run-off rates to a maximum of 3.5l/s for all rainfall events up to and including the 1 in 100 +40% climate change event with discharge into the Thames Water Foul Water Sewer.
 2. Provide attenuation (700mm of storage within the type 3 subbase, or such volume

agreed by the LPA) 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.
3. Implement the drainage strategy utilising lined permeable paving, type 3 subbase and a Hydrobrake flow control device.

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

20. 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 Drainage Statement in relation to the proposed residential development at The Bell Inn 65 High Street Codicote Hitchin Hertfordshire SG4 8XD, dated November 2020, reference: 6601415-MLM-ZZ-XX-RP-C-0004, prepared by MLM Consulting Engineers Drainage Statement, Rev 03, 10.11.2020 and the Surface and Foul Water Drainage Strategy, Drawing Reference 6601415-MLM-ZZ-XX-DR-C-0002, Revision P03, Prepared by MLM Group, Dated 16.07.2021. The scheme shall also include:
1. 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
 2. 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 with no flooding to occur at the 1 in 30 year return period.
 3. Post development overland routes and exceedance routes
 4. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as lined permeable paving, this should also be considered for the proposed access road and car park.
 5. Silt traps for protection of any residual tanked elements
 6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

21. 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.

22. The first floor south elevation windows of the Plot 7 and 9 dwellings shall be obscure glazed.

Reason: In the interests of privacy and amenity.

23. The undeveloped land west of Unit 1 shall remain as open amenity space.

Reason: In the interests of visual and neighbour amenity.

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.

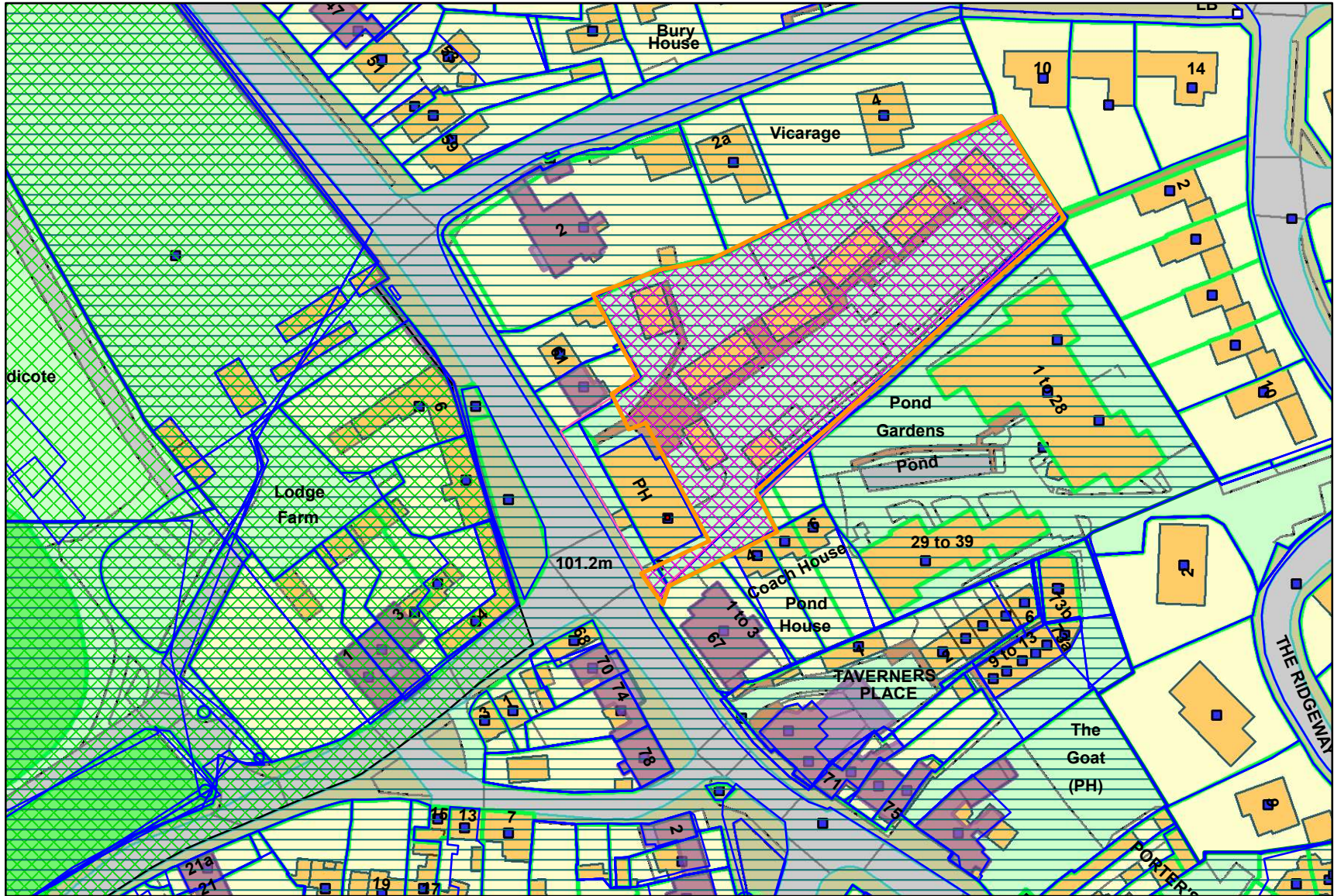
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Application Validation Sheet

20/01764/FP The Bell Inn, 65 High Street, Codicote, Hitchin, Herts, SG4 8XD

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



Scale 1:1,250
Date: 23/06/2021



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