

NORTH HERTFORDSHIRE DISTRICT COUNCIL



17/01/2022

Our Ref Planning Control Committee/27/01/2022
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To: Members of the Committee: Ruth Brown (Chair), David Levett (Vice-Chair), John Bishop, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, Ian Mantle, Ian Moody, Mike Rice, Terry Tyler and Tom Tyson

Substitutes: Councillors Amy Allen, Simon Bloxham, Sam Collins, George Davies, Michael Muir and Carol Stanier

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY**

On

THURSDAY, 27TH JANUARY, 2022 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 - 2 DECEMBER To take as read and approve as a true record the minutes of the meeting of the Committee held on the	
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.	21/02076/FP LAND WEST OF, CASTLEFIELD, PRESTON, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Residential development comprising erection of 21 dwellings (including affordable housing) and associated parking, landscaping, open space and ancillary works with access off Castlefield. (As amended by plans and	(Pages 5 - 40)

supporting documents received 29th October 2021).

7. **21/00354/FP LAND TO THE REAR OF 23, CONQUEST CLOSE, HITCHIN, HERTFORDSHIRE** (Pages 41 - 56)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of one 3-bed and one 2-bed bungalows including associated car parking.
8. **21/02112/OP DAISY BARN, TREACLE LANE, RUSHDEN, BUNTINGFORD, HERTFORDSHIRE, SG9 0SL** (Pages 57 - 68)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Outline application for one detached dwelling (all matters reserved except means of access).
9. **21/02576/FP COURTLANDS, TODDS GREEN, STEVENAGE, HERTFORDSHIRE, SG1 2JE** (Pages 69 - 78)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Means of access in relation to proposed redevelopment of existing stables to provide 17 dwellings with access road, parking, landscaping, footpath connections, infiltration basin and pump station
10. **PLANNING APPEALS** (Pages 79 - 122)

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<u>Location:</u>	Land West Of Castlefield Preston Hertfordshire
<u>Applicant:</u>	Mr Mark Wigley
<u>Proposal:</u>	Residential development comprising erection of 21 dwellings (including affordable housing) and associated parking, landscaping, open space and ancillary works with access off Castlefield. (As amended by plans and supporting documents received 29th October 2021).
<u>Ref. No:</u>	21/02076/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 06/10/2021

Extension of statutory period: 10/02/2022

Reason for referral to Committee: The development is residential development with a site area of 0.5 hectares or greater (the site area is 1.07 hectares) as set out in paragraph 8.4.5 (a) of the Council's Scheme of Delegation

1.0 **Policies**

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

Policy 6: Rural Areas beyond the Green Belt

Policy 14: Nature Conservation

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 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 14: Meeting the challenge of climate change, flooding and coastal change

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

SP12: Green Infrastructure, landscape and biodiversity

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

NE1: Landscape

NE5: New and improved public open space and biodiversity

NE7: Reducing flood risk

NE8: Sustainable Drainage systems

NE9: Water quality and environment

NE10: Water Framework Directive and wastewater infrastructure

NEx: Biodiversity and geological sites

HE1: Designated heritage assets

HE4: Archaeology

1.4 **Supplementary Planning Documents**

Vehicle Parking at New Development September 2011

1.5 **Preston Neighbourhood Plan 2018 – 2031 (Made December 2019)**

The PNP includes a series of objectives and policies covering various aspects of the social, economic and environmental issues that affect the local community and how they can be managed in order to achieve the aims of the Plan. The key policies that are considered relevant to this proposal are set out below:

LIVING IN PRESTON (QUALITY OF LIFE)

Policy QL1: Social Interaction:

Policy QL2: Community Quality of Life:

Policy QL3: Local Distinctiveness:

HOUSING AND DEVELOPMENT

Policy HD1: Residential Development:

Policy HD2: Pedestrian Links and Rights of Way:

Policy HD3: Housing Types:

Policy HD4: Tenure of Housing:

Policy HD5: Sustainability and Energy Efficiency:

Policy HD6: Design:

Policy HD7: Gardens:

Policy HD8: Flood Risk and Drainage Provisions:

Policy HD9: Residential Extensions:

Policy HD10: New Housing Development:

ENVIRONMENT AND HERITAGE

Policy EH1: Village Boundary, Rural Character and Setting:

Policy EH2: Conservation Areas and Heritage Assets:

Policy EH3: Open and Green Spaces:

Policy EH4: Local Green Spaces:

Policy EH5: Tranquillity and Dark Skies:

Policy EH6: Views and Vistas:

Policy EH7: Protecting and Enhancing the Local and Natural Environment:

Policy EH8: Hedgerows, Trees and Verges:

TRANSPORT AND COMMUNICATIONS

Policy TC1: Safe and Sustainable Transport:

Policy TC2: Broadband and Mobile Coverage:

2.0 **Site History**

13/01553/1: Three 2 bedroom semi detached affordable dwellings and three 3 bedroom semi detached affordable dwellings. Access, parking and landscaping (as amended by plans received 19/12/2013).

Granted 18/3/14. Development has been completed (Nos 1 – 6 Castlefield).

21/00590/PRE: Residential development comprising 23 dwellings. Land west of Castlefield, Preston. NHDC and HCC officer and consultee advice provided on 21st May 2021.

3.0 **Representations**

3.1 **Site Notices:** 15.07.2021 & 03.11.2021

Press Notices: 22.07.2021

Consultee responses

3.2 **Preston Parish Council:**

Response to revised 21 dwelling scheme (full comments on web site):

Advise that the PPC is pleased that representations to the original planning application have been taken into account and the plans amended but there are still key issues to be addressed and conditions imposed where necessary. Summary of main areas of concern:

Dwellings

Dwelling mix should be altered to provide more smaller units and less larger units to reflect Emerging Local Plan Policy HS3. Preston already has enough large properties.

The PPC appreciates an attempt has been made to improve local distinctiveness however further amendments are necessary.

Drainage, sewerage and water pressure

Advise that a significant percentage of public responses to this application concern drainage, sewerage and water pressure issues with up to 25% of residents being directly affected. Further information should be provided before planning consent is granted to ensure that the new drainage, fresh water and sewerage systems are fit for purpose. Not clear that the submitted Flood Risk and Drainage Strategy will meet the requirements of the Lead Local Flood Authority. Unclear as to who will maintain the SuDS Maintenance Plan – this should be the developer and not the Parish Council.

Energy and Sustainability

PPC is concerned that there is not enough in the proposals to support NHDC's climate emergency motion to achieve zero carbon emissions in North Hertfordshire by 2030. Query why Ground Source Heat Pumps cannot be specified rather than Air Source Heat Pumps. GSHP's and other measures to reduce water consumption and incorporate more renewable energy technologies should be a condition of any planning consent.

Lighting

The Parish Council would like no external lighting to be incorporated into any planning consent

Broadband and Mobile Coverage

It is encouraging to note that the development should qualify for BT Open Reach's free fibre to the premises scheme however concern over connection timing and distance from the cabinet. Concern over mobile phone signal – this should be a condition of planning consent.

Ecology

Recognise there is no legal requirement to provide a 10% biodiversity net gain before 2023 however the scheme should provide this and mitigate against the impact of the proposed development on local wildlife.

Trees and Green Areas

PPC believe that a 12m buffer should be provided within the site to protect existing trees and hedgerows and to provide a wildlife corridor. Query that there appears to be no long term maintenance plan for the trees and green areas within the site. The PCC consider a maintenance and management scheme must be a condition of any planning consent.

Cumulative impact

The PCC would like consideration given to the cumulative impact of this development in view of the addition of new dwellings in the village since 2011. Concern at adverse impact on traffic, infrastructure and quality of life for existing and prospective residents

Response to revised 21 dwelling scheme (full comments on web site):

Notes the revisions have addressed some previous comments however some PPNP policies still need to be taken into account such as :

Policy QL3: Local Distinctiveness – scheme does not reflect the rural character of Preston

Policy HD1: Residential Development – notes reduction to 21 units but considers density still too high

Policy HD3: Housing Types - Policy not met – suggests two smaller units in lieu of two large units

Policy HD5: Sustainability and Energy efficiency – not enough features to support NHDC's climate emergency motion. Notes inconsistencies in the submitted Energy Statement. Would encourage Ground Source Heat Pumps and Solar Panels

Policy HD8: Flood Risk and Drainage Provisions – not acceptable to propose no changes to foul water disposal. A new sewage system may be required. Water pressure issues need to be further investigated. Drainage strategy must meet LLFA requirements.

Policy EH5: Tranquillity and Dark Skies – all external lighting should be removed from the proposals. Concern at position of parking areas could result in noise and light pollution.

Policy EH7: Protecting and Enhancing the Local and Natural Environment – the developer should implement a 10% biodiversity net gain and to mitigate against the impact of the development on wildlife

Policy EH8: Hedgerows, Trees and Verges – a 12m buffer should be provided to protect existing trees and hedgerows and to provide a wildlife corridor. Landscape maintenance details required.

Policy TC2: Broadband and Mobile Coverage – notes potential fibre network expansion in the village but 2025 is a long time to wait. Query mobile phone coverage – could be conditioned.

Advises that the PPNP is part of the Development Plan so must be taken into account when this application is assessed.

3.4 **The Preston Trust**

Comments summarised as follows (full details on web site):

- Accept that some development on the site is inevitable – the Trust's aim is to secure the right development.
- Density should be reduced
- Concern at impact on heritage assets
- Concern at maintenance responsibilities for landscaping
- Concern at design and layout
- Concerns at drainage issues in the village
- Proposals do not go far enough in respect of climate change
- Access to adequate broadband and telephone services essential
- Note amendments but proposals still too dense and will still have a detrimental Effect on the rural character of Preston failing to recognise the intrinsic character and beauty of the surroundings

3.5 **Hertfordshire Highways:**

transport improvements.

3.6 Environmental Health (Noise & Nuisance)

Recommends conditions and an informative

3.7 Environmental Health (Contamination and Air Quality)

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

3.8 Lead Local Flood Authority

Objections raised on 10/09/21 and 2/12/21 with regard to drainage strategy and the LLFA have requested further information. The authority have been reconsulted following the submission of further drainage information on 13th December 2021 and any response will be reported at the Committee meeting.

3.9 NHDC Waste & Recycling officer

Confirms waste arrangements including vehicle access is satisfactory

3.10 Hertfordshire County Council Historic Environment Advisor:

Recommends an archaeological condition

3.11 Hertfordshire County Council Water Authority:

Requests the provision of fire hydrants via a planning condition

3.12 HCC Growth & Infrastructure:

Requests contributions towards secondary education, Stevenage library capacity improvements and Hitchin Young People's Centre.

3.13 HCC Rights of Way unit:

No response received

3.14 Anglian Water:

Advise that the development is outside of their statutory sewage boundary therefore have no comments to make

3.15 Thames Water:

Response regarding surface water:

Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Initial response re sewage disposal advised :

'Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.'

A further response following pre-application advice to Thames by the developer advises:

Foul Water

'If your proposals progress in line with the details you've provided, we're pleased to confirm that there will be sufficient sewerage capacity in the adjacent foul water sewer network to serve your development. This is based on the foul water flows gravitating from the site and discharging to manhole ref. 7806 on the 150mm dia. foul water sewer crossing the South of the site.

This confirmation is valid for 12 months or for the life of any planning approval that this information is used to support, to a maximum of three years. Please note that you must keep us informed of any changes to your design – for example, an increase in the number or density of homes. Such changes could mean there is no longer sufficient sewerage capacity'

Surface Water

Please note that discharging surface water to the public sewer network should only be considered after all other methods of disposal have been investigated and proven to not be viable. In accordance with the Building Act 2000 Clause H3.3, positive connection to a public sewer will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being: 1st Soakaways; 2nd Watercourses; 3rd Sewers. As you have confirmed that all surface water run-off will infiltrate into the ground via deep bore soakaways, this does not involve a connection to the public sewer network and hence we would have no objection to this proposal.

Please note that the Local Planning authority may comment on surface water discharge under the planning process.'

3.16 Affinity Water

Initially advised that they have no comments to make. In a further e-mail to the applicants drainage consultant Affinity Water's analysis team provided the following comments:

'Thank you for your email. You have not provided detailed water loading numbers, but from the information provided we are confident that these 21 dwelling can be supplied with water above the minimum pressure requirements without further upgrade or reinforcement of the local water network.

Looking at water pressure here this is currently adequate, although further building in the area is reducing the head room we have.

We are always looking ahead to see where future development is occurring and we will take steps to increase capacity, either by reinforcement or by altering the way we supply water to an area. In this particular location where pressure is currently adequate but with limited capacity, we may decide to supply the development both from our existing water mains in Templars Lane and Butcher's Lane. Dual feeding the area would give extra support to the development at times of peak demand.

When our Developer Services Team are approached for a new connection, all of the above will be considered and the best approach chosen.'

Alex Rigby
GIS Analyst
Geographical Analysis Team

Affinity Water Limited
Tamblin Way, Hatfield, Hertfordshire AL10 9EZ
Mobile: 07725 069389
Email: alex.rigby@affinitywater.co.uk

3.17 Hertfordshire Ecology:

Any comments received will be reported at the meeting

3.18 Natural England:

Advises that it has no comments to make on this application

3.19 Responses to site notices / public consultation:

Almost 100 responses have been received including the following concerns (full details of correspondence is on the Planning website) :

- Housing needs of Preston already met following permissions since 2011
- Premature in advance of any adoption of the Emerging Local Plan
- Density too high / number of dwellings needs to be further reduced
- Inadequate gardens
- Adverse impact on nature and the local environment
- Increase in light, noise and air pollution. Loss of tranquillity
- Out of character / not in keeping with surrounding pattern / form of development /not characteristic of local distinctiveness
- Some of the land should be retained as public open space
- Inadequate water drainage and sewerage infrastructure
- Inadequate telephone and broadband service
- Housing Mix, density and parking provision does not meet Local Plan / Neighbourhood Plan policies
- Inadequate public transport in the village
- Adverse impact on highway and pedestrian safety

- Lack of other services e.g. shops
- Conflict of interest given NHDC is the landowner
- Adverse impact on listed buildings / conservation area
- Ecological impact not fully assessed
- Amendments do not address concerns
- Concern at lack of wheelchair accessibility
- Loss of security / privacy to school premises
- Loss of privacy / amenity to existing residents
- Further community investments required
- Query whether there is adequate access for service vehicles

The Council has received correspondence in support of the proposals that include the following points:

- Will attract young families
- Will support the school and Red Lion public house
- Will provide affordable housing

4.0 Planning considerations

4.1 Site and surroundings

- 4.2 The application site is located towards the western edge of the settlement boundary of Preston. The site, which is 1.07 hectares in area, is boundaried by residential property to the north and east and to the west by Butchers Lane. The site abuts a public footpath to the south (Preston 004) immediately to the south of which are other residential properties with a frontage to Butchers Lane. The Parish Council play area is located to the south east corner of the site.
- 4.3 The existing vehicular access to the site is off Nos 1 – 6 Castlefield which is an extension of Templars Lane itself accessed off Chequers Lane.
- 4.4 The application site is relatively flat although there is a slope towards the southwest corner. The site contains semi-improved grassland and trees and hedgerows to the majority of the site boundaries with scrubland in the southwest corner .
- 4.5 The prevailing form of development surrounding the site consists of residential development mainly in the form of detached and semi-detached two storey housing although there is some bungalow development close to the site at Templars Lane.
- 4.6 The application site is within the Rural Area beyond the Green Belt as designated in the adopted and Saved Local Plan (SLP) The site is designated a housing site in the emerging Local Plan (eLP) as site PR1 with a dwelling estimate of 21 units. The site is also within the proposed Category 'A' village boundary as identified in eLP Policy SP2 ('Settlement Hierarchy and Spatial Distribution). The allocation excludes the recently constructed units at Nos 1 – 6 Castlefield. The site is not within the Preston Conservation Area.

4.7 Proposals

- 4.8 The proposed development, as amended, seeks full planning permission for 21 dwellings including vehicular access from Castlefield.
- 4.9 In detail the proposed development now comprises the following mix of 1, 2, 3 and 4 homes:

Private / Open Market dwellings – 14 units in total

Plots 1, 2, 9 – 12, 17 & 18 – two storey 3 bedroom houses

Plots 3, 4, 13, 14, 15 , 16 – two storey 4 bedroom houses

Affordable dwellings – 7 units in total

Plots 19 and 20 – 1 x 3 bed , 1 x 1 bed bungalows

Plots 5, 6 7 & 8 - terrace of 2x 2 bed and 2 x 3 bed houses

Plot 21 – 1 x 3 bed detached house

- 4.10 The site layout proposes a generally linear form of development arranged around the access road with the majority of the units concentrated in the eastern half of the site largely as a continuation of and backing onto the Castlefield development. The western part of the site is less densely developed with a wide landscaped buffer to the Butchers Lane boundary and an area of open space taking up most of the south west corner.
- 4.11 Each dwelling would be of a traditional style and design incorporating a mix of hipped and gabled roofs. The main external materials will be red / orange facing brickwork, red tile hanging, pastel coloured boarding and light through render. Rooftiles will be charcoal grey or rustic brown. A full specification of external materials is included.
- 4.12 Vehicular access serving the development would be in the form of a continuation of the existing Castlefield carriageway with a shared surface arrangement. The access road would be of permeable tarmac. All dwellings would front onto the main access road except for the two bungalows which are accessed off a small cul-de-sac. Each house would have access to at least two parking spaces and there are 9 visitor parking spaces.
- 4.13 A full landscaping scheme is included showing retained and new tree and hedgerow planting and a footpath connection will be provided to / from the site onto footpath 004 in the south west corner of the site.
- 4.14 The application is supported by the following:
- Planning, Design and Access statement
 - Heritage statement
 - Transport statement

- Flood Risk Assessment
- Contamination report
- Biodiversity Net Gain report
- Soft landscape specification and management plan
- Aboricultural Impact Assessment
- Preliminary Ecology appraisal
- Reptile Survey report
- Energy statement
- Materials schedule
-

4.15 Key issues

4.16 The key issues for consideration of this application are considered as follows:

- The principle of development
- Impact on the character and appearance of the area and design / layout issues
- Impact on the living conditions / quality of life of existing and prospective residents
- Highway impact, access and parking matters
- Impact on heritage assets
- Landscaping and Green Space considerations
- Ecological considerations
- Drainage and flood risk issues
- Other infrastructure matters
- Climate change
- Section 106 and planning conditions

4.17 Principle of the development

4.18 At present the site is within the Rural Area beyond the Green Belt and Policy 6 of the SLP is the key policy consideration. Policy 6 states:

In Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages and, and their character. Except in Selected Villages (Policy

7), a development proposal will normally be allowed only if:

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

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

b. the proposal positively improves the rural environment; or

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

iii. it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or

iv. it involves a change to the rural economy in terms of Policy 24 or Policy 25.

4.19 The proposal generally does not meet any of the specific criteria of Policy 6. However the adopted plan is effectively time-expired and its provisions for housing supply do not reflect up-to-date need and the tilted balance outlined by paragraph 11 d) of the NPPF applies in this case. That said, Policy 6 is broadly consistent with the NPPF in terms of its approach to plan led development which is to focus significant development in the most sustainable locations and to control development in the open countryside. Preston is considered to be sustainable location given its level of facilities (primary school, public house, village hall, church and public transport links). The site cannot reasonably be considered open countryside given its location within the village and its characteristics including it being contained by development on three sides in addition to Butchers Lane to the western boundary. The development of the site would not result in an outward expansion of the village and in my assessment the development would not be unduly harmful to the character and appearance of the village (see relevant paragraphs below). I therefore consider that the development broadly complies with Policy 6 of the SLP particularly in view of its general conformity with the NPPF which seeks to promote sustainable development in rural areas where it will enhance or maintain the vitality of rural communities.

4.20 The application site falls within the proposed designated village boundary as recognised in the emerging Local Plan and Neighbourhood Plan. Preston is identified as a Category 'A' village in the Emerging Local Plan within which '*general development will be allowed within defined settlement boundaries*' (extract from Policy SP2 'Settlement Hierarchy and Spatial Distribution'). Furthermore, the site is identified as a housing site in the eLP with a dwelling estimate of 21 units (site PR1). Site PR1 identifies four main site specific policy areas as follows:

- Consider and mitigate against potential adverse impacts upon nearby Wain Wood SSSI;
- Sensitive design that considers any impacts upon the setting of Preston Conservation Area and adjacent listed buildings;
- Retention of hedgerow boundary with Butchers Lane;
- Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery

4.21 In terms of Wain Wood the application is supported by an impact assessment and mitigation measures set out in an Ecological appraisal. It is considered that the scheme is sensitive to the setting of the Conservation Area and adjacent listed buildings (see fuller assessment below). The Butchers Lane hedgerow is retained and there is no pedestrian or vehicular access proposed through it. A full Drainage Strategy has been submitted setting out the required water infrastructure including foul water and fresh water supply and a Sustainable Urban Drainage system to manage and reduce surface run off rates and to attenuate against storm events. Overall, I consider that the submitted scheme meets the relevant criteria for the development of this site as set out in Policy PR1 of the eLP.

4.22 The Preston Neighbourhood Plan (NP) has been developed so that it is in accordance with the NPPF and the Council's emerging local plan 2011 - 2031. The Preston Neighbourhood Plan, although it does not specifically identify the application site as a housing site, recognises the site as a housing allocation in the emerging Local Plan. At paragraph 5.1 the Neighbourhood Plan states:

'The majority of the community understands the need to accommodate housing growth over the next 13 years and accepts the development target proposed in the emerging NHDC Local Plan 2011 – 2031 of 21 units on land off Templars Lane, which is owned by the District Council'

4.23 Policy HD1 of the PNP 'Residential Development' acknowledges the settlement boundary of the neighbourhood area as being the same as that in the eLP and states that support will be given to residential development within the settlement boundary subject to several criteria. It is considered that the proposed development generally meets with these criteria having regard to the proposed scale of development, the materials proposed and the context of the site and the surrounding pattern of development. More detailed analysis of how the development complies with other relevant NP policies is set out further in this report.

4.24 In conclusion and having regard to the above analysis of the relevant adopted and emerging Local Plan policies and Policy HD1 of the NP as well as NPPF guidance on rural housing, I consider that residential development on the application site is acceptable in principle.

4.25 Impact on the character and appearance of the area and design / layout issues

4.26 The application site is located within the built up area of the village as defined in the NP and the eLP category 'A' settlement boundary. The surrounding land use is mainly residential and there is a wide range of dwelling types ranging from two storey detached and semi-detached dwellings to bungalows. The application proposes a mix

of dwellings from two storey detached, semi-detached, terraced dwellings and bungalows which is not inconsistent with the surrounding pattern, scale and form of development.

- 4.27 Residential backland development has already been established by the Templars Lane development and Nos 1 – 6 Castlefield and there are other examples of such development within village. The proposals continue this backland form of development extending the Castlefield cul-de-sac to which there can be no objection in principle.
- 4.28 Concerns have been raised to the amount and density of development proposed. The provision of 21 dwellings on the site would equate to approximately 19.7 dwellings per hectare (dph) which although higher than the older surrounding housing density would be less than that recently completed at Nos 1 – 6 Castlefield which has a density of approximately 30 dph. I consider that the density is appropriate when considering the overall range of housing density in the area and the need to make the most efficient use of the site given its allocation for housing in the eLP. The NP notes a preference from earlier survey results amongst residents for small developments of less than 5 houses (paragraph 9.16) however this is not specifically referred to in the main NP policies on Housing and Development (HD1 – HD10). Whilst smaller developments might be preferred they are unlikely to be at the threshold where affordable housing will be delivered and therefore would not achieve the aims of Policies HD3 and HD4 on housing need and affordable tenures. The PR1 site provides the opportunity to meet local affordable need and two and three bedroom homes supported by Policy HD3 in particular.
- 4.29 In terms of site coverage the proposed developed built area (comprising of buildings, roads and hardsurfacing, including driveways, patios and paths) would amount to 4,582 sq metres or 42.9% of the site area. The undeveloped area (comprising open space, soft landscaping and amenity space) would amount to 6,098 sq metres or 57.1% of the site area. I consider that the site coverage ratio is a further measure of density that indicates that the proposed development is not excessive striking a reasonable balance between integrating with and acknowledging the surrounding pattern of development but also making the best use of the site.
- 4.30 Policy HD1 of the NP supports new development within the settlement boundary subject to certain criteria. The site is within the settlement boundary. The dwellings are relatively modest in scale and massing and their height (between one and two stories) reflects the height of surrounding buildings. In terms of impacting on the rural setting the proposal will have little impact on the rural character of Chequers Lane being located behind existing dwellings that front the lane. The Butchers Lane hedgerow is maintained and a landscaped buffer provided along this important boundary with the majority of new houses set well back from it. A significant area of open space is provided in the more sensitive western portion of the site. Bungalows are proposed along the southern boundary with public footpath 004 (Plots 19 and 20). In my view the rural character of the village as experienced from Chequers Lane, Butchers Lane and footpath 004 will be largely maintained. The site is not within the conservation area and as mentioned above the density and layout take account of other buildings in the immediate locality. The development proposes vernacular materials (brick, roof tiles, hanging tiles, render) and there are traditional design features that are common in the village (hipped and gable roofs, porches of various designs, weatherboarding, quoin

brickwork, brick window headers, vertical boarded garage doors with toplight windows, bonnet ridge tiles and paving blocks for drives and visitor parking spaces). It is considered that the proposals are consistent with NP Policy HD1.

- 4.31 Concern has been raised to the housing sizes, types and tenures as referred to by NP Policy HD3 and HD4 and eLP Policy HS3. The proposals offer a range of 1, 2, 3 and 4 bed homes including two bungalows. The majority of houses are 1, 2 or 3 bed units (15 dwellings) and therefore suitable for first time buyers and young families and 7 affordable houses are proposed. This provision meets the last village rural housing needs survey in 2010 and the results of the Neighbourhood Plan survey which concluded a need for 1, 2 and 3 bed homes. Policy HS3 of the eLP sets a target of 60% larger (3+ bed) and 40% smaller (1 or 2 bed) homes however this is a requirement for *'most suburban and edge-of-settlement sites..'* and therefore not applicable to rural villages. Nevertheless, the policy states that a scheme should take account of *'density, scale and character of development appropriate to its location and surroundings'* and I believe the current housing mix is in accordance with this aim. Overall, I do not consider there to be any significant conflict with NP policies HD3 or HD4 or Policy HS3 of the eLP.
- 4.32 Policy HD2 of the NP requires new development to maintain the existing footpath network and provide publicly accessible links from the development to the wider footpath network. This scheme provides a footpath link to existing footpath 004 and therefore a through route to Butchers Lane. This increases the permeability and connectivity of the site with other parts of the village and will be particularly beneficial to existing residents in Castlefield and Templars Lane as well as some residents in Chequers Lane in providing a more direct link to the south of the village and the primary school. The proposal is therefore in accordance with the aims of HD2 of the NP.
- 4.33 Policy HD6 ('Design') of the NP requires appropriate storage facilities for refuse bins, bicycles and mobility scooters. The submitted 'Site Layout – External Works and Materials' plan (04B) shows the location and size of waste and recycling bins for each property and a cycle storage shed (1800 x 1250) is allocated to each house without a garage. Each garage is oversized (3m x 7m) with space allocated for bicycle and mobility storage. I consider Policy HD6 is complied with.
- 4.34 Policy HD7 of the NP requires the provision of gardens proportionate to the size of house concerned. The surrounding older properties to the site have very generous gardens however, perhaps with the exception of Plot 8 (55 sqm), all of the proposed plots meet or exceed the amenity standards set out in Policy 57 of the SLP. I consider that this level of amenity provision, together with the open space within the scheme as well as the close proximity of the Parish Council play area is acceptable and proportionate.
- 4.35 Policy EH1 of the NP ('Village Boundary, Rural Character and Setting') is concerned with ensuring a visual separation of Preston from other villages, protecting open countryside, woodlands, hedgerows and green corridors and where practicable enhancing these. The development does not expand beyond the village

boundary into open countryside and it has no significantly direct impact on woodlands (a further information board is proposed for Wain Wood). The important Butchers Lane hedgerow is maintained and new planting is proposed. The new green space and footpath link to footpath 004 would be open to all residents of the village thereby improving pedestrian linkages and green space in this part of the village. New surfacing will be provided as a result of this development to footpath 004, Church Meadow and the play ground. I consider all of these aspects of the scheme will be consistent with the aim of protecting the village boundary, character and setting.

- 4.36 Policy EH5 (Tranquillity and Dark Skies) has been taken into account. No external lighting is proposed and a condition is recommended to secure this.
- 4.37 Policy EH6 of the NP is concerned with protecting key views and vistas. The proposed development does not affect any of the key views and vistas in the policy. The development will clearly have a visual impact however this will be localised to the site itself, some views from Butchers Lane and views from footpath 004. However, the layout, built form and landscaping of the scheme mitigates against any unacceptable visual impact in my opinion.
- 4.38 Concern has been raised with regard to the cumulative impact of this development in view of the addition of new dwellings in the village since 2011. Within the recognised core of the village (and that as defined in the elp and Neighbourhood Plan) there have been 8 houses constructed and a further one with planning permission. All of these schemes have been in accordance with Policy 6 of the eLP criteria and have been mainly delivered at Castlefield (6 units) under the rural housing exception Policy 29. The key point is that Preston has not had any previous housing allocations in the current Saved Local Plan (a point acknowledged in the NP) and has been relatively protected from large scale housing development through its designation as Rural Area beyond the Green Belt and the application of Policy 6 to any development proposals that have come forward. As explained above the eLP is out of date and does not take into account current housing need. With the publication of the NPPF in 2012 and subsequent updates the emphasis is now to significantly boost the supply of housing especially in sustainable locations. Preston has been identified as a sustainable location (such as PR1) and therefore further housing development is inevitable and therefore housing growth is likely to be at a proportionately higher rate than before. That said, with the exception of site PR1 and the Dungarvan site (currently the subject of an undetermined 10 unit scheme) there are few, if any, large sites remaining within the newly defined village boundary where large housing growth would be possible particularly with the conservation area constraint. Furthermore, the Emerging Local Plan proposes the land around the village to become Green Belt which will provide a further layer of protection against inappropriate, unplanned and larger scale development in the wider Parish area.
- 4.39 In summary it is considered that the proposed development is generally compliant with the above relevant policies of the Neighbourhood Plan and eLP will not have any significantly adverse impact on the character of the village and its rural setting. Clearly as the site is undeveloped at present there will be urbanisation of this part of the village and consequent visual impact. However the impact will be localised and contained and mitigated by landscaping, the provision of new open space and increased access for residents.

4.40 Impact on living conditions / quality of life

- 4.41 In terms of impact on neighbouring properties those mainly affected are 'The Wilderness' to the north and 'The Willows' to the south, properties along Chequers Lane and recently constructed properties in Castlefield.
- 4.42 The property at the 'The Wilderness' is separated over 35 metres from any of the new properties and properties in Chequers Lane are at least 25 metres distant. 'The Willows' is also some 30 m away and south of the public footpath. Plots 1,2,3,4, 16, 17, 18 and 21 are all to the southeast of Castlefield facing the new access road and do not overlook existing residents. The introduction of a bungalow on plot 20 provides for a much better relationship with Nos 1 & 3 Castlefield than the original scheme. Whilst the new properties will be visible to existing residents the separation distances are acceptable by modern standards.
- 4.43 The main access road is in the centre of the site with the new houses acting as a buffer to most noise associated with the use of this access for example by refuse vehicles. The two cul-de-sacs where parking is close to the site boundaries are small with traffic movement in these locations expected to be light.
- 4.44 No external lighting is now proposed and this can be secured by condition.
- 4.45 Existing residents will benefit from the proposed pedestrian route through the site to Butchers Lane and the Parish Council play area via footpath 004.
- 4.46 In terms of living conditions for prospective residents all the properties will have gardens generally in compliance with Policy 57 of the SLP and Policy HD7 of the NP. In addition, there will be open space and easy access to nearby play facilities.
- 4.47 All of the dwellings meet or exceed the minimum space standards required by the Department for Communities and Local Government (DCLG) document 'Technical Housing Standards – Nationally Described Space Standard' (2015).
- 4.48 Each dwelling has at least two parking spaces in compliance with the Council's Parking standards SPG .
- 4.49 Overall and bearing in mind that this is a designated housing site and therefore expected to be developed, together with its relatively low density, adequate amenity space and parking and good connection to village facilities, it is considered that the development would provide and maintain a good standard of environment to the benefit of existing and proposed residents. The development would be generally in accordance with Policy 57 of the SLP and Policy D3 of the eLP.

4.50 Highway impact, access and parking matters

- 4.51 The application is accompanied by a Transport statement (TS) that assesses the traffic implications for this development. In terms of traffic generation the proposed development is forecast to generate 15 two-way vehicle trips during the morning peak hour and 16 during the evening peak equivalent to approximately 1 vehicular movement every 4 minutes at peak times. The TS considers this level of traffic will not have a significant impact on the local highway network and the Highway Authority agrees with this view.

- 4.52 Tracking diagrams are included within the TS and these demonstrate that the layout can satisfactorily accommodate refuse and service vehicles. No objection is raised from the Council's waste and recycling officer.
- 4.53 The development include 9 visitor parking spaces in various locations around the site and each house will have at least two parking spaces. Garages are oversized to make sure they can be used and provide storage for cycles / mobility scooters. This provision meets the NHDC 'Vehicle Parking Provision at New Development' SPD.
- 4.54 It is important to ensure that the development accords with Policy TC1 of the NP (*'Safe and Sustainable Transport'*) . In this regard the development will generate relatively low traffic levels even in peak times and no objection is raised by the Highway Authority. Each house has at least two parking spaces and the 4 bed units will have a garage and two parking spaces on a drive meeting part c) of TC1. Cycling and walking will be encouraged with cycle storage provision and a footpath link from the site to footpath 004 which provide easy access to the school, play ground and other parts of the village.
- 4.55 Following negotiations the developer will contribute to accessible kerbing at the two bus stops in the village and fund surfacing footpaths through St. Martins Church and Church Meadow / footpath 004, improvements to footpath 013 and an additional / replacement information boards with Wain Wood. These measures will mitigate against the impact of the development on existing rights of way and encourage walking and cycling and use of public transport.
- 4.56 Impact on heritage assets
- 4.57 The application site is outside of the Preston Conservation Area (PCA) which is located to the east and south of the site. The site itself does not abut the PCA but is separated from it by housing and designated green open space. The application is accompanied by a Heritage Assessment which sets out the significance of the affected heritage assets and how the development site will affect their setting. The key policy considerations are Section 16 of the NPPF, Policy HE1 of the eLP and Policy EH2 (*'Conservation Areas and Heritage Assets'*) of the NP. The Preston Character Area Statement (2019) assists in appraising the character of the PCA.
- 4.58 The submitted Heritage Assessment identifies the 'The Wilderness', Rose Cottage, Chequers Cottages, Mausoleum to NW of Church of St. Martin and the church of St. Martin (all grade II) as the key assets to be assessed in addition to the PCA as a whole. Each asset has been assessed for its significance and how the development site may form part of the setting of each asset and how it may influence the significance of each asset. The Assessment concludes that whilst the proposed development has the potential to have some impact on 'The Wilderness', 'Rose Cottage' and the church of St. Martin (with some minor effect on the setting of 'The Wilderness') the cumulative effect of the proposal does not compromise the heritage value of any of these buildings. Similarly the Assessment considers that the effect on the setting of the Preston Conservation Area would be very slight not resulting in any harm to its significance.
- 4.59 The submitted Heritage Assessment does not make any specific assessment of the Grade II* Temple Dinsley registered park and garden or the non-designated heritage

assets within the village. However, Temple Dinsley is some distance from the application to the east of Hitchin Road and I would assess the development as having a neutral impact on the park and garden. Similarly because of the self contained nature of the site and separation distance I do not consider that the development would have any effect on the non-designated heritage assets identified in the Preston Conservation Area Character statement or the NP (Appendix C).

4.60 The Heritage statement states that no harm will be caused to any heritage assets. I do agree entirely with this assessment as it is considered that there will be some minor harm to the setting of 'The Wilderness' as a result of the loss of the openness of the site which make a contribution to its setting and the wider rural character of the surroundings. I therefore consider that there will be some less than substantial harm however that this harm would be at the lower end of the less than substantial scale and will not seriously affect the significance of the designated heritage asset.

4.61 Paragraph 202 of the NPPF states that :

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

In this case I consider that there would be some less than substantial harm due to the impact on the setting of 'The Wilderness' and the rural character of the area. This harm however is outweighed in my view by the delivery of housing and as well as the provision of affordable housing which are significant public benefits of the scheme.

4.62 The site is close to an archaeological area to the west. The County Archaeologist has requested a set of archaeological conditions in accordance with NPPF advice (Section 16).

4.63 Landscape and Green Space considerations

4.64 The Neighbourhood Plan identifies several local green spaces and verges although the application site is not part of these areas. The two nearest areas are Church Meadow and the Chiltern Way Extension footpath (Green Spaces H & I). These areas will be impacted from use by additional residents from the new development and contributions towards new surfacing for the footpaths and towards play ground equipment has been agreed as part of the Section 106 negotiations.

4.65 The application site will introduce a new permanent area of green space accessible to all residents in the village to be maintained by a management company . This will add to the existing green spaces in the village and contribute to wildlife habitat. As such the proposals will not conflict with Policies EH3 ('Open and Green Spaces') EH4 ('Local Green Spaces') of the NP.

- 4.66 The proposed development includes a comprehensive landscape scheme and Management Plan. The open space and landscape management and maintenance arrangement will be secured by the Section 106 Agreement. Landscaping conditions are proposed to ensure that the key landscape features across the site are maintained.
- 4.67 Ecological considerations
- 4.68 The application is accompanied by an ecological appraisal, biodiversity and reptile survey report. The ecological report confirms that the site is not situated within or borders a statutory or non-statutory designated location. It assesses the potential for protected species including bats and badgers and reptiles and acknowledges the proximity of Wain Wood SSSI. A Biodiversity Management Plan is recommended by condition and this will need to include retention of existing boundary hedgerows / trees and a number of enhancements including bird and bat boxes, planting of wildflower / wild grass planting and permeable boundaries such as hedgehog holes in boundary fencing.
- 4.69 The development will impact on Wain Wood SSSI by increased visitor pressure. An ecological assessment on the recreational impacts on Wain Wood arising from this housing site allocation (PR1) was carried out in 2016 to inform the impacts from the allocation and forms part of the submissions. The report concludes that the predicted increase of an additional 2.64 people walking each week is unlikely to result in a significant impact on Wain Wood. Nevertheless it is recommended that additional interpretation signage both within the wood and on site are undertaken to mitigate the minor increase in visitor numbers. Through further negotiation and in consultation with the Parish Council the applicant has agreed to replace the existing signage boards and provide a new sign within Wain Wood with the detail of these mitigation measures being secured via the Section 106 Agreement.
- 4.70 A Biodiversity Net Gain calculation using the DeFRA Biodiversity Metric 3.0 has been undertaken. The calculations have taken into account retained habitats (boundary trees) proposed ecological enhancements comprising grassland amenity, new planting and a community orchard with the open space. The scheme provides a total Net Gain of biodiversity units of 7.44%. In representations considerable mention has been made of the need to achieve a 10% overall Net Gain. The Environment Bill (enacted in November 2021) requires new developments to demonstrate a 10% increase in biodiversity on or near development sites however the requirement will come into force after a two year transition period with BNG mandatory for all developments expected to be winter 2023. At present there is no reference to a specific requirement to 10% net gain either with the NPPF or the Saved Local Plan or Emerging Local Plan. Therefore, the net gains proposed in this application would be in line with the aspirations to achieve net gain complying with the NPPF and current local plan policies.
- 4.71 In conclusion, through the provision of open space and new landscaping it is considered that the development proposal does include measures to provide biodiversity net gain and ensure connectivity to the wider habitats in the area consistent with the requirements of Policy NP25 of the NP.

4.72 Drainage and Flood Risk issues

4.73 The application is accompanied by a Flood Risk Assessment and Drainage Strategy. Concern has been raised with regard to water pressure and foul water issues in the village that might be exacerbated by the proposed development. These are acknowledged and it is noted that these issues are covered in the NP as mentioned in Objective H7 and Policy HD8. The Local Planning Authority has consulted three water authorities and no objections have been received. In respect of water pressure Affinity have confirmed that they will *'take steps to increase capacity, either by reinforcement or by altering the way we supply water to an area'* Similarly with regard to sewerage Thames Water says there is existing capacity.

4.74 Ultimately, it is the case that the utility companies have a statutory responsibility to maintain their services and improve capacity where required. The Local Planning Authority has carried out its responsibilities in consulting the appropriate authorities and have gone further, working with the applicants and their consultants, to obtain further assurances over the suitability of the existing water infrastructure to accommodate the proposed development. Whilst acknowledging residents concerns, given the responses received from the utility companies, there are no sustainable planning grounds on which to raise an objection based on inadequate water infrastructure.

4.75 The Lead Local Flood 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 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.

4.76 Given the concerns raised 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.

4.77 Other infrastructure matters

4.78 Concern has been raised with regard to inadequate mobile phone coverage and problems with broadband service in the village . The Parish Council and Preston Neighbourhood Plan Steering suggest that the provision of these services within the development should be a condition of planning permission for the development.

4.79 The developer has made enquiries with BT Open Reach which indicates that a further expansion of the fibre broadband is due to be undertaken between 2022 – 2025 and that the development site will qualify for free fibre to the premises.

- 4.80 There is no specific planning policy requirement within the current SLP or eLP or the Preston NP for residential development sites to include telecommunications and broadband technology (although Policy TC1 of the NP lends support to the provision of new facilities). The indications are from BT that an improved level of coverage is likely although the timeframe is uncertain. Such services are market led and it would appear that the quality of service does depend on the particular service provider. If permission is granted, by the time this development is completed, it is possible that improved services will be available.
- 4.81 Whilst the concerns are noted, given that there are existing services in the village, the lack of a planning policy basis and market choice it would be unreasonable to require the provision of telephone and broadband services a condition of planning permission.
- 4.82 Climate change
- 4.83 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.
- 4.84 To assist in achieving the aims to mitigate and adapt to climate change a range of measures are proposed for this scheme:
- the provision of electric vehicle charging points for all dwellings
 - reduction of energy demand through building fabric efficiency such as low u-values, air tightness and water saving measures low output showers and flow restrictors to manage water pressure
 - a reduction in carbon emissions by 33.26% when compared to Building Regulations Part L1A (2013) baseline
 - total energy improvement over baseline of 55.46%
 - Provision of air source heat pumps to include waste water heat recovery technology
- 4.85 The applicants consider that the above measures acknowledge the Council's climate change policies and Policy of the NP and are proportionate to the timeline to achieve its carbon zero target.
- 4.86 Planning Obligations
- 4.87 Negotiations have been undertaken with the applicant and consultation with the Preston Parish Council relating to a range of matters and these are included in the table below. It is considered that all of the matters meet the tests set out in paragraph 57 of the NPPF (i.e. necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development). The S106 obligations are listed below:

Affordable Housing (NHDC)	<p>On site provision of 7 affordable dwellings (of mixed size and tenure) NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Local Plan Policy HS2 'Affordable Housing'</p>
Secondary Education contributions (HCC)	<p>Contribution of £54,692.00 (before indexation) towards the expansion of The Priory School, Hitchin</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations SPD and HCC Toolkit</p>
Library Services (HCC)	<p>Contribution of £3,780.00 (before indexation) towards the installation of a CreatorSpace on the ground floor of Hitchin Library</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations SPD and HCC Toolkit</p>
Youth Services (HCC)	<p>Contribution of £1,034.00 (before indexation) towards increasing the capacity of Hitchin Young People's Centre or its future re-provision.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations SPD and HCC Toolkit</p>
Sustainable Transport Contributions / works (HCC)	<p>Contributions towards sustainable transport as follows:</p> <p>1. Financial contribution of £22,625.00 (before indexing) towards sustainable transport improvements comprising:</p> <ul style="list-style-type: none"> - £16,000 for bus stop improvements - £8,625 for improvements to right of way 06/013 north of Chequers Lane

	<p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Hertfordshire County Council Planning Obligations Toolkit</p>
Church Meadow and Recreation Ground playgrounds	<p>Contribution of £20,000 towards playground improvements at Church Meadow and Recreation Ground</p> <p>NHDC Emerging Local Plan Policy SP10 'Healthy Communities'</p> <p>Preston Parish Council PPNP Policy QL1 'Social Interaction' and PPNP Policy AF1 'New and Improved Community Facilities'</p>
Waste Collection & Recycling (NHDC)	<p>Contribution of £1,491 (before indexation) based on NHDC Planning Obligations SPD (@ £71.00 per dwelling)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations SPD</p>
Open space/ landscape management and maintenance arrangements	<p>Private management company to secure the provision and long-term maintenance of the open space/landscape area and any SuDs infrastructure</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>
Fire Hydrants (HCC)	<p>Provision within the site in accordance with standard wording</p>

	Policy SP7 'Infrastructure requirements and developer contributions'
Wain Wood SSSI mitigation measures	<p>Provision of four information boards in Wain Wood, Design to be in consultation with Preston Parish Council. Contribution of £4,500</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Preston NP Policy EH7: Protecting and Enhancing the Local and Natural Environment</p>

4.88 Planning balance and conclusion

- 4.89 It is evident that the Local Planning Authority cannot demonstrate a five year supply of housing land and in these circumstances the 'tilted balance' set out in paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged unless specific policies indicate that permission should be restricted. In this case the application site is not part of a Conservation Area or within the Green Belt or affected by any other designations or policies referred to in footnotes 7 on page 6 of the NPPF that would be applicable to this site. Footnote 8 also applies as the LPA cannot meet the Housing Delivery Test - currently the NHDC Housing Delivery Test figure is 36% of that required over the last three years.
- 4.90 The tilted balance requires that where the policies most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.
- 4.91 To assist in the exercise of the planning balance I set out below a table identifying (but not limited to) the main harms and benefits of this proposal and what weight could be attributed to each.

Issue	Harm or benefit	Weight
Delivery of housing	Benefit	Substantial
Affordable housing	Benefit	Significant
Bio-diversity net gain	Benefit	Moderate
Economic impact	Benefit	Moderate
Impact on Primary School	Benefit	Moderate
New open space	Benefit	Limited
New public footpath connection	Benefit	Limited
Impact on character and appearance	Harm	Moderate

Impact on highway safety	Harm	Limited
Impact on existing residents amenity	Harm	Limited
Flood Risk / Drainage issues	Harm	Limited
Impact on other infrastructure	Harm	Limited
Impact on SSSI	Harm	Very limited weight
Impact on heritage assets	Harm	Very limited weight

- 4.92 The current housing land supply for North Hertfordshire is 1.47 years supply - significantly under the 5 years plus buffer required by the NPPF . Members will be aware that in recent appeal decisions in the district Planning Inspectors have attached very substantial weight to housing delivery. 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 21 dwelling estimate in the eLP . The provision of housing in a sustainable location carries substantial weight in the planning balance.
- 4.93 This development would have a neutral or very limited 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.
- 4.94 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 particular, the nearby Preston Primary school , which currently has 82 pupils on its role as of April 2021 (source: HCC Schools and Education), would benefit from the child yield arising from this development. 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 and the submitted energy strategy will assist in addressing climate change.
- 4.95 Some harms have been identified by this proposal however in my view the weight that can be given to them is more than outweighed by the benefits that I have also identified including the delivery of housing, affordable housing and the support that new housing development would bring to the primary school.
- 4.96 In accordance with advice in the NPPF the recommendation below is subject to a Section 106 Obligation and planning conditions in order to address any harms arising from the development that would otherwise make it unacceptable. The S106 covers contributions required by the County Council towards education and services provided by that authority and there are a number of mitigation measures and contributions towards services provided and managed by the Parish Council. Conditions are required relating to drainage, archaeology tree and hedgerow protection, construction management and other matters some of which require the submission of further detail to be agreed by the LPA before development commences.

4.97 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 Preston Neighbourhood Plan. Given that there is no significant harm to historic assets which may 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.

4.98 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, the completion of a satisfactory S106 Legal Agreement 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. The development shall be carried out in accordance with the submitted landscaping scheme comprising of the Soft landscape plan (OS2108-20.2 Rev F), site layout external works and materials plan (CFP-P-04 Rev B) and Specification for Soft Landscape Works and 1-5-10 Year Management Plan

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

4. 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.

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

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

6. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

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

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

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

8. The proposed footpath link between the application site and public footpath 004 adjacent the southern boundary shall be provided and permanently retained as a feature of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure public access through the site is maintained in accordance with local and neighbourhood plan policies.

9. There shall be no external lighting within the communal areas of the development here by permitted unless agreed in writing by the Local Planning Authority

Reason: In the interests of amenity

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

and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

11. 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.

12. Any 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 an event, 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.

13. Prior to the commencement of the development hereby permitted a Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the mitigation and enhancement measures set out in the submitted Preliminary Ecological Appraisal. The development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing nature conservation

14. Prior to the occupation of the development hereby permitted the principal access road shall be provided 5.5 metres wide with the side access road serving plots 19 to 21 being provided at 4.1 m wide (narrowing to 3.5m) thereafter the access road and footpath link shall be retained at the position shown on the approved site layout plan number CFP-P-03 revision B in conjunction with Chequers Lane junction improvement work as detailed on drawing number ITL 16448-GA-009 . 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 public highway.

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.

15. The gradient of the access roads shall not exceed 1:20 connected from 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.

16. 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.

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.

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

Reason: In the interests of archaeology.

18. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation

Reason: In the interests of archaeology.

19. 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 approved Written Scheme of Investigation approved and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

20. The development shall be completed in accordance with the measures set out in the Energy Statement by Abbey Consultants (dated January 2022).

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

21. The development shall be carried out in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy as amended.

Reason: In the interests of amenity and to prevent flood risk

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.

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.

Environmental Health Informatives

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

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)

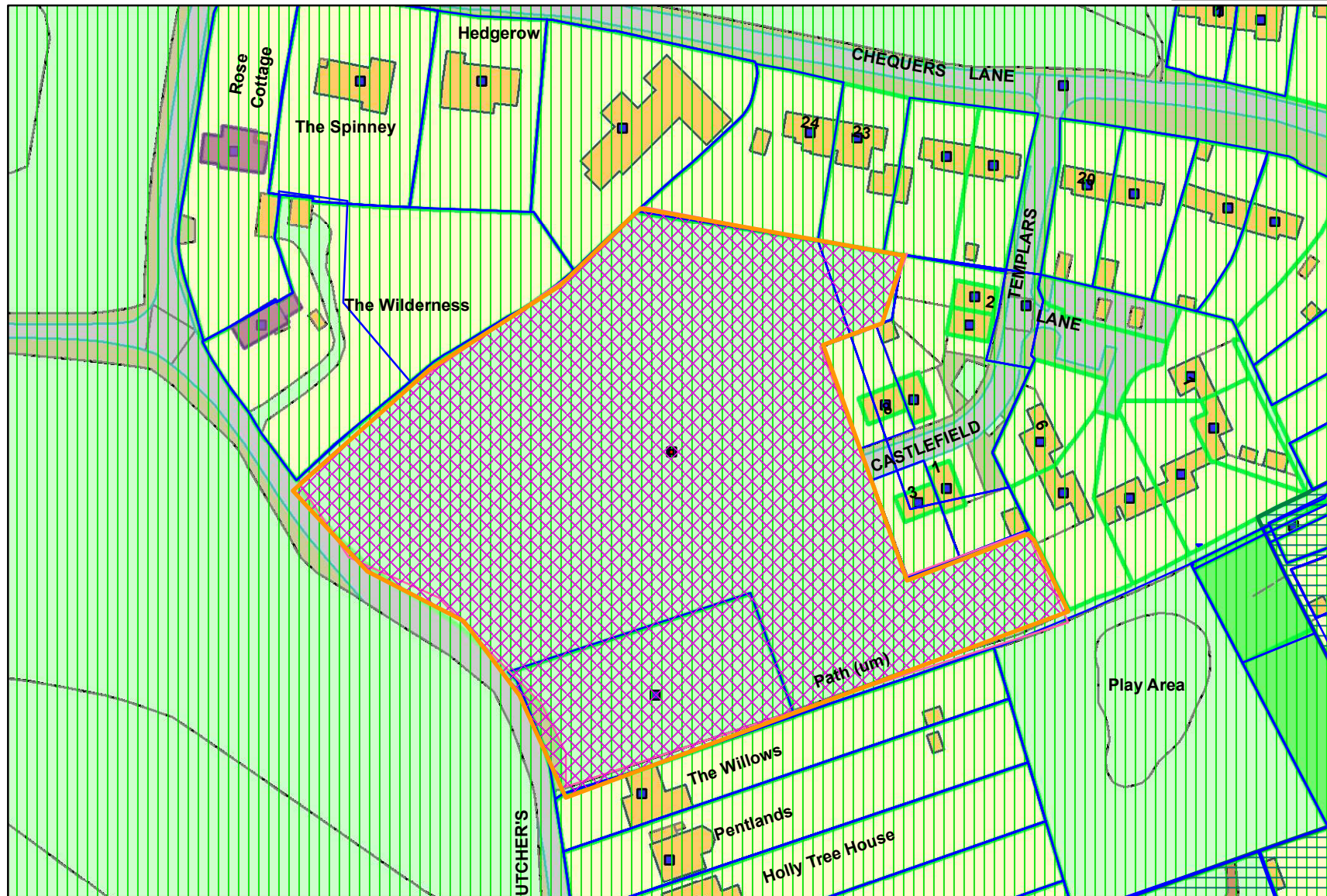
- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with 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>
- o UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in [PK Gov consultation response](#).

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Application Validation Sheet

21/02076/FP Land West of Castlefield, Preston, Hertfordshire

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



Scale 1:1,250

Date: 11/01/2022

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<u>Location:</u>	Land to The Rear Of 23 Conquest Close Hitchin Hertfordshire
<u>Applicant:</u>	Mr Harry Schleider
<u>Proposal:</u>	Erection of one 3-bed and one 2-bed bungalows including associated car parking.
<u>Ref. No:</u>	21/00354/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

7 April 2021

Submitted Plan Nos.:

A20-048-SP001-B, A20-048-SLP001, A20-048-PL005, A20-048-PL004, A20-048-PL003, A20-048-PL002, A20-048-PL001, A20-048-EX001, 284-002, 284-001, 1298/1.

Extension of statutory period:

20 December 2021

Reason for referral to Committee:

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

As per the previous several call-ins on related applications, I wish to do so again. I wish to do so on the grounds of overdevelopment of the area, that this is clearly back-fill to existing housing and the general unsuitability of the nature of the application, including access to this site. Not to mention the very large local objection to it!

1.0 Site history

1.1 19/02050/FP - Erection of one 3-bed and two 3-bed chalet bungalows including associated car parking – Refused 23/01/20 for the following reasons:

- 1. The proposal by reason of the size, design and siting of the dwellings and ancillary development would result in a cramped appearance within the site that would be harmful to its character and appearance and of the wider locality. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.*
- 2. The proposed dwellings by reason of their size, bulk, siting and design would result in detrimental loss of amenity to nearby dwellings. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 and D3 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.*

3. *Insufficient parking provision will be provided for the Plot 2 dwelling, which is contrary to Policy 55 of the saved Local Plan, Policy T2 and Appendix 4 of the emerging Local Plan, the Vehicle Parking at New Developments SPD.*

4. *It has not been demonstrated that biodiversity loss would be compensated for and that protected species will not be harmed by the proposed development. The proposal does not comply with Policy 14 of the 1996 Adopted Local Plan; Policies SP12 and NE6 of the Emerging Local Plan; and Section 15 of the National Planning Policy Framework.*

1.2 14/02688/1 - Two x 2 bedroom detached bungalows, bin store and associated landscaping and parking – Approved 12/12/14.

1.3 14/01118/1 - Two x 2 bedroom detached bungalows, detached shed and associated landscaping and parking – Withdrawn 28/07/14.

2.0 **Policies**

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

Policy 8 – Development in towns

Policy 14 – Nature Conservation

Policy 21 – Landscape and open space pattern in towns

Policy 26 – Housing Proposals

Policy 55 – Car Parking Standards

Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 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 SP6 - Sustainable transport

Policy SP8 - Housing

Policy SP9 - Design and sustainability

Policy SP11 - Natural resources and sustainability

Policy SP12 - Green infrastructure, landscape and biodiversity

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 NE1 - Landscape

Policy NE6 - Designated biodiversity and geological sites

Policy NE8 - Sustainable drainage systems

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 18/02/2021 Expiry Date: 13/03/2021

3.2 **Press Notice:**

N/A

3.3 **Local Residents** – The following objections were received from 28 nearby residents:

- Overdevelopment.
- No positive impacts.
- On higher ground, and intrusive.
- Loss of privacy.
- Loss of light.
- Noise.
- Light.
- Parking issues and hazards.
- Increased parking on Conquest Close.
- Insufficient access for all vehicles.
- Bin collection not possible. Inadequate refuse collection.
- Accidents at access point.
- A 'no parking' area to the sides of the access road unacceptable to existing residents.
- Loss of trees and ecology.
- Disruption from construction.
- Further pollution and impacts on climate change.
- Drainage.
- Construction management plan required if permission granted.
- Removed PD rights if grant permission.
- 2014 approval should be discounted.
- Use of a private access road.
- Removal of existing boundary.

3.4 **Statutory Consultees:**

3.5 Anglian Water – No comments.

3.6 Waste Officer – No objections.

3.7 Environmental Health Air Quality – No objection.

3.8 Hertfordshire County Council highways officer – Recommends that permission be refused for the following reasons:

1. I have now received further clarification below on the above proposed development, I cannot confirm the details on the amended application is acceptable and would not be withdrawing the recommendation of refusal based on fire attendance until further clarification has been received from the Fire Service that the layout is acceptable.

3.9 Environmental Health Officer – No objections

3.10 Hertfordshire Ecology –

In my previous response I noted that there was insufficient information on the presence of bats within the trees to allow the LPA to meet its biodiversity duty prior to determination. A ground-based Preliminary Roost Assessment of these trees has now been completed with sufficient information to determine the application in regard to bats. This identified three trees (T1, T3 and T28), as containing features having a low potential as bat roosts. Of these T1 is proposed to be removed. Suitable methods to safeguard bats during its removal are given in the accompanying report. I advise these are secured through the following Condition or similar.

The removal of Tree T1 or the pruning of trees T3, T28 should be carried out following the time limitations and methods outlined in sections 5.10-5.13 of the Ecological Appraisal by Optimis Consulting, report date 1 February 2021.

I am pleased to see the inclusion within the landscape masterplan of ecological enhancements in the form of integrated bat, swift and sparrow boxes, additional bird and bat boxes on trees as well as measures to encourage hedgehogs and invertebrates.

A report on the results of a biodiversity Metric Calculation for the baseline habitats and post development habitats on site has been provided. Although onsite planting does create some new habitats, the overall result of the development is a loss of 0.12 biodiversity units. This equates to a biodiversity net loss of 23.90%. I have no reason to question these results. It is an aim of the NPPF and the local plan that developments should deliver a biodiversity net gain. The amount of this is not yet defined in law though the Environment Bill sets it at 10%, and this is expected to become mandatory when the Bill is passed this autumn. Consequently, I would advise the LPA that it is reasonable to expect the proposal to deliver a biodiversity net gain consistent with this amount. A 10% uplift of the original 0.51 biodiversity units, taking account of the shortfall would require 0.17 units to be found. Since this offsetting cannot be achieved on site, it should be costed at J12,000 per biodiversity unit and held by the LPA to be spent on a suitably identified local off-site project, or a project to be identified and initiated within five years of receipt of monies. Any habitat enhancement resulting from the works and contributing to the 10% net gain must be such that the LPA is confident, in line with the requirements of the Environment Bill, that they can be maintained for at least 30 years (i.e. in perpetuity), and that these can be secured by Condition, planning obligation or conservation covenant (as appropriate).

3.11 Archaeology – No comments to make.

3.12 Hertfordshire Fire and Rescue Service - I note that the suggestion of a dry riser inlet with a horizontal main has been suggested. The maximum horizontal distance of a dry rising main is 18m. The suggestion of it being underground is also a concern due to the inability to drain the pipe allowing water to sit and freeze. There is also the requirement of ongoing maintenance.

BS9990 states; For typical building applications, the run of horizontal connecting pipe is a maximum of 18 m in length.

The access road showing on the site plans appears to be 3.2m. I have also looked on google street view; and although potentially out of date the access seems to be tree lined and access would be further hampered by this.

The practicalities of an inlet positioned in a different road to the property would be very complicated and also mean that a fire appliance would have to park away from the property at initial attendance, leaving any equipment needing to be carried an excessive distance.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The site comprises three elements:

- The largest area in its east, which has a wooded appearance of young and mature trees around the edges, and is largely undeveloped. Two small outbuildings are on the west side. This land is higher than land to the north and east.
- A shared access drive at the rear of dwellings on Conquest Close and Stevenage Road that leads to the site, and also provides vehicular and pedestrian access to some garages and rear gardens to dwellings on the above roads.
- A narrow strip of land to the side of Nos. 23 and 25 Conquest Close.

4.1.2 The site is within an area of predominantly residential character, where adjoining properties to the north and south are dwellings. A public house (Use Class A4) adjoins the site to the east, and a small shop is between dwellings to the north. The site does not have any specific policy designations in the adopted and emerging Local Plans.

4.2 Proposal

4.2.1 The erection of two detached bungalows with pitched roofs, with Plot 1 having two bedrooms and Plot 2 three bedrooms. They would be located in the larger eastern part of the site, against its north-east boundary.

4.2.2 Each dwelling is proposed to have two parking spaces, with two additional visitor parking spaces. Vehicular access would be via the existing access drive, which is proposed to be upgraded/resurfaced in 3.7.3 of the Design and Access Statement. Much of the existing trees and vegetation are proposed to be removed. A separate pedestrian access is proposed to Conquest Close between Nos. 23 and 25. Bin storage is proposed to be within an shaped area adjacent to the rear of No. 23, where it is intended that bins are brought down the pedestrian access to new collection point in Conquest Close.

4.3 Key Issues

4.3.1 The key material considerations are whether the development is acceptable in principle, character and appearance, impacts on neighbour amenity, future living conditions, highways and parking, trees and landscape, and ecology.

- 4.3.2 The site is within Hitchin, a Town under Policy 8 of the adopted Local Plan. Within Towns, the Council will normally permit development for housing. New housing development would also be permitted under Policy SP2 of the emerging Local Plan. New residential development on the site is therefore acceptable in principle.

Character and appearance

- 4.3.3 The site is within a residential area with dwellings to the north and south. Planning permission was also granted in 2014 under 14/02688/1 for two detached bungalows, therefore it is not considered that some small-scale new residential development in the site would be unacceptable.
- 4.3.4 The proposed dwellings would be of simple pitched roof designs with smaller front projections and would be lower than surrounding two storey dwellings, although they would have larger footprints. The external materials of red brick, white render and dark grey replica slate are considered acceptable given the mix of materials in the locality. There are no objections to the more conventional design approach, fenestration, dormers, and detailing. No plans of the lockable bin enclosure have been provided, however I consider such plans could be required by condition if permission was to be granted.
- 4.3.5 The dwellings would be approximately 5.7m and 6.3m in height, and therefore higher than the bungalows granted permission in 2014 which were approved with ridge heights of 5.2m and 5.5m, although I do not consider these differences significant. Each individual dwelling would not in my view be of an excessive size and scale compared to nearby dwellings.
- 4.3.6 Material considerations are refused planning application 19/02050/FP for three dwellings on the site, and approved planning permission 14/02688/1 for two dwellings. The first reason for refusal of 19/02050/FP was:
The proposal by reason of the size, design and siting of the dwellings and ancillary development would result in a cramped appearance within the site that would be harmful to its character and appearance and of the wider locality. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.
- 4.3.7 The current application now proposes two bungalows, like that of previous permission 14/02688/1, although the bungalows are proposed to be sited against the north-east boundary of the site rather than extending across the middle of the site, and would be higher and of different designs. The footprints of the bungalows proposed would be similar to those of the 2014 permission. More hard-standing is proposed compared to 2014, however that 2014 permission also included two additional buildings comprising a garage (the existing to be retained) and a new bin store – these buildings are not proposed as part of the present application. There have also not been any objections from the Waste Officer in terms of impacts on existing refuse storage and collections. On the basis of the absence of any objections from the Council's Waste Officer, refuse collection arrangements are considered acceptable.
- 4.3.8 The current proposal for two dwellings would result in an amount of development not dissimilar to that of the 2014 permission, with the proposed dwellings being smaller than those of the refused 2019 application. The Plot 1 dwelling would be further from the north-east boundary than the 2019 proposal, and more planting and landscaping is now proposed. I consider that the amount of development within the site and its design would be comparable to that of the 2014 permission, would not have detrimental impacts on the character and appearance of the site and locality, has overcome the first reason for refusal of the 2019 refusal, and is acceptable.

Neighbour amenity

- 4.3.9 Material considerations are refused planning application 19/02050/FP for three dwellings on the site, and approved planning permission 14/02688/1 for two dwellings. The second reason for refusal of 19/02050/FP was:

The proposed dwellings by reason of their size, bulk, siting and design would result in detrimental loss of amenity to nearby dwellings. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 and D3 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.

More specifically, the dwellings of that refused application were considered harmful to the amenities of Nos. 62, 64, 66, 74, 76, 78, 84, 86 and 88 Stevenage Road by reason of their height, bulk, size, scale, design and siting.

- 4.3.10 The most significant alteration from the 2019 application is the omission of one dwelling (Plot 2), that was close to the end of the rear gardens of Nos. 74, 76 and 78 Stevenage Road. This area would now be open from development, and as the other dwellings now proposed would be single storey and oblique, therefore it is considered that the current application would not now harm the amenity of Nos. 74, 76 and 78 Stevenage Road.

- 4.3.11 The Plot 1 dwelling has a similar siting to the Plot 1 dwelling of the refused 2019 application. The key differences to the Plot 1 dwelling now proposed compared to the refused application are:
- A reduction in the ridge height from 6.5m to 5.7m, therefore a decrease by 0.8m.
 - Re-siting this dwelling 1m further from the north-east boundary, increasing the distance to 3m.
 - The omission of a rear elevation rooflight.
 - Additional proposed planting close to the north-east boundary.

- 4.3.12 The Plot 1 dwelling would be most visible to Nos. 62, 64 and 66 Stevenage Road due to its siting, although it could only potentially affect the amenity of those dwellings in respect of their rear gardens. Ground levels of the application site adjacent to its boundaries with Nos. 62 to 66 are approx. 1m higher than the rear gardens of those dwellings, with little screening on the boundary, which are factors that will affect the visibility of Plot 1 and therefore its impacts on Nos. 62 to 66. The rear gardens of these dwellings are short and narrow, which will focus the visibility of occupants of the gardens towards the Plot 1 dwelling.

- 4.3.13 The Plot 1 dwelling of the refused 2019 application was considered harmful to the amenity of Nos. 62 to 66 due to appearing visually overbearing from those rear gardens, with some further harm from overshadowing and loss of light, exacerbated by the higher ground levels of the application site and loss of screening vegetation. The Plot 1 dwelling now proposed would be approx. 1m further from the rear boundaries with Nos. 62 to 66 and 0.8m lower, however it would remain clearly visible from the rear gardens of those dwellings. Overshadowing and loss of light would be reduced compared to the previously refused Plot 1, which I do not now consider harmful.

- 4.3.14 The proposal includes a 1.8m high fence and a hedge/planting up to 2m high on and close to the boundary with Nos. 62-66, which would be on ground levels a similar height to the Plot 1 dwelling. With this proposed dwelling being approx. 3m from the boundary, it is considered that it would be primarily the roof that would be visible from the rear gardens of Nos. 62-66. The roof ridge would be approx. 6.5m from the

boundary, with the roof having a height of approx. 2.9m. It is noted that no objections have been received from Nos. 62 to 66, whereas No. 64 did object to the 2019 application (including on the grounds of the development being overbearing). On this basis I do not consider that the proposed Plot 1 dwelling would be harmfully overbearing to Nos. 62 to 66 Stevenage Road, or any other dwellings.

4.3.15 The Plot 1 dwelling would have one rear elevation window, however this would be small, would serve a bathroom, and would primarily provide views of the rear boundary. I do not consider that this would harm privacy. If permission was to be granted I consider permitted development rights should be removed by planning condition for new first floor rear elevation openings and dormers to control any potential future development in the interests of the privacy of 62-66 Stevenage Road. I do not consider that Plot 1 would harm the amenity of Conquest Close dwellings due to its siting, size, height and design. The Plot 1 dwelling is considered acceptable with regards to neighbour amenity.

4.3.16 Turning to the other proposed dwelling, Plot 2, this would be sited and of a design and height that would not result in loss of amenity to dwellings to the south-west and south-east. It would be most visible from Nos. 82, 84, 86 and 88 Stevenage Road, in particular from their rear gardens. The Plot 2 dwelling is in a similar location to Plot 3 of the refused 2019 application, although there are some differences between them. The key differences are:

- Plot 2 is proposed to be sited further to the north-west.
- The main roof of Plot 2 would be hipped.
- The main ridge of Plot 2 would be approx. 6.3m high, a reduction of 0.3m from Plot 3.
- Part of the north-east elevation of Plot 2 would be a single storey projection approx. 4.9m high, a reduction in height of 1.7m from Plot 3.
- Plot 2 would be 3.5m to 5m from the north-east boundary, therefore further from this boundary than Plot 3 was which varied from 3m to 3.5m.
- The omission of a rooflight on the north-east elevation.

To summarise the above changes, Plot 2 would be further from the north-east boundary, sited further north-west, lower, smaller, with less bulk and mass, and additional boundary planting.

4.3.17 In comparison with the 2014 permission, one of the approved dwellings (Plot 2) was on the eastern half of the site. This approved dwelling was sited 1m from the north-east boundary, had a length of 10m along this boundary, a maximum height of 5.5m, and a hipped roof. The key differences between the Plot 2 dwelling proposed and that approved are:

- The proposed would be 0.8m higher.
- The proposed would be a minimum of 2.5m further from the boundary.
- A 2m fence and hedge is proposed on the boundary.
- The proposed would be 2.9m longer on its boundary side, however this elevation is staggered, and includes a lower 4.6m long section.
- The proposed dwelling is further to the south-east.

4.3.18 When comparing the Plot 2 dwelling proposed with that of the 2014 planning permission, which was considered acceptable regarding its impacts on neighbour amenity, the Plot 2 dwelling would be higher (but not significantly) and longer, but it would be further from the boundary and with a projection approx. 1/3 of this length 5m from the boundary and lower than the previously approved dwelling. The Plot 2 dwelling now proposed would be viewed more directly by different Stevenage Road dwellings than the 2014 Plot 2 dwelling, however the impacts on the amenity of Nos.

80 to 86 Stevenage Road dwellings are considered comparable to the impacts on the amenity of the Stevenage Road dwellings of the 2014 approval. I do not therefore consider that the Plot 2 dwelling will result in harm to the amenity of nearby dwellings.

- 4.3.19 The proposal would result in an increase in vehicular traffic and general residential activity within and to/from the site. However as only two dwellings are proposed, which are on a more modest scale, it is not considered that noise and other disturbance from the proposed development would be harmful to the amenity of nearby dwellings. Objections relating to rights of access to the site and boundary ownership are civil matters that fall outside of being material planning considerations. Clearing the site and building the development would not be straightforward due to the narrow width of the access road and could cause some inconvenience to local residents, however if permission was to be granted a Construction Management Plan would be required by condition which would seek to minimise such inconvenience as much as possible and ensure that works would be carried out appropriately with regards to local circumstances. Impacts on ground stability are not material planning considerations. Residents of some nearby dwellings have objected as they consider that the proposed development would prevent them from storing their bins on the access road. The road is at its widest at the rear of Nos. 7 to 21 Conquest Close, where it is considered sufficient space would be available for bins and vehicles to pass. This would be comparable with the existing situation where residents of those Conquest Close dwellings can drive along the access road to their garages. This was also not considered a reason for objecting to the 2014 permission. Surface water drainage, potentially including details, could be required by condition if permission was to be granted. Impacts on residential amenity are considered acceptable.

Future living conditions

- 4.3.20 It is considered that the main habitable rooms of the dwellings proposed would be of a sufficient size to provide an acceptable standard of accommodation, and would receive adequate outlook and light. The dwellings would not overlook each other, and would not experience harmful overlooking and overshadowing from nearby properties. The private gardens are considered to be of an acceptable size and quality for the size of the dwellings proposed. I therefore consider future living conditions acceptable.

Parking and highways

- 4.3.21 The Council's parking standards in its 2011 Parking SPD document state that dwellings with two or more bedrooms should have a minimum of two parking spaces. The proposed dwellings would have two and three bedrooms, and two parking spaces are proposed for each, therefore parking provision is acceptable. Each site is of sufficient size to accommodate any required cycle parking. The two visitor parking spaces proposed meet required standards. The internal layout proposed is considered sufficient for parking and manoeuvring of residents vehicles.

- 4.3.22 The County Council highways section were consulted, and have recommended that permission be refused for the following reason:

I have now received further clarification below on the above proposed development, I cannot confirm the details on the amended application is acceptable and would not be withdrawing the recommendation of refusal based on fire attendance until further clarification has been received from the Fire Service that the layout is acceptable.

- 4.3.23 This reason concerns fire safety, which is not a material planning consideration. In any case, the comments from Hertfordshire Fire and Rescue indicate that access in the

event of a fire would be awkward but not impossible, therefore the dwellings could be reached by Fire Officers in the event of an emergency.

- 4.3.24 As above, fire safety is not a material planning consideration and therefore is not something the application has to be assessed against. The Highways Officer has also not objected to the application in terms of its access onto Conquest Close, the use of the present access track to the site, impacts of general vehicular traffic to and from the site, and parking and manoeuvring within the site.
- 4.3.25 For the above reasons, it is considered that the width and visibility of the access road would be sufficient for the dwellings proposed, which overall would not generate significant amounts of traffic. The 2014 planning permission 14/02688/1 is also a material consideration, where no objections were raised to the use of the access road for that approved residential development.
- 4.3.26 The Design and Access Statement states that the access road would be upgraded/resurfaced, which is considered necessary as the road is in a poor condition and has uneven ground levels in places. It is considered that these works could be required by condition if permission was to be granted, including the submission of appropriate details. It is not known if the various owners of the existing road would consent to these works, however this would be a civil matter between the applicant and land owners, and is not a planning consideration. Impacts on the public highway and parking provision are therefore considered acceptable.

Landscape and trees

- 4.3.27 I do not object to the proposed hard and soft landscaping proposed and the mix of planting and hard surfaces, as the development would not be dominated by hard surfaces and would be softened sufficiently by the planting proposed. The landscaping details proposed would be required to be implemented prior to occupation of the development if permission was to be granted.
- 4.3.28 The majority of trees within the site, and probably all smaller vegetation, would be removed. Some larger trees close to the site boundaries would be retained. The trees to be removed are not protected by individual or group Tree Preservation Orders, and are not within a Conservation Area giving similar protection. The majority of the trees to be removed are small and not of significance. The larger trees to be removed were considered acceptable as part of the 2019 and 2014 applications, and it is not considered that material considerations have changed to the extent that a different view should be taken. There would in addition be new tree and other planting that would help compensate for these losses. Proposed landscaping and impacts on trees are considered acceptable.

Ecology

- 4.3.29 The application was submitted with an Ecological Appraisal, and a Biodiversity Metric Report (BMD). Hertfordshire Ecology have assessed this information, and the proposal as a whole, and conclude with regards to impacts on protected species that could be affected, i.e. bats in the case of this application, that appropriate mitigation and enhancement measures are proposed (including enhancements for other species). Hertfordshire Ecology considers these measures acceptable with regards to impacts on fauna – there are no reasons evident to disagree.

4.3.30 The BMD shows that the development would result in a net loss of biodiversity of 23.9%. Developments should deliver a biodiversity gain of around 10%. Policy 14 of the adopted Local Plan states that the Council will expect development proposals to take account of, and where possible, to show improvements to the nature conservation value of the site and its surroundings. Policy NE6 of the emerging Local Plan and the NPPF also aim to protect and enhance biodiversity.

4.3.31 This biodiversity gain can't be achieved on site, therefore Hertfordshire Ecology have advised that the loss be offset off site through an additional 0.17 biodiversity units, costing at J12,000 per unit, which would equate to J2040. This would require an appropriate Section 106 agreement to secure this contribution to deliver the required gains in biodiversity. At this time there is an S106 agreement in draft with a trigger point of paying this contribution prior to the commencement of the development. This is considered acceptable and would enable the LPA to deliver a required biodiversity net gain off site, in line with the requirements of the NPPF and the Environment Bill.

Climate change mitigation

4.3.32 The proposed development is not considered of a scale whereby any practical climate change measures can be secured via the grant of planning permission. An Electric Vehicle domestic charging point condition will however encourage the use of more sustainable transport, which would provide an incentive for electric vehicle use and lower carbon emissions. The Design and Access Statement also states that the development would incorporate energy efficient measures.

4.4 Balance and Conclusion

4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is engaged. There will be only limited benefits from the provision of two additional dwellings. There would be a harm from the proposed development from a loss of biodiversity, however this would be off-set by a contribution to provide a biodiversity net gain off site. The adverse impacts of the development would not therefore be considered to significantly and demonstrably outweigh the benefits as set out in paragraph 11 of the NPPF, as the adverse impacts and benefits are both considered limited and therefore balanced.

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

5.0 Recommendation

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

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

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

2. The development hereby permitted shall be carried out wholly in accordance with the

details specified in the application and supporting approved documents and plans listed above.

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

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

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

4. 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.

5. Prior to occupation, the proposed new dwellings shall each incorporate an Electric Vehicle (EV) ready domestic charging point for each dwelling.

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

6. 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: To safeguard the privacy of the occupiers of the adjacent dwellings.

7. Land Contamination Condition

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.

8. Prior to commencement of that part of the development, details of all upgrading/resurfacing works to the access road shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details.

Reason: To ensure these works will be undertaken to a satisfactory standard in the interests of existing and new residents.

9. The approved dwellings shall be constructed in accordance with the measures set out section 5.0 of the Design and Access Statement (reference A20-048-DA001; date February 2021).

Reason: In the interests of sustainability and climate change.

10. 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).

11. The removal of Tree T1 or the pruning of trees T3, T28 should be carried out following the time limitations and methods outlined in sections 5.10- 5.13 of the Ecological Appraisal by Optimis Consulting, report date 1 February 2021.

Reason: In the interests of ecology.

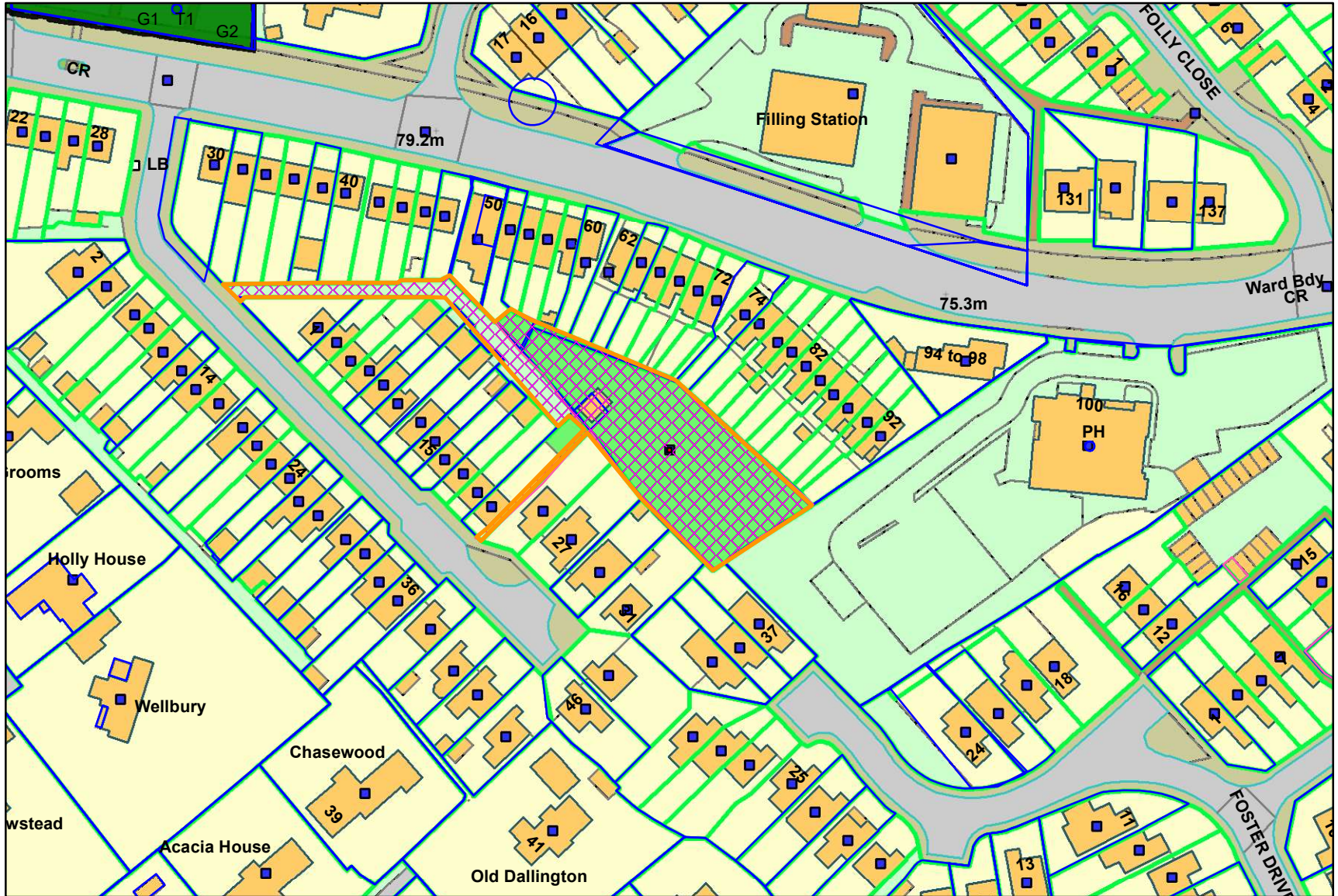
Proactive Statement:

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.

Application Validation Sheet

21/00354/FP Land to the Rear of 23 Conquest Close, Hitchin, Hertfordshire

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



Scale 1:1,250

Date: 23/11/2021

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<u>Location:</u>	Daisy Barn Treacle Lane Rushden Buntingford Hertfordshire SG9 0SL
<u>Applicant:</u>	Mr And Mrs R Sedgewick
<u>Proposal:</u>	Outline application for one detached dwelling (all matters reserved except means of access).
<u>Ref. No:</u>	21/02112/OP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 12/10/2021

Extension of statutory period:

Reason for Delay:

In order to present the application to an available committee meeting.

Reason for Referral to Committee:

The application has been called in by Cllr Steve Jarvis following an objection from Rushden and Wallington Parish Council.

1.0 **Site History**

- 1.1 19/02049/PRE - Proposed dwelling and garage. **Withdrawn**
- 1.2 01/00635/1 - Change of use and conversion of barn to 4-bedroom dwelling (as amended by plans received on 19/09/2001 and 24/10/2001)

Conditional Permission

2.0 **Policies**

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

Policy 6: Rural Areas beyond the Green Belt

Policy 14: Nature Conservation

Policy 16: Archaeological Areas of Significance and other Archaeological Areas

Policy 26: Housing Proposals

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents

Vehicle Parking at New Development SPD September 2011

2.2 **National Planning Policy Framework (July 2021)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable development

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding, and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

2.3 **Emerging North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission**

The Emerging Local Plan (ELP) has now been through the re-scheduled examination hearings in November and December 2020 and further additional hearings were held on 1st and 2nd February 2021. The Inspector has stated that the hearings are now closed, and he does not intend to hold any further hearings. The further main modifications were received from the Inspector in March and presented to the Council's Cabinet meeting on 16th March 2021 (seeking approval to proceed with the consultation on the modifications). Following this, public consultation was held on the further main modifications in May and June, with the responses received from this published in July. The Council now hopes to receive the Inspectors final report in the Autumn. Weight can be attributed to the emerging North Hertfordshire Local Plan 2011 - 2031 Proposed Submission (September 2016) Incorporating the Proposed Main Modifications November 2018 and the policies contained within it (see below). The weight which can be attributed to the ELP is discussed in greater detail later in this report.

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable Transport

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP11: Natural Resources and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

Policy SP13: Historic Environment

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy CGB1: Rural Areas beyond the Green Belt

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions

Policy D4: Air Quality

Policy NE1: Landscape

Policy NEx: Biodiversity and Geological Sites

Policy HE11: Contaminated Land

Policy HE1: Designated Heritage Assets

Policy HE4: Archaeology

3.1 Site Notice and Neighbour Consultation – Objections received from Honeypot Cottage, Treacle Cottage, Flint Cottage, Risden Cottage and Field Cottage (Summary):

- o There has never been a building on this site; it's always been garden land.
- o Any building here would dominate the landscape and be out of character.
- o Not in keeping with the Conservation Area.
- o Proposal fails to comply with Saved Policy 6 and 29, as well as Emerging Policy CGB1 of the Local Plan.
- o Dwelling here would be clearly visible from surrounding footpaths.
- o Little green space proposed with the development.
- o Turning circle that is for emergency services and refuse next to the site would potentially be impacted by the proposal. This would be dangerous and adversely impact upon neighbour's well-being.
- o The proposal is not sustainable and will increase cars and traffic. There is no public transport, and the village lacks facilities/services.
- o Concerns over a 'temporary road' used for construction.
- o Proposal would be out of character with Grade II listed properties nearby.
- o Potential for large vehicles to hit properties due to the narrow nature of Treacle Lane.
- o The site is not within the main core of the village and therefore cannot be classed as infill.
- o Proposal does not relate to an existing agricultural building.
- o Fear that a precedent will be set for future development.
- o Modern design would be out of keeping with village character.
- o Proposal would block views to Field Cottage from the A507.

3.2 Hertfordshire Highways – No objection.

3.3 Rushden and Wallington Parish Council – Object on the following grounds (summary):

- o Rushden is a Category B Village within the ELP and is within the Rural Area beyond the Green Belt within the SLP/ELP.
- o The proposal fails to meet any development criteria or enhance the rural area, due to its size and design.
- o There is no identified rural housing need.
- o Site is outside the village core (centred around Church Green) and therefore this cannot be an infill development.
- o Planning policies and decisions should avoid isolated homes in the countryside.
- o The proposal is not related to agriculture, forestry, or affordable/social housing. It is also not related to an existing rural building as is detached self-contained.
- o Four-bedroom house will increase cars and traffic down the narrow Treacle Lane with a single turning circle. No public transport and facilities in the village.

3.4 Environmental Health (Air Quality) – None received.

3.5 Environmental Health (Land Contamination and Noise) – No objection subject to conditions.

3.6 Waste and Recycling – Advisory comments.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 Daisy Barn is a large property at the southern end of Treacle Lane, Rushden. The property benefits from a spacious plot with a large rear/side garden, bounded by large mature hedging. The site is outside of the Conservation Area and is designated within the Rural Area beyond the Green Belt.

4.2 **Proposal**

- 4.2.1 The application seeks outline planning permission for the erection of one detached dwelling on the area of side garden south-east of the host property. All matters are reserved apart from access which seeks to retain the turning circle conditioned on the original barn conversion in 2001.

4.3 **Key Issues**

- 4.3.1 The key issues in the determination of the application are the principle of the proposal in light of planning policy and whether the proposal would constitute sustainable development. As all matters are reserved apart from access, therefore details relating to design, landscaping, layout, and scale are not to be considered.

Principle of Development

- 4.3.2 There are a number of Saved (SLP) and Emerging Local Plan (ELP) policies, as well as objectives and principles within the NPPF, relevant to this application. It is worth noting at this stage that the ELP is at an advanced stage of preparation, being published subject to two rounds of hearings, and modified twice. In accordance with paragraph 48a of the NPPF, the ELP can generally be attributed substantial weight in my view, due to its advancement towards adoption which is estimated to be in Spring 2022. Furthermore, with respect to SLP policies, these can also be afforded substantial weight due to their fundamental compliance with the objectives of the NPPF.
- 4.3.3 Following revised publications of the National Planning Policy Framework (NPPF), the councils five-year land supply position has deteriorated. At the time of writing, the Councils five-year land supply is 1.47 years, which is a significant shortfall, therefore the contribution that these kinds of developments would make is both relevant and important. Therefore, appropriate weight should be given to the provision of one dwelling on this site in my view. In instances where the LPA cannot demonstrate a five-year land supply, the tilted balance is engaged in accordance with paragraph 11d of the NPPF, where permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies within the NPPF as a whole. However, in line with footnote 7 policies, the application of policies which protect heritage assets must give a clear reason for refusal in order to dis-engage the tilted balance.

Relevant Planning Policy

- 4.3.4 The application site is located within Rushden which is designated as a Category B settlement within Policy SP2 of the ELP, where it states that:

“infilling development which does not extend the built core of the village will be allowed”.

This is echoed within the supporting text of Policy SP2 which states that Category B villages will be allowed to accommodate limited infill development that does not expand the built core of the village into the surrounding countryside.

- 4.3.5 Moreover, given that Rushden is not a Selected Village for the purposes of the SLP and is designated within the Rural Area Beyond the Green Belt, Saved Policy 6 is relevant in this instance. It states:

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

- ***it is strictly necessary for the needs of agriculture, forestry or any proven need for local community services, provided that:***
 - ***the need cannot practicably be met within a town, excluded village or selected village, and***
 - ***the proposal positively improves the rural environment; or***
- ***it would meet an identified rural housing need, in compliance with Policy 29; or***
- ***it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or***
- ***it involves a change to the rural economy in terms of Policy 24 or Policy 25”.***

- 4.3.6 Moreover, ELP Policy CGB1 considers development within the Rural Area Beyond the Green Belt, stating:

“In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:

- a. is infilling development which does not extend within the built core of a Category B village.***
- b. meets a proven local need for community facilities, and services or rural affordable housing in an appropriate location.***
- c. is strictly necessary for the needs of agriculture or forestry.***
- d. relates to an existing rural building.***
- e. is a modest proposal for rural economic development or diversification; or***
- f. would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area”.***

- 4.3.7 The application site is an area of land that is classed as residential garden for the host property, Daisy Barn. Following clarification with the Planning Enforcement team, who looked at historical aerial photographs of the site, it is considered that this area of land has been used as a residential garden since the original barn conversion took place in 2001. For this reason, it is my opinion that the land has an existing residential use, meaning that the use of the land before and after the proposed development would be the same. The assessment would be different if the area in question were paddock land, where no residential use exists, which would hold an objection in principle in my view. However, with respect to the relevant aforementioned SLP and ELP policies, given that the area in question is currently residential garden land, the principle of residential development is acceptable in my opinion, as a further subdivision of an existing residential plot would have less impact on the character of the countryside than would be the case if the proposal was for a new plot encroaching into open countryside.

- 4.3.8 ELP Policies SP2 and CGB1 allow for infilling development that does not extend the built core of a Category B village, which is broadly similar to the purposes and aims of SLP Policy 6. Notwithstanding the loose principle of development set by the use of this land as residential garden, in my opinion, development on this site would not extend the built core of the village because the existing boundary is the outer most part of the village core, in the absence of a defined settlement boundary. The land beyond the boundaries to the south and east would be outside the village core in my view, but the clear boundary between the site and the adjacent fields identifies that this site is the outer most part of Rushden in my opinion. The site has buildings within close proximity located to the north-west and east, in the form of Daisy Barn and Field Cottage, which lends itself to being an infill plot in my view. That said, it could also be argued that, given the location of the site at the southernmost point of Treacle Lane, any development here would extend the built core of Rushden, through the erection of a building on an area where there is currently no built form towards the open countryside. Therefore, there is potentially a conflict with aspects SLP and ELP policies in this regard.
- 4.3.9 However, it is acknowledged that the Council cannot demonstrate a 5-year land supply. At the time of writing, the Council's five-year land supply is 1.47 years, which is a significant shortfall and therefore the provisions set out in paragraph 11 of the NPPF encourages the supply of housing in the context of the presumption in favour of sustainable development. The planning balance will be outlined later in this report.

Sustainability

- 4.3.10 The overarching goal of the NPPF is to achieve sustainable development, as outlined within paragraph 7. The three overarching objectives of economic, social, and environmental sustainability are considerations that should be weighed up in the planning balance.
- 4.3.11 With respect to economic sustainability, the erection of 1 dwelling would bring modest benefits throughout the construction phase, which would likely utilise local tradesmen. Other economic benefits as I see them, are the use of more local services in surrounding villages, as well as slightly more distant services in Letchworth and Baldock. These benefits are considered to be modest in my view and attribute modest weight.
- 4.3.12 Social sustainability would be impacted through the delivery of 1 dwelling against the Districts five-year land supply position, which has significantly deteriorated and warrants engaging of the tilted balance. As I have already pointed out, the contribution that small sites can make to an areas housing figures is important, and this should be given modest weight in my view.
- 4.3.13 Lastly, environmental sustainability would be impacted significantly by the development in my view. The applicant states that they wish to incorporate sustainable building methods and technology into this development. They state that the host dwelling is limited in its potential for further sustainable measures, given its age, so a new dwelling would allow them to pursue sustainable living. These are all welcomed by the LPA and would make a positive impact upon the environment. That said, Rushden has very little in the way of services regardless of its designation as a Category B settlement. This means that the occupiers would likely rely on private vehicles for the majority of their needs which is not inherently sustainable for the purposes of the environmental pillar. However, the additional trips generated by a single dwelling would be unlikely to generate movements sufficient to conflict with the aims of the NPPF to minimise the need for travel and maximise use of sustainable transport modes. Therefore, this should be attributed moderate weight in my opinion.

Heritage Assets

- 4.3.14 As stated, the site and host property are outside of the Conservation Area, but they are within close proximity to a neighbouring listed building, Field Cottage. The supporting planning statement makes a case that a dwelling on this site would not have any material harm to the designated heritage asset, given previous planning decisions on the neighbouring property and the indicative design of the dwelling. In my view, the principle of a dwelling on this location would have some harm, albeit less than substantial, upon the setting of the neighbouring listed building, given its visibility from the A507 over the countryside that would be screened by a dwelling on site. Paragraph 202 of the NPPF states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

- 4.3.15 As such, it is considered that a dwelling on this site would lead to less than substantial harm to the setting of the nearby listed property, Field Cottage. The public benefits of this proposal are a modest delivery of 1 dwelling against the 5-year land supply. In my opinion, the proposed development would not enhance or better reveal the significance of the neighbouring listed building; in fact, it would likely do the opposite, but this harm is still considered to be towards the lesser end of less than substantial harm. Given that the application is for a single sustainably built dwelling for the occupants of Daisy Barn, it is my considered view that the modest benefits of 1 dwelling in this location outweigh the less than substantial harm to the designated heritage asset. This is in accordance with Section 16 of the NPPF and ELP Policy HE1.
- 4.3.16 As stated already, following revised publications of the National Planning Policy Framework (NPPF), the councils five-year land supply position has deteriorated. At this time, the council cannot demonstrate a five-year land supply, and in these circumstances, the tilted balance set out in paragraph 11 of the NPPF is engaged. However, in line with footnote 7 policies, the application of policies which protect heritage assets must give a clear reason for refusal in order to dis-engage the tilted balance. In my view, given that the less than substantial harm attributed by the principle of this development is outweighed by the public benefits of 1 dwelling against the 5-year land supply and local economic/social benefits, the application of footnote 7 policies affecting designated heritage assets does not provide a clear reason for refusal. Therefore, the tilted balance is not dis-engaged in accordance with paragraph 11d of the NPPF, whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

Planning Balance

- 4.3.17 In the absence of a five-year land supply and in accordance with paragraph 11d of the NPPF, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The application of footnote 7 policies has not provided a clear reason for refusing development, which means the neutral balance is not engaged in this instance.
- 4.3.18 The area of land in question is currently used as a residential garden and has been in such a use since the original barn conversion took place, on the balance of probabilities. Therefore, there is a principle of further residential development in this instance because the existing and proposed use of the land would remain the same;

residential. This principle of residential development should be awarded moderate weight in the planning balance in my opinion.

- 4.3.19 With respect to Rushden's designation as a Category B settlement and the fact that the site is within the Rural Area Beyond the Green Belt, it could also be argued that, given the location of the site at the southernmost point of Treacle Lane, any development here would extend the built core of Rushden. However, in my considered opinion, the proposed development would not extend the built core of the village towards an area of open countryside because the existing boundary is the outer most part of the village core, in the absence of a defined settlement boundary. For this reason, as well as owing to the existence of other dwellings to the north-west and east the proposal can be considered as infill development because the site is not isolated from other development. The scheme is therefore considered in line to ELP Policy SP2 and CGB1, as well as SLP Policy 6. These policy considerations should be awarded great weight in the planning balance in my view.
- 4.3.20 With respect to the three pillars of sustainability, the scheme has some modest economic and social benefits, including the construction phase that would utilise local services, the use of services in nearby villages and towns and the addition of 1 dwelling towards the Districts housing supply shortfall. Furthermore, the scheme also seeks to incorporate environmental benefits, such as the incorporation of sustainable building methods and technology into the development. That said, regardless of the Category B designation the occupants would likely be forced to use private vehicles for access to services locally but seeing as the application is for a single dwelling the trips generated by the proposal would likely not generate movements sufficient to conflict with the aims of the NPPF. The scheme is therefore considered acceptable with respect to the three pillars of sustainability.
- 4.3.21 Lastly, the application site is within relatively close proximity to the neighbouring listed building, Field Cottage. In my view, the principle of a dwelling on this location would have some harm, albeit less than substantial, upon the setting of the neighbouring listed building, but this level of harm is outweighed by the benefits of 1 dwelling against the 5-year land supply and modest social, economic, and environmental benefits in my view. This is deemed in accordance with Section 16 of the NPPF and ELP Policy HE1 which should be awarded moderate weight.
- 4.3.22 As such, the proposed development would provide an additional dwelling, effecting the shortfall in housing land supply, albeit limited to one. It is my considered view that the scheme has a favourable principle of development, owing to the sites existing use as a residential garden. The proposal attributes on-balance compliance with the relevant Saved and Emerging Local Plan policies and it would occasion less than substantial harm to the setting of the nearby listed building, where the public benefits do outweigh the harm in my view. The scheme would also have modest social, economic, and environmental benefits locally. As such, in the absence of a 5-year land supply, the harm occasioned by the principle of this development, which is limited to less than substantial harm to the setting of a nearby listed building, does not significantly outweigh the benefit of 1 dwelling against the Council's 5-year land supply and modest local economic, social, and environmental benefits. Therefore, on balance it is considered that the proposed development should be approved.

4.4 Conclusion

- 4.4.1 In conclusion, the proposed development would provide one additional dwelling against the current 5-year land supply shortfall, as well as modest social, economic, and environmental benefits. The site has a favourable principle of development for

residential which is supported, on balance, by the relevant SLP and ELP policies. The application is an outline, which only allows for consideration of relevant planning policy, the principle of development and sustainability. In my view, the principle of residential development is acceptable, and the harm occasioned by such a proposal, which is limited to less than substantial harm to the setting of a nearby listed building, does not significantly outweigh the benefits. The scheme is therefore deemed compliant with Policies 6 and 57 of the Saved Local Plan, the general provisions set out within the NPPF and Policies CGB1, SP2 and SP5 of the Emerging Local Plan.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 N/A

4.7 **Climate Change Mitigation Measures**

4.7.1 In accordance with the consultation from Environmental Health, a condition stating that the proposed development shall incorporate an EV charging point will be implemented on any subsequent decision notice. This is in accordance with Section 14 of the NPPF 2021.

5.0 **Recommendation**

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

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

3. 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.

4. Prior to occupation, the proposed new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point

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

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

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

6. Before the first occupation of the dwelling hereby approved, secure cycle storage is to be provided in the rear garden.

Reason: To comply with the provisions of the SPD Parking Provision at New Developments.

7. The hammerhead turning point required under planning application 01/00635/1 shall be maintained in accordance with the submitted HM Land Registry plan and retained in perpetuity.
















Reason: the turning point is used by Waste Management Services and Emergency Services, therefore it is important that such access is not obstructed by the development.

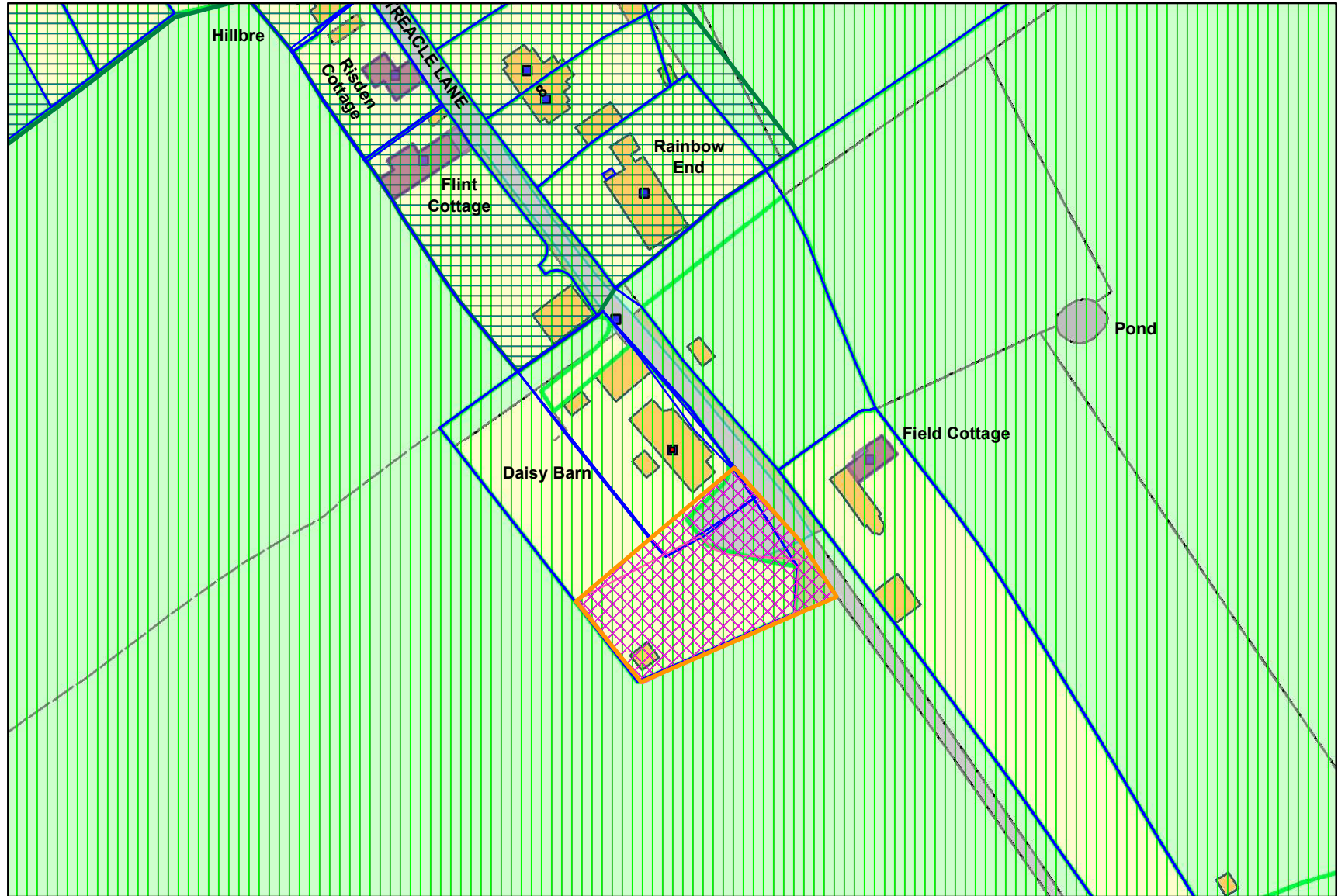
Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Application Validation Sheet

21/02112/OP Daisy Barn, Treacle Lane, Rushden, Buntingford, Hertfordshire, SG9 0SL

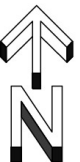
-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistbld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**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



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Date: 23/11/2021

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<u>Location:</u>	Courtlands Todds Green Stevenage Hertfordshire SG1 2JE
<u>Applicant:</u>	EHP Land & Development Ltd
<u>Proposal:</u>	Means of access in relation to proposed redevelopment of existing stables to provide 17 dwellings with access road, parking, landscaping, footpath connections, infiltration basin and pump station.
<u>Ref. No:</u>	21/02576/FP
<u>Officer:</u>	Peter Bull

Date of expiry of statutory period : 01.12.2021

Reason for Delay (if applicable)

Reason for Referral to Committee (if applicable)

Submitted Plan Nos

14043-P035C 14043-P034D 14043-P027-C 14043-P030-R 14043-P031-K
14043-P033-C 14043-P035-B 14043-P037-B 14043-P038-A ID-200-PLAN

1.0 Site History

1.1 None

2.0 Representations

2.1 **Site Notices:** 17/09/2021 Expiry: 10/10/2021

Press Notice: 26/08/2021 Expiry: 16/09/2021

2.2 **Neighbours** – one letter received objecting to the residential development of the site due to adverse impacts on the green belt and climate change. Concerns are also raised about the associated traffic with the residential development and the impact on local services.

2.3 **Wymondley Parish Council** - objected to the principle of the residential development of the residential development proposed in Stevenage Borough Council's area on the grounds it is contrary to the National Planning Policy Framework and the adopted Wymondley Parish Neighbourhood plan. However, no issues were raised in relation to the proposed use of the vehicular access.

2.4 **Hertfordshire County Council as highways authority** – issues relating to vehicular access, service and emergency vehicles, road safety, parking provision, sustainable

travel, trip generation distribution and high impact, travel plans and constructions traffic have been and it is considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of the planning conditions and a highway informative.

- 2.5 **Air quality Consultant** – recommends the requirement for EV charging although acknowledges that the residential elements lie outside North Herts district.
- 2.6 **Environmental Protection and Housing** - there is considered to be a low likelihood of environmental risk from ground contamination. Therefore, there is no objection to the proposed development, with respect to contamination on land. There are no requirements for the imposition of planning conditions, in the event that permission may be granted.
- 2.7 **Environmental Health** - no objections regarding the proposed means of access.
- 2.8 **Archaeology** – no response received
- 2.9 **Environment Agency** – does not consider this proposal to present a high pollution risk to controlled waters, based upon the environmental setting and/or the previous land uses of the site. In the circumstances, no site-specific advice on land contamination is provided.
- 2.10 **Local Lead Flood Authority** – the information provided does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. We therefore object to the grant of planning permission and recommend refusal of the application.
- 2.11 **Transport Policy Officer** - agrees with the comments provided by officers from HCC (Hertfordshire County Council as highway authority), emphasising the need to improve pedestrian access to the development.
- 2.12 **Footpaths (Rights of Way)** – no response received.
- 2.13 **Ecology (Natural Historic and Built Environment)** – no response received.

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

3.1.1 The application seeks permission for the use of an existing vehicular access to serve a proposed residential development located outside of the District within Stevenage Borough (Stevenage Borough Council application reference number 21/00971/FPM). The proposed residential development site which the access will serve is currently occupied by a riding school and consists of a number of old buildings of varying ages, scales and appearances.

3.1.2 Currently the access, Old Chantry Lane, links to the main road network via Chantry Lane designated a Local Access Road. Chantry Lane links to the A602 in the north and Stevenage Road to the south and is located immediately west of junction 8 of the A1(M). There are two dwellings within the riding school site which have been used by the owners and which are accessed via Old Chantry Lane. The access also serves two other properties south of the residential site, The Lodge and Chantry Farm.

3.1.3 The eastern edge of Old Chantry Road is the district boundary separating the North Herts from Stevenage. Old Chantry Lane is a hard surfaced double width carriageway and is

screened from Chantry Road by existing dense treed strip of land. To the east of the riding stables site is the main railway line linking Kings Cross London to the north of England.

3.2 Proposal

3.2.1 The application insofar as it relates to development within North Hertfordshire District seeks permission for the means of access in relation to proposed redevelopment of existing stables to provide 17 dwellings with access road, parking, landscaping, footpath connections, infiltration basin and pump station on adjacent land. The means of access is an existing access road currently which measures approximately 25 metres in length and 5 metres in width. Although only a small element of the wider development red line boundary is within North Hertfordshire District, regulations require that when an application site area straddles two administrative boundaries, duplicate planning applications must be submitted to each Local Planning Authority. The development of the proposed 17 dwellings however would be located wholly within Stevenage Borough boundary.

3.2.2 At a meeting of Stevenage Borough Council's Planning and Development Committee on 9th December 2021, it was resolved to grant planning permission for the residential subject to the applicant entering into a S106 Legal Agreement.

3.3 Key Issues

3.3.1 As already confirmed in the foregoing parts of this report, the use of the access will be serving a residential development outside of North Herts district. The principle of redeveloping the riding stables site for residential use and the associated technical matters arising were considerations for Stevenage Borough Council only. In the circumstances, it is not appropriate to consider or seek to control many of the issues raised by third party consultees (including neighbour representations and Wymondley Parish Council) as part of this application. For clarity, the matters under consideration as part of this application are limited to the impacts on highways and access and the associated green belt impacts.

Highways and access

3.3.2 The proposed residential development will utilise Old Chantry Lane as to sole access for vehicular traffic. As part of the development, changes to the existing bellmouth at the point where the internal access road meets Old Chantry Lane including improved visibility splays will be provided. No other specific changes or improvements are proposed to the access within the application site. However, a number of off-site improvements are proposed within the public highway. These comprise improved visibility splays at the priority T-junction of Old Chantry Lane and Chantry Lane, new footpaths either side of the junction, a toucan crossing and footpath widening across the bridge in Fishers Green.

3.3.3 In relation to the changes in vehicular movements along Old Chantry Lane, the existing commercial equestrian stables is considered to generate a moderate amount of movements to and from the site. The proposed residential scheme (17 dwellings) would result in an intensification of use of Old Chantry lane with an estimated 83 two-way movements per day as suggested in the submitted Transport Statement. The Transport Assessment calculates that the existing use generates 51 two-way movements per day. The proposal is therefore likely to result in a daily increase of 32 two-way vehicle trips with a perceived intensity of use as a result. This would give rise to a very moderate amount of harm to the Green Belt. Hertfordshire County Council have assessed this data and advise that this increase in trip generation would not have an unreasonable impact on the safety and operation of the adjoining highways and therefore raise no concerns or objections in this regard.

3.3.4 As part of another nearby development, Stevenage Borough Council have, through a S106 Legal Agreement, secured a new bus stop which will also serve the residential

development of the residential development. This together with the other improvements set out in 4.5.3 of this report will ensure that the residential development of the adjacent site will offer opportunities to travel through a variety of sustainable transport modes.

3.3.5 In relation to construction traffic, to ensure these do not prejudice the safety and operation of the highway network, a construction Management Plan condition is recommended by the Hertfordshire County Council in the event that permission is granted.

Conclusion

3.3.6 Subject to the imposition of conditions, the proposed development would not have any harmful impacts that cannot be mitigated by conditions.

Alternative Options

None applicable.

Pre-Commencement Conditions

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

4.0 Legal Implications

4.1 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.

5.0 Recommendation

5.1 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. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided 5.0 m wide complete with a minimum 8.0 m radius kerb to the southern side of the carriageway and thereafter retained at the position shown on the approved drawing number 14043-P030-R and include a pedestrian link from the development to the existing footway network as shown on drawing 5565 / 002 revision A to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. 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. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pave-ments.aspx> or by telephoning 0300 1234047.
2. AN2) 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 willfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pave-ments.aspx> telephoning 0300 1234047.
3. 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.


4. 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

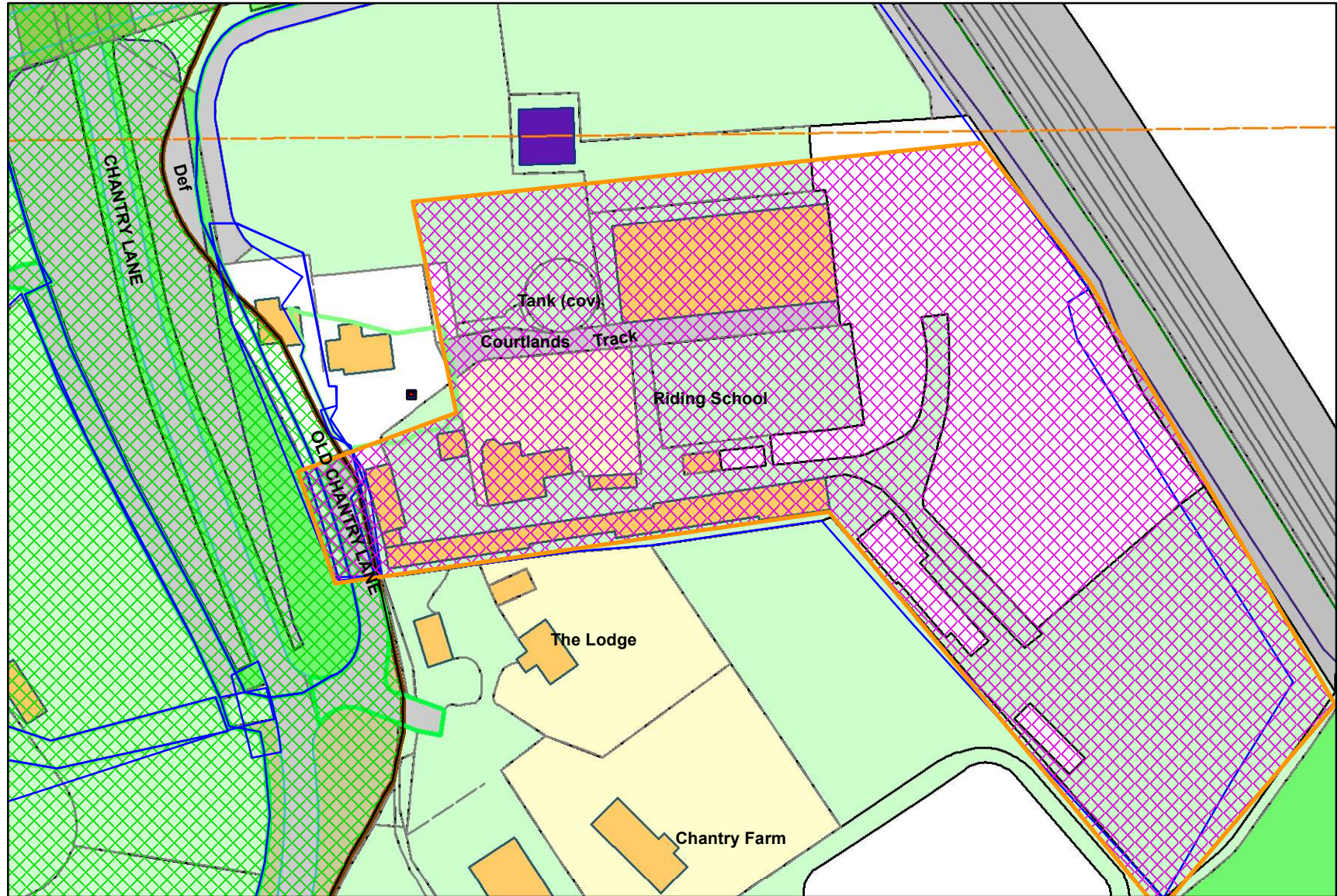
7.0 **Appendices**

- 7.1 Proposed site plan including residential development with Stevenage Borough.

Application Validation Sheet

21/02576/FP Courtlands, Todds Green, Stevenage, Hertfordshire, SG1 2JE

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
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-  **Health & Safety Consultation Zone**
Prjnzshp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



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Date: 11/01/2022



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A 602 (Road)
A 602



notes:

any discrepancies should be reported immediately

all dimensions should be checked on site prior to commencement of work

site/survey based on ordnance survey information provided by prodact systems plc, (www.promap.co.uk) prodact does not guarantee that all past or current uses or features will be identified in the product

the product does not give details about the actual state or condition of the site nor should it be used or taken to indicate or exclude actual suitability or unsuitability of the site for any particular purpose, or relied upon for determining salability or value, or used as a substitute for any physical investigation or inspection.

drawings to be read in accordance with the dwelling emission rate (der/ter) calculation, the building must be built 'as designed' meeting the criteria set for air permeability.

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note when printing off pdf's it is the responsibility of the user to verify that the resulting prints are to scale on the appropriate sized sheet. also that the scale bars on the plan measure correctly.

Aug	road with	DR
Aug	pump added / centre line rev	JM/NP
Aug	all detached	K
Date	Description	Rev

**Hertford Planning Service**
Architecture & Planning

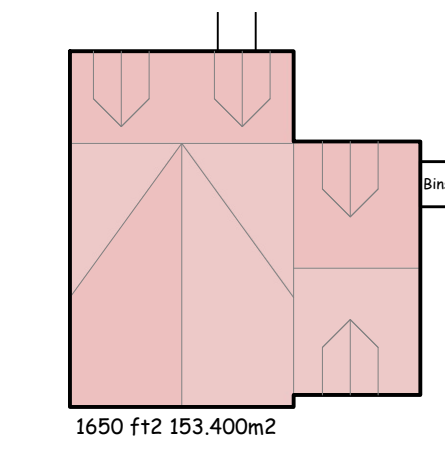
Westgate House, 37-41 Castle Street,
Hertford, Herts SG14 1HH
Tel: 01992 552173 Fax: 01992 587643
Email: contact@hertfordplanning.co.uk
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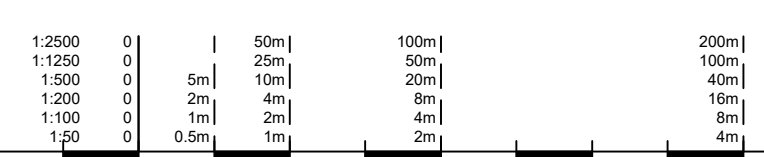
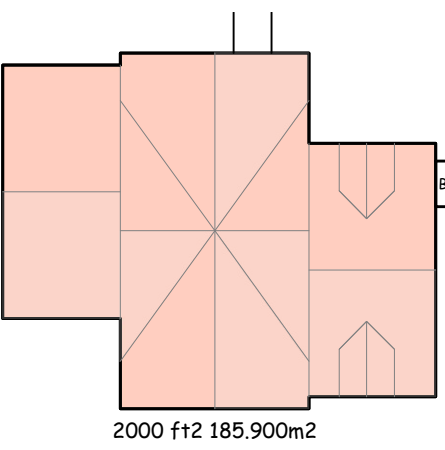
Description	
Project	Courtlands Stevenage SG1 2JE
Drawing	Site Plan

Date	23/08/2021
Scale	1:500
Sheet size	A1
Drawn	mRn

14043-P030-R



11 x 1650 Sq ft's
6 x 2000 Sq ft's



Site Plan 1:500 Scale

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PLANNING CONTROL COMMITTEE

DATE: 27 January 2022

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr Paul Ashby	Retention of a wooden fence to front/side elevation for security and privacy purposes	2 Chapel Road Breachwood Green Hitchin Hertfordshire SG4 8NU	21/01335/FPH	Appeal Dismissed on 29 November 2021	Delegated	The Inspector concluded that the boundary fence has a harmful effect on the character and appearance of the area. It is contrary to the overall aims of Saved Policy 57 (Residential Guidelines and Standards) of the North Hertfordshire Local Plan No.2 with Alterations 1996 (Saved Policies 2007) (LP) that, amongst other things, seek to ensure that development achieve the highest standard of design that relates to and enhances their site and the character of the surroundings. In addition, the development does not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design that are sympathetic to the local character (paragraph 130). The Inspector also concluded that the boundary fence does have an adverse effect on highway safety. It does not accord with the Framework that seeks to ensure developments achieve safe and suitable access to the site for all users (paragraph 108), highway safety (paragraph

						109) and create places which minimise the scope for conflicts between pedestrians, cyclists and vehicles (paragraph 110).
Garrison Court Freeholders Ltd	Two connecting 4-storey blocks comprising of 8 apartments following demolition of existing garages.	Garages Rear Of Garrison Court Mount Garrison Hitchin	20/03045/FP	Appeal Dismissed on 17 December 2021	Delegated	The Inspector concluded that the proposed development would have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conflict with LP Policies 26 (Housing Proposals) and 57 (Residential Guidelines and Standards). Amongst other matters, these seek to ensure that new developments be acceptable in that location within the environment of the existing area; and require careful and thoughtful design for future generations, whether or not these are residents.
Mr A Mitchell	Erection of one detached 3-bed dwelling including creation of vehicle access off Stobarts Close.	16 Deards End Lane Knebworth Hertfordshire SG3 6NL	20/02706/FP	Appeal Dismissed on 20 December 2021	Delegated	The Inspector concluded that the proposed development would be harmful to the character and appearance of No 16, and it would also fail to preserve or enhance the character and appearance of the Deards End Lane Conservation Area, and would adversely affect the significance of this designated heritage asset. This is contrary to the heritage aims of Policy HE1(Designated heritage assets) of

						the emerging North Hertfordshire Local Plan 2011-2031(emerging LP) and would conflict with the requirements of the Framework.
Mr Birju Patel	Demolition of garage and removal of roof of annexe followed by part two storey and part first floor extension on the south side and single storey side extension on the north side.	10 Girons Close Hitchin SG4 9PG	21/01017/FPH	Appeal Dismissed on 20 December 2021	Delegated	The Inspector concluded that the proposed development would significantly harm the character and appearance of the appeal site and surrounding area. This would be contrary to the design, character and appearance aims of saved LP Policies 28 (House Extensions), 57 (Residential Guidelines and Standards); emerging LP Policy D1 (Sustainable design), D2 (House extensions, replacement dwellings and outbuildings) and the requirements of the Framework. The Inspector also concluded that the proposed development would significantly harm the living conditions of neighbouring occupiers, particularly those present at 11 Girons Close.
Mr Norrington	Erection of two detached 3-bed and one detached 4-bed bungalows including alteration to the existing vehicular access off London Road following demolition of existing dwelling.	The Red Lion Stud London Road Reed SG8 9RP	20/02459/FP	Appeal Allowed on 20 December 2021	Delegated	The Inspector found that as the benefits of the scheme can be ascribed a limited to moderate amount of weight and the harm from the development would attract a limited amount of weight, the Inspector concluded that the adverse effects from granting planning permission would not

						significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
Mr Francesco Benucci	Installation of vehicular crossover.	33 Bearton Road Hitchin SG5 1UE	21/01850/FPH	Appeal Allowed on 23 December 2021	Delegated	The Inspector stated that there was no evidence before them that the addition of a crossover would materially harm or undermine the highway safety of users of Bearton Road, particularly in light of the number of crossovers already in use along this stretch of the road. Consequently, the Inspector did not find harm to the relevant parts of section 9 of the Framework (2021), nor policy 5 (Development Management) of the Local Transport Plan 4 (2018), which seeks access arrangements are safe and suitable for all people. Nor did the Inspector find harm to policy T2 (Parking) of the emerging Local Plan, which seeks parking arrangements that are safe and functions satisfactorily.
Mrs H Flint	Permission in Principle: Erection of up to four dwellings	Land West Of Pirton Road Holwell SG5 3SS	20/02359/PIP	Appeal Dismissed on 30 December 2021	Delegated	The Inspector stated that they do not consider the development to be 'infill within' the built core of the village, given its location on the very edge of the village, where the proposals would result in an extension to the built core of the village. The Inspector therefore

						<p>found the proposals to be contrary to Policy CGB1 of the emerging LP. The Inspector also found harm to emerging LP policy NE1 (Landscape) insofar as it would result in the permanent loss of open countryside with an open rural character, where the policy seeks to protect landscape character. The Inspector also stated that the proposal would result in significant harm to the strategy set out in SP1 (Sustainable Development in North Hertfordshire); T1 (Assessment of Transport Matters) and SP2 (Countryside and Green Belt) and SP8 (Housing) of the emerging LP, which seeks to focus development in sustainable locations with sustainable transport opportunities, including rural villages where key facilities will be supported, operating a policy of restraint elsewhere. The Inspector also found the proposals contrary to policy SP6 (Sustainable Transport) of the emerging LP which supports development in locations which enable sustainable journeys to be made to key services and facilities. Finally, the Inspector considered the proposals to be contrary to the broader spatial strategy of the emerging LP which does not seek to allocate new housing in Holwell, instead</p>
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						focussing development in areas with good public transport links and a good range of day to day facilities.
Mrs H Flint	Permission in Principle: Residential Development of Land for Affordable Housing (five dwellings)	Land South Of Holwell Road Holwell SG5 3SG	20/02520/PIP	Appeal Allowed on 30 December 2021	Delegated	<p>The Inspector stated that they considered delivery of much-needed affordable housing in an area with proven and as yet unmet need attracts significant weight which outweighs the harm associated with the development of this site. There would be further opportunities for the impact of the proposed development to be considered at Technical Details Consent stage and this would include design and landscaping, as well as the means by which the affordable housing could be secured long term.</p> <p>In light of the fact that the proposal is for affordable housing and that there is proven local need for this specific type of housing, the Inspector considered it would be aligned to policy CGB2 (Exception sites in rural areas) of the emerging LP parts (d) and (e). As such the proposed quantum of development is acceptable.</p>

PLANNING CONTROL COMMITTEE

DATE: 27 January 2022

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr & Mrs G & A Kennion	18 November 2021	Single storey side extensions and two storey rear extension, raising of roof, insertion of two rear dormer windows and two front rooflights to provide first floor accommodation. Chimney to side elevation and front porch. Section 73 application removal of condition 3 of Planning Permission 12/00823/1HH granted 12.06.2012.	Hillcrest Shaftenhoe End Bogmoor Road Barley SG8 8LD	21/01194/S73	Written Representations
Mr Wilkinson	18 November 2021	Residential development of 28 no. dwellings and landscaping including pond, wildflower meadow and woodland and associated infrastructure.	Land Development Site Off Station Road Ashwell	20/03070/FP	Written Representations
Ms Natasha Rataj	25 November 2021	Erection of one pair of semi-detached 2-bed dwellings following demolition of existing workshop outbuilding.	35 Common Rise Hitchin SG4 0HN	21/00286/FP	Written Representations
Mr Adam Uzzell	07 December 2021	Erection of one detached dwelling (all matters reserved).	Land Between Teanga Cluig And Libre View Bell Lane Nuthampstead SG8 8ND	21/01157/OP	Written Representations
Mr Ryan Harper	20 December 2021	Development A - Change of use of land to domestic curtilage; Development B - Erection of detached home office outbuilding.	Land Adjacent 2 Old Ramerick Barns Bedford Road Ickleford SG5 3SB	21/01790/FP	Written Representations

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Appeal Decision

Site visit made on 8 December 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30TH December 2021

Appeal Ref: APP/X1925/W/21/3276596

Land south of Holwell Road, Holwell, Grid Ref Easting 517033 Northing 233281

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission in principle.
 - The appeal is made by Ms H Flint against the decision of North Hertfordshire District Council.
 - The application Ref 20/02520/PIP, dated 2 November 2020, was refused by notice dated 7 December 2020.
 - The development proposed is described as residential development of land for affordable housing (five dwellings).
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development land for affordable housing (five dwellings) at land south of Holwell Road, Holwell, Grid Ref Easting 517033 Northing 233281 in accordance with the terms of the application, Ref 20/02520/PIP.

Background

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The Saved Policies of the North Hertfordshire District Local Plan No.2 with Alterations (2007) (SLP) is clearly an aging document and therefore I have applied due weight to its policies where they are broadly aligned to the relevant parts of the National Planning Policy Framework (2021) (the Framework). However, given the advanced stage the emerging North Hertfordshire Local Plan Proposed Submission (as amended by Main Modifications) (2016) has reached, I have also apportioned some weight to those relevant policies, where they are aligned to the relevant parts of the Framework.

Main Issues

5. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development proposed.

Reasons

Location and proposed land use

6. The appeal site is located on the edge of the small village of Holwell. It is a smaller part of a large, flat agricultural land parcel on the periphery of the village, outside of the built core. At the site visit, it appeared that the land had been planted for crops.
7. The western boundary of the appeal site is the built edge of the village, where there are an existing number of semi-detached houses fronting Holwell Road, as well as a new development off Rand's Meadow. The north of Holwell Road is undeveloped open farmland and to the east and south of the appeal site are open fields.
8. Holwell has limited services and facilities including a church, village hall and playing fields and is classed as a Rural Area Beyond the Green Belt.
9. Policy 6 (Rural Areas Beyond the Green Belt) of the Saved Policies of the North Hertfordshire District Local Plan No 2 with Alterations (2007) (SLP) strictly controls new development in open countryside with planning permission being limited to a closed list of exceptions, including where it would meet an identified rural housing need, in compliance with Policy 29 (Rural Housing Needs) of the SLP. Policy 29 supports small scale 'exception' housing outside of selected villages, provided (amongst other things), that the proposal is visually sympathetic to the existing character of the settlement to which it will relate and would not detract from that character or surrounding landscape.
10. The policies of the North Hertfordshire Local Plan Proposed Submission (as amended by Main Modifications) (2016) (eLP) include policy CGB1 (Rural Areas Beyond the Green Belt) which would effectively replace saved policy 6. Policy CGB1 supports development in Rural Areas Beyond the Green Belt, subject to a selection of circumstances. Policy SP2 (Settlement Hierarchy) classes Holwell as a Category B village. Neither the SLP nor the eLP make specific housing allocations in Holwell.
11. Policy CGB2 (Exception sites in rural areas) provides support for affordable housing proposals beyond the built core of Category B villages, subject to (a) there being proven local need; (b) There are no reasonable alternative, suitable and available sites within the built core of relevant Category B villages; (c) that the proposal would meet relevant criteria of Policy HS2, particularly in relation to need, affordability and retention of dwellings; (d) The proposed development would not have a substantial adverse impact on the openness or general policy aims of the Green Belt or Rural Area beyond the Green Belt; and (e) The public benefit of the proposal outweighs any harm that might arise against these aims.
12. It is the council's position that the appeal proposals would meet proven local need for affordable housing (where there remains an unmet requirement for 5 dwellings, having regard to the need from the 2015 housing needs survey and

the development at Rand's Meadow which partly met some of that need). Whilst the council do not state this specifically, I have not been made aware of any other alternative sites within the built core of the village that should have been considered.

13. As such I consider the location and proposed land use is acceptable having regard to parts (a) to (c) of policy CGB2.

Amount of Development

14. I accept that there would be some harm to the character and appearance of the appeal site – being open, undeveloped and agricultural. Clearly, the proposed development would change the site permanently and I agree with the council's position (officer's report at para 4.4.2) that this attracts moderate harm.
15. I therefore find there would be harm to eLP policy NE1 (Landscape) insofar as it would result in the permanent loss of open countryside with an open rural character, where the policy seeks to protect such landscape character.
16. However, I also consider delivery of much-needed affordable housing in an area with proven and as yet unmet need attracts significant weight which outweighs the harm associated with the development of this site. There would be further opportunities for the impact of the proposed development to be considered at TDC stage and this would include design and landscaping, as well as the means by which the affordable housing could be secured long term.
17. In light of the fact that the proposal is for affordable housing and that there is proven local need for this specific type of housing, I consider it would be aligned to policy CGB2 of the eLP parts (d) and (e).
18. As such the proposed quantum of development is acceptable.

Planning Balance

19. The Council accept that it cannot demonstrate a five year supply of housing land (5YHLS). In these circumstances, the 'tilted balance' set out in paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged unless specific policies indicate that permission should be restricted. No such Framework policies are applicable to the appeal site.
20. The tilted balance requires that where the policies most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. I am mindful that until TDC is granted to achieve a planning permission, any PIP for any number of houses is incapable of meaningfully contributing towards the 5YHLS shortfall. Nevertheless, I have found that the proposal as an affordable housing scheme is aligned to policy CGB2 of the eLP.
22. As such, it is my view that in applying the tilted balance, the relevant adopted development plan policies are out of date. I have found that the proposals are capable of resulting in no more than moderate harm in relation to the character and appearance of the area. This harm does not outweigh the in-principle

significant benefits of delivering much needed affordable housing in such a location, when assessed against the Framework as a whole.

Other Matters

23. I have considered the representations of third parties who raised concerns that the village is not a sustainable location. Whilst I concur that the village has very limited services and facilities, and I have no doubt the development would necessitate the use of the private car to access day to day facilities, the council have an emerging policy which now attracts some weight, which supports such affordable housing schemes in Category B villages, subject to there being evidence for such development. I have found that there is sufficient evidence to justify it.
24. Technical matters such as the impact on foul water disposal are not for determination as part of these proposals, for the reasons I have already given.
25. The potential to set a precedent for future development is also not a matter for me here. I am only obliged to determine the appeal proposals before me and have done so. This also applies to other simultaneous appeals elsewhere in the village which have also been determined independently.
26. Finally, I note the council's request to add informative notes should the appeal be allowed relating to timescales. Informative notes do not carry any legal weight and cannot be used in place of a planning condition. Moreover, the PPG sets out that it is not possible to impose planning conditions as the terms of any permission in principle must only include site location, type of development and amount of development. In any case, the default duration of permission in principle is 3 years, with any TDC to be determined within this period.

Conclusions

27. For the reasons set out above, I conclude that the appeal should be allowed.

Sian Griffiths

INSPECTOR



Appeal Decision

Site visit made on 8 December 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30TH December 2021

Appeal Ref: APP/X1925/W/21/3275904

Land West of Pirton Road, Holwell, Hertfordshire Grid Ref Easting: 516428 and Northing: 233006

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Ms H Flint against the decision of North Hertfordshire District Council.
 - The application Ref 20/02359/PIP, dated 15 October 2020, was refused by notice dated 26 November 2020.
 - The development proposed is described as residential development of land for housing (3-4 dwellings).
-

Decision

1. The appeal is dismissed.

Background

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (or technical details consent stage) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application, if permission in principle is granted.
4. In this instance, a PIP is being sought for up to 4 no. dwellings on the appeal site (min 3 and max 4). I have determined the appeal having regard to the requirements of the above referenced Order and that contained within the Guidance.
5. On 1 October 2021, the council submitted a letter confirming that the part of the refusal reason relating to non-designated heritage assets of archaeological interest was withdrawn following the submission of further evidence by the appellant in the form of a Heritage Statement by Cotswold Archaeology (appellant's statement, Appendix 1). I have determined the appeal on this basis.

6. Finally, the Saved Policies of the North Hertfordshire District Local Plan No.2 with Alterations (2007) (SLP) is clearly an aging document and therefore I have applied due weight to its policies where they are broadly aligned to the relevant parts of the National Planning Policy Framework (2021) (the Framework). However, given the advanced stage the emerging North Hertfordshire Local Plan Proposed Submission (as amended by Main Modifications) (2016) has reached, I have also apportioned some weight to those policies, again where they are aligned to the relevant parts of the Framework.

Main Issues

7. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development proposed.

Reasons

Location

8. Holwell is a small rural village with an identifiable built 'core', where development is generally arranged in a linear form along two roads: Pirton Road and Holwell Road.
9. The appeal site is located on Pirton Road, directly opposite the village hall and a small number of detached dwellings on large plots. To the north is a further row of bungalows and houses. To the south is Lordship Farm which is comprised of a Grade II Listed farmhouse and associated farm buildings which is heavily screened from the appeal site by vegetation.
10. The appellant has provided information on the planned redevelopment of the Lordship Farm site, which I have considered, although at the time of the site visit, the planned development had not taken place.
11. The appeal site is situated on the edge of the village and comprises undeveloped farmland, laid to grass. The site is enclosed by hedgerow and there are a few trees on the boundary which gives a sense of enclosure.
12. The site is fairly well 'contained' by vegetation and topography where it, in part, sits lower than the village hall and neighbouring residential development. However, its character is clearly open and rural, and new development would permanently harm this open character. I therefore find that there would be offence to policy 6 (Rural Areas Beyond the Green Belt) of the Saved Policies of the North Hertfordshire District Local Plan No 2 with Alterations (2007) (SLP) which seeks to strictly control development in open countryside with planning permission being limited to a closed list of exceptions, none of which align with the appeal proposals.
13. I have also considered the proposals against the policies of the North Hertfordshire Local Plan Proposed Submission (as amended by Main Modifications) (2016) (eLP) and specifically policy CGB1 (Rural Areas Beyond the Green Belt) which would effectively replace saved policy 6. This policy has been expanded to support development (amongst other things) which under (a) would be 'infill within the built core of a Category B village'. However, I do not consider the development to be 'infill within' the built core of the village, given its location on the very edge of the village, where the proposals would result in an extension to the built core of the village. I therefore find the

proposals to be contrary to Policy CGB1 of the eLP. I also find harm to eLP policy NE1 (Landscape) insofar as it would result in the permanent loss of open countryside with an open rural character, where the policy seeks to protect landscape character.

14. I therefore find the location of development to be unacceptable.

Proposed Land Use and the Amount of Development

15. Holwell has very limited services and facilities. Those I have been made aware of include a church, village hall and playing fields. However, there are no key facilities such as a convenience store, school, pub or significant local employment within the village. The nearest settlements with a greater range of facilities appear to be Henlow Camp to the north or Pirton to the south west, offering schools, convenience stores, post office, pubs, a surgery, pharmacy and employment opportunities. Or there is Hitchin itself, which has a wide range of higher order services and facilities including a railway station.
16. Access to surrounding settlements is difficult given the distances of over 2.4km (1.5miles). The routes to the nearest larger villages appear to be via unlit country lanes, which would not encourage safe pedestrian movement.
17. I recognise that there is generally a greater reliance on the private car in more remote rural areas. However, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access the nearest services and facilities.
18. I consider there would be a lack of relationship between the site and the nearest settlements able to provide basic services. In this respect the new dwellings would be functionally isolated, even if they are not physically as removed from the nearest built up area of Holwell itself.
19. I note in the eLP that Holwell is designated as a Category B village, where a small amount of windfall development would be supported as infill within the built core. The eLP does not make allocations in the village however, acknowledging the very limited services it has.
20. This would result in significant harm to the strategy set out in SP1 (Sustainable Development in North Hertfordshire); T1 (Assessment of Transport Matters) and SP2 (Countryside and Green Belt) and SP8 (Housing) of the eLP, which seeks to focus development in sustainable locations with sustainable transport opportunities, including rural villages where key facilities will be supported, operating a policy of restraint elsewhere. I also find the proposals contrary to policy SP6 (Sustainable Transport) of the eLP which supports development in locations which enable sustainable journeys to be made to key services and facilities. Finally, I consider the proposals to be contrary to the broader spatial strategy of the emerging Local Plan (eLP), which does not seek to allocate new housing in Holwell, instead focussing development in areas with good public transport links and a good range of day to day facilities.
21. I therefore find the proposed land use and amount of development to be unacceptable.

The Planning Balance

22. I am aware that the Council cannot currently demonstrate a five-year supply of deliverable housing sites and that the situation is severe (based on the 2.2 years set out by the Appellant in their statement at paragraph 4.8).
23. As a result, Paragraph 11 d) of the National Planning Policy Framework (the Framework) advises that permission should be granted unless (at (ii)) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I therefore consider the tilted balance to be engaged in this case.
24. I have considered the appeal decision¹ relating to the land at Codicote which was supplied by the appellant as part of their final comments and I note the discussions of the Inspector at paras 36-41 of that decision. However, there are substantial differences between that appeal and this case. In particular, that appeal was far larger at 167 dwellings, 40% of which was to be affordable housing. Further, that appeal site was an emerging allocation in the eLP. I have therefore determined this appeal on its own merits.
25. At paragraph 8, the Framework seeks to achieve sustainable development through the three objectives, namely economic, social and environmental sustainability.
26. I consider the proposals would create jobs and other economic benefits through the construction and sales process, as well as from future local spending from new occupiers. However, these benefits would be of a small scale given the size of the proposed development.
27. Socially, the new homes would improve housing choice in the locality and make a contribution (albeit fairly small) to the significant shortfall in housing supply within the District. I also consider that would be an additional benefit from participation in local community activities by new occupiers. However, these benefits would be limited partly because the scheme contains no affordable housing and partly because of the scale of the proposals. Moreover, I am aware that until TDC is granted to achieve a planning permission, any PIP for any number of houses is incapable of meaningfully contributing towards the 5YHLS shortfall.
28. The nature of the routes to the nearest villages with any significant day to day services would not be easily accessible by sustainable transport modes. Consequently, there would be a high reliance on private vehicles, which would be contrary to the Framework's aims to promote sustainable transport and would fail to meet its environmental objective of moving to a low carbon economy. Furthermore, the Framework recognises the intrinsic character and beauty of the countryside, which would be harmed by the proposal.
29. Clearly as part of the eLP, greenfield sites will be allocated for housing, and this will be a necessary part of meeting the future development needs of the District. However, these allocations are not focussed on Category B villages such as Holwell.

¹ APP/X1925/W/21/3273701

30. Consequently, when assessed against the policies in the Framework taken as a whole, I consider the proposals to be unsustainable. The significant harm associated with this is not outweighed by the benefits I have set out above.
31. I consider that the proposed permission in principle would therefore be contrary to policy 6 of the SLP; policies SP1, SP2, SP6, SP8, T1, CGB1 and NE1 of the eLP; and the relevant parts of the Framework.

Conclusions

32. For the reasons given, and having considered all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR

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Appeal Decision

Site visit made on 8 December 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2021

Appeal Ref: APP/X1925/W/21/3281137

33 Bearton Road, Hitchin SG5 1UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Francesco Benucci against the decision of North Hertfordshire District Council.
 - The application Ref 21/01850/FPH, dated 25 May 2021, was refused by notice dated 17 August 2021.
 - The development proposed is installation of vehicular crossover.
-

Decision

1. The appeal is allowed and planning permission is granted for installation of a vehicular crossover at 33 Bearton Road, Hitchin SG5 1UE in accordance with the terms of the application, Ref 21/01850/FPH, dated 25 May 2021 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2021-21-PL-100 (Existing & Proposed Block Plans, Site Location Plan).

Preliminary Matters

2. During the determination of the application, the council changed the description of development to include only those elements requiring planning permission. I have therefore used the description of development as shown on the decision notice.
3. The officer's report of 17 August 2021 refers to Section 9 of the National Planning Policy Framework (2019) (the Framework). In July 2021, an updated version of the Framework was published and consequently, I refer to the latest version in my decision.

Reasons

4. I consider the main issue to be whether the proposal would result in harm to the safe operation of the public highway.
5. The appeal site is located on a residential street known as Bearton Road. It is characterised by Victorian dwellings, most of which are largely terraced or, as in the case of the appeal site, semi-detached. As a result, there is a high demand for on-street car parking, which appears to be easily accommodated

on both sides of the road, as a result of a generous carriageway width. The appeal property, No.33, has a small front garden area, which has been paved, and is enclosed by a low brick wall and railings, with access gained via a pair of metal pedestrian gates.

6. At the site visit, I noticed a number of other neighbouring dwellings (particularly No's 34, 35, 36 and 37) had installed vehicle crossover points to provide off-street car parking, together with a number of properties on the other side of the road. In each case, I did not observe that any had sufficient space to turn a car and exit in a forward gear.
7. I also noticed 20 mph speed limit repeater signs along the length of Bearton Road. It is not clear whether these had been recently installed, as the officer's report referred to a speed limit of 30mph. Nevertheless, Bearton Road is a well-used thoroughfare, which may be the reason for the reduced speed limit.
8. The highways authority, Hertfordshire County Council, in their response to the application, set out that proposals for vehicle cross overs 'on busy high-speed roads' will only be permitted in cases where vehicles can turn 180°, allowing access onto the highway in a forward gear. This clearly cannot be achieved at the appeal site, and the appellant acknowledges this. That said, I am not convinced that the appeal site is located on a particularly high-speed road, and there is nothing in the evidence to suggest that vehicle speeding is a problem now, even if it has been historically.
9. I agree that there could be some potential for a vehicle emerging from a front driveway serving the appeal property to be a potential safety hazard, particularly in light of how busy the road appears to be. However, it seems to me that this would be no different to that posed by the equally shallow driveway crossovers serving No's 34-37 as well as other properties along Bearton Road.
10. Such vehicle movements are relatively infrequent and undertaken at very low speeds. Having regard to the appellant's statement, I consider there to be a strong likelihood that drivers are more likely to leave the driveway in a forward gear, having first reversed onto the driveway. Based on what I observed during the site visit, a number of neighbouring occupiers were already doing this.
11. I note the intention of the appellant to install an electric car charging point. It would be very difficult to charge an electric car at home without a driveway as any cabling would have to cross a pedestrian footway. Whilst this is more of a private benefit, I consider there to be some weight in favour of the proposal where the move to electric cars is clearly a national priority and would positively impact on air quality as well as reducing the use of fossil fuels.
12. Notwithstanding this, there is no evidence before me that the addition of a crossover would materially harm or undermine the highway safety of users of Bearton Road, particularly in light of the number of crossovers already in use along this stretch of the road.
13. Consequently, I do not find harm to the relevant parts of section 9 of the Framework (2021), nor policy 5 (Development Management) of the Local Transport Plan 4 (2018), which seeks access arrangements are safe and suitable for all people. Nor do I find harm to policy T2 (Parking) of the North Hertfordshire Proposed Submission Local Plan 2011-2031 (2018), as amended

by Main Modifications, which seeks parking arrangements that are safe and functions satisfactorily.

Conditions

14. For the purposes of certainty and in the interests of proper planning, I have imposed planning conditions requiring the development to be carried out within a set timescale and to the approved plans.

Conclusions

15. For the reasons given and having regard to all other matters raised, the appeal is allowed, subject to the conditions set out above.

Sian Griffiths

INSPECTOR

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Appeal Decision

Site visit made on 30 November 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2021

Appeal Ref: APP/X1925/W/21/3275719

The Red Lion Stud, London Road, Reed SG8 9RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Norrington against the decision of North Hertfordshire District Council.
 - The application Ref 20/02459/FP, dated 27 October 2020, was refused by notice dated 7 April 2021.
 - The development proposed is the rection of two detached 3-bed and one detached 4-bed bungalows including alteration to the existing vehicular access off London Road following demolition of existing dwelling.
-

Decision

1. The appeal is allowed, and planning permission is granted for Erection of two detached 3-bed and one detached 4-bed bungalows including alteration to the existing vehicular access off London Road following demolition of existing dwelling at The Red Lion Stud, London Road, Reed SG8 9RP in accordance with the terms of the application, Ref 20/02459/FP, dated 27 October 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Main Issues

2. The main issues relevant to this appeal are:
 - the suitability of the site as a location for a residential development; and
 - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Suitability of the site

3. The appeal site is located near to the village of Reed and adjacent to other dwellings. The appeal site is near to a busy road (the A10), that also contains some bus stops. The wider area can be characterised as being rural in nature.
4. Whilst the proposed development is not located in a settlement, it would be near to the village of Reed. Furthermore, the proposed development would be close to other buildings in the surrounding area.
5. In consequence, residents of the development would be able to access the services within the village owing to the proximity of the site to the settlement. Whilst the level of services is consistent with that expected within a small

- settlement, this arrangement would ensure that the proposed development would not be isolated from the settlement.
6. However, given the array of services on offer, it can be reasonably anticipated that residents of the development would potentially need to travel to other settlements in order to meet all of their day-to-day needs.
 7. This is a concern as the distances involved are likely to require that such journeys are undertaken by a motorised vehicle, rather than by means such as cycling or walking. Therefore, the development would result in an increase in the overall level of road traffic movements.
 8. In addition, the road network in the wider area features limited pavements and streetlighting. Some of the roads are also of a sinuous nature that would reduce the visibility of pedestrians walking in the road. Therefore, the absence of an attractive environment for pedestrians is likely to result in a conflict between pedestrians and cars. In consequence, this is likely to encourage car usage.
 9. Whilst I note that the appeal site is near to some bus stops, the level of service that is on offer is consistent with those that might be expected in a more rural area.
 10. In result, occupiers of the development would have a reduced level of access to public transport provision, particular during periods such as the evening and weekend. However, at some other times, the availability of public transport would provide an appropriate alternative to the usage of private cars.
 11. In addition, occupiers of the development would need to cross the A10. However, there is a speed limit in force at this location and a pedestrian crossing could be provided via means of a condition. This means that the bus stops could be accessed on foot. It also means that the village of Reed could be accessed. Therefore, occupiers of the development would not be solely reliant on private cars.
 12. Therefore, whilst the presence of public transport and services within the village of Reed would reduce my concerns regarding the location of the proposed development, they would not allow me to disregard them in their entirety.
 13. References have been made to an emerging local plan. My understanding is that the Inspector's final report is awaited. Therefore, I cannot be certain that the emerging policies to which I have been directed will remain in that form post adoption, or indeed when adoption might take place. In consequence, I am unable to give this full weight in my assessment.
 14. I therefore conclude that the development would represent an unsuitable location for a residential development. The development, in this regard, would fail to accord with the requirements of the National Planning Policy Framework (the Framework). Amongst other matters, this seeks to ensure that proposals promote sustainable development.

Character and appearance

15. The appeal site currently contains a dwelling and more open areas. It is located alongside other buildings arranged in a broadly linear pattern. The surrounding

area can be characterised as being rural in nature. The appeal site contains a dwelling and several outbuildings.

16. In considering this appeal, I have been directed towards Policy 6 of the North Hertfordshire District Local Plan (1996). Amongst other matters, this seeks to ensure that planning permission will be normally granted for developments that meet specified criteria. Therefore, the use of word 'normally' within the policy indicates that new development should be located in specified locations unless expressed criteria are adhered to. I also note that amongst other matters, Policy 6 states that developments should maintain the existing countryside and villages and their character.
17. In this instance, the proposed development would not adhere to the previously identified criteria. In addition, the proposed development would result in an increase in the overall level of built form. In this instance, the proposed development would not fulfil one of the exceptions listed in Policy 6. In addition, the proposed development would result in an increase in the overall level of built form owing to the number of dwellings proposed. This would result in the more rural character of the countryside being eroded.
18. However, the effects of this would, to an extent, be reduced by reason of the limited height of the proposed dwellings. Furthermore, the appeal site contains a relatively large dwelling and some outbuildings. In consequence, whilst the bulk of the appeal site could be described as being garden land, it has a more built character.
19. Although there would be an increase in building, the scale and positioning of the proposed development would result in open areas in between buildings. This would enable the development to assimilate with its more rural surroundings.
20. This would be particularly the case for the dwellings identified as being Plots B and C on the submitted plans. In consequence, as these dwellings are relatively small and in line with the neighbouring dwelling, these dwellings would not be incongruous.
21. However, the dwelling on Plot A would be further away from other dwellings and would appear divorced from them. This break would therefore appear discordant given the otherwise close relationship between buildings in the surrounding area.
22. The proposed development would include a significant level of landscaping at the appeal site. The effect of this would be to soften the overall effect of the increased built form and provide screening from the road. It would be possible to impose planning conditions that would ensure that this work is carried out at a suitable juncture in the development process. In addition, the palette of materials can be secured via a planning condition, which would ensure that the development harmonises with its surroundings.
23. In addition, the presence of planting and landscaping would provide some screening from the road and surrounding area. This would mean that the proposed development would not be a prominent addition to the surrounding area. However, whilst these factors would reduce the effects of the proposed developments, they would not overcome them in their entirety. Therefore, a

limited level of harm would result to the character and appearance of the surrounding area.

24. I have also been referred to emerging local plan policies. However, as I do not have certainty as to when these might be adopted, I am unable to give these significant weight in my considerations.
25. I therefore conclude that the development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy 6, and the Framework.

Other Matters

26. References have been made to a number of previous decisions. I have not been provided with the full information of these, which limits the amount of weight that I can attribute to them. Nonetheless, I note that these are located in a variety of locations and, as such, have differing effects on the character and appearance of their respective surroundings.
27. In addition, owing to the individual circumstances of each of the sites referenced, the debate as to whether each site is a suitable location for a proposed dwelling will naturally be different from the appeal site before me. In consequence, the level of harm would also be different. I therefore do not find that the presence of decisions elsewhere requires me to disregard my previous conclusions.

Planning Balance

28. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply. In consequence, the provisions of Paragraph 11(d) of the Framework apply. Amongst other matters, this states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. This is referred to as the 'tilted balance'.
29. In this particular instance, I have found that the scheme would generate some harm arising from the location. However, this harm would be limited by reason of the fact that the occupiers of the development have access to some public transport facilities. In consequence, I give this harm a limited amount of weight.
30. The proposed development would also erode the character and appearance of the surrounding area. However, this harm would be limited by reason of the development's scale and design. In consequence, I give this harm a limited amount of weight.
31. However, the proposed development would result in an increase in the local housing supply of two dwellings. Whilst I acknowledge that this would not be a large increase in the local housing supply, it still represents a notable increase on a relatively small site given the current supply level. In consequence, I give this increase a moderate amount of weight.
32. In addition, the proposed development would generate some economic activities in the form of support of local services by the occupiers of the development and the construction process. The nature of the surrounding land

uses is such that the economic benefits would not be of a large level and those associated with the construction process are likely to be of a time-limited duration. In consequence, I give these a limited amount of weight.

33. Therefore, I find that as the benefits of the scheme can be ascribed a limited to moderate amount of weight and the harm from the development would attract a limited amount of weight, I conclude that the adverse effects from granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Conditions

34. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision. In order to ensure that the development does not harm the character and appearance of the locality, conditions requiring the agreement of landscaping and its maintenance; the agreement of building materials; and ensuring the retention of trees are necessary.
35. In order to ensure residents of the development have appropriate living conditions, a condition in respect of contamination is appropriate. In order to minimise the effect of the development upon the environment, conditions in respect of electric vehicle charging points and ecology are necessary.
36. Given the need to maintain the living conditions of the occupiers of neighbouring properties and highway safety, conditions requiring the agreement of a Construction Environment Management Plan and the provision of cycle storage, appropriate surfacing, appropriate visibility splays, and a pedestrian crossing are also needed.
37. These visibility splays would ensure that vehicles leaving the appeal site would have sufficient advance warning of approaching vehicles on the road and be able to manoeuvre in an appropriate manner. Therefore, this condition would ensure that highway safety is maintained.
38. Owing to the fact that the appeal site features several grassed areas and given its location it is also considered appropriate to include a condition pertaining to archaeological investigation.
39. A number of these conditions require details to be agreed prior to the commencement of development in order to ensure that details and mitigation are in place at an early stage in the process. However, I have amended the wording suggested by the Council in respect of building materials as these details can be agreed prior to any above ground works taking place. I have also omitted references to mechanisms by which alternative details can be agreed in the interests of clarity for all parties.

Conclusion

40. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted.

Benjamin Clarke

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 523-01; 523-02; 523-12-C; 523-14; 523-23; and LP/RLSLRTH/020B.
- 3) Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works taking place. Development shall be carried out in accordance with the approved details.
- 4) None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed.
- 5) Prior to the commencement of development, all trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.
- 6) Prior to commencement of the development hereby permitted a revised visibility splay diagram measuring 2.4 x 120 metres to each side of the access where it meets the highway shall be submitted and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted. The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
- 7) 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 Traffic Management Plan shall include details of the following:
 - Construction vehicle numbers, type, routing;
 - Traffic management requirements;
 - Construction and storage compounds (including areas designated for car parking);
 - Cleaning of site entrances, site tracks and the adjacent public highway
 - Demolition and removal plan for the existing house
 - Timing of construction activities to avoid school picks up/drop off times;
 - Provision of sufficient on-site parking prior to commencement of construction activities;

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

Development shall be carried out in accordance with the approved details.

8) Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.

9) Prior to the commencement of development full details of footway connection and provision of an informal pedestrian dropped kerb/tactile paving crossing point across London Road shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development and retained thereafter.

10) Prior to the first occupation of the development, full details of the surfacing to all of the site's vehicular areas shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include details to ensure that the surface water from the site is intercepted and disposed of separately so that it does not discharged onto the highway.

Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter.

11) 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.

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

13) Prior to the commencement of development, a report setting out how the ecology measures set out in section 6 of the ecology report are to be implemented on site is to be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

14) A) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation

6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

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

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

Appeal Decision

Site visit made on 30 November 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/X1925/W/21/3276631

10 Girons Close, Hitchin SG4 9PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Birju Patel against the decision of North Hertfordshire District Council.
 - The application Ref 21/01017/FPH, dated 29 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is described as: 'double story extension in place of the current double garage. This double story extension will also extend at the back of the current garage footprint to marry the length of the current annex. - Second story addition on top of the annex'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework). The main parties have had an opportunity to comment on the significance of the changes.
3. The parties have referred to policies contained within the emerging North Hertfordshire District Council Local Plan 2011-2031 (the emerging LP). Given the stage of preparation and the degree of consistency with the Framework, I attach significant weight to the emerging policies. Notwithstanding this, the starting point for determining this appeal remains the North Hertfordshire District Council – District Local Plan No.2 with Alterations 1996 (saved policies 2007) (DLP).
4. A single storey extension is shown on the gable of the host property that would extend the existing kitchen to the full depth of the main house. This would then create a family lounge and dining room. This is not listed on the description on the application form, but is nonetheless shown on the determined drawings. Thus, it forms part of the proposed development.
5. A revised (mansard) roof design has been submitted with the appeal after the decision by the Council was made. I have not taken this into consideration as it has not benefitted from a full consultation exercise undertaken by the Council. In determining this appeal, I have therefore only considered the plans that formed the basis of the Council's refusal of planning permission.

Main Issues

6. The main issues of the proposed development are:

- i. the effect on the character and appearance of the appeal site and surrounding area; and,
- ii. the effect on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

7. The appeal site comprises a detached house, which is located at the head of a cul-de-sac. The Council has only raised concerns surrounding the element of the proposed development that would include the part two and part first floor extensions over the existing garage and the residential annexe. I have dealt with the appeal on this basis.
8. Whilst there is no specific policy objection to the principle of a residential extension, I note that the appeal scheme would extend the full width over the existing garage and residential annexe, which already has a notable width when compared to the main house, albeit single storey in form and appearance. Despite the single storey additions on each gable end, the host dwelling contributes towards a positive feature of the wider street scene. Additionally, whilst the proposed development comprises two storey and first floor elements this still results in an overly large addition to the host dwelling relative to its existing proportions.
9. The adverse effect of the proposal is accentuated through the lack of subordination, particularly its increased ridge height, significant gable end. Additionally, the resultant footprint of this element of the proposed development would be considerable, and excessive when compared to the main dwelling, resulting in the proposed development having an overly dominant visual relationship with the main house. These factors would diminish and unbalance the character and appearance of the host dwelling to the detriment of the wider street scene.
10. For all of these reasons, the proposed development would significantly harm the character and appearance of the appeal site and surrounding area. This would be contrary to the design, character and appearance aims of saved DLP Policies 28, 57; emerging LP Policy D1, D2 and the requirements of the Framework.

Living conditions

11. I note the concerns raised from the occupiers of 12 Sorrell Garth, which are not listed in the Officer Report. Nonetheless, given the distance that would be maintained between the properties, I do not consider that any issues of dominance would occur from the proposed development. Additionally, whilst noting the comments in relation to the windows in the proposed gable end, I am confident that any potential adverse issues could be controlled through the imposition of suitably worded conditions, to secure obscure glazing or to provide assurances over the floor levels with respect to the high-level windows. Overall, I am satisfied that the occupiers of No 12 would not experience any significant harm to their living conditions.
12. Adjacent to the site is 11 Girons Close, which is in proximity of the host dwelling and it would by virtue of its location on the cul-de-sac, face a section of the proposed development. As identified, the proposed development would

amount to a significant amount of built form, which would be a short distance from No 11. Whilst the proposed development would not appear to extend closer to the road than the existing garage/annexe, it would involve the creation of an additional storey with a large gable end and a ridge height that is a significant increase on the existing ridge on the main house.

13. Due to the substantial bulk and massing that would be introduced and the modest distance between the site and No 11, I consider that the proposed development would be harmful to the occupiers of No 11, with particular regard to their outlook and dominance. Furthermore, given the orientation of No 11, I am not satisfied that the proposed development would not result in any loss of sun light to front facing habitable room windows at first and second floor, especially in the late afternoon / early evening.
14. For all of these reasons, the proposed development would significantly harm the living conditions of neighbouring occupiers, particularly those present at 11 Girons Close. This would be contrary to the amenity aims of saved DLP Policies 28, 57; emerging LP Policy D2, D3 and the requirements of the Framework.

Other Matters

15. The Council have made comments in the Officer Report regarding an extant permission. However, little detail surrounding the planning background has been provided in this respect. In any event, as I am dismissing the appeal for other reasons, I have not needed to consider this matter further.

Conclusion

16. For the reasons given, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR

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Appeal Decision

Site visit made on 30 November 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/X1925/W/21/3273864

16 Deards End Lane, Knebworth, Hertfordshire SG3 6NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Mitchell against the decision of North Hertfordshire District Council.
- The application Ref 20/02706/FP, dated 20 November 2020, was refused by notice dated 1 February 2021.
- The development proposed is for the erection of detached dwelling with new vehicle entrance and replacement crossover.

Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and precision, I have inserted 'Hertfordshire' into the address in the banner heading above, as it is listed on the Council's decision notice.
3. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework). The main parties have had an opportunity to comment on the significance of the changes.
4. The appeal site is located within the Deards End Lane Conservation Area (the DELCA). In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Main Issues

5. The main issues of this appeal is the effect of the proposed development on the character and appearance of No 16 and whether the proposal would preserve or enhance the character or appearance of the DELCA.

Reasons

6. The appeal site currently comprises part of the garden to No 16, which in turn forms a generous plot in the DELCA, and is identified as a 'Positive Building'. The proposed development seeks to sub-divide this plot and create a new residential unit, which would be accessed from Stobarts Close, to the rear of the site. The proposed dwelling would be detached in form and would have a contemporary appearance, with accommodation located over 2no. floors, incorporating a subterranean basement and terrace.
7. Policy HE1 of the emerging North Hertfordshire District Council Local Plan 2011-2031 (the emerging LP) has been cited on the Council's decision notice,

which concerns designated heritage assets. Given the stage of preparation, the lack of any associated objections or modifications and the degree of consistency with the Framework, I attach significant weight to this emerging policy. Paragraph 197 of the Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of development making a positive contribution to local character and distinctiveness.

8. The main parties have drawn my attention to a previous application (12/02637/1), which was refused by the Council and then dismissed at appeal. However, little detail has been provided regarding the particular planning background surrounding this scheme, or what was before the previous Inspector. Without such information a full and detailed comparison between this development and the case before me cannot be drawn. Although, I accept that the evidence indicates the proposed development now includes a subterranean element within its design and the proposed access will not interrupt the 'Important Hedgerow'.
9. Nonetheless, it remains that the plot serving No 16 would be subdivided. The subdivision of the existing plot would result in 2 no. plots that would appear significantly smaller than the surrounding properties in the DELCA. Whilst I note some smaller plots when compared to No 16 within the DELCA, the majority of its properties, including those surrounding the appeal site are situated in generous plots, with large rear gardens and positioned in an orderly arrangement. This gives a distinct sense of spaciousness and ordered pattern of development to the immediate surroundings. These generous plot sizes contribute to a regular rhythm of development, making a positive contribution to the DELCA, forming an essential part of its significance.
10. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of paragraph 202 of the Framework. To allow the proposal the resultant harm would need to be clearly outweighed. The proposed development would add a dwelling to the Council's housing supply and there would be economic and social benefits associated with the construction and subsequent occupation of the property, albeit modest. I also accept that there would be an absence of other harm. However, in this instance, I find that the public benefits of the proposed development would not outweigh the harm to the significance of the DELCA.
11. For the above reasons, I therefore conclude that the proposed development would be harmful to the character and appearance of No 16, and it would also fail to preserve or enhance the character and appearance of the DELCA, and would adversely affect the significance of this designated heritage asset. This is contrary to the heritage aims of the emerging LP Policy HE1 and would conflict with the requirements of the Framework.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR



Appeal Decision

Site visit made on 30 November 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/X1925/W/21/3276569

Garages rear of Garrison Court, Mount Garrison, Hitchin SG4 9AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Garrison Court Freeholders Ltd against the decision of North Hertfordshire District Council.
 - The application Ref 20/03045/FP, dated 5 January 2021, was refused by notice dated 5 March 2021.
 - The development proposed is the demolition of the existing garages and erection of eight apartments.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue relevant to this appeal is the effect of the development upon the living conditions of the nearby dwellings at Garrison Court., with particular reference to outlook.

Reasons

3. The appeal site consists of a garage court located to the rear of Garrison Court. The rear boundary of this property is shared with the appeal site. The appeal site alongside Garrison Court is located within the urban area. The vicinity of the appeal site contains a number of different buildings. Garrison Court is used as flats and has a shared garden that neighbours the appeal site.
4. The appeal proposal consists of two four storey buildings located close to the shared boundary between the appeal site and Garrison Court. In consequence, the appeal proposal would, by reason of its height, bulk and siting, result in a significant enclosing effect upon the communal garden that serves the development at Garrison Court.
5. The development would therefore result in an overbearing effect upon the neighbouring property's garden. In result, users of the garden space would not benefit from appropriate levels of outlook necessary to secure good living conditions. This would restrict the level of usage of the existing property's communal garden.
6. In addition, Garrison Court is in use as flats. This means that the rear elevation ground floor windows are of importance in providing outlook for the occupiers of the ground floor flats of the neighbouring property. Therefore, the construction of the proposed development which would be of a significant height and close to the shared boundary would mean that the development

- would have a significantly enclosing and overbearing effect on the neighbouring property. This would result in a reduction in the level of outlook.
7. I am not aware of adopted minimum separation distances between developments. However, whilst the proposed development would be separated from the existing building by the garden, the proposed development's height and positioning is such that there would be a significant and demonstrable loss of outlook to the occupiers of the existing neighbouring building.
 8. In addition, the communal garden would be significantly closer to the appeal site. In consequence, the development would result in a substantial loss of outlook to this space irrespective of the separation distance between the existing and proposed buildings.
 9. Therefore, even though the appeal site is located within the urban area and close to a number of services and facilities, the development would result in a significant erosion of the living conditions experienced by the occupiers of the neighbouring property.
 10. The proposed development could be constructed from an appropriate palette of materials and include features such as green roofs. However, such features would not overcome the adverse effects arising from the siting, scale and massing of the proposed development.
 11. The proposed development would result in the removal of the existing garages. However, whilst I acknowledge concerns regarding their condition, the building's adverse effects would be so significant that any such benefits would be outweighed.
 12. I recognise that the proposed development would result in a new use of previously developed land that does not appear to currently being used on an intensive basis. In addition, the development would not result in an adverse effect on matters including the character and appearance of the surrounding area or the highway system. Whilst these are matters of note, they are only some of all those that must be assessed. Therefore, they do not overcome my previous concerns. In addition, I have been directed towards adopted Development Plan policies that seek to retain the living conditions of the occupiers of neighbouring properties.
 13. My attention has been drawn to developments permitted elsewhere. I do not have the full information regarding their planning circumstances, which lessens the weight that I can attribute to them. Nonetheless, I note that these developments are not adjacent to existing communal gardens. Therefore, the contexts of the previously permitted developments are different to the appeal scheme. In result, they have different effects and the previously permitted schemes do not allow me to disregard my concerns.
 14. References have been made to an emerging local plan. My understanding is that the emerging plan has been modified and that the final report from the Inspector is awaited. In consequence, I cannot be certain as to when the emerging local plan might be adopted and therefore, I am unable to give it full weight in my assessments.
 15. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conflict with Policies 26 and 57 of the

North Hertfordshire District Local Plan (1996). Amongst other matters, these seek to ensure that new developments be acceptable in that location within the environment of the existing area; and require careful and thoughtful design for future generations, whether or not these are residents.

Other Matters

16. I note that, in submitting the application for planning permission, the appellant was attempting to overcome a previous refusal of planning permission. However, this does not outweigh my previous findings.

Conclusion

17. The proposal would have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR

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Appeal Decision

Site visit made on 10 November 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH November 2021

Appeal Ref: APP/X1925/D/21/3279140

2 Chapel Road, Breachwood Green SG4 8NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Ashby against the decision of North Hertfordshire District Council.
 - The application Ref 21/01335/FPH, dated 26 April 2021, was refused by notice dated 9 July 2021.
 - The development is installation of a wooden 1.8m high fence for security and privacy purposes.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision letter describes the boundary fence as retrospective. It is clear from the evidence provided and my site visit that the boundary fence had been erected abutting the back edge of the public footpath along the front of the site. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the boundary fence on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and appearance

4. The appeal site comprises of a two storey dwelling that occupies a prominent corner plot at the junction of Chapel Road and Colemans Road within the settlement of Breachwood Green.
5. Chapel Road is a mature well-established residential street characterised by a mixture of properties of varied styles and design within relatively spacious landscaped plots. The setting is spacious, green and sylvan with mature trees, wide verges, boundary hedges and attractive mature gardens visible from the street. Where boundary walls and fences exist in front of the adjacent properties, these are generally low, clearly subsidiary, and have little impact upon the sense of openness, which add to the open and verdant character and appearance of the street scene.

6. The scale, layout and form of the 1.8m high timber fence results in a significant addition in this location. Such positioning, close to the back edge of the footpath, is out of character with the generally more modest boundary walls/fences found in the area and compromises the sense of space and openness in the area.
7. These shortcomings would be exacerbated by the boundary fence's prominent position which is visible from a number of public vantage points along Chapel Road and Colemans Road. I therefore consider that the boundary fence, by virtue of its scale, siting and design, results in an incongruous and out-of-keeping addition that adversely harms rather than positively contributes to the character and appearance of the area.
8. I have considered the appellant's arguments that the design and layout of the boundary fence has been carefully considered in order to provide additional security and privacy to the site and to minimise any adverse impacts on the area. However, whilst the use of materials and the boundary landscaping would assist in integrating the development with the area, these aspects do not overcome the adverse effects outlined above.
9. Consequently, I conclude that the boundary fence has a harmful effect on the character and appearance of the area. It is contrary to the overall aims of Saved Policy 57 of the North Hertfordshire Local Plan No.2 with Alterations 1996 (Saved Policies 2007) that, amongst other things, seek to ensure that development achieve the highest standard of design that relates to and enhances their site and the character of the surroundings. In addition, the development does not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design that are sympathetic to the local character (paragraph 130).

Highway safety

10. The boundary fence includes the retention of the existing vehicular access from the car hardstanding at the front of the adjacent property at No. 6 Chapel Road (No.6) onto the public highway where a 30mph speed limit applies. The road in the vicinity of the access has a wide and slightly curved alignment with narrow footpath provision.
11. For this class of road and speed limit, the Local Highway Authority recommends a minimum pedestrian visibility splay of 2.0m x 2.0m should be provided on either side of the accessway. The Local Highway Authority have objected as the development does not meet these requirements. Paragraph 110 of the Framework states that decisions should take into account whether safe and suitable access to the site can be achieved for all users. Paragraph 111 of the Framework goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
12. From the evidence provided and from my observations on site, I consider that this section of Chapel Road is neither safe nor suitable to cater for the traffic movements from the adjacent property at No.6. Due to the current configuration of the site and the access arrangements, the position of the 1.8m high boundary fence close to the back edge of the footpath allows insufficient visibility in a northerly direction for vehicles to enter and leave the car hardstanding at the front of the adjacent property safely, leading to the

increased potential for conflicts between traffic and cyclists or pedestrians in the vicinity of the site.

13. Consequently, I conclude that the boundary fence does have an adverse effect on highway safety. It does not accord with the Framework that seeks to ensure developments achieve safe and suitable access to the site for all users (paragraph 108), highway safety (paragraph 109) and create places which minimise the scope for conflicts between pedestrians, cyclists and vehicles (paragraph 110).

Other Matters

14. I have considered the appellant's comments regarding the lack of formal objections from the neighbours or third parties to the appeal scheme. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the fence on the area and is not a determinative factor on its own.
15. I note the appellant's comments regarding the various benefits arising from the fence including the scheme's high quality design, the improvements to security and privacy and the previous fence and gate on the site. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

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

David Troy

INSPECTOR

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