

NORTH HERTFORDSHIRE DISTRICT COUNCIL



11 February 2022

Our Ref Planning Control Committee/24 Feb 2022
Contact. Committee Services
Direct Dial. (01462) 474655
Email. committee.services@north-herts.gov.uk

To: Members of the Committee: Councillors Mike Rice (Chair), David Levett (Vice-Chair), John Bishop, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, Ian Mantle, Ian Moody, Carol Stanier, Terry Tyler and Tom Tyson

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

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERNON
ROAD, LETCHWORTH**

On

THURSDAY, 24TH FEBRUARY, 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 - 18 NOVEMBER 2021	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 18 November 2021.	(Pages 5 - 12)
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. 21/02316/FPH 2 STEVENAGE ROAD, KNEBWORTH, HERTFORDSHIRE, SG3 6AW REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	First floor side/rear extension and insertion of front and rear dormer windows to facilitate loft conversion (as amended by plans received 3 September 2021).	(Pages 13 - 20)

- | | | |
|-----|--|--------------------|
| 7. | 21/03411/FPH THE ORCHARD, WILLIAN ROAD, HITCHIN,
HERTFORDSHIRE, SG4 0LX
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
21 - 28) |
| | Installation of Tennis court with fencing and associated works. | |
| 8. | 21/02708/FP LAND TO THE SOUTH EAST OF BURY FARMHOUSE, BURY
LANE, CODICOTE, HERTFORDSHIRE, SG4 8XX
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
29 - 40) |
| | Erection of one detached two-bed single storey dwelling and shed following
demolition of existing stables. | |
| 9. | 22/00089/TCA HINDSMOUNT, MAYDENCROFT LANE, GOSMORE,
HITCHIN, HERTFORDSHIRE, SG4 7QB
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
41 - 44) |
| | Silver birch - Fell | |
| 10. | 19/02227/FP NEEDHAM HOUSE, BLAKEMORE END ROAD, LITTLE
WYMONDLEY, HITCHIN, HERTFORDSHIRE, SG4 7JJ
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages
45 - 54) |
| | Siting of an events marquee for a temporary period of five years. | |
| 11. | PLANNING APPEALS | (Pages
55 - 68) |

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY

ON THURSDAY, 18TH NOVEMBER, 2021 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Ruth Brown (Chair), Councillor David Levett (Vice-Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, Ian Mantle, Mike Rice and Tom Tyson*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Melanie Stimpson (Democratic Services Manager), James Lovegrove (Committee, Member and Scrutiny Officer) and Tom Allington (Principal Planning Officer – Strategic Sites) and Sarah Kasparian (Senior Planning Officer – Major Projects)*

Also Present: *At the commencement of the meeting Councillor Adam Compton, Councillor Michael Muir and Herts County Councillor Fiona Hill approximately 12 members of the public, including registered speakers.*

20 APOLOGIES FOR ABSENCE

Audio recording – 22 seconds

Apologies for absence were received from Councillors Ian Moody, John Bishop and Terry Tyler.

21 NOTIFICATION OF OTHER BUSINESS

Audio recording – 33 seconds

There was no other business notified.

22 CHAIR'S ANNOUNCEMENTS

Audio recording – 37 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded. The video recording would be available on NHDC YouTube channel and the audio recording via Mod Gov.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair gave advice to the registered speakers on the speaking procedure and time limits.
- (4) The Chair announced a comfort break would be taken around 9pm, at a suitable time in the proceedings.

- (5) The Chair advised that there was a change to the order of business and Item 6 would be taken before Item 5.

23 PUBLIC PARTICIPATION

Audio recording – 1 minute 58 seconds

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

24 20/01138/RM LAND SURROUNDING BURLOES COTTAGES, NEWMARKET ROAD, ROYSTON, HERTFORDSHIRE

Audio recording – 22 minutes 45 seconds

The Principle Planning Officer advised of updates to the report including:

- There had been 5 neighbour objections, not three as listed in the report. These concerned Brampton Road being used as vehicular access and access to Icknield Walk First School.
- Royston Town Council questioned whether the powerline would be underground – this had previously been confirmed by the applicant's agent.
- Royston Town Council had questioned lack of information on bus route on site, but this had been covered by Condition 7 of Outline Plan.
- Condition 5 to be updated to only include ecological requirements of this phase.
- Paragraph 4.47 should be £30,000 not £30,000k as written on report.
- Herts County Councillor had made contact to raise concerns regarding the loss of trees on site.

The Principle Planning Officer presented the report in respect of application 20/01138/RM supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Val Bryant
- Councillor Ruth Brown
- Councillor Tom Tyson

In response to questions, the Principle Planning Officer and Senior Planning Officer advised:

- Access paths were only indicative at this stage and were not included for consideration on this application. Condition 11 of the Outline Proposals outlined that the applicant would need to submit details of these.
- The mix of affordable housing is known and there will be 18 units (22%) of this phase which would be affordable.
- The affordable housing would be included across the site and would be replicated across all phases.
- Herts Ecology had a few sites in mind to spend Unilateral Undertaking ecology funds, but nothing had been agreed yet. It is required to be in the local area and officers were confident that it would be in North Herts, but not necessarily in Royston. NHDC would receive the funds and a relevant location would be identified.

The Chair invited Leigh Carpenter to speak against the application.

Leigh Carpenter thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- Good pedestrian access to the west could be achieved with good planning and was promised in the original Outline Proposals.
- Matters of tree maintenance, road safety and onward travel should be considered and assessed in the context of this application.
- There is little justification for the clusters of 1 and 2 bedroom dwellings.
- The proposed cycle route is unsustainable, as the route has a gradient of 13%.
- Access corridors as presented will require removal of trees and undergrowth with no attempt to deviate the corridors to avoid surveyed trees.
- Requested that Members defer the decision until further details can be provided.

The Chair invited Councillor Adam Compton to speak against the application as a Member advocate. Councillor Adam Compton thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- Main concerns included the tree retention on site, the non-vehicular access points, the parking allocated on plans and the proposed height of flat blocks.
- The paths indicated on the plans were wide and would require the removal of the trees and residents had highlighted more appropriate locations for the pedestrian access.
- The gradient of the proposed cycle route was not appropriate and there was no indication that bike storage facilities were included on site.
- The limited visitor parking on site would lead to an additional build up of parked cars on neighbouring roads.
- The proposed 3 storey height of the block of flats was out of line with the agreement that no building would exceed 2.5 stories.
- Original proposals had 325 dwellings between 2 and 5 bedrooms, but there were now 12 one-bedroom flats on the plans.
- The majority of the social housing units will be the 1 and 2 bedroom flats, which will only equate to 14% of bedrooms for this use.

The Chair invited David Fletcher to speak in support of the application, as agent of the applicant. David Fletcher thanks the Chair for the change to address the Committee and gave a verbal presentation including:

- Detailed discussions had been had with Officers at NHDC.
- Discussions had also been had with other partners and proposals were changed following concerns raised by the Highways Agency.
- The entrance from Newmarket Road would have deep landscaping and generous open space to provide a welcoming entrance.
- The 3 story flat block is on the lowest part of the site and had landscaping buffers to lessen the impact.
- There was a good mix of dwellings included on site.
- The Outline Application showed three points of access to the west, two of which were included within this phase. The detail of these access points fall outside this application, but tree protection was a key consideration in the final proposals.
- There was a desire to start building on site as soon as possible following the granting of permission.

In response to points made during public presentations, the Principle Planning Officer advised:

- Access paths on this application were only shown indicatively on this application.
- Permeability was important and would inevitably lead to some tree removal, but these plans would be developed to ensure this was minimised.

- Some of these trees were not of particular value and the overall value of the tree line could be preserved with the removal of appropriate trees.
- Cycle storage was included at the block of flats.

The Senior Planning Officer advised that the Outline Permission detailed that more than two stories would be considered with robust justification, which was felt was acceptable for this site.

The following Members took part in the debate:

- Councillor Mike Rice
- Councillor David Levett
- Councillor Ian Mantle
- Councillor Ruth Brown

In response to questions, the Principle Planning Officer advised:

- Electric Vehicle charging points were included on the Outline Plan under Condition 14.
- While the access points were indicative at this stage, there were limited options given the points they would need to meet on existing streets.
- The detailed access points would be agreed subject to the condition included on the outline application and are required to be provided before commencement.
- It would be for NHDC Officers, in conjunction with County Highways, to decide whether these plans were suitable.
- The land that the access point crossed was not owned by the applicant but NHDC was the landowner for this area.
- Bin storage sites had been provided for the flats, but not for housing, but all houses will have access to their rear gardens where bins could be stored.

The Senior Planning Officer advised that the mid-terrace and semi-detached house would have suitable drag distances to the waste collection points across the site.

Councillor Ruth Brown noted that there was nothing specific within Condition 11 which sought to protect trees and, as Chair, proposed that wording be added to conditions to include this as a requirement. This was seconded by Councillor Mike Hughson.

Councillor David Levett, proposed with the additional wording on conditions and Councillor Morgan Derbyshire seconded and, following a vote, it was:

RESOLVED: That application 20/01138/RM be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following amendments to conditions:

- Condition 5 to be amended to the following:

“Prior to the occupation of the 83rd unit, the development hereby permitted shall be implemented in accordance with the ecological mitigation measures described in section 4 of the Ecology Addendum October 2020 where they relate to the first phase of development.

Reason - In the interests of Biodiversity”

- Condition 9 to be added with the following:

“Prior to the commencement of the development the applicant shall submit a programme for the delivery and adoption (or private management of) footpaths around the site, with public access secured in perpetuity including non-car access for cycles and mobility scooters to the established residential development off of Valley Rise. This programme will be agreed by the

Local Planning Authority in conjunction with Herts County Council Rights of Way. The agreed programme will be implemented in accordance with any agreed phasing programme and thereafter maintained in perpetuity. Any proposed footpaths shall be located and laid out to ensure that any loss of trees is minimised as much as is reasonably possible’.

Reason: To deliver a sustainable scheme of public rights of way for the incumbent population and the wider community.”

25 19/03032/FP LAND SURROUNDING BURLOES COTTAGES, NEWMARKET ROAD, ROYSTON, HERTFORDSHIRE

Audio recording – 2 minutes 25 seconds

Councillor Tony Hunter advised that he would be making a declaration of interest in both Item 5 and Item 6 following the presentation of the Principle Planning Officer.

The Principle Planning Officer had no updates on the report to advise.

The Principle Planning Officer presented the report in respect of application 19/03032/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ruth Brown

In response to questions, the Senior Planning Officer advised:

- The new pedestrian crossing was included within the boundaries of this application, but had been previously approved.
- There would be further discussions and agreement at a later stage regarding the prevention of traffic through the emergency access point.

Councillor Tony Hunter advised that he had a declaration of interest in the application, as he had previously spoken in depth against the outline planning application. He noted that his objections relating to single vehicle access had now been addressed, but stated that there were issues relating to trees, wildlife and building height which concerned him.

Councillor Tony Hunter left the meeting.

The Chair invited Leigh Carpenter to speak against the application.

Leigh Carpenter thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- He was a representative of several local residents who had objected to the applications.
- There has been no communication or noted amendments to application following the consistent objections made.
- There were concerns regarding the powerline and whether this would be underground.
- An updated agriculture report and tree condition survey documents were included initially, but disappeared from the website in February 2021 without explanation.

The Chair invited Councillor Adam Compton to speak against the application as a Member advocate. Councillor Adam Compton thanked the Chair for the chance to address the Committee and indicated that he would respond to the Item 5 when taken.

The Chair invited David Fletcher to speak in support of the application, as agent of the applicant. David Fletcher thanks the Chair for the change to address the Committee and gave a verbal presentation including:

- The application had been devised with input from NHDC Officers, as well as Highways Authority and the Lead Local Flood Authority (LLFA).
- Western access for construction vehicles was vital to ensure that residents moving into dwellings in Phase 1 were provided a peaceful environment while the rest of the site was developed.
- Suggested that the 40MPH speed limit imposed on entry to Royston be extended west.
- Tree protection measures were employed at locations across the site.
- Collapsible bollards would prevent traffic travelling through the emergency access, outlined in Condition 5.
- Confirmed that discussions were in an advanced phase with UK Power Networks regarding putting the powerline underground.

The following Member asked questions:

- Councillor David Levett

In response to questions, David Fletcher advised that it was correct that the power line formed the site boundary of Phase 1.

Following the presentations, Councillor David Levett proposed and Councillor Morgan Derbyshire seconded and, following a vote, it was:

RESOLVED: That application 19/03032/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager.

26 20/02046/OP LAND OFF, YEOMANRY DRIVE, BALDOCK, HERTFORDSHIRE

Audio recording – 73 minutes 10 seconds

The Development and Conservation Manager advised of updates to the report including:

- Lead Local Flood Authority had given a further response since publication of report and had maintained their objection to the plans until design of the sustainable urban drainage be finalised.
- It had been requested that this be included as a condition rather than objection.
- Condition 17 has been included to allow space for any additional conditions the LLFA may impose.
- The recommendation would be updated to include 'subject to the removal of the objection of the LLFA'.
- If these objections were not removed, the application would return to Committee.

The Development and Conservation Manager presented the report in respect of application 20/02046/OP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Tom Tyson
- Councillor Mike Rice
- Councillor David Levett

In response to questions, the Development and Conservation Manager advised:

- The whole site had been allocated as open space, but had been allocated for development in previous local plans.
- There were no explicit issues with the site from the LLFA, they were requiring detailed plans of the Sustainable Urban Drainage System before removing objection.
- The site is not included under current land supply as there has been no permission granted.

The Chair invited Oliver Sanhaji to speak against the application.

Oliver Sanhaji thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- He was representing a number of local residents who were opposed to the development.
- Concerns and worry centred around the safety of access to and proximity to the school. It would be putting children and parents at risk.
- There were already major issues with parking on Downlands and Yeomanry Drive.
- The site is not proposed to connect through to the school access to prevent parking issues, but this is already an issue for nearby roads
- These plans put children and infants at risk.
- There would be a total loss of existing grass land and would be a total net loss on biodiversity.
- The space has been a vital to local residents.
- Whilst there was a need to address the shortage of homes, this should not be done by cramming housing into unsuitably sized and located sites.

The following Member asked a question:

- Councillor David Levett

In response to questions, Oliver Sanhaji advised the entrance referred to next to the site was a rear entrance to the school, but this was heavily used by residents of Clothall Common.

The following Members took part in the debate:

- Councillor Tony Hunter
- Councillor Ruth Brown
- Councillor Morgan Derbyshire
- Councillor Mike Rice

In response to questions, the Development and Conservation Manager advised:

- Youth Provision is managed by Herts County Council and they will identify possible projects on which to spend S106 funds. They had identified the project in Hitchin as most suitable project.
- There would need to be a relevant project in Baldock in order for it to be spent there and HCC have not identified a site in Baldock for this.
- It could be looked at again and justified and spent on another possible project in Baldock if a suitable one was found.
- With there only being one access route to site, minimising impact of construction traffic would be difficult, but additions could be placed on conditions to avoid school drop-off and pick-up times.

Councillor David Levett noted that proximity to schools caused problems and that often entrances become crowded. However he did not believe the addition 23 dwellings on site would exacerbate this issue.

Councillor Mike Hughson proposed with the additional condition, and Councillor Mike Rice seconded and, following a vote, it was:

RESOLVED: That application 20/02046/OP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager, subject to the removal of objections from the Lead Local Flood Authority, and the following amendments to conditions:

- Condition 11 to be amended to the following:

“No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter construction of the development shall only be carried out in accordance with approved plan. The Plan shall include the following details:

- a) construction vehicle numbers, type and routing;*
- b) Access arrangements to the site;*
- c) Construction traffic management requirements;*
- d) Construction and storage compounds (including areas designated for parking, loading / unloading and turning areas)*
- e) Siting and details of wheel washing facilities;*
- f) timing and delivery arrangements for construction vehicles (to avoid school pick up and drop off times);*
- g) Cleaning of site entrances, site tracks and adjacent public highway;*
- h) Provision of sufficient on-site contractor and construction vehicle parking;*
- 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 shall be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;*
- k) dust and waste minimisation plans and hours of operation and deliveries to and from site.*

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.”

The meeting closed at 9.13 pm

Chair

Location: **2 Stevenage Road
Knebworth
Hertfordshire
SG3 6AW**

Applicant: **Mrs Jessica Wakefield**

Proposal: **First floor side/rear extension and insertion of front
and rear dormer windows to facilitate loft conversion
(as amended by plans received 3 September 2021).**

Ref. No: 21/02316/FPH

Officer: **Thomas Howe**

Date of expiry of statutory period:

27th September 2021.

Extension of time:

2 March 2022.

Submitted Plan Nos:

AT956-01B, AT956-02A, AT956-03A, AT956-04B and AT956-05B

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the receipt of a valid written opinion of Knebworth Parish Council contrary to the recommendation of the Development and Conservation Manager which has been supported by Ward Member Councillor Mandi Tandi. Details of the objection from Knebworth Parish Council are included in paragraph 3.3 of this committee report. Councillor Tandi responded to the written notification of the representation with the following –

“I agree that we should call this in.”

1.0 Site History

- 1.1 05/01526/1HH - First floor and single storey rear extensions. Rear conservatory. First floor side extension with dormer windows to front and rear roof slopes. Mono pitched roof above front bay window and formation of entrance canopy. As amended by plans received 12/12/05. – Conditional Permission
- 1.2 05/01118/1HH - Widening of existing vehicular access. Fixing of 0.3m high trellis on existing 2.0m high fence along with side boundary. Amended Plan No.2 Revision 1 received on 06/09/05.
- 1.3 79/01670/1 - Erection of single storey rear extension – Conditional Permission

2.0 **Policies**

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

Policy 28 – House extensions
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 12 – Achieving well-designed places

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

SP9 – Design and sustainability
D1 – Sustainable Design
D2 – House extensions, replacement dwellings and outbuildings
D3 – Protecting Living Conditions
T2 – Parking

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 25/08/2021 Expiry Date: 17/09/2021

3.2 **Neighbouring Properties:**

3.2.1 **“2 Stevenage Road lies to the south of our property, 4 Stevenage Road.**

We assume that, as the extension is to be built on the boundary, the window on the side elevation will be obscured glazed and not openable. If that is not the case, for privacy, we request that the proposed side window be obscured glazed and high level opening only as it faces our son's bedroom window.

We are concerned about the impact of the development to the light into our son's bedroom as the proposal involves a double storey extension on the boundary and our property (our son's bedroom in particular) relies on the sunlight coming from that direction.”

3.3 **Knebworth Parish Council:**

“The first floor side extension extends to the boundary which is contrary to NHDC policy which requires first floor extensions to step in by one metre from the boundary.

The height and extent of the gable wall will have a significant detrimental impact on the heavily used narrow footpath into the recreation grounds.

The extension overhangs the boundary. A note on the drawing is incorrect and in itself is not acceptable.

NHDC has also set a precedent when the developer, submitting planning application 17/01622/1, erection of a 3 storey building to provide 9x2 bed flats,

had to move the building. It was originally planned to abut the proposed footpath however NHDC required that it should be moved one metre away from the footpath to minimise the overbearing impact of the building on it.”

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 No. 2 comprises a detached two-storey dwelling to the east of Stevenage Road within a predominantly residential area in Knebworth. An access track borders the site to the north, providing access to Knebworth Recreation Ground to the rear of the site.

4.2 Proposal

- 4.2.1 Planning permission is sought to erect a first-floor side/rear extension and for the insertion of front and rear dormer windows to facilitate the conversion of the loft space into habitable accommodation. The scheme was amended marginally with plans received on 3rd September 2021 due to an overhang across the boundary being present in the originally submitted plans.

4.3 Key Issues

- 4.3.1 The assessment of this application was made from the documents submitted with the application, photos of the site and surroundings taken by the applicant, information relating to the planning history of the site, and images from Google Maps and Street View. A site visit was undertaken in November 2021.

- 4.3.2 The key issues for consideration are as follows:

- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Design and Appearance

- 4.3.3 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Chapter 12 – Achieving well-designed places). In this regard, Policy 28 and Policy D2 of the Emerging Local Plan are consistent with the NPPF.

- 4.3.4 No. 2 is set back from Stevenage Road with gates limiting views and access to the front. The application site is not set within a Conservation Area, however, the local street scene incorporates a traditional design style. The proposed development would be visible within the street scene given the location of the proposed alterations being to the front, side, and rear elevations of the dwelling. The proposed two storey side extension would modestly and proportionately enlarge the dwelling to the side, incorporating a ridge height, built form and materials of construction to complement and be sympathetic to the character and appearance of the existing host dwelling. It is noted that the proposed side extension would extend to be within 1m of the side boundary, which would potentially contravene adopted design Policy 28. This is acknowledged, however, the emerging policy specifies no minimum distance from the party boundary and instead provides encouragement for development that does not

result in a terracing effect on the street scene. Given that an access track shares the party boundary adjacent to the side extension and given that No. 4 (the closest neighbour to this side elevation) is set away from the proposed development, a two-storey side extension in this location is unlikely to occasion a terracing effect and would therefore comply with emerging policy. The provision of two dormer windows and a single rooflight to the front roof slope would alter the appearance of the dwelling, but is not considered to be harmful, incorporating traditional design cues and details to be sympathetic to the host dwelling and wider street scene.

- 4.3.5 The proposed two storey rear extension would adjoin the proposed side extension. This feature would incorporate a hipped roof and extend across half of the rear elevation of the dwelling. Acute views of this extension would be gained from the track to the side, however, views would be obscured from the wider public realm given the location of the extension to the rear elevation of the dwelling. It is considered that the proportionate scale and sympathetic and in-keeping appearance of the development is unlikely to harm the character and appearance of the host dwelling or surrounding area. The proposed dormer windows to the rear roof slope would modestly enlarge the dwelling but would match the windows proposed to the principal elevation roof slope. These would also be obscured from the street scene and are therefore unlikely to harm the appearance of the host dwelling or surrounding street scene.
- 4.3.6 The proposed development is therefore considered to be in compliance with Policy 28 of the District Local Plan, Policy D2 of the Emerging Local Plan and the core principles set out within the National Planning Policy Framework.

Impact on Neighbouring Properties

- 4.3.7 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.
- 4.3.8 The application site is neighboured to the south by dwellings served by Watton Road, by an access track and No. 4 Stevenage Road to the north and by Knebworth Sports Pavilion to the east.
- 4.3.9 The proposed side and rear extensions would be set relatively centrally within the site and would be set away from the party boundaries shared with the dwellings along Watton Road. Furthermore, the application site is to the north of these dwellings and is unlikely to cause a loss of light or be overbearing. With regards to No. 4, it is noted that a neighbour objection was received relating to the impacts to light levels for the occupiers of this dwelling. Given that the application site is to the south of this neighbour, there is potential for direct sun light and ambient light loss to the windows serving rooms at No. 4. This is acknowledged, however, given that the proposed extensions would not substantially enlarge the built bulk beyond the existing bulk of the dwelling as viewed from No. 4, matters of light loss are unlikely to be substantially harmful.
- 4.3.10 Matters of privacy were raised in the neighbour representation by No. 4 Stevenage Road. The proposed first floor side window facing this neighbour would serve an en-suite and therefore, to preserve the privacy of this neighbour, a condition securing this window as being obscure glazed would be prudent. With regards to the privacy of other neighbours close to the application site, the proposed development would

provide predominantly rearward and forward views from the dwellings, similar to the existing layout of windows at the dwelling. Furthermore, the development would be set away from the party boundaries shared with these neighbours and therefore, overlooking from the dwelling is unlikely to cause material harm to the amenity of occupiers neighbouring the application site.

- 4.3.11 Given the above, it is considered that the proposed development would result in no unacceptable overbearing impact upon neighbouring occupiers and is therefore compliant with Policy 28 of the District Local Plan, Policy D3 of the emerging local plan and the aims of the National Planning Policy Framework.

Impact on Car Parking

- 4.3.12 The proposed development would enlarge the dwelling to incorporate seven bedrooms, an increase of three. This would require two or more parking spaces on the driveway of the dwelling, in accordance with the Parking at New Developments SPD. The host dwelling would continue to possess sufficient off-street parking space to meet the needs of a dwelling of this size and therefore, the development is unlikely to harm the parking provision or operation of the highway in the locality.

Other Matters:

- 4.3.13 The original scheme incorporated an overhang over the boundary shared with the access track to the side/rear for Knebworth Sports Ground. Certificate A was signed and therefore, insufficient notice was served to enable this to occur without an amendment. Altered proposed plans were received which showed no overhang over the party boundary and therefore, the application can proceed. It is noted that the Parish Council objection raised this point.

4.4 Conclusion

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable.

4.6 Pre-Commencement Conditions

- 4.6.1 No pre-commencement conditions are recommended.

5.0 Legal Implications

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

6.0 Recommendation

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

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

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

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

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

3. The first floor side window in the proposed north elevation of the side extension shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

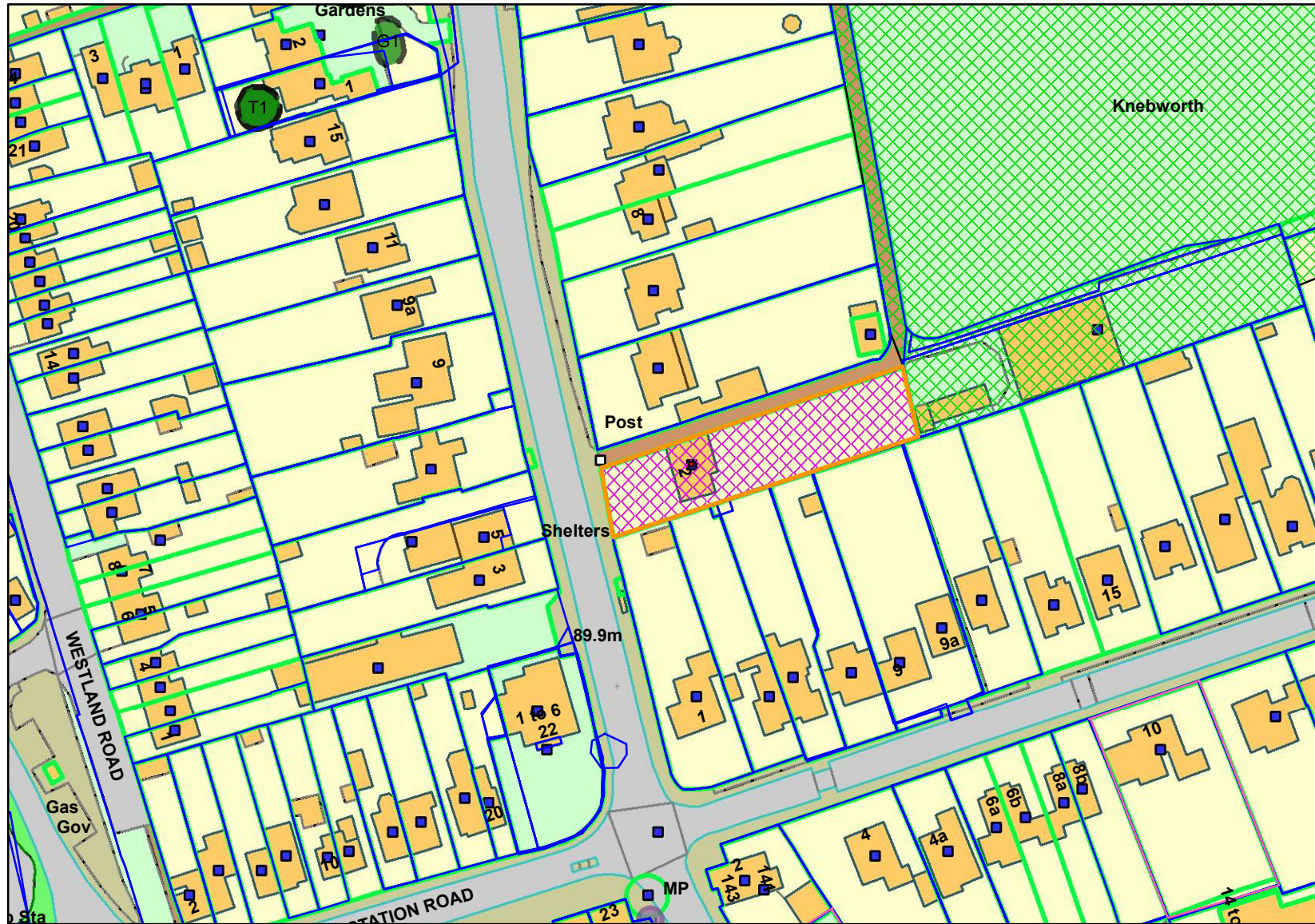
Proactive Statement:

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

21/02316/FPH 2 Stevenage Road, Knebworth, Hertfordshire, SG3 6AW

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



Scale 1:1,250

Date: 09/02/2022

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<u>Location:</u>	The Orchard Willian Road Hitchin Hertfordshire SG4 0LX
<u>Applicant:</u>	Mr & Mrs H Hundal
<u>Proposal:</u>	Installation of Tennis court with fencing and associated works.
<u>Ref. No:</u>	21/03411/FPH
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

7th February 2022.

Submitted Plan Nos:

549-17, 549-18, 549-20, 549-21

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the site area and the floor area of the proposed development. The site area is approximately 1.46 hectares and the tennis courts would be approximately 540 sqm in area. This therefore requires the decision to be referred to the Planning Control Committee given the development exceeds 500 sqm in floorspace and is set on a site >1 hectare in area.

1.0 Site History

- 1.1 16/00016/1 – Change of Use from Class B1 (Offices) to Class C3 (Residential) and alterations to the fenestration. – Conditional Permission
- 1.2 04/00480/1 - Change of use of agricultural land to residential; two storey rear and single storey side extensions, following demolition of existing outbuildings - Conditional Permission

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 2 – Green Belt
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Green Belt Land

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

SP5 - Countryside and Green Belt
SP9 – Design and sustainability
D1 – Sustainable Design
D2 – House extensions, replacement dwellings and outbuildings
D3 – Protecting Living Conditions
T2 – Parking

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 24/12/2021

Expiry Date: 16/01/2022

3.2 **Neighbouring Properties:**

3.2.1 No neighbour representations received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The Orchard comprises a large detached dwelling to the north of Willian Road. The site is within the Green Belt and is bordered by a golf course to the north. The residential curtilage was previously altered during a land swap with the golf course, with the trees to the northern and western boundaries indicating the extent of the residential curtilage, though this does not extend to the entirety of the 'red line' plan.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of a tennis court, chain link fence and associated landscaping.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the development in the Green Belt and its subsequent impacts on the openness of the Green Belt.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties
- The impact that the proposed development would have on car parking provision in the area.

--The impact that the proposed development would have on the environment.

Impact on Green Belt:

- 4.3.2 Chapter 13 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 145 states that inappropriate development should not be approved. Paragraph 145 goes on to states that *“a local planning authority should regard the construction of new building as inappropriate in Green Belt. Exceptions to this are: the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building”*
- 4.3.3 Policy 2 of the District Local Plan takes the view that *“Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.”* Policy SP5 of the Emerging District Local Plan takes the view that *“Will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated”*.
- 4.3.4 Paragraph 149, b) of the NPPF states an exception in the green belt is *“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;”*. The location of the tennis court within the curtilage physically relates it to the residential dwelling known as The Orchard and is clearly situated within the established residential garden serving this dwelling. Extensive screening is afforded to the northern and western boundaries given the presence of large trees and planting. Given the substantial screening and the lack of substantial visual impact from a predominantly transparent fence, I do not consider that the provision of the tennis court would occasion visual harm on the openness of the green belt or result in the encroachment of the Green Belt. A condition is attached securing the colour of the fence as Dark Green to reduce visual impacts further.
- 4.3.5 Given the above, it is therefore considered that the proposed tennis court, fence and landscaping are considered to be acceptable with regards to its relationship with the Green Belt and is therefore compliant with Policy 3 of the District Local Plan, Chapter 13 of the NPPF and Policy SP5 of the Emerging District Local Plan.

Design and Appearance

- 4.3.6 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Chapter 12 – Achieving well-designed places). In this regard, Policy 28 and Policy D2 of the Emerging Local Plan are consistent with the NPPF.
- 4.3.7 The proposed tennis court and associated ancillary works would be set substantially away from the public highway and would be surrounded by existing screening afforded by large, mature trees to all boundaries. Given the coniferous nature of these trees, even during the winter months, substantial screening would be afforded. There could be distant views of the tennis court from land in the area however it is accepted that its visual impact over such distances would be insignificant. The Orchard is unlisted and benefits from outbuildings and a swimming pool. I do not consider that the provision of the tennis court would harm the setting or visual character of the building or wider area.

- 4.3.8 The proposed development is therefore considered to be in compliance with Policy 28 of the District Local Plan, Policy D2 of the Emerging Local Plan and the core principles set out within the National Planning Policy Framework.

Impact on Neighbouring Properties

- 4.3.9 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.
- 4.3.10 The site is not neighboured by any residential dwellings, but shares boundaries with a public golf course. I do not consider that the proposed tennis court or associated works would occasion harm in the form of a loss of light or privacy. There may be some noise generation arising from the operation of the tennis court, however, given that this would be during limited hours and is not so substantial that it would be a nuisance, I consider that any neighbour impacts are acceptable. No neighbour representations were received.
- 4.3.11 Due to the minor nature of the proposal and its locality on an end of terrace garage, it is considered that the proposed development will not have any material impact upon the amenities and reasonable living conditions of neighbouring properties.

Impact on Car Parking

- 4.3.12 The proposed development would not increase traffic generation to or from the site. No loss of parking would arise and therefore, for the above reasons I do not consider there to be any detrimental impacts

4.4 Conclusion

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

- 4.6.1 No pre-commencement conditions are recommended.

5.0 Legal Implications

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

6.0 Recommendation

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

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

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

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

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

3. No lighting shall be erected to serve the approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area or have an adverse impact on the amenities of neighbouring residential properties.

4. Notwithstanding the lack of detail of colour on the plans, the metal work for the proposed fencing shall be painted dark green unless otherwise agreed in writing by the Local Planning Authority.

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

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.

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Application Validation Sheet

21/03411/FPH The Orchard, Willian Road, Hitchin, Hertfordshire, SG4 0LX

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



Scale 1:1,250

Date: 09/02/2022

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Location: Land to The South East of Bury Farmhouse
Bury Lane
Codicote
Hertfordshire
SG4 8XX

Applicant: Mr Joe Doherty

Proposal: Erection of one detached two-bed single storey dwelling and shed following demolition of existing stables.

Ref. No: 21/02708/FP

Officer: Ben Glover

Date of expiry of statutory period: 15/11/2021

Extension of statutory period: 25/02/2022

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 Ian Moody for the following reason:
"The application would mean loss of green belt"

1.0 Site History

- 1.1 06/00005/1 – Erection of barn, 5 stable building and hay barn/field shelter/tractor shelter/storage building following demolition of existing stable building – Approved on 04/04/2006.

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 2 – Green Belt
Policy 3 – Settlements within the Green Belt
Policy 26 – Housing Proposals
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 National Planning Policy Framework

Section 2 – Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt Land
Section 16 – Conserving and enhancing the historic environment

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

SP1 – Sustainable Development in North Herts
SP2 – Settlement Hierarchy and Spatial Distribution
SP5 – Countryside and Green Belt
SP6 – Sustainable Transport
SP8 - Housing
SP9 – Sustainable Design
SP13 – Historic Environment
D1 – Sustainable Design
D3 – Protecting Living Conditions
T1 – Assessment of Transport Matters
T2 – Parking
NE1 - Landscape
HE1 – Designated Heritage Assets

2.4 Supplementary Planning Document

Vehicle Parking at New Development SPD

3.0 Representations

3.1 Site Notice:

Start Date: 08/10/2021

Expiry Date: 31/10/2021

3.2 Press Notice:

N/A

3.3 Neighbouring Notifications:

Nine representations have been received. Nine objections have been received from No. 1, 2 and 3 Bury Farm, 73 and 166 High Street, which are summarised below:

- The proposals would have a greater impact upon the Green Belt openness in this case.
- Residential paraphernalia would cause visual blight and erosion of openness.
- The new access would be an unacceptable incursion across Green Belt land. Hard surfacing has a clear impact as it is an urbanising feature.
- The development fails to meet the requirements of P149 g) of the NPPF.
- The impacts of the development would significantly and demonstrably outweigh the modest benefits of the proposed development.
- The proposed access road would be immediately adjacent to the rear gardens of 1,2 and 3 Bury Farm Barns. The development would result in noise and exhaust fumes, materially harming living conditions of the occupiers.
- Development would result in a loss of privacy.
- Danger to pedestrians using the current public access footpath as a result of the proposed access road.
- The development is not considered to function well or add to the quality of the area in a positive way.
- The development would cause harm to the setting of the Grade II Listed Building.

- Impact to security following creation of access road.

3.4 **Parish Council / Statutory Consultees:**

Codicote Parish Council – Objection. Full comments available online.

Environmental Health (Contaminated Land) – No objection subject to conditions.

Environmental Health (Noise) – No objection subject to informatives.

Environmental Health (Air Quality) – No objection subject to conditions and informatives.

HCC Highways – No comments received.

Waste and Recycling – No objection.

Rights of Way – No comments received.

Archaeology – No comments received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is situated to the west of Bury Lane, Codicote and is situated within the Green Belt and is neighboured to the south by The Bury, a Grade II* Listed Building. The application site contains an existing stable building with an outdoor riding area to the front and is accessed via a track from Bury Lane.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the erection of a detached 2-bed single storey dwelling following the demolition of the existing stables. The works would include associated landscaping.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy and Local Development Plan.
- The impact the proposal would have on the openness of the Green Belt.
- The impact of the proposed development upon the setting of the Grade II* Listed Building.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The standard of living for future occupants of the application site.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

- 4.3.2 The application site is situated within the Green Belt and is situated just beyond the Codicote village boundary. The application site is not proposed to be removed from the Green Belt following the adoption of the Emerging Local Plan.
- 4.3.3 Given the above, Saved Policy 2 and Emerging Policy SP5 are applicable in the determination of this application.
- 4.3.4 Policy 2 of the Saved Local Plan states *“In the Green Belt... the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new building... which are appropriate in the Green Belt, and which would not result in significant visual impact”*.
- 4.3.5 Policy SP5 of the Emerging Local Plan states that the Council *“will only permit development proposal in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated”*.
- 4.3.6 With the application being within the Green Belt, Paragraph 147 of the National Planning Policy Framework (NPPF) states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 of the NPPF goes on to states *“local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 4.3.7 Paragraph 149 of the NPPF states that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.”* Paragraph 149 offers a number of exceptions to inappropriate development in the Green Belt including the following:
- “g) limited infilling or the partial or complete redevelopment of previously development land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *Not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the area of the local planning authority”*
- 4.3.8 Based on the existing stable building within the plot and associated menage, the site is considered to be equestrian in use and therefore the site is considered to be previously developed land.
- 4.3.9 The site contains an existing stable building that measures approximately 19m wide, 3.8m in depth and 5.1m in height with 2.6m to the eaves. The roof overhangs to provide an area of shelter. The gross external area (GEA) of the existing building on site measures approximately 72.2m².
- 4.3.10 The proposed dwelling would replace the existing building and would feature a hipped roof form with a forward projecting element containing bedroom 2. The GEA of the proposed building would measure approximately 82m². The development would

therefore result in a limited 13.5% increase in GEA when compared to the existing structure.

- 4.3.11 The proposal would change the use of the site to residential and with that would come associated residential paraphernalia. Although the site can be seen from a public footpath to the north, it is considered that the proposed development would not result in a greater impact on the openness of the Green Belt. It is considered that the proposal would be acceptable in principle as the works would fall within the exception to inappropriate development offered under paragraph 149 g).

Impact on the Designated Heritage Asset:

- 4.3.12 The application site is situated to the north east of The Bury, a Grade II* Listed Building. Paragraph 197 of the NFFP is relevant in this case and states *“in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage asserts can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 4.3.13 Paragraph 199 of the NPPF states *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amount to substantial harm, total loss or less than substantial harm to its significance.”*
- 4.3.14 Paragraph 200 states *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.*
- 4.3.15 Policy HE1 of the emerging Local Plan states *“planning permission for development proposals affecting Designated Heritage Assets of their setting will be granted where... c) will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use.”* This policy is reflected in paragraph 202 of the NPPF.
- 4.3.16 The application site is separated from the Listed Building by well-established mature vegetation that screens the site from the neighbouring listed building. Furthermore, the development would be of a similar scale when compared to the existing building within the plot. It is considered that the proposed development would not result in any unacceptable harm to the setting of the nearby Grade II* Listed Building by reason of the single storey height of the dwelling, existing mature screening, and similar scale of the proposed building when compared to the existing structure.

Design and Appearance:

- 4.3.17 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 12 – Achieving well-designed places). In this regard, Policy 57 of the Current Local Plan and Policy D2 of the Emerging Local Plan is consistent with the NPPF.
- 4.3.18 The proposed dwelling would feature a hipped roof design incorporating natural slate roof tiles to match those used in the construction of the existing building on site. Other

materials would include red brickwork and stained feather-edged boarding. The development would incorporate low profile conservation style rooflights.

- 4.3.19 It is considered that the proposed design and appearance of the dwelling would be acceptable and not result in any unacceptable impact upon the character and appearance of the locality. The proposed development would be in compliance with both local and national planning policies.

Impact on Neighbouring Properties:

- 4.3.20 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.
- 4.3.21 The proposed dwelling would be situated to the south east of the three dwellings that make up Bury Farm Barns. The single storey height dwelling would be situated in the south east corner of the stie and set away from the closest dwelling by approximately 32m. The proposed dwelling would feature a door on what would be the north west elevation limiting any potential for loss of privacy to the nearby neighbouring occupiers.
- 4.3.22 It is considered that the proposed dwelling would not result in any unacceptable overbearing impact upon nearby residential dwelling and would not result in any unacceptable overlooking.
- 4.3.23 Concerns raised by neighbouring properties regarding the access track to the dwelling have been considered. However, the track would be a ground level feature and would not restrict views or result in an overbearing impact upon nearby residential dwellings. Furthermore, the concerns raised regarding vehicle movements along the access track have been noted. It is considered that vehicle movements to one dwelling would be limited and not result in an unacceptable impact upon the living conditions of nearby neighbouring properties.
- 4.3.24 Given the above, it is considered that the proposed development would not result in any unacceptable impact upon the amenities of nearby neighbouring properties and is therefore in compliance with both local and national planning policies.

Standard of Amenity for Future Occupiers:

- 4.3.25 The dwelling is considered to provide sufficient living accommodation within the dwelling and sufficient amenity space to the front and side of the dwelling. Habitable rooms would benefit from access to natural light. No objection is raised to the standard of accommodation for future occupiers of the proposed dwelling.

Sustainability:

- 4.3.26 The application site is situated just beyond the village boundary of Codicote. Whilst not situated within the built core of the village, the site is within close walking distance of the Codicote High Street (0.4 miles) and is also in close proximity to bus stops on Bury Land and just adjacent to Church Close.
- 4.3.27 Furthermore, it is considered appropriate to include a condition requiring the provision of an electric vehicle charging point to improve the sustainability of the site.
- 4.3.28 It is considered that by virtue to the limited scale of the development in general terms together with the site being in close proximity to nearby public transport together with

the requirement for sustainable features such as EV charging would result in a limited impact upon the local environment in terms of carbon emissions and would therefore be generally in compliance with Section 14 of the NPPF.

Highways and Parking:

- 4.3.29 The site would be accessed via an existing tarmacked road off Bury Lane. There would also be sufficient off-street car parking available for future occupiers of the proposed dwelling.

4.4 Conclusion

- 4.4.1 In conclusion, it is considered that the proposed dwelling would not constitute inappropriate development in the Green Belt by reason of the dwelling being on previously developed land and the resulting building being a limited increase in scale above that of the existing stable building.
- 4.4.2 Furthermore, the proposal would be in a sustainable location that would not result in any unacceptable harm to the setting of the Grade II* Listed Building to the south, and the proposal would provide one additional dwelling against the current 5-year land supply shortfall.
- 4.4.3 The principle of a dwelling in this location is acceptable and would be in compliance with both local and national planning policies.

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

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

4.7 Climate Change Mitigation 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 Legal Implications

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

6.0 Recommendation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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. EV CHARGING POINT SPECIFICATION INFORMATIVE:

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

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

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

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008

















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

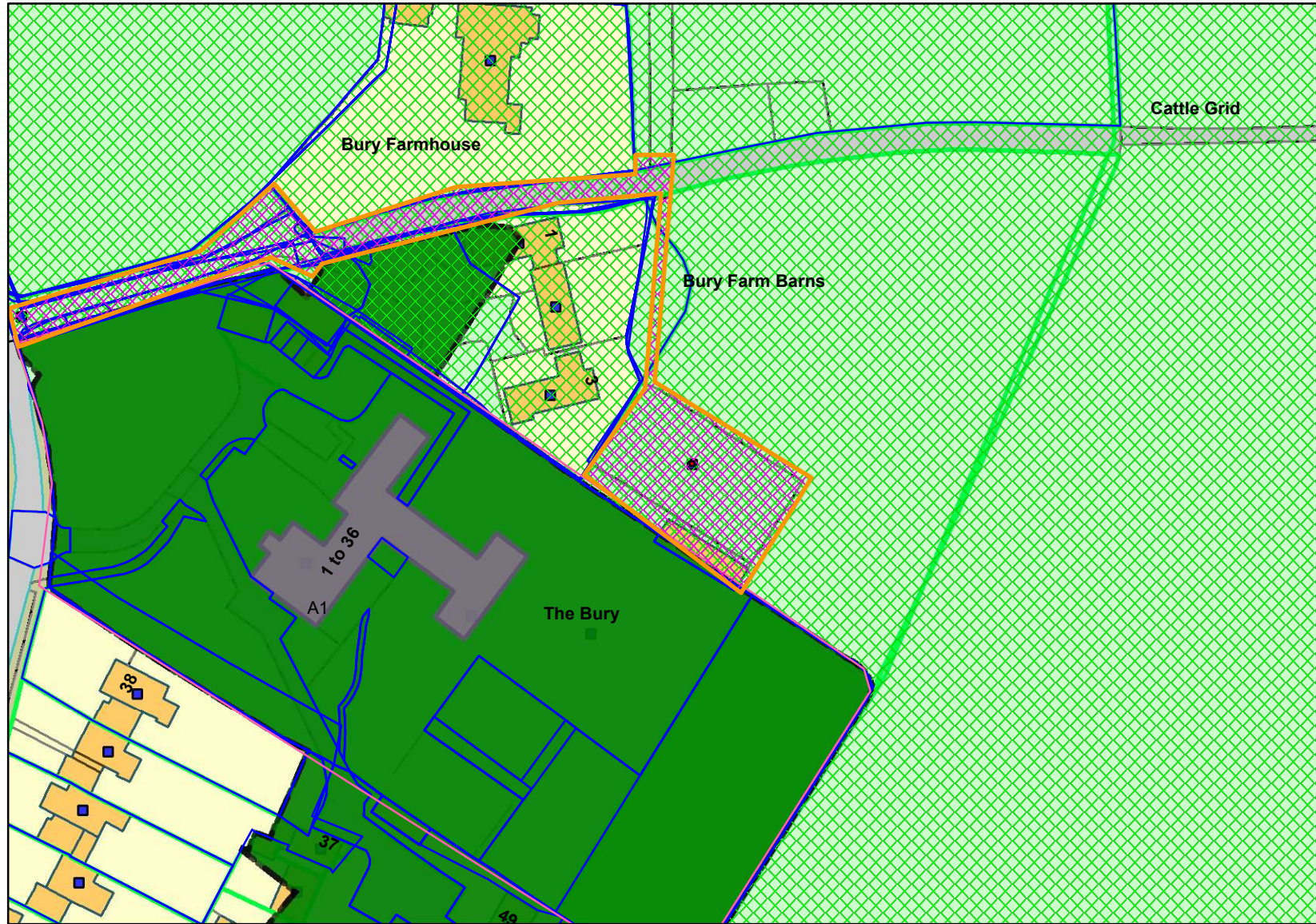
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be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

2. 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.
3. During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

Application Validation Sheet

21/02708/FP Land to the South East of Bury Farmhouse, Bury Lane, Codicote, Hertfordshire, SG4 8XX

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



Scale 1:1,250
Date: 09/02/2022

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Location: **Hindsmount
Maydencroft Lane
Gosmore
Hitchin
Hertfordshire
SG4 7QB**

Applicant: **Mr Richard Thake**

Proposal: **Silver birch - Fell**

Ref. No: 22/00089/TCA

Officer: **Ben Glover**

Date of expiry of statutory period: 23/02/2022

Extension of statutory period:

Reason for Delay:

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

Reason for Referral to Committee:

The applicant has declared in Section 7 of their application form that they are an elected member with respect to the Authority.

1.0 Relevant Site History

1.1 No relevant site history.

2.0 Policies

2.1 Tree Preservation Orders and Trees in Conservation Areas

3.0 Representations

3.1 N/A

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 Hindsmount is a Grade II Listed Building situated on the north side of Maydencroft Lane and is within the Gosmore Conservation Area.

4.2 Proposal

4.2.1 Permission is sought for the felling of 1x Silver Birch tree due to the poor health of the tree and shedding of dead limbs in the garden.

4.3 **Key Issues**

4.3.1 The key issue for consideration is the impact that the proposed works would have on the character and appearance of the Gosmore Conservation Area.

4.3.2 The Silver Birch Tree is situated within the rear garden of the application property and is therefore screened from views within the public street scene by buildings. The tree is said to be in poor health with dead limbs shedding in the garden. Given the location of the tree within the rear garden of the application property and the trees poor health, it is considered that the felling of the tree would not result in any unacceptable harm to the character and appearance of the Gosmore Conservation Area.

4.4 **Conclusion**

The proposed works would not result in any unacceptable adverse impact upon the character and appearance of the Gosmore Conservation Area.

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.

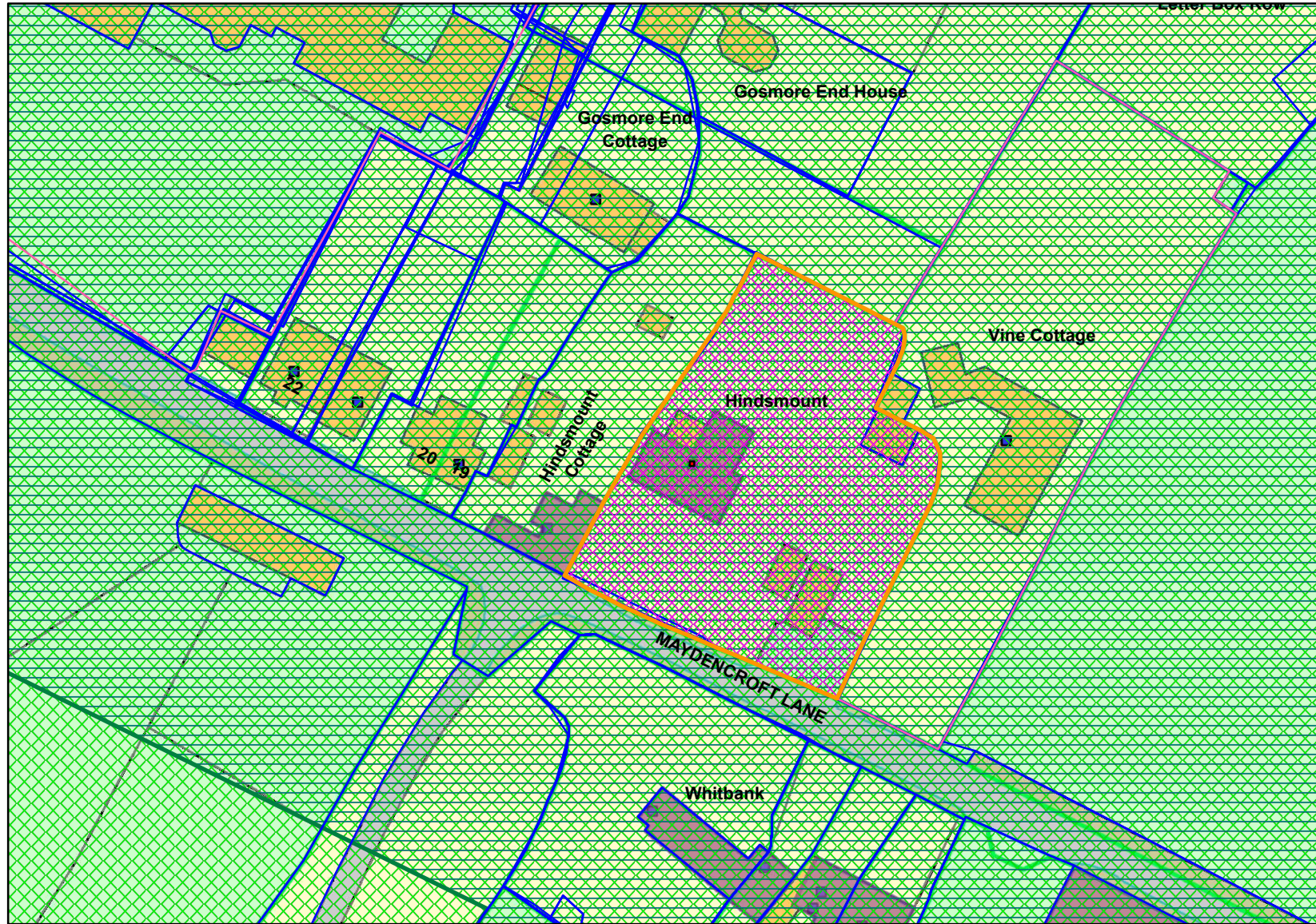
6.0 **Recommendation**

6.1 **NO OBJECTION** to the proposed works.

Application Validation Sheet

22/00089/TCA Hindsmount, Maydencroft Lane, Gosmore, Hitchin, Hertfordshire, SG4 7QB

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
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-  **Planning Application (1999)**
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Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:750

Date: 09/02/2022

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<u>Location:</u>	Needham House Blakemore End Road Little Wymondley Hitchin Hertfordshire SG4 7JJ
<u>Applicant:</u>	Needham House Hotel
<u>Proposal:</u>	Siting of an events marquee for a temporary period of five years
<u>Ref. No:</u>	19/02227/FP
<u>Officer:</u>	Simon Ellis

Date of Statutory Expiry Period: Agreed extension to 28.02.22

Reason for Delay

An earlier planning application for this development was refused planning permission and one of the reasons for refusal was that the site is located within the Metropolitan Green Belt and this form of development is inappropriate in the Green Belt. The emerging Local Plan (2011-2031) proposes to remove this site from the Green Belt and incorporate it within a new Category A settlement boundary of Little Wymondley. It was hoped that this position would have been clarified by now but due to the delay to the Local Plan Examination in Public (EiP) and resultant Inspector's report into the soundness of the plan this proposed removal of the site from the Green Belt has not been agreed. The site therefore remains in the Green Belt but due to the continued delay to the Local Plan it has become untenable to continue to delay the determination of this planning application.

Reason for Referral to Committee

This planning application has been called into Committee for determination by Cllrs Terry Tyler and George Davies on the basis of potential noise impacts and the site location within the Metropolitan Green Belt.

Submitted Plan Nos:

3903-PD-01 – Marquee Plans and Elevations
3903-PD-02 – Location and Site Plan

Associated Documents:

Acoustic Assessment
Design and Access Statement
Planning Statement

1.0 Policies

1.1 North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies): Policy 2 ‘Green Belt’

1.2 National Planning Policy Framework (NPPF) (July 2021):

In total but in particular:

Section 2 ‘Achieving Sustainable Development’

Section 4 ‘Decision Making’

Section 13 ‘Protecting Green Belt’

1.3 Supplementary Planning Documents:

Vehicle Parking Provision at New Development (SPD – 2011)

1.4 Submission Local Plan (2011-2031) (with Modifications):

Section 2 – Strategic Policies

SP1 - Sustainable development in North Hertfordshire;

SP2 - Settlement Hierarchy;

SP9 - Design and Sustainability;

Section 3 – Development Management Policies

WY1 – Proposed Site Allocation

D3 – Living Conditions

2.0 Site Planning History

2.1 Planning permission ref. 16/00415/1 – permission granted for temporary use of land for marquee between March and December until 2018

2.2 Planning application ref. 19/00250/FP – permission refused for the retention of marquee for the following reasons:

1. The proposed siting of a marquee for a temporary period of five years would comprise inappropriate development in the Green Belt and in the opinion of the local planning authority there are no very special circumstances apparent that would outweigh the harm caused to the Green Belt by reason of inappropriateness and harm to openness. As such, the proposed development would conflict with Section 13 of the National Planning Policy Framework, Policy 2 of the North Hertfordshire Local Plan 1996 with Alterations, and Policy SP5 of the North Hertfordshire Submission Local Plan (2011-2031).
2. The proposed marquee would likely give rise to a number and scale of events which is likely to cause harm to the living conditions of neighbouring properties by way of live/amplified music and other noise/disturbance associated with its anticipated use. As such, the proposed development would conflict with Section 15 (Paragraphs 170 and 180) of the National Planning Policy Framework, Policy 57 of the North Hertfordshire Local Plan 1996 with Alterations, and Policy D3 of the North Hertfordshire Submission Local Plan (2011-2031).

3.0 **Representations:**

3.1 **Technical and Statutory Consultees:**

NHDC, Environmental Health (Noise): Noise

The last complaint received by Environmental Health was received on 17 May 2018; the case was closed on 10 January 2019 as the old marquee had been taken down. I understand that a marquee has been in use on site during 2019. Environmental Health has received no further complaints to date (9th January 2020).

I have reviewed the submitted "Noise Assessment, Needham House Hotel, Event Marquee" Report reference 1918895, dated 1st August 2019 by Sharps Redmore. The Report is a robust assessment. Music noise, external activity from people in garden and car parking activity were all assessed. It concludes no adverse impact on residential receptors subject to implementation of the following noise mitigation measures detailed in section 4.2 of Report -

- setting an internal music noise limit of 95dB LAeq;
- implementation and continuing use of a Zone Array directional speaker system and integrated level control (refer Appendix C), including use by live bands; and
- undertaking noise monitoring

The Report may be approved, see recommendation below-

Recommendation

- 1 The noise mitigation measures detailed in "Noise Assessment, Needham House Hotel, Event Marquee" Report reference 1918895, dated 1st August 2019 by Sharps Redmore, shall be fully implemented. The noise mitigation measures shall be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenity of existing residents

3.2 **Wymondley Parish Council:**

As you are already aware, a marquee was erected some time ago at Needham House, and has since been the subject of complaints – primarily due to the unacceptable effects of noise on residents.

That existing marquee is regularly used for a variety of functions, (predominantly weddings and parties, but also funeral teas and other events); and is available for use for ten months of the year, with its busiest periods at the weekends. The likelihood is that any marquee sited at Needham House would operate similarly, and the Council's objections are therefore based on first-hand experience of the current situation.

Due to complaints made about the existing marquee, the Parish Council consulted residents earlier this year regarding the then application (Case Ref No: 19/000250/FP) for erection of a marquee for five years. Respondents unanimously objected to that application for the same reasons expressed over recent months in relation to the application now before you. The reasons for their objections, which the Parish Council supports, are summarised as follows:

1. Given that marquees are nothing more than glorified tents, they are not renowned for the quality of their sound-proofing – and the Needham House example is no exception. The principle reason for opposing the application is therefore the associated nuisance caused to residents by the unacceptable noise levels emanating from the existing marquee during functions; and the detrimental effect this noise pollution has had on residents' quality of life, due to their inability to enjoy the peace and tranquillity of their home environment – particularly, (but not exclusively), during the summer months;
2. The nature of most events held in it lends itself to having the volume “cranked up” to generate a lively party atmosphere. While this might add to the enjoyment of the voluntary participants, it does precious little for the involuntary participants who are unable to enjoy a peaceful afternoon in their house or garden, (and frequently have their sleep disturbed), by the sound of loud music and clearly discernible songs – all of which can be heard by at a considerable distance, and often late into the evening or in the early hours of the morning.
3. Little effort has been made to minimise the noise pollution currently arising from the Needham House marquee – which is widespread and affects not only residents in the immediate vicinity, e.g. Waterlow Mews and Wymondley House, but also others further eastwards along Stevenage Road in Little Wymondley; and in Tower Close, (where it has been regularly heard by several residents, including through closed windows). The Council believes this is unlikely to improve in relation to this or any subsequent marquee;
4. This noise intrusion is a regular, (rather than an infrequent), nuisance; and occurs throughout the year, particularly at weekends – and regardless of the season. The practical effect is that many of the Parish residents are regularly unable to enjoy a quiet life in their houses or gardens, and/or cannot sleep, due to being subjected to loud music emanating from the marquee at all hours. It would be wholly unreasonable to inflict this upon them for a further five years;
5. There is no need for a marquee at Needham House, because there are numerous function rooms on the premises, (including the one which is the subject of retrospective planning application Case Ref No: 19/01804/FP), which are perfectly adequate to host the types of function held in the marquee. They did so for many years under past ownership, (without any negative impact on residents); and could instead be used again – thus eliminating the current noise problems;
6. This third, (essentially outdoor), wedding function facility within the Parish is unnecessary and unjustified, given its proximity to residential properties - and the resulting sustained negative impact on nearby residents of holding such functions in, essentially, an ineffectively soundproofed tent. (Similar function venues at Redcoats Farmhouse and The Priory Barns are further away from residential properties and do not impact in the same way); and

Aside from the above noise related issues, the Council also wishes to object on the basis that the site is currently located in the Green Belt and the proposal constitutes inappropriate development – there being no exceptional or very special circumstances to justify it. (You will, of course, be aware that the Wymondley Neighbourhood Plan has now been made and its policies, including those relating to development in Green

Belt land must be considered when determining planning applications within the designated area.)

The Council is grateful to you for allowing an extension of time in relation to this application; and looks forward to receiving notification of the outcome in due course.

3.3 Public Comments:

Full details can be viewed on the Council's website and Members are advised to read comments posted on the website. However, a brief summary of views expressed is set out below:

- Loud parties cause a noise nuisance for local residents and there have been several complaints, relating to events late at night taking place within the marquee;
- This is a tranquil rural area and the noise and visual impact is unacceptable;
- Green Belt policy should restrict this unsightly form of development;
- The planning history is confusing, how has this marquee been allowed to remain in place when permission has expired?

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site consists of the grounds of Needham House Hotel. The Hotel is accessed off Blakemore End Road, to the west of Little Wymondley. The hotel grounds sit outside the village within open countryside. The marquee is sited in an enclosed space, on elevated land on the eastern edge of the Hotel grounds. The siting of the marquee is above the car park and is bordered by open countryside on raised ground to the east.

4.2 The Proposals

- 4.2.1 Full planning permission is sought for the retention of the marquee for a five year period, noting this planning application was submitted in 2019. The marquee is located to the east of the main building and measures 34m in length and 18.9m in width. It has a shallow pitched roof with a ridge height of 5.4m.

4.3 Key Issues

- 4.3.1 Taking account of the relevant development plan policies and other material considerations listed above, including the latest version of the NPPF and the emerging Local Plan (now at a very advanced stage of preparation) together with the representations also listed above I consider the main issues to be addressed in the determination of this planning application are as follows:

- The principle of development on the site in the Green Belt and the overall policy basis for any decision;
- Whether the noise issues are now resolved;
- Whether this is an acceptable form of development which adjoins a site likely to be allocated for new housing development in the emerging Local Plan;
- If the development is acceptable how long should a temporary permission be granted and should there be any other mitigation, such as hours of use restrictions?

The following paragraphs address these broad issues and related detailed matters in this order before reaching conclusions on the planning balance and setting out a recommendation.

4.3.2 Green Belt and Principle of Development

This development is located within the Metropolitan Green Belt and is inappropriate development in the Green Belt, which harms the Green Belt by reason of being inappropriate and any other harm (NPPF Section 13). Other harm in this context includes visual harm, noise harm and encroachment due to the sheer size of the marquee. Inappropriate development should not be permitted in the Green Belt unless the harm to the Green Belt and any other harm are outweighed by Very Special Circumstances (VSC).

4.3.3 It is however the case that the emerging Local Plan seeks to remove this site from the Green Belt to be part of a wider Category A settlement boundary of Little Wymondley. The land to the east of the hotel and south would also form part of WY1 housing allocation and would also be removed from the Green Belt.

4.3.4 The reason the determination of this planning application has been delayed is that I anticipated the Local Plan would have progressed quicker and the uncertainty over whether the site would be removed from the Green Belt would have been resolved by now. However, as there is now further delay to the Local Plan conclusion the site remains in the Green Belt and therefore remains inappropriate development. There are however, VSC in that it is likely that the Green Belt designation will be removed and this must be balanced against harm to the Green Belt and any other harm.

4.3.5 Some of the other harm is at this time unquantifiable as it relates to the conflict between the use of land as a marquee for a hotel, hosting events and potential new housing close to the site. This conflict is for future consideration but in my view the allocation of housing (i.e. the main reason the site is proposed to be removed from the Green Belt) should take precedence over the presence of a marquee.

4.3.6 Noise

Looking at the noise issue relating to this development Members will note from above that there are now no longer any technical noise objections from the Council's Environmental Health team in relation to the operation of the marquee under current land use patterns in this area. This means in my view that the second reason for refusal of the earlier application is overcome. However, this equation may change with any future new housing being constructed much closer to the marquee.

4.3.7 There is no current planning application at the time of writing for housing development on the proposed WY1 housing allocation. As a consequence there is no layout plan for future housing that can be considered. However, as seems likely if housing is brought forward on this site, the use of land for the marquee would prohibit housing close to the marquee due to noise and the climate. Given the likely timescales for any planning approval I consider that the acceptability of this development in terms of noise would need to be reviewed within two years and therefore a permanent permission is not justified in my view. The applicant applied for a five year permission in 2019 so I consider that a limit on any permission should be set at 31 March 2024.

- 4.3.8 If the Local Plan progresses and is adopted then the site would be removed from the Green Belt and the marquee would no longer be inappropriate development. However, given there would be no Green Belt policy restriction relating to the site I would hope that if there remains a need for event space it could be accommodated in permanent, purpose built, acoustically secure new buildings/extension to existing building and that the marquee which is in my view out of keeping with the character of the area can be removed from the site permanently.
- 4.3.9 As well as limiting any permission for a further two years only I also recommend that the time limit for use of the event marquee is set at 11pm and at no time until after 8am on any day.
- 4.3.10 Conclusions
Given the balance of issues discussed above I consider that a further temporary two year permission for the use of land as an event marquee is appropriate, subject to appropriate time limits on use and implementation of measures set out in the noise mitigation strategy.
- 4.3.11 Alternative Options Considered
See discussion of case merits above.

5.0 Legal Implications

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

6.0 Recommendation

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

6.2 Recommended Conditions, Reasons and Informatives

Conditions and Reasons:

1. The use of land for the installation of an events marquee shall cease before 31 March 2024 and the land shall be reinstated to its previous condition.

Reason: In the interests of removing noisy an inappropriate development from this site close to likely future housing and in the interest of good planning and visual amenity.

2. The noise mitigation measures detailed in "Noise Assessment, Needham House Hotel, Event Marquee" Report reference 1918895, dated 1st August 2019 by Sharps Redmore, shall be fully implemented. The noise mitigation measures shall be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenity of existing residents.

3. The occupation of the marquee shall be limited to no later than 11am or before 8am on any day.

Reason: To limit the noise impact of the use and operation of the events marquee on the local noise climate.

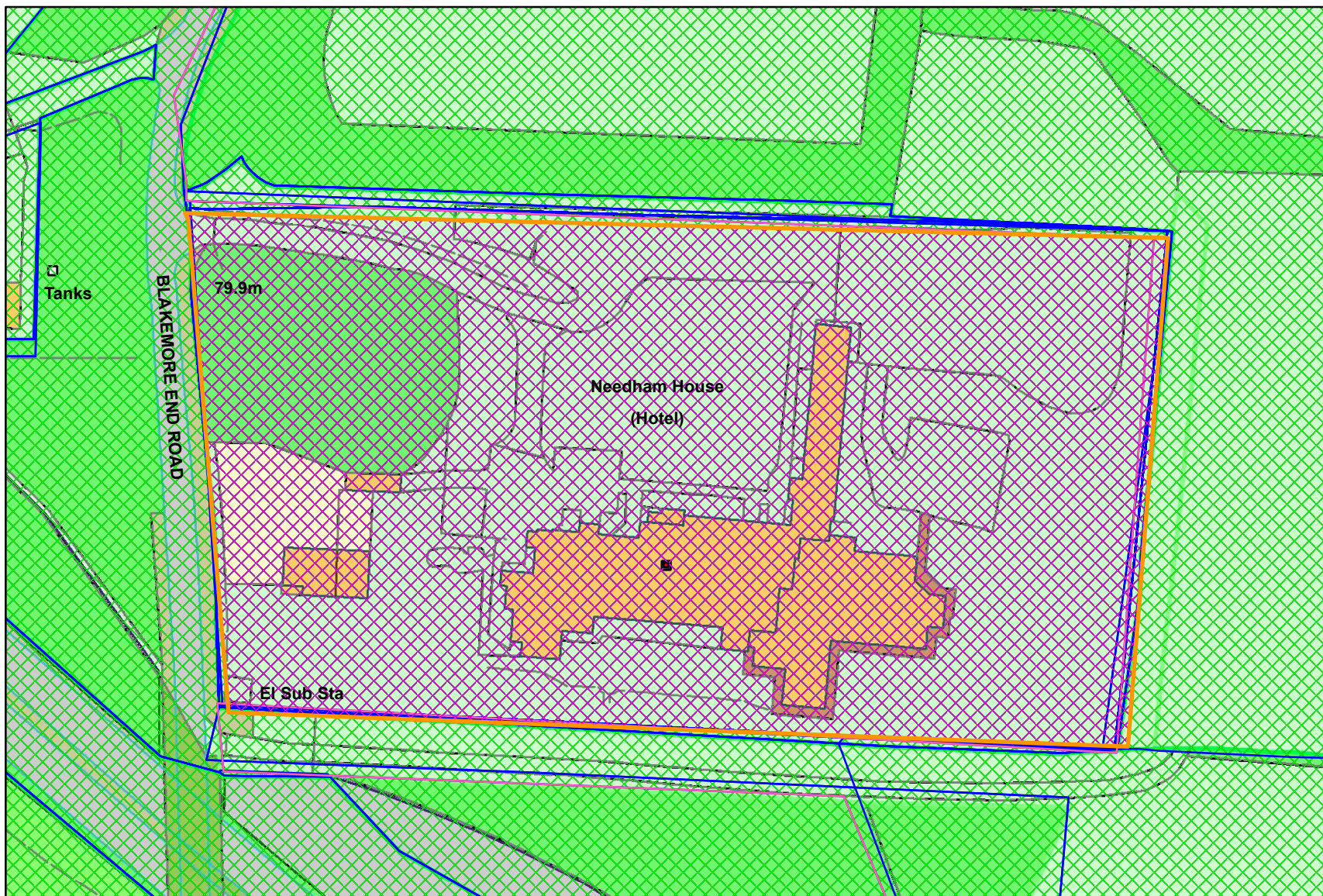
Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant prior to the submission of the planning application. 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

19/02227/FP Needham House, Blakemore End Road, Little Wymondley, Hitchin, Hertfordshire, SG4 7JJ

-  **Acolaid Land Parcel**
Property.shp
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Prnnis.shp
-  **Indicative Flood Plain**
Prfpm.shp



Scale 1:1,250

Date: 23/11/2021

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PLANNING CONTROL COMMITTEE**DATE: 24 February 2022****PLANNING APPEALS LODGED**

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr Neave	24 January 2022	First floor extension to create two storey dwelling	Trees London Road Langley SG4 7PQ	21/00783/FPH	Written Representations
CK Hutchison Networks (UK) Ltd	25 January 2022	Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Land At Evangelistic Church York Way Royston SG8 5HJ	21/02179/TD	Written Representations
Mr & Mrs Nick Conley	03 February 2022	Change of use of amenity land to private residential garden including the erection of 2m high boundary wall.	8 Masefield Way Royston SG8 5UU	21/02083/FP	Written Representations
Mr C Hunt	04 February 2022	Conversion of existing dwelling into two 1-bed apartments and erection of one 2-bed attached dwelling.	165 Weston Way Baldock SG7 6JG	20/02500/FP	Written Representations

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PLANNING CONTROL COMMITTEE

DATE: 24 February 2022

PLANNING APPEALS DECISION

APELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr & Mrs G & A Kennion	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	Appeal Dismissed on 21 January 2022	Delegated	The Inspector concluded that Condition No 3 is reasonable and necessary to maintain planning control to safeguard the character and appearance of the area.
Mr and Mrs Shelford	Erection one detached 3-bed dwelling following demolition of existing garage including creation of vehicular access off Pryor Road (as amended by drawing CHQ.20.15919 - 03A and affirmed by drawing CHQ.20.15919 - 06 received 10/09/2020).	1 Pryor Road Baldock SG7 6LJ	20/01766/FP	Appeal Dismissed on 25 January 2022	Delegated	The Inspector concluded that the scheme would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies 8 (Development in Towns), 26 (Housing Proposals) and 57 (Residential Guidelines and Standards) of the Local Plan, which collectively seek, amongst other things, to ensure that development relates to and enhances the character of its surroundings. The scheme also conflicts with Policy D1 of the emerging Local Plan, which seeks, amongst other things, to ensure that development responds

						positively to the site's local context. The Inspector also found that the scheme conflicts with Paragraphs 130 and 134 of the Framework which collectively seek, amongst other things; (a) development that is sympathetic to local character and its landscaped setting; (b) development that maintains a strong sense of place; and (c) the refusal of development that is not well-designed.
Ms Natasha Rataj	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	Appeal Dismissed on 25 January 2022	Delegated	The Inspector concluded that although the development would not harmfully affect the outlook from the neighbouring properties, it would adversely affect the privacy of the occupiers of No. 35 such that their living conditions would be unacceptably harmed.
Mr Adams	Conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area (as amended by plan received 21.10.20)	Land To The Rear Of Nos 61 And 61A Radcliffe Road, Hitchin SG5 1QG	20/01638/FP	Appeal Allowed on 01 February 2022	Committee	The Inspector stated that these proposals are of a small scale; they are sustainably located and the additional benefits of electric car charging and an additional off-street parking space for 61A all count in favour of the development. The Inspector therefore did not consider the harm resulting from the under-provision of car parking to be sufficient to warrant a refusal. NOTE: The associated application for costs was refused

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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: 1 February 2022

Appeal Ref: APP/X1925/W/21/3275677

Land To The Rear Of Nos 61 And 61A Radcliffe Road, Hitchin SG5 1QG

- 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 Mike Adams against the decision of North Hertfordshire Council.
 - The application Ref 20/01638/FP, dated 27 July 2020, was refused by notice dated 15 April 2021.
 - The development proposed is conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area at land to the rear of Nos 61 and 61A Radcliffe Road, Hitchin SG5 1QG in accordance with the terms of the application, Ref 20/01638/FP, dated 27 July 2021 and the plans submitted with it, subject to the conditions listed at Appendix A.

Preliminary Matters

2. During the determination of the application, the council changed the description of development to add additional detail. I have therefore used the description of development on the decision notice as this is a more complete reflection of the permission being sought.
3. My assessment focusses on the impacts of the appeal proposals on the availability of on-street car parking in the area, because the Council has taken no issue with the design of the scheme itself and I see no reason to disagree with this.

Reasons

4. I consider the main issue to be the effect of the appeal proposals on parking provision within the area.
5. Radcliffe Road is a residential street close to the centre of Hitchin characterised by terraced and semi-detached dwellings arranged either side of the carriageway. Due to the arrangement of the housing along the street, which tend not to have driveways, there is very little off-street car parking available

and those on-street parking spaces that are available, are regulated through a Controlled Parking Zone (CPZ) which offers a resident permit system, together with a short stay parking limit available for visitors of up to 2 hours, which is relaxed on weekends and bank holidays. The appellant has stated that all residents of Radcliffe Road are currently eligible to apply for resident and visitor permits and there is a very high take up of such permits from the evidence before me.

6. The location of the appeal site is well within walking distance of a number of day to day services and facilities located within Hitchin including supermarkets, leisure facilities, educational establishments, Hitchin railway station, bus routes, parks and health facilities. I would therefore expect pedestrian and cycle usage to be higher than average in a location such as this.
7. At the time of the site visit, the street was busy with parked cars. Whilst I was able to find a parking space close to the appeal site, it would be reasonable to expect that the street would become much busier during the evenings and at weekends and this is borne out in the submitted statements made by third parties.
8. As part of the appeal proposals, each new dwelling would have a single dedicated parking space as well as an additional space to serve the neighbouring dwelling at No 61A, which currently does not have an off-street parking space. The new driveway would require a crossover from Radcliffe Road, necessitating the loss of one on-street parking space. In order to ensure all vehicles can leave the driveway in a forward gear, the appellant proposes a 4.5m vehicle turntable which would be secured via a planning condition.
9. In refusing planning permission, the council cite saved Policy 55 (Car Parking Standards) of the North Hertfordshire District Local Plan No.2 with Alterations (1996) (LP), which requires new development to provide car parking that is 'reasonably convenient to users' at a rate of 2 spaces per 3 bedroom dwelling. This policy is to be replaced by policy T2 (Parking) from the emerging North Hertfordshire Local Plan Proposed Submission (2016) (eLP).
10. Further, the council cites Policy SP6 (Sustainable Transport) (b) of the eLP seeks to encourage development in sustainable locations and at (e) assesses development proposals against the parking standards set out in Appendix 4 of the eLP as well as additional unallocated parking for visitors at a rate of between 0.25 and 0.75 spaces per dwelling in the 'Vehicle Parking at New Development' Supplementary Planning Document (2011) (SPD). The policy allows that exceptions to the minimum parking requirements can be made in *'other accessible locations with the availability of a range of local services and good local sustainable transport options'*.
11. Finally, the council have referred to Section 9 of the National Planning Policy Framework (the Framework). In this section, I am aware of para 107 which states that when setting parking standards, there is a need to take account of matters such as the accessibility of the development and availability of public transport; local car ownership levels and adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
12. The appeal proposals would incorporate 3 new off-street parking spaces within the development. The appellant admits that this is a shortfall of 3 spaces, based on the standards set out above and having regard to the fact that each

- proposed dwelling will have one space, where the additional parking space for 61A is an additional benefit. I do not see this additional space altering the shortfall, which is a breach of the above policies, but it would reduce the pressure on the need for parking within the street, albeit by a negligible amount.
13. I note that in-curtilage electric car charging points are included in the proposals. These could not easily be provided if the development was solely dependent on the availability of on-street car parking as it would result in charging cables trailing over the public highway. I therefore consider this to be a benefit that weighs in favour of the proposals.
 14. Clearly, it is not possible to control or limit car ownership by new occupiers of the development in planning terms and it may well be the case that the under-provision of spaces within this development could result in additional pressure on the availability of on street parking spaces. However, given the sustainable location of the proposed development, there is a very real possibility that the level of car ownership by future occupiers could be lower. New occupiers of the development would be aware that they would only have a 'guarantee' of a single off-street parking space in any case.
 15. The appellants, in their final comments make the point that the overall number of resident's permits issued in the CPZ could rise from 226 to 228 if a permit was issued to the two new households. This would be, in my view, a very small proportionate increase overall.
 16. That said, I am also aware of the significant concerns expressed by local councillors and local residents of the cumulative impact that new development is having on the availability of on street parking and subsequent demand for resident and visitor parking permits. I have carefully considered the detailed objections and multiple petitions signed by a number of residents of Radcliffe Road. I have also considered an illustrative scheme submitted by an objector. This suggests an alternative arrangement of the dwellings all utilising the existing driveway serving No 61 Radcliffe Road on land which falls outside of the red and blue line boundaries for the appeal site. This would therefore include land the appellant does not own, based on their appeal submissions. Whilst I recognise the efforts of objectors in drawing my attention to this alternative, I am unconvinced that it would be remotely feasible given the area of land within the control of the appellant being much smaller. I am also required to solely determine the appeal proposals that are before me.
 17. I note from the council's submissions that there is some potential to amend the Traffic Regulation Order (TRO) which covers the CPZ. An amendment to the TRO would require further public consultation, potentially resulting in a tighter definition of who could qualify for a resident's permit (excluding, for instance, those who already have access to at least one off-street parking space). This is not a matter for me to determine here, but it is important to note that it remains an option open to the council going forwards.
 18. I am sympathetic to the council's views (and those of third parties) about increasing pressure on the CPZ. Indeed, this may continue as uses intensify through permitted development and other new permissions, as more previously developed sites are redeveloped in the area.

19. The appellant has submitted details of a number of other schemes within the same authority area and the same CPZ which have either no or significantly lower car parking ratios, based on the standards set out in the existing and emerging development plans.
20. I have, however, determined this appeal on its own merits: these proposals are of a small scale; they are sustainably located and the additional benefits of electric car charging and an additional off-street parking space for 61A all count in favour of the development. I therefore do not consider the harm resulting from the under-provision of car parking to be sufficient to warrant a refusal.
21. I therefore consider the benefits of the proposals to outweigh the breach of policies 55 of the LP; T2 and SP6 of the eLP as well as the SPD and relevant part of the Framework at section 9.

Other Matters

22. I note from the submissions of third parties that there is concern over the construction phase of the proposed development, which would have the potential to cause additional noise and disruption to neighbouring occupiers.
23. I concur with this and have imposed planning condition 7 which will require the developers to submit a Construction Traffic Management Plan detailing amongst other things, the hours of operation for the site; access; parking; vehicle routing and 'making good' post-construction. This is a document that must be approved by the council prior to the commencement of construction.

Planning Conditions

24. I have applied conditions 1 and 2 setting a time limit and specifying plans 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 and in the interests of certainty.
25. I have included landscaping conditions (3 and 4) to ensure that there is no harm to the character and appearance of the area. Condition 3 is a pre-commencement condition exceptionally, to ensure the quality of the proposals and overall appearance is agreed as early as possible for certainty.
26. Condition 5 (electric vehicle charging points) are required in the interests of improving air quality within the local area condition 6 is required to protect the health of neighbouring and future occupiers of the new dwellings.
27. Condition 7 is required to ensure the construction phase of the development is strictly controlled and minimises harm to the living conditions of neighbouring occupiers and protects highways safety, in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).
28. Conditions 8 and 9 are pre-commencement conditions, requiring that a safe access is constructed and drained in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
29. Finally, I have imposed condition 10 to ensure the access is suitable for all road users.

Conclusions

30. For the reasons given, and having regard to all other matters raised, the appeal is allowed, subject to the conditions set out at Appendix A.

Sian Griffiths

INSPECTOR

Appendix A: Planning 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: PL.01 – Site Location Plan; PL.02 – Existing Site Plan; PL.03A – Proposed Site Plan; PL.04 – Existing Plans & Elevations; PL.05A – Proposed Plans & Elevations.
- 3) Prior to occupation of the approved development, the following landscape details shall be submitted:
 - a) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
 - b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed – hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings
- 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.
- 5) Prior to occupation, each dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.
- 6) (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology

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

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

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

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

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

- 7) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan shall consist 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.

- 8) No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in conjunction with HCC in relation to the proposed arrangements for future management and maintenance of the proposed turntable retained at the

position shown on the approved drawing number 20049 PL03 within the development. The turntable shall thereafter be maintained and operated in accordance with the approved management and maintenance details in perpetuity.

- 9) Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved drawing number 20049 PL03. 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.
- 10) The gradient of the vehicular access shall not exceed 1:20 for the first 5 metres into the site as measured from the rear edge of the adjacent footway.