

NORTH HERTFORDSHIRE DISTRICT COUNCIL



18 March 2022

Our Ref Planning Control Committee/31.03.22
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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

On

THURSDAY, 31ST MARCH, 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 - 27 JANUARY 2022, 24 FEBRUARY 2022	To take as read and approve as a true record the minutes of the meetings of the Committee held on the 27 January 2022 and 24 February 2022.	(Pages 5 - 22)
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. 21/03464/S73 LAND AT TURNPIKE LANE AND ADJACENT TO 4 MANOR CLOSE, TURNPIKE LANE, ICKLEFORD, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	Variation of condition(s) 2, 6, 8, 9 and 10 of Appeal Decision Planning APP/X1925/W/21/3269884 Erection of five dwelling houses in , association with a new access spur from lodge court, on-site parking, landscaping	(Pages 23 - 44)

(inclusive of new trees), formation of a pedestrian footpath and designated communal open space.

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 7. | 21/03160/FP THE NEW BARN, GREAT NORTH ROAD, RADWELL, BALDOCK, HERTFORDSHIRE
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 45 - 58) |
| | Use of site for open storage (use class - B8 (storage and distribution)) including installation of hardstanding, associated landscaping and infrastructure. | |
| 8. | 21/01742/FP LAND AT HATCHPEN FARM, THE JOINT, REED, ROYSTON, HERTFORDSHIRE
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 59 - 68) |
| | Erection of three agricultural buildings. (Additional plans received 24/08/21). | |
| 9. | 21/02632/FP LAND ADJACENT TO DUNGARVAN, BACK LANE, PRESTON, HERTFORDSHIRE
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 69 - 90) |
| | Erection of 10 detached dwellings (1 x 2-bed, 4 x 3-bed, 3 x 4-bed and 2 x 5-bed) including garages, private amenities and creation vehicular access off Back Lane (as amended by plans received on the 4th January 2022). | |
| 10. | 21/03527/FP LAND REAR AND ADJACENT TO 60, ASHWELL ROAD, BYGRAVE, HERTFORDSHIRE
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 91 - 108) |
| | Conversion of existing detached rear quadruple garage/storage building to one 3-bed dwelling | |
| 11. | PLANNING APPEALS REPORT
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 109 - 118) |
| 12. | CURRENT ENFORCEMENT NOTICES
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 119 - 120) |
| 13. | EXCLUSION OF PRESS AND PUBLIC
To consider passing the following resolution:

That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A of the said Act (as amended). | |
| 14. | CURRENT ENFORCEMENT ACTIONS
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 121 - 130) |

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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, 27TH JANUARY, 2022 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Mike Rice (Chair), Councillor David Levett (Vice-Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Ian Mantle, Terry Tyler, Tom Tyson and Carol Stanier*

In Attendance:

Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Andrew Hunter (Senior Planning Officer), Alex Howard (Planning Officer), James Lovegrove (Committee, Member and Scrutiny Officer and Louis Mutter (Committee, Member and Scrutiny Officer)

Also Present:

At the commencement of the meeting approximately 6 members of the public, including registered speakers.

39 APOLOGIES FOR ABSENCE

Audio recording – 1:10

Apologies for absence were received from Councillors Tony Hunter, Ian Moody and John Bishop.

Having given due notice Councillor Simon Bloxham substituted for Councillor John Bishop and Councillor Michael Muir substituted for Councillor Tony Hunter.

40 MINUTES - 2 DECEMBER

Audio Recording – 1:40

Councillor Mike Rice, as Chair, proposed and Councillor Ian Mantle seconded and, following a vote it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 2 December 2021 be approved as a true record of the proceedings and be signed by the Chair.

41 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2:45

There was no other business notified.

42 CHAIR'S ANNOUNCEMENTS

Audio recording – 2:50

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (4) The Chair gave advice to the registered speakers on the speaking procedure and time limits.
- (5) The Chair announced a comfort break would be taken around 9pm if required.

43 PUBLIC PARTICIPATION

Audio recording – 3:52

The Chair confirmed that the 4 registered speakers were in attendance.

44 21/02076/FP Land West Of, Castlefield, Preston, Hertfordshire

Audio Recording: 4:20 -

The Development and Conservation Manager presented the report in respect of application 21/02076/FP supported by a visual presentation consisting of photographs and plans.

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

- Paragraph 4.87 includes a table which sets out Section 106 obligations. The table has elements missing: (1.) £11,118 towards St. Martin's Church footpath improvements. (2.) £13,068 towards new surface footpath between Butchers Lane and Chequers Lane. (3.) £5,000 towards improvements and future maintenance of the Chiltern Way footpath. (4.) £10,000 towards a proposed extension of the recreation ground pavilion.
- Fire hydrants to be removed from the table in Paragraph 4.87 and added as a planning condition.
- Following further comments received from HCC Growth & Infrastructure, the table in Paragraph 1.87 must be revised due to a change in County Council contribution levels, these are: (1.) Secondary School contribution £259,074. (2.) Special Educational Needs and Disabilities £25,578. (3.) Library services £2,219. (4.) Youth Service £4,596.
- The applicant has confirmed via their agent by e-mail on 25 January that they accept these revised contribution requests.
- Paragraphs 4.57 to 4.62 are an analysis of the scheme in relation to Heritage Assets. The Development and Conservation Manager read out a formal comment made by the Council's Conservation Manager who raised no objections.
- The Lead Local Flood Authority has withdrawn their objections to the development and recommended two conditions. The Development and Conservation Manager provided a summary: (1.) The drainage strategy should be carried out in accordance with the approved plans. (2.) Requiring detailed engineering drawings.
- Add a Recommendation B: The applicant should agree any necessary extension to the statutory determination period to enable final completion of the Section 106 agreement.

The Chair invited Ms. Margaret Trinder to speak in objection of the application.

Ms. Margaret Trinder thanked the Chair for the opportunity to speak and gave a presentation including:

- She is the Chairman of Preston Parish Council, and is speaking behalf of the Parish Council, the Neighborhood Plan Steering Group and the Preston Trust.
- The aspect of this application which most concerns Preston residents is the large number of dwellings and proposed identity. Representations have made clear that in their view it will have a detrimental impact on the village. A reduction in housing numbers would be welcomed by the local community.
- A better mix would be 13 large properties and 8 smaller dwellings. These numbers would meet policy HS3 of the emerging Local Plan.
- Drainage, water runoff and water pressure are ongoing problems likely to be exacerbated by this development.
- Do not agree that measures included in these proposals are adequate to meet North Hertfordshire's target of 0% Carbon Emissions by 2030.
- North Hertfordshire has low annual rainfall, which is likely to be exacerbated by climate change. New housing will potentially make this worse.
- Disagree that solar panels are not required.

The Chair thanked Ms. Margaret Trinder for her presentation.

The Chair invited Mr. Simon Hoskin to speak in support of the application, as agent of the applicant. Mr. Simon Hoskin thanked the Chair for the opportunity to speak and gave a verbal presentation including:

- The site has been allocated for residential development in the emerging local plan and is referred to as Site PR1.
- This site also lies within the settlement boundary for the village; in which residential development is supported by policy HD1 of the Preston Parish Neighbourhood Plan.
- The proposed development will deliver an allocation which is expected to make an important and early contribution to meeting the urgent need for new housing in the district.
- The emerging local plan is at an advanced stage and is close to adoption; it should therefore be afforded significant weight in accordance with paragraph 48 of the MPPF.
- The design and layout of the proposed development has been carefully considered to ensure the policy requirements for this site, as set in policy PR1 of the emerging Local Plan will be met.
- Amendments have been made during the course of the application to positively respond to feedback from officers and the local community. This has included a reduction in the amount of proposed dwellings from 23 to 21.
- The new development will allow a new mix community to develop; helping to enhance the vitality of the existing village community in accordance with the objectives of paragraph 78 of the NPPF.
- The development provides 57 parking spaces which meets both the emerging Local Plan and Neighborhood Plan standards.

In response to points made during public presentations, the Development and Conservation Manager advised:

- Once the development plan has reached this stage changes to the number of dwellings cannot be made.
- The plan is an acceptable scheme and complies with the dwelling estimate and MPPF.

The following Members took part in the debate:

- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Tom Tyson

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

- The Lead Local Flood Authority have looked at two iterations of a drainage strategy and are now happy with the plan. Developments are built to a very high standard to ensure surface water drainage is not a problem in the future.

RESOLVED: That application 21/02076/FP 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 1 to be added with the following:

“The development permitted by this planning permission shall be carried out in accordance with FRA and Drainage Strategy E20-064 Issue 4 dated November 2021 prepared by SDP Consulting Engineers including Appendices 1-19. and the following mitigation measures;

- 1. Limiting the surface water run-off rates for all rainfall events up to and including the 1 in 100 year + climate change event with discharge via two deep bore soakaways.*
- 2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event through the use of permeable driveways, permeable access road with sub-base and a detention pond.*
- 3. Implement drainage strategy as indicated on the proposed drainage strategy drawing E20-064-1001 P4 dated December 2021 prepared by SDP Consulting*

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

- Condition 2 to be added with the following:

“No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted FRA and Drainage Strategy E20-064 Issue 4 dated November 2021 prepared by SDP Consulting Engineers including Appendices 1-19. The scheme shall also include;

- 1. Detailed engineered drawings of the proposed SuDS features (Permeable driveways, permeable road with subbase and pond) including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.*
- 2. Infiltration bore holes tests to be undertaken in the exact location of the two proposed deep bore soakaways to determine the worst-case infiltration rate to be used to finalise the proposed attenuation pond design.*
- 3. Cross sections of the proposed pond including the permanent water level, freeboard and the additional 1 in 30-year rainfall event.*
- 4. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as permeable paving, swales etc. for the access road and reducing the requirement for any underground storage.*
- 5. Silt traps for protection for any residual tanked elements.*
- 6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.*
- 7. All drawings should be final, ready for construction and not subject to change.*

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

- Condition 22 to be added with the following:

“Prior to the commencement of the development hereby permitted, a feasibility study into the installation of UV solar panels within the development shall be submitted to and approved in writing by the Local Planning Authority. The study shall include provision for the installation of such panels where they are deemed to be feasible. Such works shall thereafter be carried out in accordance with the approved details or particulars prior to the occupation of the dwellings to which they relate unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of delivering sustainable homes”

- Condition 23 to be added with the following:

“Prior to the commencement of the development hereby permitted, full details of measures to minimise water use and consumption shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall thereafter be implemented in accordance with the approved details or particulars prior to the first occupation of the development and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interest of delivering sustainable homes”

45 21/00354/FP Land To The Rear Of 23, Conquest Close, Hitchin, Hertfordshire

Audio Recording: 34:52

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

- An investigation by the Fire Service into access of Conquest Close was performed earlier today and a submission by the Service has now been accepted.
- A resident in Conquest Close voiced concerns that there had been no evidence that any other issues raised by the Highways Authority have been adequately addressed.
- The Highways Officer provided comments stating that the recommendation for refusal would not be withdrawn until further clarification from the Fire Service; the Service has now commented on fire safety in 3.12 in the report, in which they have not objected to the layout plans.

The Senior Planning Officer presented the report in respect of application 21/00354/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor David Levett
- Councillor Tom Tyson
- Councillor Val Bryant
- Councillor Michael Muir
- Councillor Mike Hughson

In response to questions the Senior Planning Officer advised:

- The storage space for bicycles and mobility scooters would be internal and the development also includes hard surfacing around the dwellings as well as a small outbuilding in the rear garden.

- The refuse collection plans are just north of the back garden of 23 Conquest Close; there is a bin storage area which would allow bins from both houses to be kept.
- The Highways Authority have not officially withdrawn their present objection.
- The proposal does include the intention to upgrade and resurface the access track to the North of the plan; condition number 8 asks for more details from the applicant as to the plan to resurface.
- The resurfacing condition only relates to the upgrading of the access drive not of the development in the larger part of the site.

The Chair invited Andrew Hills to speak in objection of the application.

Andrew Hills thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- He was an owner and resident of a property in Conquest Close and a practicing architect.
- He is representing the resident group of Conquest Close and Stevenage Road, which consists of over 30 neighbouring properties, all of whom are concerned about the proposed development and wish to object.
- The main concern relates to the sites proposed access. Earlier this week the speaker sent an email containing pictures of the access to Committee Members.
- The majority of the access laneway is not owned by the site or developer.
- The laneway is a poorly managed dirt road which provides access to rear garages and gardens.
- Even with improvements to the laneway surface, the laneway would remain inadequate as the sole vehicular access to the dwellings.
- The speaker drew attention to the objections of the Highways Officer and the lack of space for Fire Service vehicles.
- Previous proposals for a single dwelling on this site led to a similar response from the NHDC Highways Officer in 2013.

The following Members asked questions:

- Councillor Mike Hughson
- Councillor Mike Rice

In response to questions Andrew Hills advised:

- The laneway ownership is divided into many portions of about 10-15 dwellings. Every terraced house owns a portion.
- The laneway owners are only obliged to allow a maximum 8 feet of space for anything to pass. There is nothing to stop owners of the laneway narrowing their portion.

The following Members then took part in the debate:

- Councillor Ian Mantle
- Councillor David Levett
- Councillor Michael Muir
- Councillor Simon Bloxham
- Councillor Val Bryant

Councillor Michael Muir proposed and Councillor Mike Hughson seconded and, following a vote it was:

RESOLVED: That application 21/00354/FP be **REFUSED** planning permission for the following reason:

The proposal by reason of the design, and siting of the dwellings and ancillary development on this cramped and poorly accessed site would be harmful to the character and appearance of the locality. Moreover, the inadequate access arrangements do not appear to enable the safe access of delivery, service and emergency vehicle to the site, to the detriment of highway safety and amenity. The proposal therefore fails to accord with Policy 57 of the North Hertfordshire District Local Plan and Policy SP1, SP3, D1 and D3 of the North Hertfordshire Emerging Local Plan (2011-2031) and Section 12 of the National Planning Policy Framework (NPPF).

46 21/02112/OP Daisy Barn, Treacle Lane, Rushden, Buntingford, Hertfordshire, SG9 0SL

Audio Recording: 1:14:58

The Planning Officer advised of updates to the report including:

- The report missed out the extension to the statutory period date, which has been agreed as the 31st January 2022.
- Following this application being called to the committee, the Planning Officer received a response from Rushden and Wallington Parish Council which reiterated the points they made in their initial objection, adding a point about the application being contrary to a previous decision at Southern Green House in 2018.
- The Planning Officer received an email from Councillor Tyson the day before the Committee, asking about the principal of development on this site in comparison to another site in Hinxworth.

The Planning Officer presented the report in respect of application 21/02112/OP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Tom Tyson
- Councillor Ian Mantle

In response to questions the Planning Officer advised:

- There is a loose understanding that when land has a residential use existing, there is a favourable principal for development because the use of that land isn't changing, i.e., it's a residential garden land therefore further residential development is acceptable. Paddock land requires the land to change to residential land.
- The area that is used for the turning circle is just south of Daisy Barn. The applicant wishes to retain this for emergency and refuse vehicles.
- The turning circle is within the location plan and thus part of the application, but will not be impacted by the development.

The Chair invited Councillor Steve Jarvis to speak as a member advocate against the application.

Councillor Steve Jarvis thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- The policy issue relates to policy SP2 of the Emerging Local Plan in that it suggests that in Rushden it's acceptable to build a single dwelling on a plot within the built core of the village that doesn't extend that core.
- This application is an outward extension of the village, and from that point of view it is not compliant with policy SP2 of the Emerging Local Plan.

- The argument that the application is acceptable as the land is currently used as a garden does not apply, as the core only refers to the built core; a garden is not built.

In response to Councillor Steve Jarvis verbal presentation, the Planning Officer advised:

- The SP2 policy that Councillor Jarvis mentioned has been noted; however, the supporting text under that policy states that developments cannot be built into the surrounding countryside. The initial report states that the South-Eastern boundary is the boundary between the village and the countryside. In the view of the Planning Officer a dwelling on this site would not encroach onto the surrounding countryside.
- This is a new dwelling application, so paragraph 11 of the National Policy Planning Framework needs to be considered. In recent appeal decisions, the inspector has acknowledged that there is a clear policy non-compliance and has still said that this plan does not significantly or demonstrably outweigh the benefits.

The following Members took part in the debate:

- Councillor David Levett
- Councillor Tom Tyson
- Councillor Ian Mantle
- Councillor Simon Bloxham

Councillor David Levett proposed and Councillor Michael Muir seconded, and, following a vote it was:

RESOLVED: That application 21/02112/OP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager.

47 **21/02576/FP Courtlands, Todds Green, Stevenage, Hertfordshire, SG1 2JE**

Audio Recording: 1:37:20

The Development and Conservation Manager presented the report in respect of application 21/02576/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Tom Tyson

In response to questions the Development and Conservation Manager advised that the Flood Authority had not had any issues with this application and any issues they did have would be presented at the Stevenage Borough scheme.

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

RESOLVED: That application 21/02576/FP be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

48 **Planning Appeals**

The Development and Conservation Manager presented the report entitled Planning Appeals and stated he had no updates for the Committee.

RESOLVED: That the report entitled Planning Appeals be noted.

Thursday, 27th January, 2022

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

The meeting closed at 9:12 pm

Chair

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERNO
ROAD, LETCHWORTH

ON THURSDAY, 24TH FEBRUARY, 2022 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Mike Rice (Chair), Councillor David Levett (Vice-Chair), Amy Allen, Val Bryant, George Davies, Mike Hughson, Ian Moody, Michael Muir, Terry Tyler and Tom Tyson*

In Attendance: *Simon Ellis (Development and Conservation Manager), Arhamna Jafri, James Lovegrove (Committee, Member and Scrutiny Officer), Ben Glover (Planning Officer), William Edwards (Committee, Member and Scrutiny Officer) and Thomas Howe (Planning Officer)*

Also Present: *At the commencement of the meeting approximately 4 members of the public, including registered speakers.*

49 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Bishop, Morgan Derbyshire, Tony Hunter, Ian Mantle and Carol Stanier.

Having given due notice Councillor George Davies substituted for Councillor Morgan Derbyshire, Councillor Michael Muir substituted for Councillor Tony Hunter and Councillor Amy Allen substituted for Councillor Ian Mantle.

50 MINUTES - 18 NOVEMBER 2021

Councillor Mike Rice, as Chair, proposed and Councillor David Levett seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 18 November 2021 be approved as a true record of the proceedings and be signed by the Chair.

51 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

52 CHAIR'S ANNOUNCEMENTS

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded.
- (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 advised that a break would be taken around 9pm, if required.

53 PUBLIC PARTICIPATION

The Chair confirmed that the two registered public speakers were in attendance.

54 21/02316/FPH 2 STEVENAGE ROAD, KNEBWORTH, HERTFORDSHIRE, SG3 6AW

The Planning Officer advised there was one update to the report and this related to an amended scheme received from the agent to ensure no overhang of the footpath to the side of the site.

The Planning Officer presented the report in respect of application 21/02316/FPH supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Tom Tyson
- Councillor Michael Muir

In response to questions, the Planning Officer advised:

- It was not known the exact width of the footpath to the side of the site.
- It was advised not to build to the boundary of the site, where this would cause terracing or adversely affect the street scheme, but that was not deemed applicable to this application.

The Chair invited the Member Advocate, Councillor Mandi Tandi, to speak against the application.

Councillor Tandi thanked the Chair for the opportunity to address the Committee and gave a verbal presentation including:

- The Parish Council had objected to this application.
- The first floor side extension was to extend to the boundary of the site, which is against North Herts District Council policy.
- The height and extent of the gable wall will have a heavy impact on the use of the footpath and the extension would overhang the boundary.
- A previous application had to be altered following it being too close to the boundary and to minimise the overbearing impact, so there was precedent on this issue.

The following Members took part in the debate:

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

In response to points raised in the debate, the Planning Officer advised:

- The condition covering the glazed window overlooking the neighbouring property could be extended to ensure the window is non-opening, to ensure the privacy of the residents.
- The neighbouring property had the main house and then several ancillary buildings up to the end of the boundary.

Councillor Tom Tyson proposed and Councillor David Levett seconded and, following a vote, it was:

RESOLVED: That application 21/02316/FPH be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following additional condition:

- Condition 4 to be added with the following:

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

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

55 21/03411/FPH THE ORCHARD, WILLIAN ROAD, HITCHIN, HERTFORDSHIRE, SG4 0LX

The Planning Officer advised that there were no updates to provide to Members and presented the report in respect of application 21/03411/FPH supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ian Moody
- Councillor Val Bryant

In response to questions, the Planning Officer advised:

- There would not be floodlights attached to the proposed tennis court and this was covered by a condition to restrict any lighting.
- The court was proposed to be green in colour, but this was not a condition on the application. There was a condition outlined which stipulated that the surrounding fence was required to be green.

Councillor Michael Muir proposed and Councillor Ian Moody seconded and, following a vote, it was:

RESOLVED: That application 21/03411/FPH be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager.

56 21/02708/FP LAND TO THE SOUTH EAST OF BURY FARMHOUSE, BURY LANE, CODICOTE, HERTFORDSHIRE, SG4 8XX

Councillor Ian Moody announced to the Chair that he had a declaration of interest in this item and, once he had completed his presentation as Member Advocate, he would leave the Chamber for the remainder of the item.

The Planning Officer advised of updates to the report including:

- There was an administrative error which had wrongly seen the consultation expiry date listed as the 9 March 2022. Neighbours and relevant consultees had previously been consulted and there was no ongoing consultation.
- Additional comments had been received from CPRE regarding the impact on the greenbelt, encroachment into the countryside and concern about future development following creation of access track.
- Two additional comments had been received from neighbours regarding the change of size of stables from the permission granted in 2006 and the impact of the access track.

- There had been an assessment of the track carried out as detailed in paragraph 4.3.20. When the site is viewed in the round, the development and track would not have an undermining impact on the greenbelt.

The Planning Officer presented the report in respect of application 21/02708/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Tom Tyson

In response to questions, the Planning Officer advised that a further condition was being added to ensure details of surface treatments would be provided. At the moment it was expected to be tarmac, but a condition could be added to consider other surfaces.

The Chair invited Gary Conrad to speak against the application.

Mr Conrad thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- Irrespective of the existing building, these proposals would affect the greenbelt in this area, which is one of the most attractive views in North Herts.
- This development would extend beyond the village boundary and fails to take into account the reality of the site.
- The roadway outlined in the report is detailed as an existing track, but this does not exist and to access the site you would need to cross a field, which would mean about 120 metres of tarmac across greenbelt land.
- These proposals would affect the three neighbouring properties, with impact on privacy of residents and disturbance from vehicles servicing the site.
- The creation of a new access road would have an impact on the footpath users.
- Approval of this access road could then lead to further development across the entire field.
- Permission granted in 2006 for the site was for a single story stable with a low roof. In 2007, the stable was moved and the roof height was made higher than that which was granted permission and this higher height was now being used for this application.
- The new occupants would be able to see into the grounds, first floor and gardens of the three adjacent properties, thus affecting privacy.
- The gardens of the existing dwellings currently have low level fencing, due to their positioning, and this development would impact those.

The Chair invited Member Advocate, Councillor Ian Moody, to speak against the application.

Councillor Moody thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- There had been 14 objections received to this application, including the three local properties.
- The photos provided in the Planning Officer's presentation do not show the beautiful view back towards Codicote from the site and therefore does not show the impact the new access road would have on this.
- The track is not suitable as a road, it is a heavily worn track for walkers using the footpath.
- A 2-bed property, which is not affordable, does not warrant impacting the privacy of the nearby residents or encroaching greenbelt land.
- The current traffic consisted of walkers and horses, cars would be a huge difference.

The following Members asked questions:

- Councillor David Levett

In response to questions, Mr Conrad advised that the Bury Farmhouse houses were built within existing industrial buildings and the conversion was required to be within the footprint of the original buildings.

At this point Councillor Ian Moody left the Chamber.

The Chair invited Al Morrow, agent of the applicant, to speak in favour of the application.

Mr Morrow thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- The site was on the village boundary and was on previously developed land and as such means it can be built on.
- This proposal would see a more compact building, within the frame and to the same volume as previously buildings on the site.
- Landscaping of the menage and planting of hedgerows and shrubs between properties would see an increase in biodiversity.
- The varied roofscape of the property would minimise the massing of the building and it would remain tucked into the tree line.
- There were local facilities within walking distance of the site.
- This will contribute to the Council's supply of housing, albeit minimal.
- The proposed dwelling would be 32 metres away from neighbours, with the patio and windows directed away from existing neighbouring properties.
- Although there were some changes to the approved height of the stables made in 2007, this building is now legal as it has been there for more than 4 years.
- There was already a gravel track to access the site, but this would need to be upgraded.

The following Members asked questions:

- Councillor Mike Hughson
- Councillor Mike Rice

In response to questions, Mr Morrow advised:

- The average vehicle movement at residential properties of this size is around 6 to 8 movements per day, this was a slight increase on use as stables which on average would see 4 movements per day.
- The hedging would be around the garden on the proposed dwelling itself, but this could be extended further along the track if required by the Committee.

The following Members took part in the debate:

- Councillor Michael Muir

In response to questions, the Conservation and Development Manager advised that Highways Agency had been consulted but had not returned a response in time. However, this is not a new part of the highway network rather it is access for one dwelling, so cannot see where objections would come from.

Councillor David Levett noted that Bury Farm Barns was a larger development, within existing greenbelt when granted permission, and replaced existing buildings with access via a track on Bury Lane. There had been objections made at the time of application for this development, but these were not deemed acceptable and permission was granted.

Councillor David Levett proposed and Councillor Mike Hughson seconded and, following a vote, it was:

RESOLVED: That application 21/02708/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following additional condition:

- Condition 7 to be added with the following:

“Prior to the commencement of the development hereby permitted full details of surface treatment for the access track shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be completed in accordance with the approved details or particulars prior to the first occupation of the development and thereafter retained and maintained to the satisfaction of the Local Planning Authority.”

Reason: To ensure the any new hard surface is of sensitive construction to minimise impact on landscape.”

57 22/00089/TCA HINDSMOUNT, MAYDENCROFT LANE, GOSMORE, HITCHIN, HERTFORDSHIRE, SG4 7QB

The Planning Officer advised that there were no updates to provide to Members and presented the report in respect of application 22/00089/TCA supported by a visual presentation consisting of photographs and plans.

In response to a question from the Chair, the Planning Officer advised that this application had been brought to the Committee as it was from a Member of the Council.

Councillor Val Bryant proposed and Councillor Ian Moody seconded and, following a vote, it was:

RESOLVED: That application 22/00089/TCA be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager.

58 19/02227/FP NEEDHAM HOUSE, BLAKEMORE END ROAD, LITTLE WYMONDLEY, HITCHIN, HERTFORDSHIRE, SG4 7JJ

Councillor George Davies announced to the Chair that he had a declaration of interest in this item and, once he had completed his presentation as Member Advocate, he would leave the Chamber for the remainder of the item.

Councillor Terry Tyler advised that he had a declaration of interest in this item and, as a non-registered speaking Member, he would leave the room immediately.

At this point Councillor Terry Tyler left the Chamber.

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

- Condition 3, outlined on page 52 of the agenda pack, should read ‘no later than 11pm’, not 11am as currently written.
- The applicant had requested that this be extended to 11.30pm, but from discussions the Officer recommendations remain at 11pm.

The Conservation and Development Manager presented the report in respect of application 19/02227/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited the Member Advocate, Councillor George Davies, to speak against the application.

Councillor Davies thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- There had been a large amount of public interest in this application and it had dominated several Parish Council meetings and it was felt appropriate that the decision making process on this application should be public in light of this.
- The temporary marquee permission was granted a while ago and a further application for a larger marquee was rejected, although the marquee was still erected and a retrospective planning permission application was advised.
- The land contours of the area carry sound well and this means a large amount of noise is carried into local villages, which had been demonstrated recently at a Parish Council meeting.
- The report details that no new noise complaints had been received, but this may be down to the Parish Council viewing the matter as being dealt with by the District Council and as such have not submitted any further comment.
- Since events have restarted following the pandemic, there have been noise complaints made by local residents.
- A resident has been provided with a noise measuring device to record high volumes and the time this happens.
- It is important that should permission be granted, noise conditions should be imposed to limit the impact to local residents.

In response to points raised by the Member Advocate, the Conservation and Development Manager advised:

- Enforcement Officers at the Council would not tell people not to complain about issues they are experiencing.
- Noise issues were controlled under Environmental Protection Act and if new complaints were received, these would be diarised and the Environmental Health team can deal with these issues if they became a nuisance.
- Conditions imposed by the Committee, the two year proposed limit of permission and the Environmental Protection Act all gave some level of control over the site.
- By the end of 2022, the applicant would be looking at a more permanent arrangement.

At this point Councillor George Davies left the Chamber.

In response to a question from the Chair, the Conservation and Development Manager advised that it was within the power of the Committee to reduce the two year extension to one year, but the two years was felt appropriate within the timeframes of the Local Plan and other housing applications. It was possible that the Committee could request a review of noise mitigation at the end of year one.

Councillor David Levett noted that permission for the marquee could have been applied for under the emergency powers granted through the Covid pandemic. The extension of two years would put it back on track to the initial rejection of permission in 2019 which was for 5 years. Overall, it was better to grant permission and review after year one and remove after year 2.

Councillor David Levett proposed and Councillor Michael Muir seconded and, following a vote, it was:

RESOLVED: That application 19/02227/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following additional condition:

- Condition 4 to be added with the following:

“Prior to 31 March 2023 if the marquee hereby permitted is still in operation and use, full details of an acoustic performance review, including details of any noise complaints received and how they were addressed shall be submitted to and approved in writing by the Local Planning Authority. Such a review shall also include additional noise mitigation as may be required as a result of the review and any approved additional measures shall be carried out in accordance with a timetable that shall have been agreed in writing by the Local Planning Authority and remain in operation thereafter until the use of the marquee ceases.

Reason: To ensure the continued operation of the marquee does not have harm local amenity through excessive noise nuisance.”

59 PLANNING APPEALS

The Conservation and Development Manager presented the report entitled ‘Planning Appeals’ and it was:

RESOLVED: That the report entitled ‘Planning Appeals’ be noted.

The meeting closed at 8.49 pm

Chair

<u>Location:</u>	Land at Turnpike Lane and Adjacent To 4 Manor Close Turnpike Lane Ickleford Hertfordshire
<u>Applicant:</u>	Mr H Grainger
<u>Proposal:</u>	Variation of condition(s) 2, 6, 8, 9 and 10 of Appeal Decision Planning APP/X1925/W/21/3269884 Erection of five dwelling houses in association with a new access spur from lodge court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space.
<u>Ref. No:</u>	21/03464/S73
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 11.02.2022

Submitted Plan Nos

2017-23-PL001 2020-3940-001 Rev C P01/A P02/A P03/A P04 P05/A Landscape Plan 2020-3940-TR01(1) 2020-3940-TR01(2) Rev C

1.0 Policies

2.0 Site History

- 2.1 Application 18/02785/FP proposed 7 dwellings on the site and was withdrawn. Application 20/00891/FP proposed 5 dwellings with a new access spur road off Lodge Court with parking, landscaping, formation of a pedestrian footpath and communal open space. This application was allowed on appeal. The appeal decision letter is attached at Appendix 1.

3.0 Representations

- 3.1 **HCC Highways** – no objection to the proposal nor to the variation of conditions 8, 9 and 10.
- 3.2 **NHC Environmental Health** – no objection subject to condition regarding EV charging.
- 3.3 **Ickleford Parish Council** – objects to the application for the following reasons (in summary):
This small piece of ‘Green Belt’ land should never have been considered for development. With the forfeiture of its existing flora and fauna, it has become a great loss to the village and the Manor’s heritage outlook. We therefore conclude with the following:
- The increased height would bring about privacy challenges.
 - The Affordable Housing and Housing Need have not been taken into account.

- There is insufficient Vehicle Parking.
- The road/walking hazards on exiting the Development have not been addressed.
- New arboriculture assessment is needed.
- Drainage and run-off clarification are required.
- The removal of Plot 5 is recommended.
- Maintaining elevation height as agreed in earlier applications is recommended.

3.4 The application has been advertised with a site notice and neighbour notification letters. Replies have been received from 5 separate households. All object. Key points raised include:

1. there is no reason for this development to proceed as this is Green Belt;
2. traffic is onto an already busy road and unless the application improves the crossing point over the current speed table either with a zebra crossing or pedestrian lights it will remain a dangerous access;
3. we strongly object to this unnecessary development which will benefit no one except the landowner;
4. the existing trees do not provide proper or significant screening;
5. I question the integrity of the Developer for now changing his application since planning approval was granted, from initially applying to build a selection of 2,3 and 4 bed affordable houses, now to 1x 3 bed and 4x 4 bed larger, more expensive (and therefore more lucrative) houses.
6. concern that a 6th house will be built on the open space area of land;
7. the velux rooflights will overlook the neighbours;
8. object to the reduction of car parking;
9. the increase in the house in plot 5 will affect light to no.4 Manor Close;
10. plot 5 should be deleted from the scheme;
11. the additional bedrooms will place more pressure on the village infrastructure and the lack of school places in Hitchin.

3.5 The application has been called in to Planning Control Committee for determination by Cllr Sam North for the following reason:

“This has nothing to do with aesthetics and everything to do with maximizing takings. This is completely changing the nature of the application and certainly does not align with our affordability objectives”.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

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

4.2 Proposal

4.2.1 This application is to vary the scheme approved at appeal. The main changes are:

1. to increase the ridge height of the houses in plots 1 – 4 by 0.2m;
2. to increase the depth of the footprint of the houses with a larger house in plot 4;
3. to add an extra bedroom with an en-suite to each of the dwellings in the loft space;
4. to add velux rooflights and gable end windows to the dwellings;
5. alteration to the parking layout for plot 4 with two spaces now proposed on plot and the removal of three parking spaces along the southern boundary and a wider grass verge proposed alongside plot 5;
6. to vary the wording of some of the conditions.

4.2.2 A Planning Statement has been submitted in support of the proposal. A key point from this is:

The position and siting of the five (5) houses remains the same with only houses 2 and 3 slightly set back two metres from the flanking houses 1 and 4. Other minor and largely character uplifts to the houses include the following listed below:

- Chimneys added to all the houses
- Conservation style Rooflights
- Bay windows added to all houses
- Revised Porch features for all houses
- Stone coping on window.

4.3 Key Issues

4.3.1 Given the planning history and that the appeal decision is attached at Appendix 1 this report will discuss the proposed amendments only.

To increase the ridge height of the houses in plots 1 – 4 by 0.2m

4.3.2 There is no objection to this change. The increase in the ridge height of the houses in plots 1 - 4 is not considered to be a material change to the external bulk of the dwellings and will not have any noticeable visual harm in the locality. The dwelling in plot 5 is not being increased in height in comparison to the approved scheme. This house is 7.8m in height it allows for a transition in height across the stie from plots 1 – 4 to the existing neighbours at no.4 Manor Court and no.7 Lodge Court.

To increase the depth of the footprint of the houses with a larger house in plot 4

4.3.3 The proposed dwelling in plot 4 is larger than that approved at appeal. However, this plot is set the further back from the access road and away from the neighbours and will not have adverse harm or impact on the outlook or amenities of the neighbours. The changes to the depth of the footprint of plots 1 -3 and plot 5 are minor and are set out below.

Approved

Plot 1 – 10m deep at ground floor and 7m deep at floor;
Plot 2 – 5 - 7m deep at ground and first floor level

Proposed

Plots 1 and 4 - 10.3m at ground floor and 8.4m at first floor
Plot 2 and 3 - 10.m at ground floor and 8.48m deep at first floor level

Plot 5 – 7.65m deep at ground and first floor level.

- 4.3.4 I do not consider that the additional depth of these buildings is material or would have such adverse impact on the setting or context of the development or harm on the outlook or amenity of the neighbours to justify the refusal of this application for this reason.

To add an extra bedroom with an en-suite to each of the dwellings in the loft space

- 4.3.5 There is no objection to this change. I note Cllr North's point that the addition of an extra bedroom increases the value of the houses and makes them unaffordable. The scheme approved at appeal proposed 1 x 4-bed house in plot 1, 2 x 3-bed houses in plots 2 and 3 and 2 x 2-bed houses in plots 4 and 5. This application is now proposing 4 x 4-bedroom houses in plots 1 – 4 and 1 x 3-bed house in plot 5.
- 4.3.6 Emerging policy HS3 requires for new homes to provide a range of house types and sizes subject to four criteria. Paragraphs 8.19 and 8.20 of the emerging Local Plan 2011 -2031 are applicable. These state:

8.19 The majority of completions since 2011 have been for smaller units whilst some of the sites identified through this Plan are specifically anticipated to focus upon small homes and / or flats.

8.20 On most suburban and edge-of-settlement sites, applicants should therefore make an initial assumption of 60% larger (3+ bed) and 40% smaller (1 or 2 bed) homes to ensure an overall mix is achieved. The most appropriate solution will be considered on a site-by-site basis having regard to this, the criteria set out above and the outcomes from applying Policy HS2.

- 4.3.7 Given the above policy guidance 3 and 4 bed houses are both considered to be larger and 1 and 2 bed houses smaller. The scheme approved at appeal met this 60% / 40% target and the real issue, in my view, is not the increase in size of the three bed houses to four bedrooms ones, as these are all considered to be 'larger', but the increase in size of the 2 x 2-bedroom houses to 1 x 3-bed and 1 x 4 bed. Whilst I accept that this is strictly contrary to the policy guidance, given that paragraph 8.19 acknowledges that on other sites a higher proportion of smaller units are proposed and have been approved, and given the Council's current five year housing land position, with less than 1.4 years of housing land available, in my view material weight has to be given to the delivery of all houses, regardless of their bedroom size. Furthermore, permitted development rights on the scheme allowed at appeal were not restricted. Therefore, the houses could be built without accommodation in the loft and then could be added by future occupiers without needing any planning permission. In my view, significant weight must be given to this 'fallback' position. Therefore, for these reasons, I raise no objection to the addition of extra bedrooms in this application.

To add velux rooflights and gable end windows to the dwellings;

- 4.3.8 There is no objection to the addition of gable end windows into the side flank walls or to the velux rooflights. A condition is recommended to ensure that the side flank windows are obscure glazed to prevent overlooking or a loss of privacy between the dwellings. The house in plot 5 has a side flank window on the side looking into the development and not on the side looking toward the neighbours no.4 Manor Close or no.7 Lodge Court to prevent overlooking of these neighbours.

- 4.3.9 The velux rooflights will be high level within the rooms and will not represent a loss of privacy. The addition of these windows are not considered to result in a material alteration to the external appearance of the proposed dwellings, and as a result, no objection is raised to this change. Furthermore, as the houses approved at appeal have their full permitted development rights, future occupiers could install rooflights or dormer window without planning permission. In my view, this is a strong fallback position to take into account, as well as acknowledging that dormer windows would have more of a visual impact than the proposed roof lights. On this basis, no objection is raised to the velux rooflights and gable end windows.

Alteration to the parking layout for plot 4 with two spaces now proposed on plot and the removal of three parking spaces along the southern boundary and a wider grass verge proposed alongside plot 5

- 4.3.10 There is no objection to this change which is considered to be an improvement to the scheme as it allows for plot 4 to have on plot parking and a larger landscaped area within the proposed street scene at the rear of the site. I note that one visitor space is lost from the scheme, but sufficient parking is still proposed. Plots 1 – 3 have a garage and two spaces, plots 4 and 5 have no garage and two spaces plus three visitor spaces are still proposed. This provision is in excess of the Council's parking SPD which requires for two parking spaces per dwelling and three visitor spaces. As a result, there is no objection to the provision of three visitor spaces.

Variation to conditions

- 4.3.11 This variation is to change the wording of the conditions to reflect the plan numbers of this application.

Other matters

- 4.3.12 The conditions imposed on the previous scheme are recommended for this proposal (with the varied wording) with the addition of one condition removing permitted development rights from the scheme. This will prevent future occupiers from installing dormer windows or from being able to construct garden outbuildings without needing planning permission. In my view the allowing of the roof space for accommodation justifies the removal of future permitted development rights.

4.4 Conclusion

- 4.4.1 No objection. Grant conditional permission.

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.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified within the Design and Access Statement and on the application form.

Reason: To ensure the visual interests of the locality.

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

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

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

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

6. Prior to the first occupation of the development hereby permitted, the soft landscaping of the development shall be done in accordance with the details contained in the Landscape plan (Ref SHA 1132 DA) and details in the

Arboricultural impact assessment (SHA 1132 Rev A) prepared by Sharon Hosegood in support of the application, unless otherwise agreed in writing with the LPA
Approved condition

Reason: To ensure the visual interests of the locality.

7. No gate(s) shall be erected across the access to the site for the life of the development without prior written consent from the Council first being obtained.

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

8. Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided 5.5 metres wide and thereafter retained at the position shown on the approved drawing number P04 in conjunction with drawings number 2020-3940-001 C and swept path analysis detailed drawing number 2020-3940-TR01(1)_C and 2020-3940-TR01(2)_C. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

9. Prior to the first occupation of the development hereby permitted, the footway leading from the development shall be provided and extended as shown on the approved drawing number P04 to the west side of the reconfigured access and shall include for pedestrian dropped kerbs and tactile paving and corresponding dropped kerbs and tactile paving opposite on the existing footpath of Turnpike Lane.

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

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

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

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

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

12. Prior to the first occupation of the development hereby permitted, each dwelling shall have installed one electric vehicle charging point that is ready for use by the occupier, which shall be maintained and retained for the life of the development.

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.

13. Prior to the first occupation of the development hereby permitted, secure cycle storage is to be provided in the rear gardens of plots 4 and 5.

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

14. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the LPA. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
- i. Construction vehicle numbers, type, routing;
 - ii. Access arrangements to the site;
 - iii. Traffic management requirements
 - iv. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
 - v. Siting and details of wheel washing facilities;
 - vi. Cleaning of site entrances, site tracks and the adjacent public highway;
 - vii. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - viii. Provision of sufficient on-site parking prior to commencement of construction activities;
 - ix. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - x. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

15. (a) No development shall commence, until, the submission to, and agreement of the LPA 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 LPA 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 LPA 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 LPA.

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.

(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 LPA.

16. (a) No development (including any demolition works) shall commence, until an Archaeological Written Scheme of Investigation has been submitted to and approved by the LPA in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
- i. the programme and methodology of site investigation and recording;
 - ii. the programme and methodology of site investigation and recording as required by the evaluation;
 - iii. the programme for post investigation assessment;
 - iv. provision to be made for analysis of the site investigation and recording;
 - v. provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - vi. provision to be made for archive deposition of the analysis and records of the site investigation; and,
 - vii. nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- (b) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (a).
- (c) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision made for analysis and publication where appropriate.

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

17. The measures set out in the Cherryfield Ecology report, dated 30 November 2020, must be undertaken in full on site, both pre-development and during construction. This includes:
- i. before any other works on site a reptile survey is undertaken between the month of March and October. If any reptiles are found then appropriate trapping / clearing methods must be undertaken prior to any other works commencing;
 - ii. no site / tree clearance during the bird nesting season;
 - iii. the use of bat and bird boxes in the development;
 - iv. the creation of a 'hedgehog highway' across the site; and,
 - v. no lighting near to or shining on to any trees, especially those with any bat or bird boxes.

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

to be submitted to the Council.

Reason: To protect ecology on site.

18. 8) Prior to the first occupation of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA. Before any details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. Include a timetable for its implementation; and,
 - iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent surface water flooding

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

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

Proactive Statement:

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

Informative/s:

1. HIGHWAYS INFORMATIVE:

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

General works within the highway (simple) - construction standards

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

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

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

2. ENVIRONMENTAL HEALTH INFORMATIVES:

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

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

1) EV Charging Point Specification:

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

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

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

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

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

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

7.0 **Appendices**

7.1 Appendix 1 – Appeal decision letter for application 20/00891/FP.

Appeal Decision

Site visit made on 24 August 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/X1925/W/21/3269884

Land at Turnpike Lane/Adjacent to 4 Manor Close, Turnpike Lane, Ickleford, Hertfordshire SG5 3UZ.

- 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 Mrs T Grainger against the decision of North Hertfordshire District Council.
 - The application Ref 20/00891/FP, dated 21 April 2020, was refused by notice dated 11 February 2021.
 - The development proposed is the erection of five dwelling houses in association with a new access spur from Lodge Court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of five dwelling houses in association with a new access spur from Lodge Court, on-site parking, landscaping (inclusive of new trees), formation of a pedestrian footpath and designated communal open space at Land at Turnpike Lane/Adjacent to 4 Manor Close, Turnpike Lane, Ickleford, Hertfordshire in accordance with application Ref: 20/00891/FP, dated 21 April 2020 and the plans submitted with it and subject to conditions in the attached schedule.

Procedural Matters

2. For clarity, I have taken the name of the appellant from the appeal form as it is more precise. I have also inserted 'Hertfordshire' into the address for precision, as it is listed on the appeal form.
3. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of this appeal. The main parties have had an opportunity to comment on the significance of the changes and have submitted comments. Therefore, I will not prejudice either party by taking the comments received and the Framework into account in reaching my decision.
4. The parties have referred to policies contained within the emerging North Hertfordshire District Council Local Plan 2011-2031 (LP). Given the stage of preparation and the degree of consistency with the Framework, I attach significant weight to the emerging policies. Notwithstanding this, the starting point for determining this appeal remains the North Hertfordshire District Council – District Local Plan No.2 with Alterations 1996 (saved policies 2007) (DLP). The relevant DLP policies are broadly consistent with the Framework.

Main Issues

5. The main issues of this appeal are:

- i. whether the proposed development would be inappropriate development in the Green Belt;
- ii. the effect of the proposed development on openness of the Green Belt;
- iii. if the proposal is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

6. The appeal site is currently located within the Green Belt under the existing DLP, but under the emerging LP, the site is to be removed from the Green Belt and included within the revised settlement boundary for Ickleford. However, although at an advanced stage, the emerging LP has not yet been found sound or adopted. Nonetheless, no issues have been raised surrounding the revised settlement boundary for Ickleford.
7. The Framework establishes, at paragraph 149, that the construction of new buildings is to be regarded as inappropriate in the Green Belt, unless, amongst other things, they represent limited infilling in villages¹. The Framework does not define a village or what would constitute limited infilling, and a High Court judgment² brought to my attention underscores that it is necessary to consider the facts on the ground. Whether or not a proposal represents limited infilling is ultimately a matter of planning judgment, having regard to factors such as the nature and size of the development, the location of the application site and its relationship to other, existing development adjoining and adjacent to it.
8. Whilst the proposed development would have some relationship with the existing pattern of development, with particular regard to the adjacent properties on Lodge Court and Manor Close, the visual connection would be limited due to the open field and woodland to the rear of the site where the dwellings would be located. Additionally, the woodland between Lodge Court and Turnpike Lane would provide additional visual limitations. Therefore, the gap in which the proposed development would take place would not be small and would not fill the gap which currently exists. Taking all of these factors together, I conclude that the proposed development would not constitute limited infilling. Therefore, it would not meet the exception criteria in paragraph 149 e) of the Framework.
9. I conclude that the development would constitute inappropriate development in the Green Belt, which would conflict with the requirements of the Framework. The Framework states that inappropriate development in the Green Belt is by

¹ Paragraph 149 e)

² Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council (2015) EWCA Civ 195

definition harmful and should not be approved except in very special circumstances.

Openness

10. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to prevent urban sprawl by keeping land permanently open. As such, openness is an essential characteristic of the Green Belt. The Planning Practice Guidance (PPG) states that openness is capable of having both spatial and visible aspects.
11. As the proposed development would be constructed on a site which is currently free from built development, the proposal would result in both a spatial and visual reduction in the openness of the Green Belt. Although the proposed development seeks to retain woodland and adjacent mature trees, there would still be significant harm to the openness of the Green Belt through the amount of development proposed. The Framework requires that substantial weight is given to that harm to the Green Belt.

Other considerations

12. Both main parties agree that the Council is not able to demonstrate a 5-year supply of deliverable housing sites³. This represents a housing shortfall. In these circumstances, paragraph 11 of the Framework indicates that housing policies should be regarded as out of date and that there is a 'tilted balance' in favour of granting permission. As the site is located in the Green Belt Paragraph 11 of the Framework is not engaged as the Green Belt is listed as a clear reason for refusing the proposed development. However, I give the modest amount of existing deliverable housing sites moderate weight in the overall planning balance.
13. It is agreed that the emerging LP is at an advanced stage and that in all likelihood it would have been adopted by now if it was not for the global pandemic. I note that the emerging LP has been through public examination and has had modifications published. I accept that the application subject of this appeal has been submitted before the adoption of the emerging LP. Nonetheless, there is little before me to indicate that the site will not become part of the settlement boundary for Ickleford, as proposed in the emerging LP. I also acknowledge, the aims and objectives of the Housing Delivery Test Action Plan (HDTAP), which was approved by the Council in June 2020. The stage of preparation of the emerging LP and the HDTAP attract very significant weight in the overall planning balance.

Other Matters

14. A number of interested parties, including local residents have also expressed a wide range of concerns including, but not limited to the following: the Council's housing strategy as proposed in the emerging LP; ecology / biodiversity; security and safety; highway and pedestrian safety; drainage (including foul water); trees and archaeology, amongst other things. Additionally, I note the comments on the planning application from elected members, Ickleford Parish Council and Campaign to Protect Rural England (Hertfordshire). However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have

³ 2.2 years

dealt with in the assessment above. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Green Belt Balance

15. The Framework requires that substantial weight is given to any harm to the Green Belt and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. I have concluded that the proposed development has harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt. I have also carefully considered the benefits of the proposed development, including the resulting economic and social benefits through the construction phase and the subsequent occupation of the dwellings, and the positive contribution to the Council's deliverable housing land supply, albeit modest. There is also an absence of other identified harm, including character and appearance, highway safety and biodiversity.
17. Therefore, the above factors, particularly the advanced stage of the emerging LP and the impending removal of the site from the Green Belt would, in this instance, clearly outweigh the substantial weight given to Green Belt harm. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. Consequently, the proposed development accords with the Green Belt aims of DLP Policy 2 and the requirements of the Framework.

Conditions

18. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and the PPG.
19. In addition to conditions relating to the time limit for implementation, for reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans is necessary. Materials, trees and landscaping conditions are necessary in the interests of the character and appearance of the appeal site and surrounding area.
20. Conditions relating to the access, carriageway and pavements are all reasonable and necessary in the interest of highway / pedestrian safety. A condition is reasonable and necessary for details of cycle parking at Plots 4 and 5, and the installation of an electric vehicle charging point at all dwellings to ensure that alternative methods of travel are available to future occupants of the proposed development.
21. A condition is necessary in relation to contamination in the interests of future occupiers. Additionally, a condition is necessary to restrict the construction and site clearance operations to protect the living conditions of existing neighbouring occupiers. Conditions relating to archaeology and ecology are reasonable and necessary to ensure that no adverse effects would occur in respect of heritage and biodiversity, respectively. Finally, a condition relating to drainage is reasonable and necessary to ensure that the site and / or

neighbouring land does not experience flooding as a consequence of the development.

Conclusion

22. For the reasons given above, I conclude that the appeal should succeed.

W Johnson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL.001; P01; P01 Street Elevations; P02; P03; P04 E; TR01 A; SHA 1132LS; TS18-125D\1 and 2020-3940-001 A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified within the Design and Access Statement and on the application form.
- 4) None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed without the prior written agreement of the Local Planning Authority (LPA).
- 5) Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 - Trees in relation to design, demolition and construction – Recommendations. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.
- 6) Prior to the first occupation of the development hereby permitted, the soft landscaping of the development shall be done in accordance with the details contained in the report submitted by Sharon Hosegood in support of the application, unless otherwise agreed in writing with the LPA.
- 7) No gate(s) shall be erected across the access to the site for the life of the development without prior written consent from the Council first being obtained.
- 8) Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided 5.5 metres wide and thereafter retained at the position shown on the approved drawing number P04E in conjunction with drawings number 2020-3940-001 A and swept path analysis detailed drawing number 2020-3940-TR01 A. 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.

9) Prior to the first occupation of the development hereby permitted, the footway leading from the development shall be provided and extended as shown on the approved drawing number P04E to the west side of the reconfigured access and shall include for pedestrian dropped kerbs and tactile paving and corresponding dropped kerbs and tactile paving opposite on the existing footpath of Turnpike Lane.

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

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

12) Prior to the first occupation of the development hereby permitted, each dwelling shall have installed one electric vehicle charging point that is ready for use by the occupier, which shall be maintained and retained for the life of the development.

13) Prior to the first occupation of the development hereby permitted, secure cycle storage is to be provided in the rear gardens of plots 4 and 5.

14) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the LPA. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- i. Construction vehicle numbers, type, routing;
- ii. Access arrangements to the site;
- iii. Traffic management requirements
- iv. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
- v. Siting and details of wheel washing facilities;
- vi. Cleaning of site entrances, site tracks and the adjacent public highway;
- vii. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- viii. Provision of sufficient on-site parking prior to commencement of construction activities;
- ix. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- x. 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.

15) (a) No development shall commence, until, the submission to, and agreement of the LPA 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 LPA 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 LPA 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 LPA.

(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 LPA.

16) (a) No development (including any demolition works) shall commence, until an Archaeological Written Scheme of Investigation has been submitted to and approved by the LPA in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- i. the programme and methodology of site investigation and recording;
- ii. the programme and methodology of site investigation and recording as required by the evaluation;
- iii. the programme for post investigation assessment;
- iv. provision to be made for analysis of the site investigation and recording;
- v. provision to be made for publication and dissemination of the analysis and records of the site investigation;
- vi. provision to be made for archive deposition of the analysis and records of the site investigation; and,
- vii. nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

(b) The demolition/development shall take place/commence in accordance with

the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (a).

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

17) The measures set out in the Cherryfield Ecology report, dated 30 November 2020, must be undertaken in full on site, both pre-development and during construction. This includes:

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

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

18) Prior to the first occupation of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA. Before any details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and,
- iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

****End of Schedule****

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<u>Location:</u>	The New Barn Great North Road Radwell Baldock Hertfordshire SG7 5EN
<u>Applicant:</u>	Mr Martin Carey
<u>Proposal:</u>	Use of site for open storage (use class - B8 (storage and distribution)) including installation of hardstanding, associated landscaping and infrastructure.
<u>Ref. No:</u>	21/03160/FP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 08.02.2022

Plan numbers

- CLL-CP-001- SK02 – existing site layout;
- CLL-CP-001-SK03 – proposed site layout;
- CLL-CP-001-SK01 – boundary wall plan;
- CLL-CP-001-SK04 – existing shed;
- CLL-CP-001-SK05 – existing offices building;
- CLL-CP-001-SK06 – proposed fence details;
- CLL-CP-001-SK07 – fence section detail;
- CLL-CP-001-SK08 – proposed fence;
- CLL-CP-001-SK09 – hardstanding plan;
- CLL-CP-001-SK10 – fencing details 01;
- CLL-CP-001-SK11 – fencing details 02;
- E20834-TLP-400 – planting plan.

Supporting documents

- Planning Statement;
- Heritage Statement;
- Transport Statement;
- Contaminated Land Desk Study Report;
- Planting Schedule;
- Flood Risk Assessment;
- Archaeological Impact Statement;
- Contaminated Land Desk Study Report;
- Preliminary Ecological Appraisal;
- Bat Survey Report;
- Additional Drainage Information.

1.0 Policies

1.1 The relevant policies in this instance

Saved Local Plan 1996:

- Policy 6 – Rural Areas Beyond the Green Belt;
- Policy 16 – Areas of Archaeological Significance and other Archaeological Areas;
- Policy 25 – Re-use of Rural Buildings;
- Policy 36 – Employment Provision;
- Policy 55 – Car Parking Standards.

Submission Local Plan 2011 – 2031:

- Policy SP1 – Sustainable Development;
- Policy SP3 – Employment;
- Policy SP6 – Sustainable Transport;
- Policy ETC2 – Employment development outside of Employment Areas and employment allocations BA10 and RY9;
- Policy CGB1 – Rural Areas beyond the Green Belt
- Policy CGB4 – Existing buildings in the Rural Area Behind the Green Belt;
- Policy T7 – Assessment of transport matters;
- Policy T2 – Parking;
- Policy D1 – Sustainable Design;
- Policy NE1 – Landscape;
- Policy NE8 – Sustainable Drainage Systems.

National Planning policy Framework:

- Section 6 – Building a strong, competitive economy.

1.2 In addition consideration will be given to the SPD Vehicle Parking Provision for New Developments.

2.0 **Site History**

2.1 There is a moderate planning history for the site. The site was first used intensively by Radwell Animal Feed in 1996 with applications to change the use of the land to industrial uses, a waste transfer site and then in more recent years, application ref. no. 16/02937/1 for the erection of a building to be used for the storage of rolls of artificial grass. Pre-application submission 20/00504/PRE was submitted seeking a view on this proposal to change the use of the site to a builders storage yard. This raised concerns regarding landscaping and the extent of the hardstanding which has been addressed in this application.

3.0 **Representations**

3.1 **HCC Ecology** – no ecological constraints to the principle of this development and recommend no objection subject to conditions and informatives.

3.2 **HCC LLFA** – the LLFA is currently unable to respond to any new planning consultations and we recommend that any new development site follows the LLFAs policies on SuDS.

3.3 **HCC Highways** – no objection subject to conditions.

3.4 **NHC Environmental Protection** – no objection subject to conditions regarding a Travel Plan, EV parking, cycle parking and a Construction Management Plan. A land

contamination condition is not considered to be necessary in this instance as there is considered to be a low likelihood of environmental risk from ground contamination.

- 3.5 The application has been advertised with site and press notices. No third party replies have been received in response to this application.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is a roughly tri-angular shaped area of land lying to the east of the A1M southbound carriage, south of the spur road link to the Baldock Services and west of the Great North Road and as a result has an island position surrounded by the road network. The site area is 23120.00 sqm (2.32 ha). The existing vehicle access is on its southern boundary linking onto the Great North Road. The site has existing landscaping around it and contains two buildings with hardstanding around the buildings with the rest of the land being open. The surface of the open area is rough with sections of hardcore and rough grass.

4.2 **Proposal**

- 4.2.1 This application is seeking the change of use of the land to a builder's yard. The existing buildings on the site are to be retained and re-used with a widened access point, in the same location on the site, with new gates and new fencing around the site. The landscaping belt it to be increased in width and extensively planted.
- 4.2.2 The application is being presented to Planning Control Committee for determination due to the size of the application site.
- 4.2.3 In support of the application a Planning Statement, Heritage Statement, Flood Risk Assessment, Transport Statement, Contaminated Land Desk Study Report, Preliminary Ecological Appraisal, Bat Survey and Planting Schedule have all been submitted. All these documents can be viewed in full on the Council's website. Key points include:

Planning Statement:

1. The applicant Carey London Ltd is a construction company currently based south of St Albans, supporting the construction industry in the South East.
2. It is a significant contributor to the local economy through local jobs at its current premises, and on construction sites across the South East.
3. The Applicant currently operates from a 0.5ha site north of the M25, approximately 3 miles south of St Albans.
4. The Applicant has outgrown its current premises and requires a site with good vehicular access to the highways network.
5. The Site is elevated from surrounding highways, which is understood to be as a result of the excavations that took place during the construction of the surrounding highways, in particular the A1 to the west. As a result of this elevated position, the Site cannot be viewed from the surrounding highways, or the surrounding area. The Site is further screened by mature trees outside of the Site boundary.
6. The current lawful use of the Site comprises elements of B8 'Storage and Distribution', F2(c) 'Areas of places for outdoor sport and recreation' and 'waste' Sui Generis. However, the majority of the Site is vacant, with the F2(c) and Sui Generis uses ceasing some time ago.
7. The substantial highways infrastructure has resulted in the Site being disconnected to the wider rural character, both in appearance and use.

8. The Site has had a piecemeal approach to development. Whilst the existing business on the Site operates from a small building and an area of managed covered and open hardstanding, the remainder of the Site is unmanaged and has substantial amounts of debris from previous uses.
9. The Site is identified within local planning policy as being located within the 'Rural Area beyond the Green Belt'. However, as a result of its previous uses, it is not considered to be a 'traditional' piece of rural land.
10. The Site is also identified as being located within Flood Zone 1, which indicates a low risk of flooding;
11. The proposed development will result in the retention of the existing buildings on the Site and the provision of 21,350sqm open hard standing for use as open storage of building materials and equipment.
12. Materials or equipment will not be stored at higher than 3m in height and this is consistent with how the Applicant operates their current premises.
13. There will be up to 30 FTE staff at one time on site with an average of 24 staff on site at any time.
14. The Hertfordshire Local Enterprise Partnership's COVID Recovery Plan identifies strategic measures which could be progressed to ensure that the damage caused by the pandemic to the local economy is minimised and that businesses can continue to grow. The Document makes clear that Hertfordshire has a significant construction and civil engineering sector which should be supported and forms part of the foundation for sustained future growth with the report stating, "Hertfordshire's construction sector will also be critical in driving forward recovery and longer-term growth".
15. Carey London Limited is a significant part of the UK Construction Industry, acting as delivery partners for multinational property developers to smaller independent developers. Carey London Limited offer have now outgrown their existing site and in order to continue to meet this demand they require additional space. This increased space is vital to their operations and their role in the delivery of much needed new homes and commercial development throughout the UK generally, but even more so in light of the current economic position the UK finds itself in as we deal with the COVID-19 pandemic and the fallout of its impacts.
16. The Hertfordshire Local Enterprise COVID Recovery Plan makes clear that Hertfordshire has a significant construction and civil engineering sector which should be supported and forms part of the foundation for sustained future growth with the report stating, "Hertfordshire's construction sector will also be critical in driving forward recovery and longer-term growth".
17. Growth of businesses within the District are supported by the Council within their emerging Local Plan and the NPPF and the opportunity that this development would provide, on an underutilised Site, which is not considered to contribute to the rural character of the wider area should be supported.

Transport Statement

1. It is proposed to formalise the existing access into the site with a 5.5m carriageway provided into the site to allow two-way passing of vehicles accessing and egressing the site and to conform with the Roads In Hertfordshire Design Guide.
2. A turning area and parking facilities are also provided within the site.
3. Between 5-10 HGV vehicle movements are expected to be generated at the proposed development each day.
4. Given the small number of trips expected to be generated through the pre-application process with HCC it was confirmed that no off-site junction modelling would be required._

Bat Survey Report

1. The emergence/re-entry surveys undertaken confirmed presence of bats roosting on the southern and western elevation of the warehouse.
2. The surveys confirmed presence of three roost locations in use by at least three common pipistrelle (*Pipistrellus pipistrellus*) and one soprano pipistrelle (*P. pygmaeus*) bats.
3. The roosts at site are therefore most likely to be summer day roosts used by a small number of individuals. It is understood that the large warehouse is to be retained and will not have any modifications.
4. The only potential direct disturbance to these locations would be as a consequence of changes to artificial light levels associated with the development. Therefore, a sensitive lighting scheme is recommended including a lighting schedule for the lighting which the applicant has agreed to adhere to. The lighting schedule is to ensure external lighting is switched off before sunset during the season when bats are active.
5. The hedgerows and treelined perimeters provide linear features for commuting and are to be retained. Proposals include plans for hedgerow planting to include a diverse mix of native species which should attract invertebrate prey and provide some compensatory habitat for bats for the loss of the site clearance area.
6. Enhancement recommendations have been made in the form of installing integrated bat boxes on to the new building on site to provide further bat roosting opportunities at the site.
7. Assuming these measures are implemented then no significant impacts upon bats are predicted.

Archaeological Impact Assessment

1. The combined information from the available data sources and site inspection indicate that the site is an artificial island of redeposited materials the surface of which lies up to 3—4m above the pre—motorway construction ground level.
2. Any potentially surviving remains are likely to have been either removed or sealed during the construction of the motorway junction and the remodelling of the former road layout.
3. Should sub—surface archaeological remains survive in situ beneath the Site 'island' they may be located up to c.4m below the current surface level within the Site boundary. Data held by the Herefordshire HER indicates that any sub—surface archaeological remains, should they survive, are unlikely to be of sufficient Heritage Significance that any intervention would result in substantial harm.
4. No impact on any surviving ground surfaces are anticipated. Any surviving remains, if present, are likely to remain preserved in situ beneath the artificial 'island' upon which the site is located.
5. On the basis of the evidence provided in this document it is concluded that no impact will occur to any sub—surface archaeological remains which may survive within the site boundary as a result of the proposed development.

4.3 Key Issues

Principle

- 4.3.1 Various policies contained both within the existing and emerging Local Plan seek to support employment development where there would be no harm to the locality. Saved Policy 25 states that the re-use of rural buildings for commercial, industrial or recreational purposes will be permitted provide that “*c) the new use will not have an adverse effect on the environment or on highway safety*”. Saved Policy 36 states that the Council will permit proposal for development and redevelopment to meet the needs of the available labour supply and changes in the local economy “*ii) elsewhere which is appropriate in land use, highway, settlement character and amenity terms*”.

- 4.3.2 Emerging Policy ETC2 states that planning permission for employment uses outside of employment areas will be granted provided that the proposal is:
- i. Within a defined settlement boundary or the built core of a Category B village;
 - ii. For small scale office or other employment development; and
 - iii. Is appropriate to the location in terms of size, scale, function, catchment area and / or historic and architectural character.
- 4.3.3 Emerging Policy CGB4 states that planning permission for the re-use of buildings in the Rural Area beyond the Green Belt will be granted provided that:
- a) Any existing building to be converted for re-use does not require major extension or reconstruction;
 - b) The resulting buildings do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and
 - c) Any outbuildings are sited as close as possible to the main buildings and visually subordinate to them.
- 4.3.4 While emerging Policy D1 states that planning permission will be granted provided that development proposals respond positively to the site's local context and amongst other criteria also use SUDs, retain existing vegetation and propose appropriate new planting.
- 4.3.5 This proposal is seeking to re-use the two existing buildings on the site, which are of sound construction and do not require any degree of works which is compliant with the above policies. The majority of the rest of the area is to be covered in a concrete apron to allow the storage of building materials. However, it should be noted that due to the site's past uses, the area to be concreted is not currently pristine undeveloped land. It is land that in some sections already has hardstanding and in others has a significant amount of hardcore, rubble and other material on it. In my view, whilst the concrete apron area is extensive, it is not out of context with the existing situation on site.
- 4.3.6 It is noted that the proposal is not in accordance with all of the criteria set out above for emerging Policies ETC2 and CGB4. However, given that the proposal is to re-use an existing mixed use part industrial and part Sui-Generis land use site, where no additional development other than resurfacing, an enhanced access and new gates and fences (discussed below) is required, it is considered that the proposal is in accordance with the spirit of these policies. The proposal is appropriate to the location and will not have a materially greater impact on the locality than the existing situation, given the planning history and the historic trips generated with the site's use. I therefore do not consider that it would be appropriate to refuse this application for the strict non full compliance of the above policies for this reason. On this basis no objection is raised to the principle of this proposal.

Landscaping and wildlife

- 4.3.7 A significantly enhanced landscaping belt is proposed along the road boundary sides of the site. This is to partly offset the increase in the hardstanding area, and also to provide for an enhanced foraging area for bats with the removal of the rough scrub area from the site. This enhanced planted belt of trees will also have the benefit of having an attractive appearance in the locality and will effectively screen the site in views, although due to the land topography, the site is already well screened in the locality.

- 4.3.8 The conditions regarding bat boxes and lighting restrictions as set out in the Bat Survey Report are recommended. As a result, the proposal does not represent harm to wildlife.

Parking and transport

- 4.3.9 The Council's parking SPD Vehicle Parking at New Developments sets out that B8 wholesale distribution, builders merchants and storage, 1 space per 75 sqm of gross floor area is to be provided plus 1 space per 500 sqm for staff plus 1 space per 1000 sqm for visitors. This would be a parking requirement of 377 spaces. This number of spaces is grossly in excess of what the company requires, given they are to use the space for the storage of building supplies, not to form a large surface level car park. The application sets out that there is likely to be 24 staff on site at any one time. There is the ability for staff to park adjacent to the office building, and this is considered acceptable for this use. The non-compliance with the parking standards is supported for this operator in this instance and no objection is raised on the basis of emerging Policy T2. A condition is recommended to ensure EV parking provision.
- 4.3.10 The Transport Statement sets out that a maximum of 10 HGV movements are anticipated to/from the site each day. Given the historic use of the site as a waste transfer station with a significantly higher number of trips generated, combined with the site's location where there are a high number of large vehicle movements along the Great North Road in both directions on a daily basis, it is not considered that the trips generated by this proposed use in this location would have a noticeable impact or harm in the locality. Therefore, no objection is raised to the application on this basis.

Gates and fencing

- 4.3.11 Access gates and fencing is to be erected around the site. Both the gates and fencing are to be 2.4m in height and are both to be 'forest' green in colour with a mesh section within the gate. Whilst the gate will be visible from the road, the fencing is to be rear of the landscaped belt and given its green colour, position behind the trees and set back from the carriage way there will be minimal views of the fence from the road. Given that both are needed for site security, there is no objection to either the fence or gates.

Archaeology

- 4.3.12 As set out above it is considered that due to the land being raised in ground level due to the spoil from when the A1 was built, any artefacts will be deep in the ground and will be unaffected by the proposal. The application sets out that the HCC Archaeological department was contacted at the pre-application stage, and this concluded that *"very probably significant made ground is present, and despite potential for prehistoric and Roman remains, it appears unlikely that there will be any impact on any in situ archaeology"*. On this basis I have no objection to the application.

SuDs

- 4.3.13 As set out above the HCC Drainage team are currently not providing comments on new applications and the onus is on the applicant to ensure compliance with their policies. To comply with this the planning agent submitted an additional letter in support. This states:

"The LLFA's Guidance for Developers documents were considered during the writing of the Civil Infrastructure report and referred to within. The proposed development is not located inside a flood zone or existing watercourse. The proposed development will not

connect to the local sewer network and all surface water will be detained and infiltrated using various SuDS devices inside the boundary. With large rainfall events, no overland flooding is to be expected. The system has been designed for the rainfall events up and to the 100 year + 40% climate change storm. The SuDS devices chosen has been indicated in the hierarchy below. The other items were not suitable due to the nature of the proposed development – which does not contain any new buildings to be constructed”.

- 4.3.14 On this basis no objection is raised to the application which is considered to be in accordance with the HCC LLFA policies.

4.4 **Conclusion**

- 4.4.1 There is no objection to this proposal which seeks to use a contained ‘island’ site situated between major transport roads by a building services supply company, who will utilise the good road transport links. Whilst this site is a countryside location within the rural area beyond the Green Belt, the site, due to its form, location and planning history, does not serve the function or have the character of a typical parcel of land in the rural area. Furthermore, there is Local Plan support for the employment land uses within the District. The proposal will have the benefit of significantly enhanced tree belt along the road and will have no harm on the locality. As a result, the application is supported and is recommended for conditional permission.

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.

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.

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 trees and shrubs listed on the planting schedule are to be planted in the first planting season following the commencement of works on site.

Reason: To ensure the planting is undertaken.

4. All external lights are to be switched off before sunset during the bat active bat season, in accordance with the times stated in table 5.1 of the submitted Bat Survey Report.

Reason: To protect bats.

5. A minimum of three bat boxes are to be erected on the site before the first use of the site by the applicant.

Reason: Bat protection.

6. Prior to the first occupation of the development hereby permitted the main vehicular access road shall be provided 8.8 metres wide and thereafter the access shall be retained at the position shown on the approved drawing number 001 Revision P2.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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 of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

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

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

8. Prior to occupation, the development shall incorporate Electric Vehicle (EV) ready charging infrastructure as agreed with the Planning Department, based upon parking and vehicle access considerations.

We consider there should be distinct elements of EV charging provided, reflecting the range of vehicle users having access to the site.

- o EV charging allocation for staff vehicles
- o EV charging allocation for visitors vehicles
- o EV charging allocation for goods vehicles

As there is uncertainty over the numbers and types of vehicles requiring access to the site, the developer should make provision in line with the recommendations within the Air Quality and Guidance.

10% of parking spaces designated for EV charging, which may be phased with 5% initial provision and remainder at an agreed trigger level (usage).

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

9. Before the first use of the site by the applicant hereby permitted, provision shall be made for an appropriate number of cycle parking spaces to accommodate staff and visitor requirements.

Reason: To be in accordance with the Parking SPD.

10. Prior to the first use of the site by the applicant hereby permitted, a detailed travel plan shall be in place with reference to the 'Travel Plan Guidance' at www.hertsdirect.org. The Travel Plan is to be submitted to and agreed in writing by the LPA prior to its implementation and the agreed scheme is to be implemented.

Reason: To reduce the reliance on the private car as the main mode of transport for staff and visitors to and from the site.

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. ECOLOGICAL INFORMATIVES:

1. Keep the area of grass / vegetation within the application site as short as possible up to, and including, the time when proposal works take place, so that it remains / becomes unsuitable for reptiles to cross. Stored materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons; and any rubbish is cleared away to minimise the risk of reptiles using the piles for shelter. Any trenches or excavations are backfilled before nightfall, or a ramp left to allow reptiles to escape easily.
2. Any significant tree/shrub works, or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
3. All works, including vehicle movements, materials and waste, are kept strictly within the curtilage of the proposed development site and that under no circumstances should there be any detrimental physical impact to the adjacent Local Wildlife Site.

2. HIGHWAYS INFORMATIVES:

1. HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:
Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)".
2. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website;
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

3. EV CHARGING POINT SPECIFICATION:

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

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

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

accessible enclosed termination point for future connection to an external charge point.

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

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

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

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

- o UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.

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<u>Location:</u>	Land at Hatchpen Farm The Joint Reed Royston Hertfordshire SG8 8AZ
<u>Applicant:</u>	Rand
<u>Proposal:</u>	Erection of three agricultural buildings. (Additional plans received 24/08/21).
<u>Ref. No:</u>	21/01742/FP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 09.09.2021

Plan numbers

- Location plan;
- DP/423 – excavation plan;
- Tree belt extension plan;
- Proposed block plan;
- Storage building A/B – elevations east/west and floor plan;
- Storage building A/B – elevations north/south and roof plan;
- Workshop building C – elevations west and floor plan;
- Workshop building C – elevations north/south/east and roof plan;
- DP/434 – excavation cross section plan;
- 35221PLS-03-C – topographical survey.

Supporting documents

- Planning Statement;
- WSI;
- Archaeological Evaluation Report.

Reason for Planning Control Committee determination

The application is being presented to Planning Control Committee in accordance with paragraph 8.4.5(b) of the Council's Constitution which requires for any development with greater than 500 sqm of floorspace on a site of more than 1 hectare to be determined by the committee. In this instance, the site area is 2 hectares the proposed floorspace is 4,725 sqm.

1.0 Policies

1.1 The relevant policies in this instance are:

1.2 Saved Local Plan 1996:

- 6 – Rural Areas beyond the Green Belt;
- 16 – Areas of Archaeological Significance and Other Archaeological Areas.

1.3 Submission Local Plan 2011 – 2031:

- SP5 – Countryside and Green Belt;
- CGB1 – Rural Areas beyond the Green Belt;
- NE1 – Landscape;
- NE7 – Reducing flood risk;
- HE4 – Archaeology.

1.4 National Planning policy Framework:

- Section 6 – Building a strong, competitive economy.

2.0 Site History

- 2.1 There is a moderate planning history for the site including a detached farmhouse in 1991, the game keepers cottage and associated shot accommodation in 2008 and in 2020 an application for a dedicated farm office building with car parking. This has not been constructed on site.

3.0 Representations

- 3.1 **HCC Archaeology** – required for pre-determination survey works to be undertaken on site. This has been done and the results submitted to the HCC Archaeology team. However, at the time of writing a response from this team regarding these on site works is still outstanding and this will be updated at the committee meeting.
- 3.2 **NHC Environmental Health** – no objection.
- 3.3 **NHC Environmental Protection** – no objection.
- 3.4 **Reed Parish Council** – no objection but wish for the buildings not to be visible from The Joint.

4.0 Planning Considerations

4.1 **Site and Surroundings**

- 4.1.1 Hatchpen farmyard complex lies on the north side of The Joint, in a position set well back off the lane with an access track leading down to the existing farmyard. The land levels fall to north and east, with the existing farm buildings set on a low point in the landscape with established tree planting screening the buildings in views in the locality. The area is attractive open countryside, not within the Green Belt.

4.2 **Proposal**

- 4.2.1 This is a full planning application for an extension to the existing farmyard with three new buildings surrounded by a concrete apron. The site area is the north east section of the field adjacent to the farmyard. The proposal is to cut into the landscape, to set the bulk of the buildings on a lower ground level. The cross-section plan shows that the proposed excavation level is to be datum point 14m, which is a reduction in ground level of 4.75m on the uphill side and 1m on the downhill side of the site compared to existing levels.
- 4.2.2 Proposed buildings A and B are the same building type and are to be on the west side of the site area. These buildings are 63.3m long by 25m wide with an eaves height of

8m and a maximum ridge height of 11.6m and these are open sided structures and are to be used for straw storage.

4.2.3 Building C is positioned close to the east side boundary of the site area. This building is also 60.3m long by 25m wide but is lower in height, with an eaves height of 6m and a maximum ridge height of 9.6m. This building is enclosed, with roller shutter doors on the west elevation and is to be used as a machine store and repair building.

4.2.4 The application form states that the external materials are to be grain walling and profile sheeting.

4.2.5 A letter has been submitted in support of the proposal. Key points from this letter include:

1. The site is located on agricultural land 1.2 kilometres north of Reed. Hatchpen Farm is the centralised hub for Rand Brothers agricultural and storage operations.
2. The site is accessed via a private road, owned by the applicants off the Joint.
3. As an agricultural business, the site is surrounded in all other directions by open agricultural land.
4. The existing site at Hatchpen was excavated to minimise any visual impact and is currently very well visually contained within the wider landscape.
5. Rand Brothers was established in 1934. The business has grown to become one of the largest Arable Operations in East Anglia, farming more than 3000ha of arable land, producing and processing in the region of 50,000 tonnes of straw as well as storing and processing more than 200,000 tonnes of grain per annum.
6. Rand Brothers are one of the largest local employers with 24 full time, 6 part time and a further 30 seasonal workers.
7. The distance between the workshop and straw buildings is to mitigate fire risk.
8. The location of the buildings has been selected so that they minimise the impact on the wider countryside and relate well to the existing agricultural operations.
9. The site will be excavated, reducing existing levels considerably, to a base level of approximately 13.80.
10. The site is screened from the wider countryside with an existing bank and trees to the North and hedgerows to the East. It is proposed to extend the tree belt to the South of the existing site, to encompass the southern and western boundaries of the proposed site and provide further screening.
11. Crop assurance standards now dictate that grain stores must only store grain and not also be used as machinery stores in order to prevent contamination with the grain in store. The result is significant health and safety, as well as welfare concerns with staff maintaining and repairing machinery outside throughout the year. The lack of facilities has directly resulted in staff resignations and caused significant problems when trying to recruit replacements. This has forced the business to send machinery away to be repaired or maintained at significantly increased cost. It is unprecedented for a business of this size not to have dedicated workshop facilities. It is not uncommon to have over £2 Million of machinery stored outside.
12. Chapter 6 of the NPPF promotes the growth of business in rural areas through well designed new buildings.
13. With this being an application for agricultural buildings, it is by its nature a use that is located within a rural area and as recognised within national policy, it is an appropriate use for a rural area.
14. The Straw Enterprise at Rand Brothers produces on average 60,000 tonnes of straw per annum. Straw produced on the Rand Brothers farms is used to produce renewable energy making significant contribution to targets of producing energy from renewable sources. It is the largest supplier of straw to local renewable energy generators (power stations) in the UK. These power stations have helped to replace those using fossil fuels resulting in considerable local and national support, as well as helping the

objectives of the Draft North Hertfordshire Local Plan; mitigating the effects of climate change by encouraging renewable energy technologies.

15. Currently the straw is made up of 'bales' and stored outside on farms in 'stacks'. The straw stacks are exposed to the elements through the year. Customers have strict quality requirements demanding that the straw has a maximum moisture content of no more than 15%. The outside and top bales that make up the stack insulate the bales within the stack from the elements. This results in approximately 20% of each stack being unsaleable. Until recently these bales had a minor value in being exported to Ireland for mushroom compost, however, Brexit regulations have now made this unviable. With no market, this straw is destroyed.
16. With significant increases in the value of straw and subsequently the cost in producing it, reducing the levels of waste straw are not only essential for the business to remain competitive but also to reduce the farm's carbon footprint in producing it. Reducing the amount of waste straw would increase the amount of renewable energy produced locally. The proposed straw barns would reduce the amount of wastage to zero. The proposed two straw storage buildings will provide suitable storage, and thereby resolve issues surrounding straw moisture quality and reduce waste.
17. The proposed agricultural buildings are proposed to be located immediately west of the existing agricultural buildings at Hatchpen Farm, and are therefore considered to be well related to the existing development. The Site Excavation Plan and Elevation Plans show that the proposed straw stores and workshop will fall below the ridgeline of the surrounding landscape, whilst also being below the ridge height of existing agricultural buildings located immediately east. The proposed location of the site, is therefore considered to be the most suitable location in order to minimise the landscape and visual impact of the proposed buildings.
18. It is proposed to plant a substantial new tree belt, both to the south and west of the proposed agricultural buildings, to further limit the landscape visual impact of the buildings. The applicants are happy for the detail of the planting to be secured by way of a suitably worded planning condition.
19. No increase in transport movements will result from the application, meaning that no impacts will be felt further from the site as a result of changes to traffic movements.

Additional letter of clarification dated 24/08/21:

4.2.6 The case officer asked the following query: *Given the levels change in this location, why has this site been chosen? What other sites have been chosen and discounted?*

4.2.7 The following reply on 24/08/21 was given:

The proposed location was selected for the following reasons:

1. Safe and convenient access to the farm track
2. The lowest area on the site, adjacent to the existing agricultural buildings.
3. It would be cost prohibitive to excavate further to the South or East of the existing site, due to the steep gradient.
4. The proposed location adjacent to the existing farm buildings would reduce the visual impact on the landscape and countryside
5. The proposed site is adjacent to existing utilities such as electricity, telephone line, water and sewage connections.

1. AOC Archaeology Group was commissioned by Rand Contracting Ltd to undertake an archaeological evaluation by trial trenching at the site of a development at Hatchpen Farm.
2. The evaluation formed part of a programme of archaeological works, designed to inform a planning application for the development of the site for the erection of three agricultural buildings.
3. Eleven evaluation trenches were excavated across an area of agricultural fields to the west of the current buildings. The majority of the trenches showed topsoil and subsoil deposits sealing natural geology at a depth of c.0.4m – 0.5m. In at least three trenches, the natural geology was at an average depth of c 0.7m-1 m.
4. Apart from two shallow gullies, most likely created by the passage of water and a single pit which cut subsoil, no archaeological deposits or artefacts were identified.
5. The evaluation suggests that the site was open agricultural land during the medieval and post-medieval periods and lies outside of areas of known prehistoric and Roman activity.

4.3 **Key Issues**

Principle

- 4.3.1 There is national and local policy support for applications such as this. The NPPF, paragraph 84 states that planning policies should enable the sustainable growth and expansion of all types of business in the rural area and allow the development and diversification of agricultural and other land-based rural businesses. This national advice is reflected in Local Plan saved Policy 6 and emerging Policy CGB1, which both support development that is strictly necessary for the needs of agriculture. The supporting statement sets out a robust case of need for the proposal, and as a result there is no objection to the principle of this development.

Landscape

- 4.3.2 The area is attractive rolling countryside, and the existing farm buildings are set down in the landscape with trees around which effectively screen the buildings in views in the landscape. This proposed excavation works and landscaping will have the same result for these proposed buildings and this approach is in accordance with the requirements of emerging Policy NE1 which requires for development proposals to respect the sensitivities of the relevant landscape.
- 4.3.3 The existing farmyard is on a lower datum level than the proposed area, as it is on datum level 10m while the proposed ground level for this site area is datum level 14m.. There is an existing established farm track with landscaping on either side that is to be retained between the edge of the existing yard area and the proposed yard area. The retention of this track and landscaping ensures the stability of the existing excavated area and the land continues to drop down to the existing yard area. It is not considered necessary to insist that the new area is lowered to the same datum level as the existing area, as this would result in a significant amount more of excavation works, which are unnecessary given the proposed excavation level and landscaping achieves the result of ensuring the proposed buildings are screened in the landscape. Furthermore, there are existing silo buildings in the farmyard and the ridge line of the proposed straw buildings will be 2m lower than the height of the silos. Therefore, further ground level excavation is not considered to be necessary.
- 4.3.4 The edges of the excavated area are to be left natural and vegetation will grow over the sides which will both screen and stabilise the land.

Layout and design

- 4.3.5 There is no objection to the layout or design of the proposal. The external materials are to match the existing buildings at the farm, and a condition is imposed to ensure the colour is the same, which is grey. It is noted that a fire break is required between the straw storage buildings and the machinery store, and given this is a functional requirement, no objection is raised to this gap or site layout.

Other Matters

- 4.3.6 The proposal does not require any parking provision as the buildings are needed for the farm's current operations.
- 4.3.7 The extended tree belt will help to enhance bio-diversity on site in comparison to the existing farmed agricultural land. A condition is recommended to ensure native trees as well as some fruit bearing trees, to enhance bio-diversity, are planted.
- 4.3.8 It is noted that this site area is within an archaeological area and that pre-determination trenching works have been undertaken and no evidence of artefacts or previous use has been found. The application is not considered to pose harm to archaeology on this basis. However, a condition is recommended to stop works and seek advice in the event that archaeological remains are found.

4.4 Conclusion

- 4.4.1 There is no objection to this proposal. National and local planning policies support development in rural areas that is needed for agriculture and the excavation works and landscaping will set the buildings down into the landscape and effectively screen the buildings to protect views in the landscape. The application is therefore recommended for conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

- 4.6.1 There are no pre-commencement conditions.

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 external colour of the buildings hereby permitted shall be the same grey colour to match the existing farm buildings at Hatchpen Farm.

Reason: For consistency in the locality.

4. The landscape buffer is to be planted up in the first planting season following the commencement of the excavation works hereby permitted. The buffer is to be planted with native trees, including some fruit bearing trees.

Reason: To protect views in the landscape.

5. There shall be no external lighting unless the details of the lighting and the hours it is to be on for are agreed in writing by the local planning authority and only the agreed details can be implemented on site.

Reason: To prevent light pollution in the rural area that could harm wildlife.

6. In the event that archaeological artefacts are found on site during the site clearance and excavations stages, all works on site must stop and advice from the HCC Archaeology team be sought.

Reason: To protect archaeology.

















Proactive Statement:

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

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Application Validation Sheet

21/01742/FP Land at Hatchpen Farm, The Joint, Reed, Royston, Herts, SG8 8AZ

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prstbld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prcrea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
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: 15/03/2022

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<u>Location:</u>	Land Adjacent to Dungarvan Back Lane Preston Hertfordshire SG4 7UJ
<u>Applicant:</u>	Mr J Sherry
<u>Proposal:</u>	Erection of 10 detached dwellings (1 x 2-bed, 4 x 3-bed, 3 x 4-bed and 2 x 5-bed) including garages, private amenities and creation vehicular access off Back Lane (as amended by plans received on the 4th January 2022).
<u>Ref. No:</u>	21/02632/FP
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 08/12/2021

Extension of statutory period: 31/03/2022

Reason for Call in: Residential development with a site area of 0.5 hectares or greater in accordance with paragraph 8.4.5 (a) of the Council's Constitution.

1.0 Submitted Plan Numbers:

2021-21-PL.001
2021-21-PL.003
2021-21-PL.101
2021-21-PL.102
2021-21-PL.103
2021-21-PL.104
2021-21-PL.105
2021-21-PL.106
2021-21-PL.107
2021-21-PL.108
2021-21-PL.109
2021-21-PL.110
2022/1018/01
BLP01

2.0 Planning Policies:

2.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 6 – Rural Areas beyond the Green Belt
Policy 26 – Housing Proposals
Policy 51 – Development Effects and Planning Gain
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 National Planning Policy Framework

Section 2 – Achieving sustainable design
Section 4 – Decision making
Section 5 – Delivering a sufficient supply of homes
Section 6 – Building a strong, competitive economy
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

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

SP1 – Sustainable Development in North Herts
SP2 – Settlement Hierarchy
SP6 – Sustainable Transport
SP7 – Infrastructure requirements and developer contributions
SP8 – Housing
SP9 – Sustainable Design
SP10 – Healthy Communities
SP11 – Natural Resources and Sustainability
SP13 – Historic Environment
T1 – Assessment of transport matters
T2 – Parking
HS3 – Housing mix
HS5 – Accessible and adaptable housing
D1 – Sustainable Design
D3 – Protecting living conditions
D4 – Air quality
NE5 – New and improved public open space and biodiversity
NE7 – Reducing flood risk
NE9 – Water quality and environment
NE10 – Water Framework Directive and wastewater infrastructure
NE11 – Contaminated land
HE1 – Designated heritage assets
HE4 – Archaeology

2.4 Preston Parish Neighbourhood Plan (2019)

QL1 – Social Interaction
QL2 – Community Quality of Life
QL3 – Local Distinctiveness
HD1 – Residential Development
HD3 – Housing Types
HD5 – Sustainability and Energy Efficiency
HD8 – Flood Risk and Drainage Provisions
EH2 – Conservation Areas and Heritage Assets
EH5 – Tranquillity and Dark Skies
EH7 – Protecting and Enhancing the Local and Natural Environment
EH8 – Hedgerows, Trees and Verges
TC1 – Safe and Sustainable Transport
TC2 – Broadband and Mobile Coverage

2.5 **Supplementary Planning Document**

Vehicle Parking at New Development SPD
Planning Obligations Supplementary Planning Document 2006
Preston Neighbourhood Plan

3.0 **Site History**

- 3.1 20/01564/FP - Erection of one detached 4-bed and two detached 5-bed dwellings including garages and creation of vehicular access off Back Lane (as amended by plan received 19.11.2020) – Granted Conditional Permission on 11/02/2021.
- 3.2 21/02482/DOC - Discharge of Condition 15 (Archaeological Written Scheme of Investigation for Evaluation) as attached to Planning Application – Approved on 16/11/2021.

4.0 **Representations**

4.1 **Site Notice:**

Start Date: 11/01/2022

Expiry Date: 18/02/2022

4.2 **Press Notice:**

Start Date: 30/09/2021

Expiry Date: 23/10/2021

4.3 **Neighbouring Notifications:**

36 comments have been received, 35 of which are objections. The representations include the following summarised concerns (full details of comments received are available on the NHDC website):

3 Crunnells Green, Preston (Objection):

- House nearing completion on neighbours land has not been shown on submitted plans.
- Development would result in loss of amenity.
- The development is suburban style, unimaginative design and has total disregard for existing trees and ecology.
- Development not in keeping with the local area.
- Density is greater than surrounding properties.
- Development would generate traffic.
- Mature shrubs that need special consideration.
- Harm to ecology.
- Broadband, water supply and sewage system are inadequate.

St Martin's Place, Church Lane, Preston (Objection):

- Density and architectural style are not in keeping with other properties in the vicinity.
- Concern relating to potential damage to a protected Oak tree close to the proposed vehicular access.
-

R. Reynolds (Objection):

- Too many dwellings proposed that are too large for Preston and within the Conservation Area.
- Development does not meet the requirements of the Preston Parish Neighbourhood Plan. The Preston Parish Neighbourhood Plan has been made and should therefore be adhered to.
- Concerns over safety on the already overcrowded lane.
- Harm to animals, plants, trees in the Conservation Area.

Lychgate House, Church Lane, Preston (Objection):

- Smaller properties should be proposed.
- Inclusion of 4 and 5 bed properties conflict with Neighbourhood Plan.
- Additional traffic on Back Lane and Crunnells Green and its impact on the Primary School, road surfaces and verges.
- Loss of green space.
- Impact of building work on children and staff at the primary school.
- Urbanisation of the village through overdevelopment.

3 Castlefield, Preston (Objection):

- Objects to the number of houses proposed.
- Concern at the proximity of the school.
- Roads are not big enough.

Dinsley Field, School Lane, Preston (Objection):

- Density is too high for a small site.
- Village infrastructure already under significant strain.
- Safety risk from traffic
- Style of housing not in keeping with Conservation Area.
- Adverse impact on wildlife.
- Landscaping proposal is inadequate
- Development is not sensitively planned.
- Reduce the scale and number of dwellings proposed.

Crunnells Green House, School Lane, Preston (Objection):

- Concern relating to the potential works to trees within the site.
- Claiming the proposal is supported in principle misrepresents many objections made.
- Concern about density.
- Concern about impact to conservation area, green field site and sustainability.
- Ignores legal requirement for a 10% net bio-diversity gain.
- Ignores Preston Neighbourhood Plan.
- Concern about increase in traffic.
- Concern to the Oak tree subject to a TPO within the site for which consent has not been obtained.
- Amendments to the drainage strategy are unclear and concerns previously raised to not appear to be addressed.
- Increase to traffic in the area.
- Impact to amenity and privacy.
- Fails to provide a mix of house types or much needed smaller units.
- Concern regarding design of properties.
- Concern regarding landscaping and boundary treatment.

Reeves Cottage, Armstrong Lane, Preston (Objection):

- Proposal is not supported in principle.
- Does not comply with the Preston Parish Neighbourhood Plan.
- Concern raised regarding increase in traffic on Back Lane.
- High density is out of keeping with the locality.
- Generic design within the Preston Conservation Area.
- Concern regarding energy efficiency.
- Concern over ecology and the felling of trees.

19 Chequers Lane, Preston (Objection):

- Concern regarding density. Smaller, low density affordable homes are needed and would be more consistent with the Preston Parish Neighbourhood Plan.
- Back Lane is narrow, development would compromise safety for pedestrians.
- Loss of green space in Preston.
- Design should be more in keeping with the character of the village.
- Neighbourhood Plan policies should be given great consideration.
- Lack of amenities for new development.

Pentlands, Butchers Lane, Preston (Objection):

- Design are neither modern or a copy of good architecture examples in the village.
- Poor access for the number of units proposed.
- Application does not address design, density, location, access, and affordable housing issues in the village.

5 Hitchwood Cottages, Preston (Objection):

- Development would represent a significant increase in the number of properties in the village.
- Increase in traffic using small lanes.
- Increase in pollution.
- Negative impact on wildlife
- Risk to pedestrians, cyclists and horse riders.
- Preston does not have the amenities and infrastructure to support an increase in housing.

The Chequers, Chequers Lane, Preston (Objection):

- 10 new houses would present huge growth of existing village.
- Density is too high.
- Properties are not in keeping with other buildings in the vicinity.
- Present telephone and broadband services cannot cope with number of existing properties. 10 new houses would exacerbate this issue.
- Inability of Back Lane, Crunnells Green, School Lane, Church Lane and Preston Primary School to cope with increase in traffic movements.
- Concern relating to access road to the site and impact to safety.
- No footpaths to provide pedestrian protection.

Wilde House, Back Lane, Preston (Objection):

- Number of dwellings proposed too high.
- Impact on traffic and infrastructure.

- Back Lane is narrow with no pavement. Development would harm safety.

St Martins House, Church Lane, Preston (Objection):

- Proposed density is not in keeping with the character of the village.

Cheldene, Church Lane, Preston (Objection):

- Number of dwellings proposed unjustified and unacceptable.
- Impact on local traffic.
- Harm to road and pedestrian safety.
- No pavement or street lights.
- Out of character with the village.

Joyners Cottage, The Green, Preston (Objection):

- The road is unsuitable for the increase in traffic.
- Number and style of houses are not required for village housing needs.
- Development appears to disregard wildlife and environmental conservation issues.

13 Chequers Lane, Preston (Objection):

- Development not in keeping with surrounding area.
- Concerns over the impact on the village, traffic and general infrastructure.
- Narrow lane not suitable for construction traffic and would have concerns over pedestrian safety.

Windrush, Back Lane, Preston (Objection):

- Impact of development on roads and infrastructure.
- Concern over use of Back Lane for the road access and the affect on safety of road users.

Crunnells Green Cottage, Preston (Objection):

- Back Lane is narrow with limited passing places. The extra traffic will be a considerable hazard.
- 10 properties would overwhelm the immediate neighbours and put strain on local infrastructure.
- Concern relating to the cutting back of the Oak Tree.
- Scheme does not refer to Preston Parish Neighbourhood Plan.
- Overdevelopment of the site.

Reeve Cottage, Crunnells Green, Preston (Objection):

- Development would impact others living in the area.
- Impact to the local primary school.
- Proposal does not achieve respect to wildlife or landscaping.
- Not necessary to cover the site with new dwellings.

4 Castlefield, Preston (Objection):

- Objects to the proximity of development to school playground.
- Concern over safety and welfare of children playing close to a building site.
- Back Lane cannot support 10 houses and resulting traffic.

M. Waters (Objection):

- Safety concern as a result of development, traffic and construction traffic.
- Infrastructure in village needs overhaul.
- Too much development in the village and an already fragile area in terms of space, safety and infrastructure.

Casa, Back Lane, Preston (Objection):

- Development would make Back Lane busy and dangerous.

B. Day (Neutral):

- Use of Back Lane during construction is unacceptable due to school traffic and would be dangerous for walkers.
- Road is not suitable for lorries and diggers.

West Green, The Green, Preston (Objection):

- Back Lane cannot support a development of 10 houses.
- Risk to pedestrian safety.
- Significant carbon footprint, impact to biodiversity, light pollution, and impact to primary school.
- Noise pollution.
- Loss of light, overlooking and safety for primary school

Rose Bank, Back lane, Preston (Objection):

- Road will not be able to cope with increase in traffic.

4.4 Parish Council / Statutory Consultees:

Preston Parish Council – No objection. Concerns raised. Full comments available on NHDC website.

Lead Local Flood Authority – Objects. Comments in full on NHDC website.

CPRE – No comments received.

Tree Strategy Officer – No comments received.

Anglian Water – No comment.

Affinity Water – No comments received.

HCC Highways – No objection subject to conditions and informatives.

Herts Ecology – No objection subject to conditions.

Archaeology – No objection.

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 informatives and conditions.

Housing Development Officer – No objection. Comments in full on NHDC website.

HCC Growth & Infrastructure Unit – No objection. Comments in full on NHDC website.

Conservation Officer – No objection. Comments in full on NHDC website.

Parks and Countryside Development Officer – No comments received.

Preston Parish Neighbourhood Plan Steering Group – No objection, concerns raised. Comments in full on NHDC website.

Waste and Recycling Officer – No objection.

The Preston Trust – Objection. Comments in full available on NHDC website.

English Heritage – No comments received.

5.0 Planning Considerations

5.1 Site and Surroundings

5.1.1 The application site is a large undeveloped site just under 1.0 hectares in size and is situated on the north east side of Back Lane, Preston. The site is unused and can be characterised as wild grassland.

5.1.2 The north-east, north-west, and south-west boundaries comprise of mature trees, hedges, and low fencing. The south-east boundary is comprised of lower vegetation. The site is accessed from via Back Lane on the south-west boundary.

5.1.3 To the north-west of the site is Preston Primary School and associated playing fields. To the north west and south west are a number of larger detached dwellings of both single storey and two storey height.

5.1.4 The site is within the Rural Area beyond the Green Belt in the adopted Local Plan. In the emerging Local Plan the site is proposed to be within the Preston settlement boundary. The site is within a Conservation Area.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of ten detached dwellings within the site, the associated change of use of the land, and creation of a vehicular access off Back Lane. The housing mix would consist of the following:

- 1x 2-bed
- 4x 3-bed
- 3x 4-bed
- 2x 5-bed

5.2.2 The dwellings would be on large plots benefiting from off-street car parking and either a detached garage or linked garage. All dwellings would feature a mix of hipped and gabled roof forms and the plots would alternate between red brick finish with clay roof tiles and a yellow/pale brick finish with straw roof tile. Each dwelling would measure between approximately 9.5m to 9.8m in height and vary in depth and width.

5.2.3 The proposal would include works to trees on the south west boundary to provide access to the driveway. New hedges and trees are proposed along the south-eastern boundary of the site and to the front of the proposed properties.

5.3 Key Issues

5.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed works in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The impact that the proposed development would have on car parking provision and the public highway in the area.
- The quality of landscaping proposed and the impact the proposed development would have on trees.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk.

Principle of Development:

5.3.2 The principle of residential development within the application site has previously been established as acceptable following the determination of planning application 20/01564/FP, an application for the creation of three large dwellings and associated change of use of the land.

5.3.3 The application site is within the Rural Area beyond the Green Belt in the adopted Local Plan. Preston is not a Selected Village beyond the Green Belt under Policy 7, therefore Policy 6 is a material consideration as 6 sets out what types of development are acceptable in this location.

5.3.4 Within the delegated report for application number 20/01564/FP, the Officer established that the scheme would be located within the built core of Preston given the site is surrounded on three sides by development and would therefore not harm the character of Preston.

5.3.5 Furthermore, within the Emerging Local Plan (ELP), the site would be within the defined settlement boundary of Preston, where Policy SP2 lists Preston as a Category A village in which general development will be allowed within the defined settlement boundary. The ELP is considered to be at an advanced stage and therefore Policy SP2 of the Emerging Local Plan can be given substantial weight.

5.3.6 Policy HD1 of the Preston Parish Neighbourhood Plan states that “*residential development within the settlement boundary will be supported*” subject to a listed criteria. The application site is within the settlement boundary as shown on page 35 of the Neighbourhood Plan document.

5.3.7 As established within application reference number 20/01564/FP, the principle of residential development on this site is considered appropriate. The proposed development proposed would be considered acceptable in principle.

Character, Appearance, and Impact on Designated Heritage Assets:

- 5.3.8 The application site is situated within the Preston Conservation Area. Within a Conservation Area, the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of the Listed Building and Conservation Areas Act (1990). Furthermore, Section 16 of the National Planning Policy Framework (NPPF) sets out guidance relating to sustaining and enhancing heritage assets.
- 5.3.9 When considering the impact of proposed development on the significance of a designated heritage asset (such as a Conservation Area), the NPPF notes that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
- 5.3.10 Given the advanced stage of the ELP, Policy HE1 is considered to carry material weight in the consideration of the proposed development. Policy HE1 is considered to reflect the key principles contained within the NPPF. Policy EH2 of the Preston Parish Neighbourhood Plan is also considered.
- 5.3.11 As established above, the application site is situated within the built core of the village and is bordered on three sides by residential development and a primary school. Residential development within this site is therefore, in general terms, compatible with the character and appearance of the locality.
- 5.3.12 When compared to the previously approved scheme for three dwellings, the proposed development would be of a higher density. This higher density would result in some limited to neutral harm to the character and appearance of the Preston Conservation Area. Whilst there are a number of larger dwellings set within large plots close to the application site, recent nearby development, including the creation of new dwellings, has resulted in a greater density of residential properties to this part of Preston.
- 5.3.13 Furthermore, whilst of a greater density, the plot is partially screened from views within public areas by reason of the mature vegetation and existing development around the site. The layout of development within the plot would result in many of the properties being set back from public views with Plots 1 and 10 being the most visible properties within the site given that they front Back Lane.
- 5.3.14 It is considered that the density of the site would not result in unacceptable harm to the character and appearance of the Preston Conservation Area and would not harm 'significant views' that have been identified within the Preston Conservation Area Character Statement.
- 5.3.15 The design of the dwelling would also be considered on balance acceptable. Whilst chimney stacks and red brick with clay roof tiles are prominent within the Conservation Area, the design and appearance of the proposed dwellings would not result in unacceptable harm to the Preston Conservation Area. Furthermore, a relevant condition can be included requiring details of materials proposed to be used in the construction of the dwelling. This would ensure that the materials would be appropriate and acceptable for use within the local context.
- 5.3.16 Each dwelling would vary slightly in design, appearance, and scale. The roof forms, fenestration, and garages proposed would be considered appropriate and not result in any unacceptable impact upon the character and appearance of the locality.

- 5.3.17 Policies set out within Preston Parish Neighbourhood Plan have been considered. The development would not unacceptably conflict with the 'Quality of Life' policies and would not unacceptably conflict with the criteria set out in Policy HD1 of the Neighbourhood Plan.
- 5.3.18 Given the above, it is considered that the proposed development would, on balance, result in less than substantial harm to the Preston Conservation Area. However, the harm would be limited by reason of the site layout and acceptable design and appearance of the properties proposed. Moreover, as is required under paragraph 202 of the NPPF when less than substantial harm to heritage assets is identified as is the case here, that harm should be weighed against the public benefits of the development which are manifest in this case in the delivery of 10 additional new dwellings at a time when the Council is consistently under delivering new homes and has a recorded five year supply of less than 1.5 years.

Impact on Neighbouring Properties:

- 5.3.19 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 D3 of the Emerging Local Plan.
- 5.3.20 The application site is neighboured to the north-west by Preston Primary School and by residential properties to the north-east and south-east.
- 5.3.21 Plots 8, 9 and 10 of the proposed development would adjoin the party boundaries of 3 Crunnells Green and Dungarvan. Plot 9 would face north west and be set approximately 19.5m from the party boundary with No. 3 Crunnells Green and 10m from the party boundary with Dungarvan. Plot 9 would feature fenestration at first floor level on both the rear and side elevation. However, the development is not considered to result in any unacceptable overbearing impact or loss of privacy to nearby occupiers given the setting away from the party boundaries, orientation of the plot compared to neighbouring properties, and the location of the neighbouring properties within their own plots away from boundaries with the application site. Furthermore, the first floor side facing windows to Plot 9 would serve en-suites and can be conditioned to be obscure glazed in order to further limit any loss of privacy to nearby neighbouring occupiers.
- 5.3.22 Plot 10 would neighbour Dungarvan and face south-west. The dwelling would be set away from the party boundary with Dungarvan and be further separated by a detached single storey height garage. It is considered that the proposed development on Plot 10 of the scheme would not result in any unacceptable overbearing impact, loss of light, or loss of privacy to the occupiers of Dungarvan or other nearby properties. Plot 10 would feature one first floor side facing window in the direction of Dungarvan and would serve a bathroom. This window can be considered to be obscure glazed.
- 5.3.23 A part single, part two storey dwelling has been recently constructed to the north-east of 3 Crunnells Green. This dwelling would be neighboured by Plot 7 of the proposed scheme. Plot 7 would face south-west and be set approximately 7.4m from the party boundary with the recently constructed dwelling. Given the south-west direction of Plot

7 and the lack of any first floor side facing windows in the direction of the neighbouring plot, it is considered that the proposed development would not result in any unacceptable overbearing impact or loss of privacy to the neighbouring occupiers.

5.3.24 To the north east of the site there is Dinsley Field and Crunnells Green House, both properties are set in large plots and away from the party boundary with the application site. Plots 4, 5, 6, and 7 would neighbour the residential properties to the north-east. These plots are considered to be sufficiently set away from the party boundaries with the neighbouring properties by reason of the separation created by the proposed rear gardens. Furthermore, the neighbouring dwellings are set well away from the party boundary with the application site. It is considered that the proposed development would not result in any unacceptable overbearing impact or loss of amenity to nearby occupiers.

5.3.25 Plots 1, 2, 3, and 4 would neighbour Preston Primary School. The plots would be set away from the party boundary and views between the sites would be partially screened given the existing mature vegetation along the party boundary. It is considered that the proposed development would not result in any unacceptable overlooking that would harm the privacy of Preston Primary School and its associated playing fields. A condition can be included to secure the creation of a boundary fence that would further limit views between the application site and school. Based on comments received from the applicants agent, an agreement has been made with the primary school to provide a 1.8m high fence along the party boundary.

5.3.26 Given the above, it is considered that the proposed development would not result in any unacceptable harmful overlooking, loss of light or privacy to nearby neighbouring occupiers of the application site. The proposed development would be in compliance with both local and national planning policies.

Amenity of Future Occupiers:

5.3.27 Paragraph 130 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 130 (f) is largely reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.

5.3.28 The main habitable rooms of the proposed dwellings are considered to be of an adequate size and would receive sufficient outlook and light. They would be sited and spaced sufficiently far apart to avoid causing mutual overbearing impacts, loss of light and privacy to each other. The private rear gardens of the dwellings would be of a sufficient size and quality to provide acceptable amenity space for their potential occupants. Living conditions of future occupiers are considered acceptable.

Parking and Highways:

5.3.29 Each dwelling would be capable of providing off-street car parking spaces for at least two cars in compliance with the Council's minimum parking standards. Six visitor spaces have also been provided. Furthermore, each dwelling would include a garage that could accommodate cycle storage

- 5.3.30 The development would result in the creation of a vehicular access off Back Lane. Hertfordshire County Council Highways have not raised an objection to the creation of the access subject to relevant conditions and informatives. The Highways comments concluded that the development would not significantly affect the adjacent highway network and would therefore not have an unreasonable impact on the safety and operation of the adjoining highways subject to conditions and informatives.

Trees and Landscaping:

- 5.3.31 The proposal would involve the cutting back of vegetation and trees to provide the access to the site. A condition can be included in the event of permission being granted that requires trees be retained unless otherwise agreed by the Local Planning Authority and details of works to trees need to be submitted prior to works being carried out to any the trees within the site. The agent has also confirmed that there would be no works required to take place to an Oak Tree that is subject to a Tree Preservation Order.
- 5.3.32 The site plan shows an acceptable amount of hard landscaping relative to the area of the site. Further details of hard and soft landscaping are required, which can be secured by an appropriate condition. Landscaping and impacts on trees are considered acceptable.

Ecology:

- 5.3.33 Hertfordshire Ecology provided comments on the 23rd February 2022 raising no objection to the proposed development.
- 5.3.34 The application is proposed to result in a biodiversity net gain within the site. To secure this, a condition requiring a Landscape and Ecological Management Plan be submitted is recommended, which would be in accordance with the recommendations of Hertfordshire Ecology.
- 5.3.35 Hertfordshire Ecology also address the Environment Bill that has been enacted. The consultee comment states that it is not yet mandatory for the site to comply with the Environment Bill and should not be used as a reason for refusal, unless it is an obligation under local policy.
- 5.3.36 Subject to the inclusion of relevant conditions, it is considered that the proposed development would not result in any unacceptable impact to ecology.

Drainage and Flood Risk:

- 5.3.37 The Lead Local Flood Authority (LLFA) provided their comments on the 12th November 2021. The LLFA have objected to the proposed development on the basis that the information provided is not suitable for a proper assessment to be made of the flood risk arising from the proposed development.
- 5.3.38 Revised information has been provided to the LLFA in the form of a Technical Note dated 21st November 2021 and further comment from the LLFA has not yet been received.
- 5.3.39 Whilst the application site is in Flood Zone 1 where there is the lowest risk of flooding, there are a number of issues the LLFA are not satisfied with (as set out in their

comments) and require further justification. This is a technical matter, given that the LLFA have not raised an in-principle objection, but one which does require resolution in order that the development overall will meet with the guidance set out in the NPPF which requires major applications to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

- 5.3.40 It is proposed that any recommendation to grant planning permission is subject to the LLFA withdrawing their objection and subject to any additional conditions required. If this matter is not capable of resolution, the application will be brought back to Committee for further consideration.

Climate Change Mitigation:

- 5.3.41 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies.
- 5.3.42 The application is accompanied by an Energy Strategy Statement dated August 2021. The development would incorporate some renewable technologies such as Ground Source Heat Pumps and rainwater harvesting. Furthermore, each dwelling would be constructed to a high standard to minimise energy demand and increase water conservation. The provision of electric vehicle ready charging points will also be conditioned to further improve climate change mitigation and to encourage sustainable transport. The climate change mitigation measures proposed are considered appropriate and acceptable.

Other Issues:

- 5.3.43 Policy HD3 states that proposals for new homes should demonstrate the way in which they would address local housing needs with proposals for two and three bedroom homes being supported. The proposed development would provide 1x 2-bedroom and 4x 3-bedroom homes. Whilst there would be a number of larger homes within the site, the previous application for three dwellings contained 1x 4-bedroom dwelling and 2x 5-bedroom dwellings. It is considered that an appropriate mix of homes would be provided within the site and would contribute to the District's housing supply as a whole.

Planning Balance and Conclusion:

- 5.3.44 The Local Planning Authority is not able to demonstrate a five year housing land supply (as of 1st April 2021 this figure is 1.47 years supply) and this application is for the delivery of housing within the defined village boundary of a Category 'A' village as designated in the Emerging Local Plan. This delivery of housing in a sustainable location carries substantial weight in the planning balance.
- 5.3.45 Whilst less than substantial harm has been identified to the Preston Conservation Area by reason of the density and materials shown, the harm is considered to be low and is outweighed by the public benefit of the delivery of housing.
- 5.3.46 Furthermore, there would be economic and social benefits through the provision of additional housing and employment during construction as well as continued and improved use of local services and facilities. In terms of the environmental perspective, there is the potential to enhance the biodiversity of the site through a detailed landscape scheme and ecological mitigation measures. The housing proposed would

also incorporate sustainable technologies and be constructed to a high energy and water efficiency standard.

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

5.4 **Conclusion**

- 5.4.1 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.

Alternative Options

None applicable

Pre-Commencement Conditions

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

6.0 **Legal Implications**

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

7.0 **Recommendation**

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

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

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

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

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

3. Prior to the occupation of the development hereby permitted the access road shall be provided 5.0 metres wide complete with 8.0 metre radius kerbs as identified on Proposed Site Plan number 2021-21-PL.002 revision B in conjunction with the localised widening of the carriageway opposite the junction to accommodate the tracking of the current waste collection vehicle shown on swept path analysis drawing number 21-0547 SP01 revision C and further identified on the submitted road section drawing number 2021 - Dev - 01 revision A

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the public highway.

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

4. The gradient of the access roads shall not exceed 1:20 connected from the adjacent carriageway.

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

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

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

6. No development shall commence until an amended Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan of:

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

and remaining road width for vehicle movements.

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

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

Reason: In the interests of ecology.

8. A watching brief for any visual or olfactory indication of potential contamination, should be kept during construction of the development. Any such conditions 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.

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

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

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

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

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

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

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

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

d) details of any earthworks proposed

proper consideration to be given to the appearance of the completed development.

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

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

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

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

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

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

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

Reason: In the interests of amenity

16. 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 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.

17. The windows at first floor level on the side elevations of Plot 9 and Plot 10 of the development hereby permitted shall be permanently glazed with obscure glass.

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

Proactive Statement:

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

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

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.
4. 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).

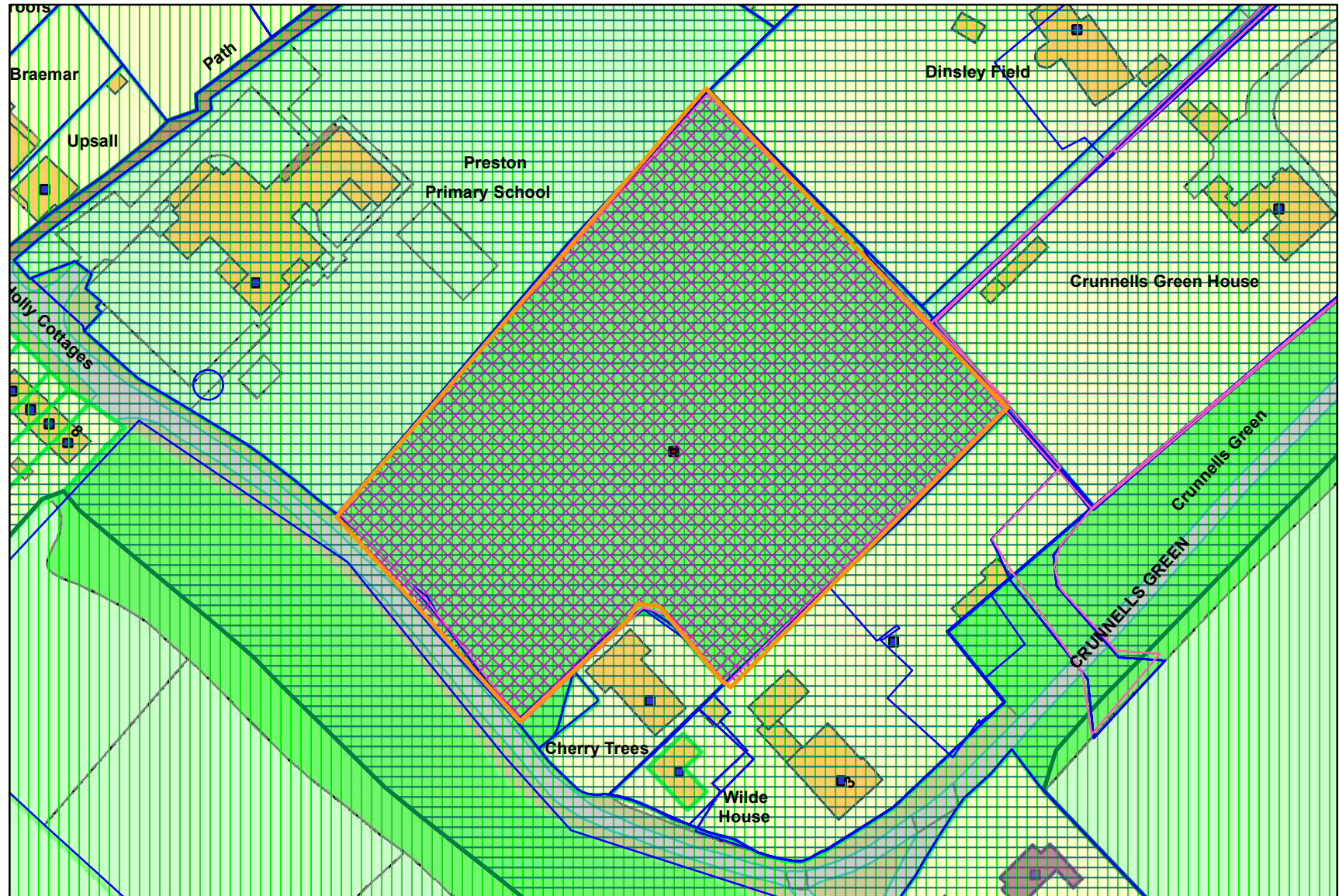
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be 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.

Application Validation Sheet

21/02632/FP Land Adjacent to Dungarvan, Back Lane, Preston, Herts, SG4 7UJ

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



Scale 1:1,250

Date: 16/03/2022

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Location: **Land Rear and Adjacent To 60
Ashwell Road
Bygrave
Hertfordshire**

Applicant: **Mr D Maciver**

Proposal: **Conversion of existing detached rear quadruple
garage/storage building to one 3-bed dwelling**

Ref. No: 21/03527/FP

Officer: **Peter Bull**

Date of expiry of statutory period : 09.03.2022

Submitted Plan Nos

Location Plan Block Plan P001 P002

1.0 **Policies**

LP2 Green Belt

LP25 Re-use of Rural Buildings

LP55 Car Parking Standards

LP57 Residential Guidelines and Standards

XD1 Sustainable Design

XD3 Protecting Living Conditions

XSP5 Countryside and Green Belt

XSP1 Sustainable Development in NH

XSP2 Settlement Hierarchy

XSP9 Design and Sustainability

XT2 Parking

Baldock, Bygrave and Clothall Neighbourhood Plan:

Policy V1

2.0 **Site History**

01/02022/1HH – erection of detached quadruple garage - CP

3.0 **Representations**

Bygrave Parish Council: comments and objections - acknowledge that the Planning authorities will be looking into the Green belt policies and village status. Concerns regarding the application relate to the impact on neighbours - overlooking windows, proximity of driveway to the neighbouring property, associated noise from the driveway, no details of noise mitigation measures, backland development out of character with the village. It is noted that Parish Councillor Hill (the occupier of the neighbouring property) took no part in the discussions.

Councillor Tyson: requested the application be considered by Planning Committee on the following grounds - sustainability, development in the Green Belt and negative impact on neighbouring properties.

Site Notice/Neighbours: one letter of objection – lack of local services to support a new dwelling, unsustainable location, excessive vehicular movements compared to existing use of building, inappropriate development in the Green Belt, adverse impact on the immediately adjacent residential property due to proximity of windows to the vehicular access. If minded to approve the application, suggests a Construction Management Plan condition be included.

Hertfordshire Country Council (Highways): does not wish to restrict the grant of permission.

Waste Services: We currently complete kerbside collections from here, therefore approved on this basis. Bins will need to be presented kerbside by 7am on scheduled day of collection.

Environmental Health (Air Quality): no objection subject to an electric vehicle charging point being provided as part of the development.

4.0 **Planning Considerations**

4.1 Site and Surroundings

- 4.1.1 The application site comprises a four bay detached single storey garage previously associated with the property at 60 Ashwell Road. The application site is located in Upper Bygrave and lies on the eastern side of Ashwell Road. To the front of the site there is a semi-detached bungalow with access alongside that leads to the application site and the existing quadruple garage building that it is proposed to convert. It is understood that the garage was separated from the house circa 2006. The locality is rural in character with agricultural fields immediately adjacent. Bygrave is identified as a Category 'C' settlement in the eLP.

4.2 Proposal

- 4.2.1 Planning permission is sought for the change of use from domestic garages to a 3 bed dwelling and minor external alterations and associated works. The accommodation includes three bedrooms on the ground floor with a lounge, dining room and kitchen area on the first floor. All internal rooms meet statutory space standards. A garden area is also provided. The property will utilise the existing access and hardstanding which was laid when the garage was constructed circa 2002. The building measures approximately 6.4 metres wide, 14 metres long and 6.3 metres tall (ground to ridge).

The building currently has is enclosed on all sides with the garage doors to the southern elevation. As part of the proposal, windows and doors are to be added to facilitate the residential use of the building. Parking for two cars would be provided on the existing hardstanding area. A garden area measuring approximately 78 square metres in area is proposed. The proposal meets National Space Standards.

4.3 Key Issues

- 4.3.1 The key issues are Green Belt policy, character and appearance, impact on neighbouring properties, access and parking, sustainability, environmental issues and environmental impact.

4.3.2 Green Belt policy

- 4.3.3 Paragraph 150 advises that certain forms of development are not inappropriate development in the Green Belt including:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

The existing building is a wooden framed construction and roofed and was constructed circa 2009. It is considered that the building is of permanent and substantial construction meeting the requirements of paragraph 146 d) above.

Given the above the proposed alternative re-use of the building as a separate dwelling could be considered appropriate development in the Green Belt. No very special circumstances would need to be demonstrated to justify the proposed development.

- 4.3.4 When considering any development in the Green Belt a local planning authority needs to examine any other harm. In this case the building is already on site and no other buildings are proposed. The property would be accessed by the existing vehicular

access. The curtilage would be enclosed by a post and rail fence. The proposal would have no material impact on the openness of the area. The development would not conflict with the five purposes of the Green Belt as set out in the NPPF and the development plan.

4.3.5 It is concluded that the proposed development is acceptable in principle.

4.3.6 **Character and Appearance**

4.3.7 The site is in open countryside but within the built area of Bygrave. The scale and appearance of the garage means it reads as an ancillary building associated with domestic/agricultural land use. With the exception of the minor external alterations to the building, there would be little discernible change in the appearance of the site except perhaps with some domestic paraphernalia and additional parked vehicles. Such parking / paraphernalia would be contained within the existing hardstanding area and garden. There are no nearby public footpaths from which the building would be readily experienced.

4.3.8 The building is timber clad and a number of windows, rooflights and an entrance door are proposed to facilitate the residential use. These works are considered to be proportionate and overall would retain the original ancillary and subservient identity of the building. Subject to this, there are not considered to be any adverse impacts on the wider landscape appropriate to this rural setting.

4.3.9 **Impact on neighbouring properties**

4.3.10 The concerns from the immediately adjacent neighbour at 60 Ashwell Road are acknowledged. It should be noted that the access to the property is existing as is the domestic garage use. This means that the building could be used for the access and parking of vehicles and storage lawfully for domestic purposes. Having regard for this, the proposed residential use of the site is unlikely to generate notable different vehicular movements along the access when compared to the lawful use of the building as a domestic garage. Furthermore, the occupier of the aforementioned property was aware of this situation as they purchased the property without the garage building which has remained in the ownership of the original property owner. Having regard for the foregoing, the impact on neighbouring property is considered to be no worse than the existing lawful use of the garage and driveway. Notwithstanding this, the applicant has been asked whether they would be prepared to accept a condition requiring the removal of a section of the existing loose shingle access surfacing closest to the ground floor windows of the neighbouring property and replace it with a non-loose and less noisy material (i.e. black top or pavements). This would go some way to mitigating noise impacts to the immediately adjacent neighbour at 60 Ashwell Road. An update on this point will be given at the meeting.

4.3.11 Permitted development rights controlling works and buildings within the curtilage should be withdrawn by condition to exercise a degree of control over future structures within the curtilage in order to protect the setting of the adjacent property and the openness of the Green Belt.

4.3.12 **Access and parking**

- 4.3.13 Parking and storage facilities for the property would be provided within the existing hardstanding area. This is considered to be sufficient to accommodate the parking requirements of the occupiers of the dwelling.
- 4.3.14 The Highway Authority have not raised any objections to the proposed development. No conditions are recommended given the access is existing and is acceptable.
- 4.3.15 The proposal is acceptable in highway terms.

4.3.16 Environmental issues

- 4.3.17 The site is within Flood Zone 1 therefore there is a low probability of flooding. Given the large area of hardstanding (loose gravel) within the application site and along the access there will be no issues with rainwater run-off. There is opportunity to produce biodiversity enhancement through this development given the site area and new landscaping that could be introduced within the garden of the new property.

4.3.18 Environmental Implications

- 4.3.19 Given the proposal involves the conversion of an existing building, limited potential exists for the inclusion of renewable or low carbon technologies. However, an electric vehicle charging point should be provided prior to occupation of the dwelling to encourage the use of electric and hybrid vehicles.
- 4.3.20 In general the re-use of the site for an independent residential property is in step with NPPF to make effective use of land without involving additional carbon footprint in constructing a new dwelling.

4.3.21 Sustainability and climate change

- 4.3.22 Paragraph 80 of the NPPF states that planning policies and decisions should avoid isolated homes in the countryside unless several criteria apply. In this case, although Bygrave has no facilities other than the parish Church of St. Margaret of Antioch off Church Lane, the site is less than 3 kilometres (1.8 miles) into the centre of Baldock and will be less than 1.5 kilometres (0.93 miles) to the Strategic site (BA1 'North of Baldock') set out in SP14 of the Emerging Local Plan. BA1 will have a large range of community facilities and services including schools. There is a bus stop immediately outside of the site entrance serving Letchworth from Royston (No. 90 bus) . In this context of the proximity of Baldock and the emerging housing allocation and also because of the available public transport I do not consider that the site can be considered isolated in terms of paragraph 80 of the NPPF.

4.3.23 Planning Balance

- 4.3.24 The Council cannot currently demonstrate a 5 years supply of housing land (at present this figure is 1.47 years as of April 2021). The tilted balance in favour of granting planning permission in accordance with paragraph 11 of the NPPF applies in this case as the development is not inappropriate development in the Green Belt , there are no clear reasons for refusing the development and there are no adverse impacts of the development that would demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- 4.3.25 Whilst the objector has made comparisons to a nearby development refused by the Council, this was in the mid part of last year. Since then, the housing land supply delivery has become even more acute and therefore adds even more weight in the planning balance.

4.3.26 In terms of the three strands of sustainability, the development would provide employment and general economic prosperity in the short term through the construction process and ongoing servicing thus fulfilling the economic perspective. In terms of the social perspective the development would boost the supply of housing and help to meet albeit in a small way the Council's housing requirements. Finally there would be environmental benefit in an improvement to the visual and spatial quality of the site and the provision of bio-diversity net gain from additional planting and landscaping. The development is therefore considered to be sustainable having regard to the above and the requirement to achieve sustainable development as set out in Chapter 2 of the NPPF.

4.3.27 **Alternative Options**

None applicable

4.3.28 **Pre-Commencement Conditions**

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

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

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

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

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

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

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

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

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

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

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

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

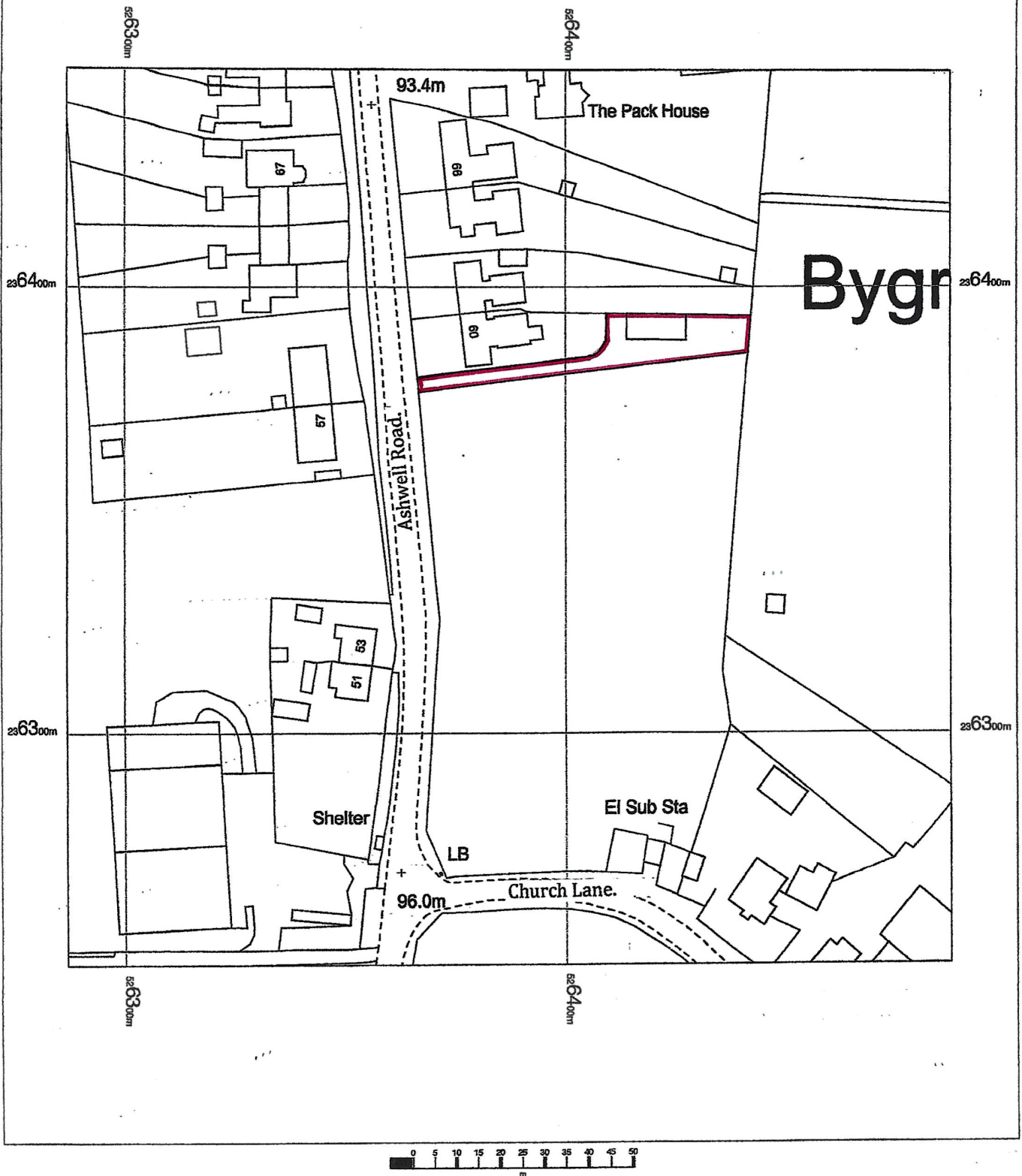
Proactive Statement

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

7.0 Appendices

- 7.1 Site location plan
- 7.2 Proposed site layout plan
- 7.3 Existing elevation drawings
- 7.4 Proposed elevation drawings

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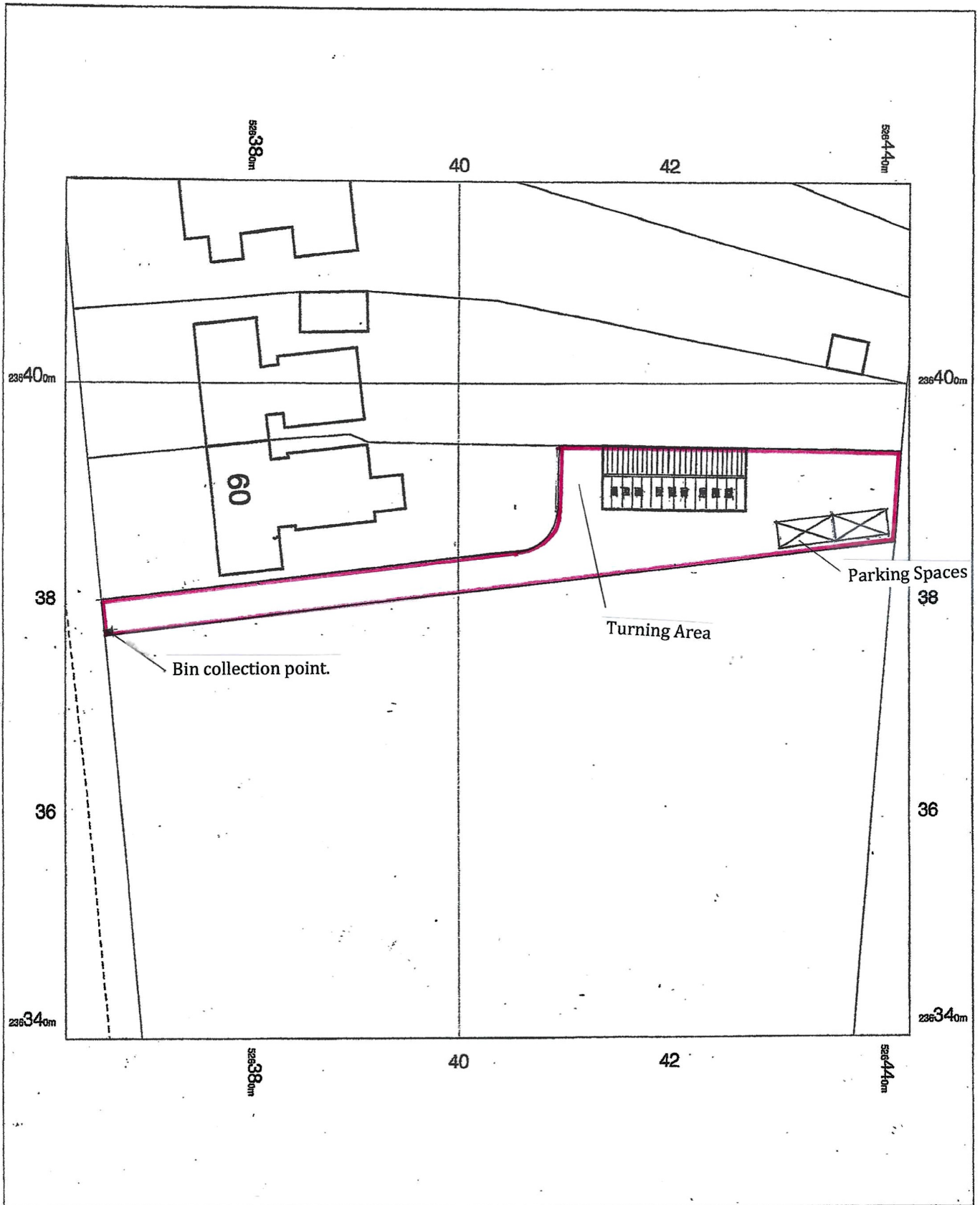
60 Ashwell Road,
Baldock,
Bygrave,
Hertfordshire
SG7 5EA

OS MasterMap 1250/2500/10000 scale
Thursday, December 9, 2021, ID: MPMBL-01007834
www.planningapplicationmaps.co.uk

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Page 99
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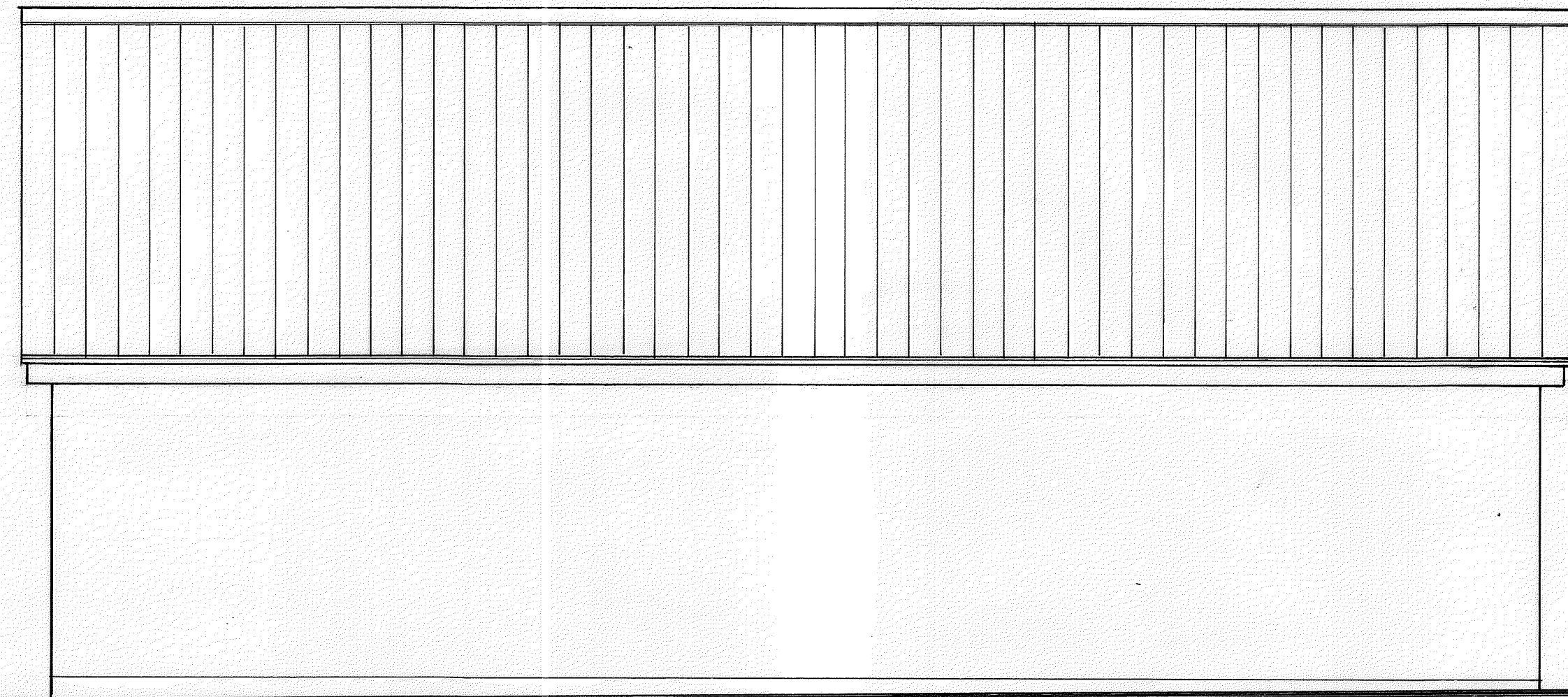
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www.planningapplicationmaps.co.uk

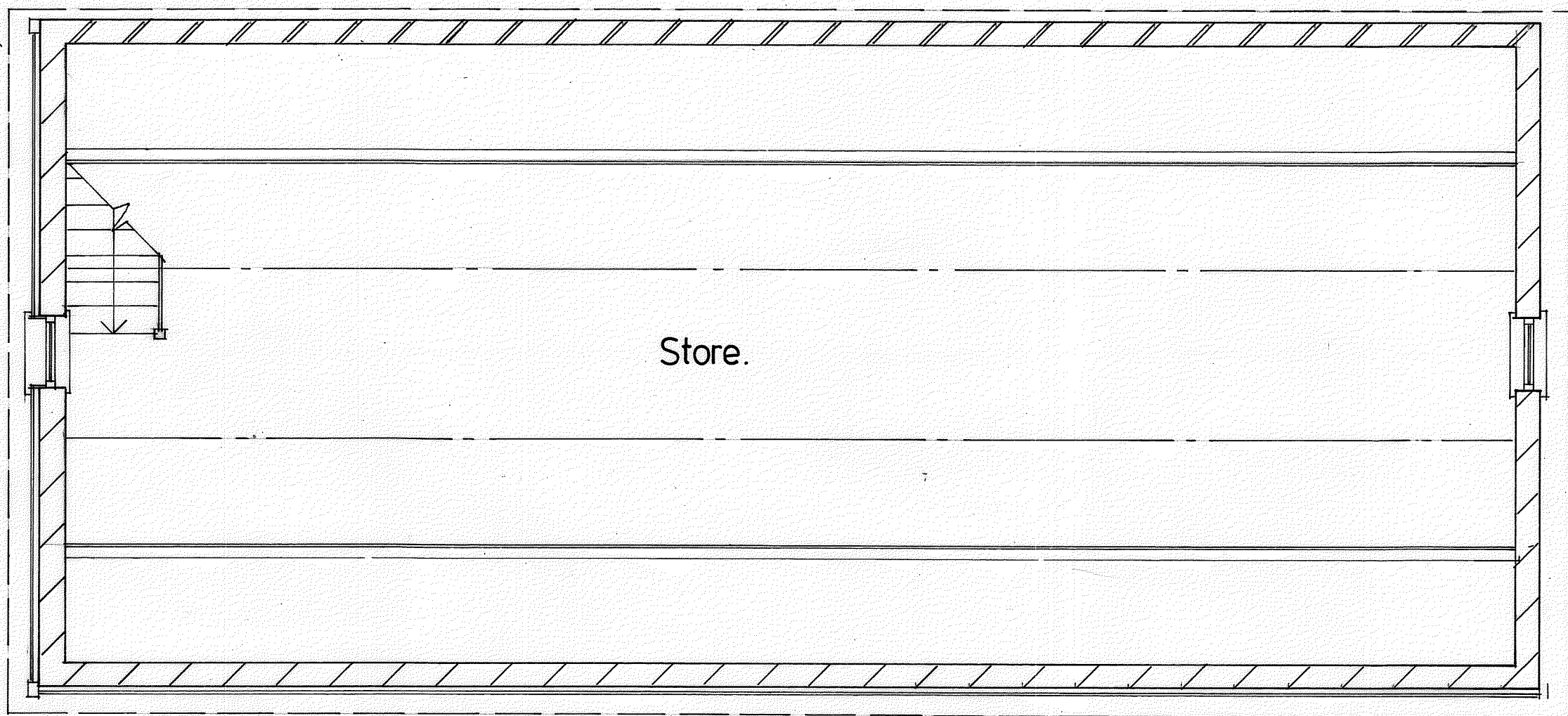
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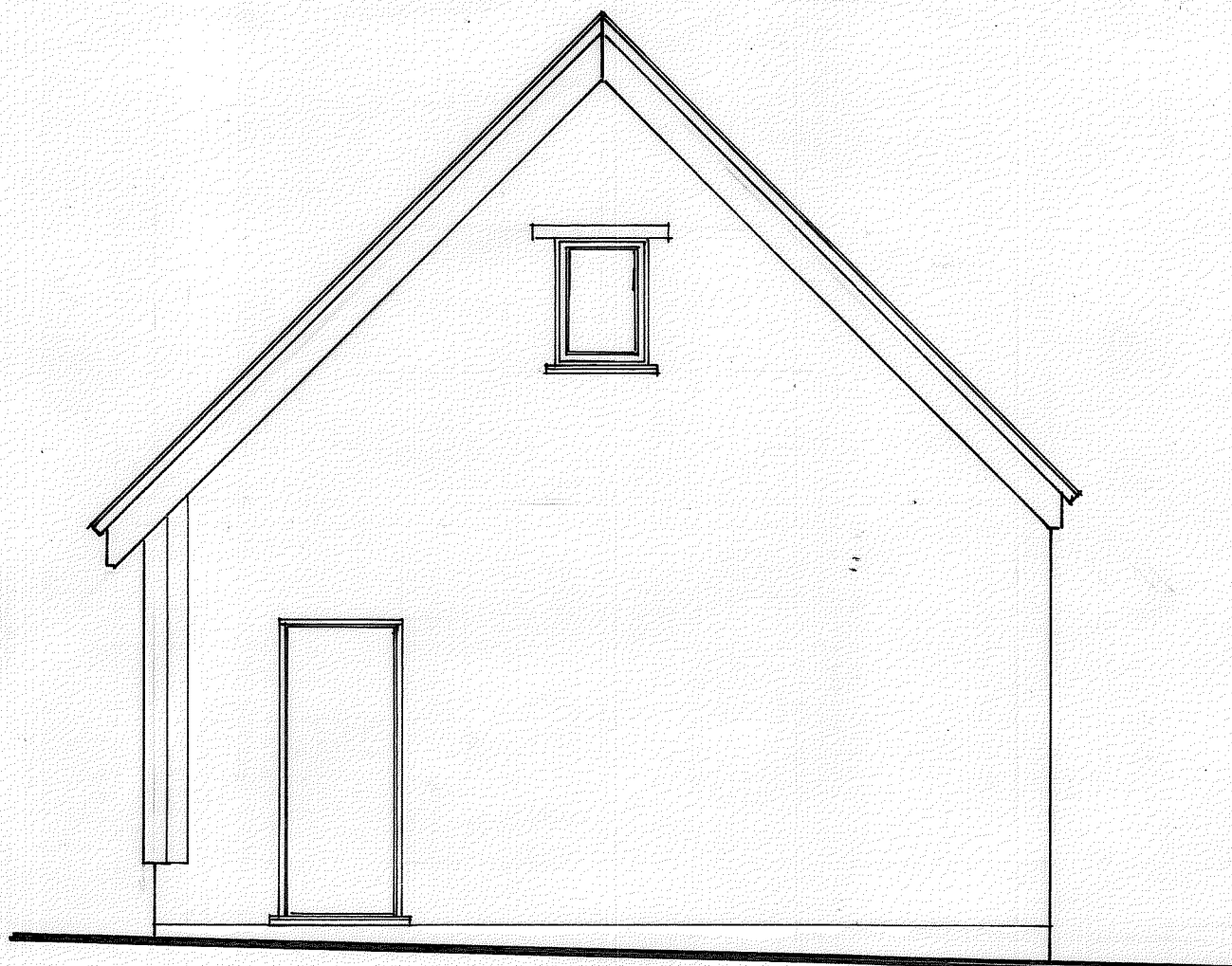
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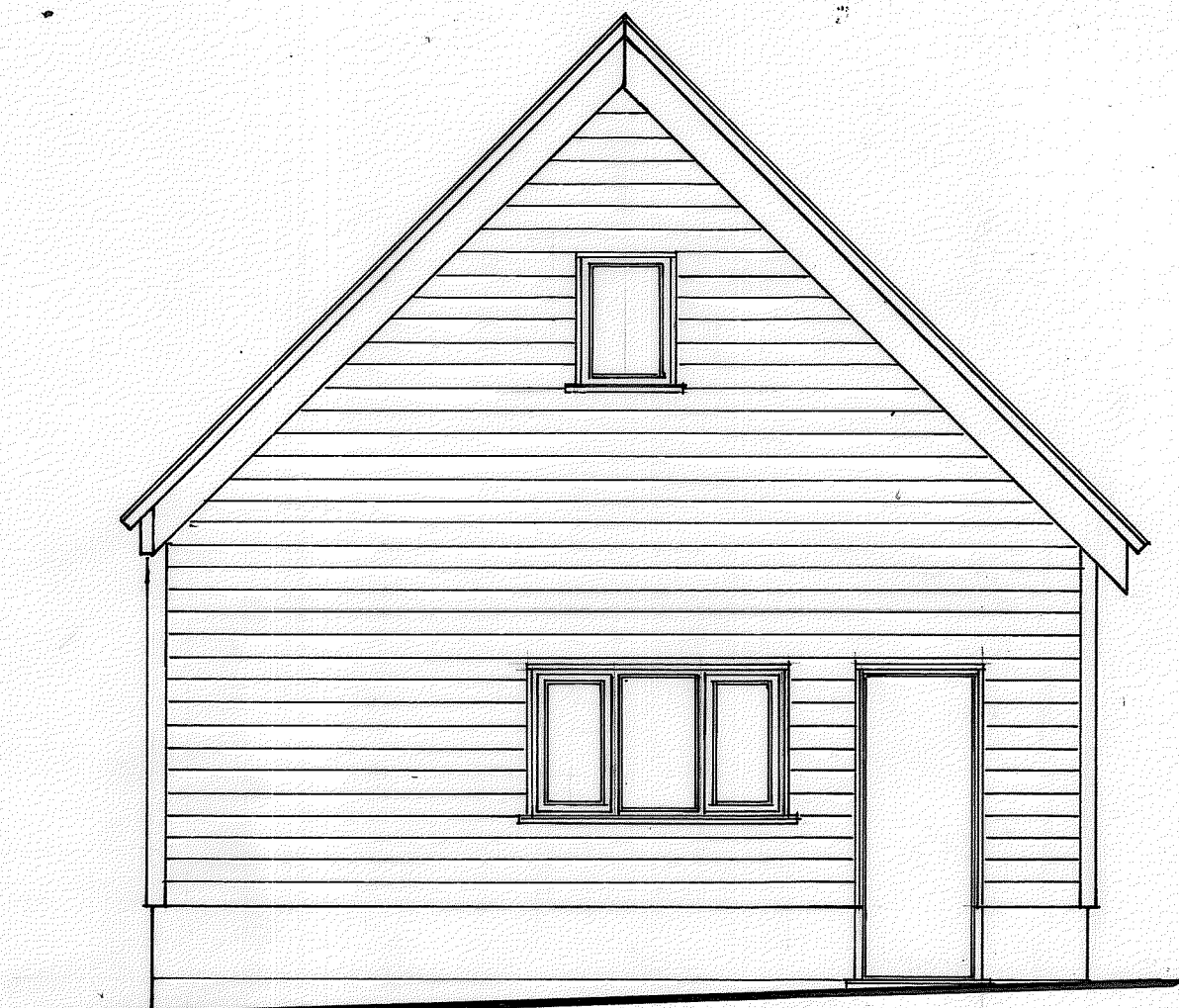
Existing First Floor Plan.



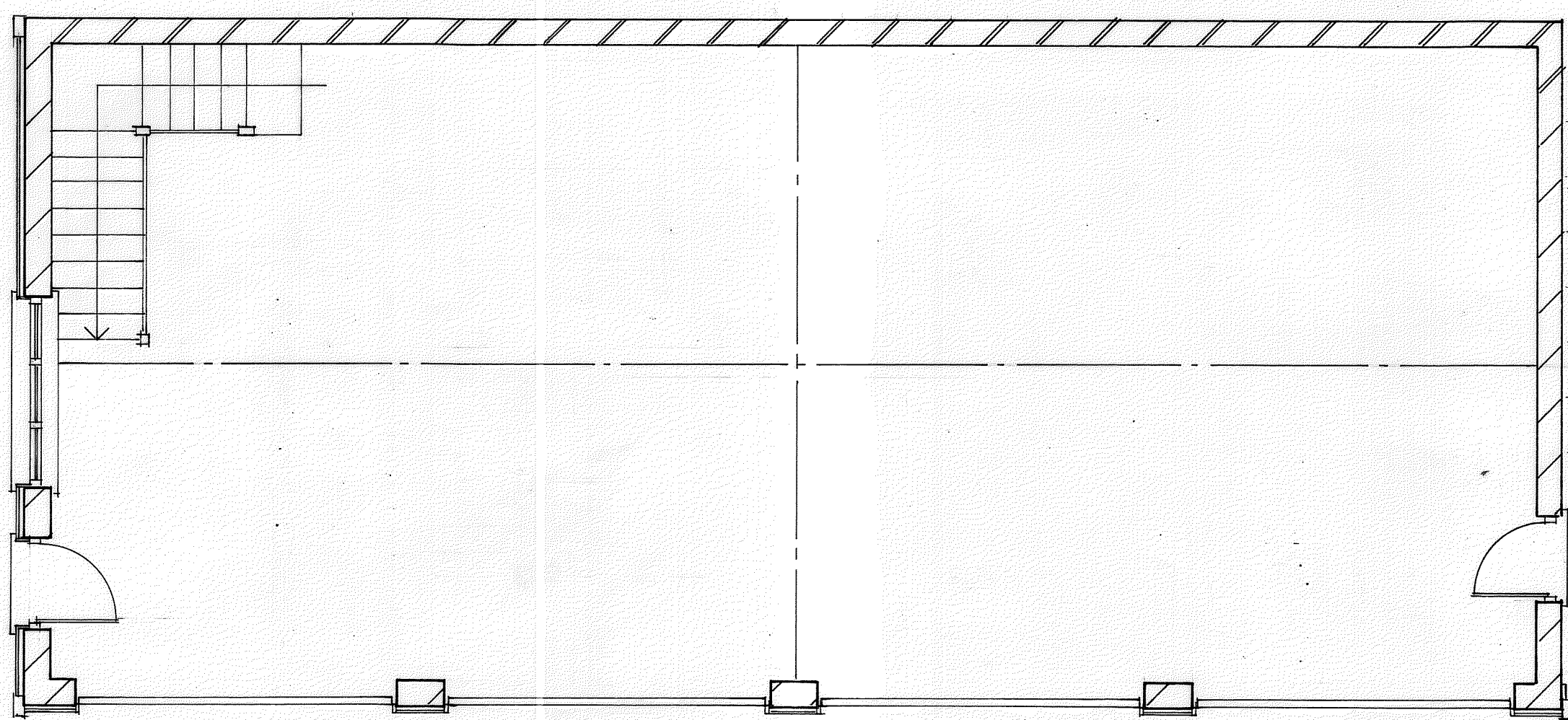
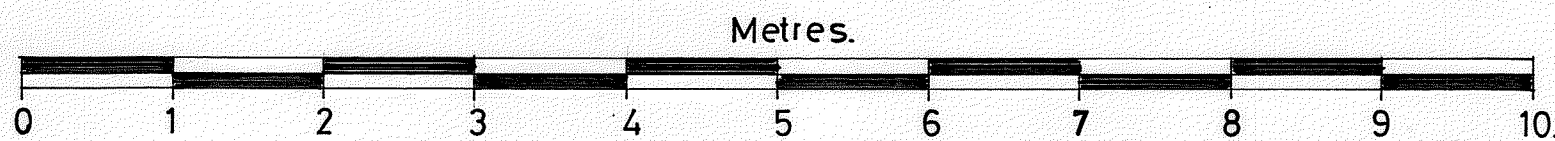
Existing South Facing Elevation.



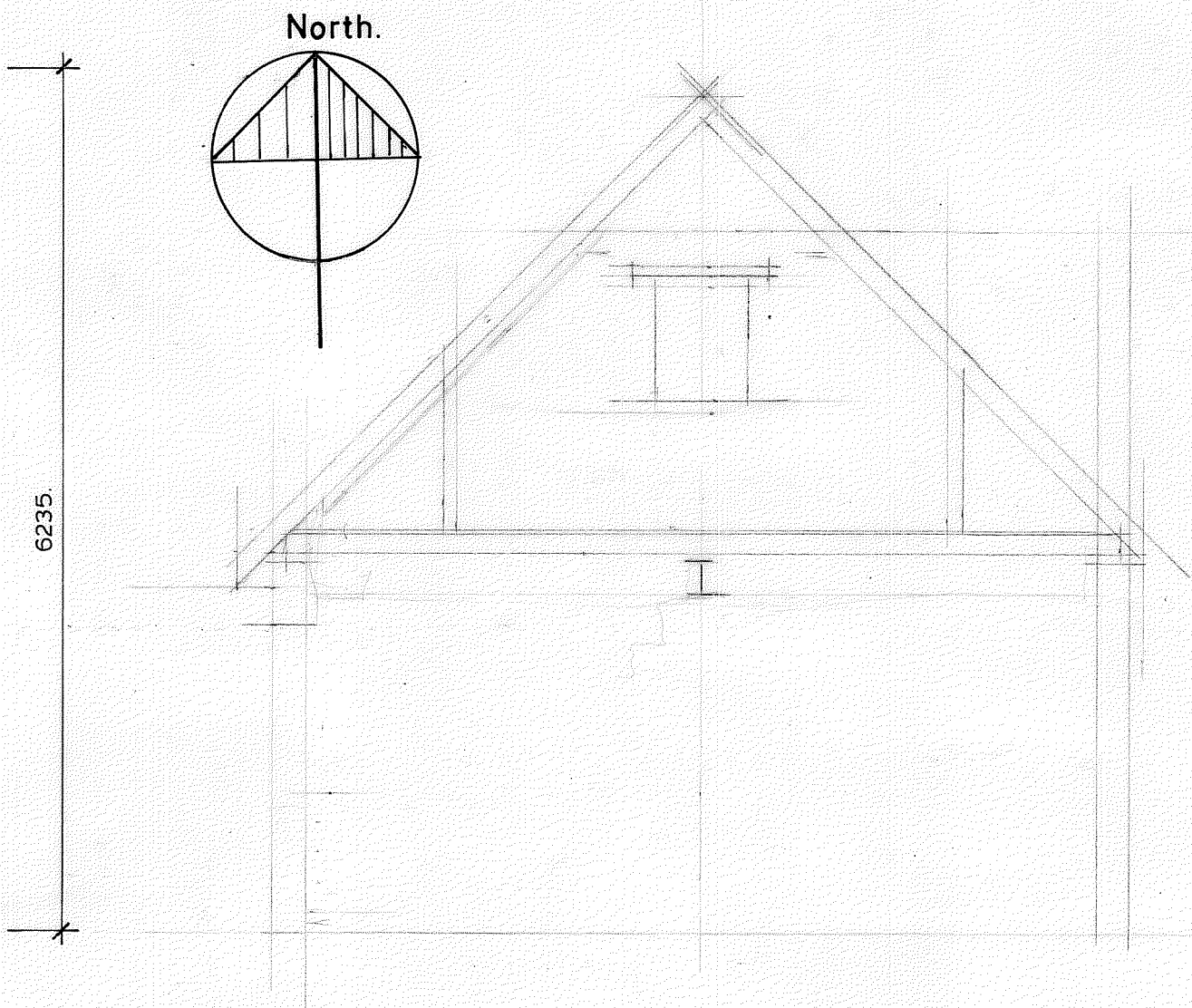
Existing East Facing Elevation.



Existing West Facing Elevation.



Existing Ground Floor Plan.



ALL SETTING OUT TO BE CHECKED ON SITE & AGREED WITH CLIENT PRIOR TO COMMENCEMENT OF WORKS

ALL STRUCTURAL DESIGN TO BE CARRIED OUT BY A QUALIFIED STRUCTURAL ENGINEER

ALL BUILDING WORK TO CONFORM TO THE CURRENT BUILDING REGULATIONS, BRITISH STANDARDS & CODES OF PRACTICE.

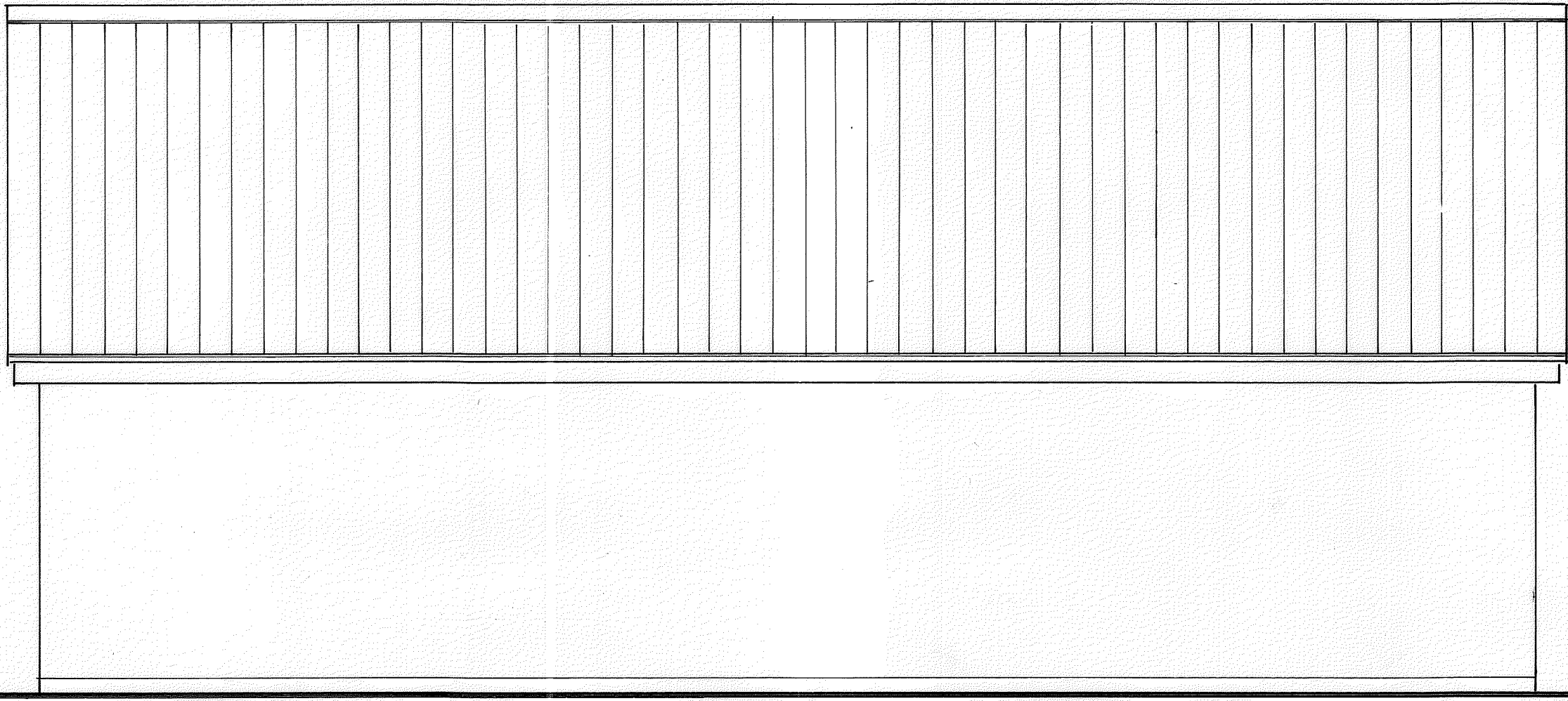
MANAGING HEALTH & SAFETY (CDM REGULATIONS 2015)

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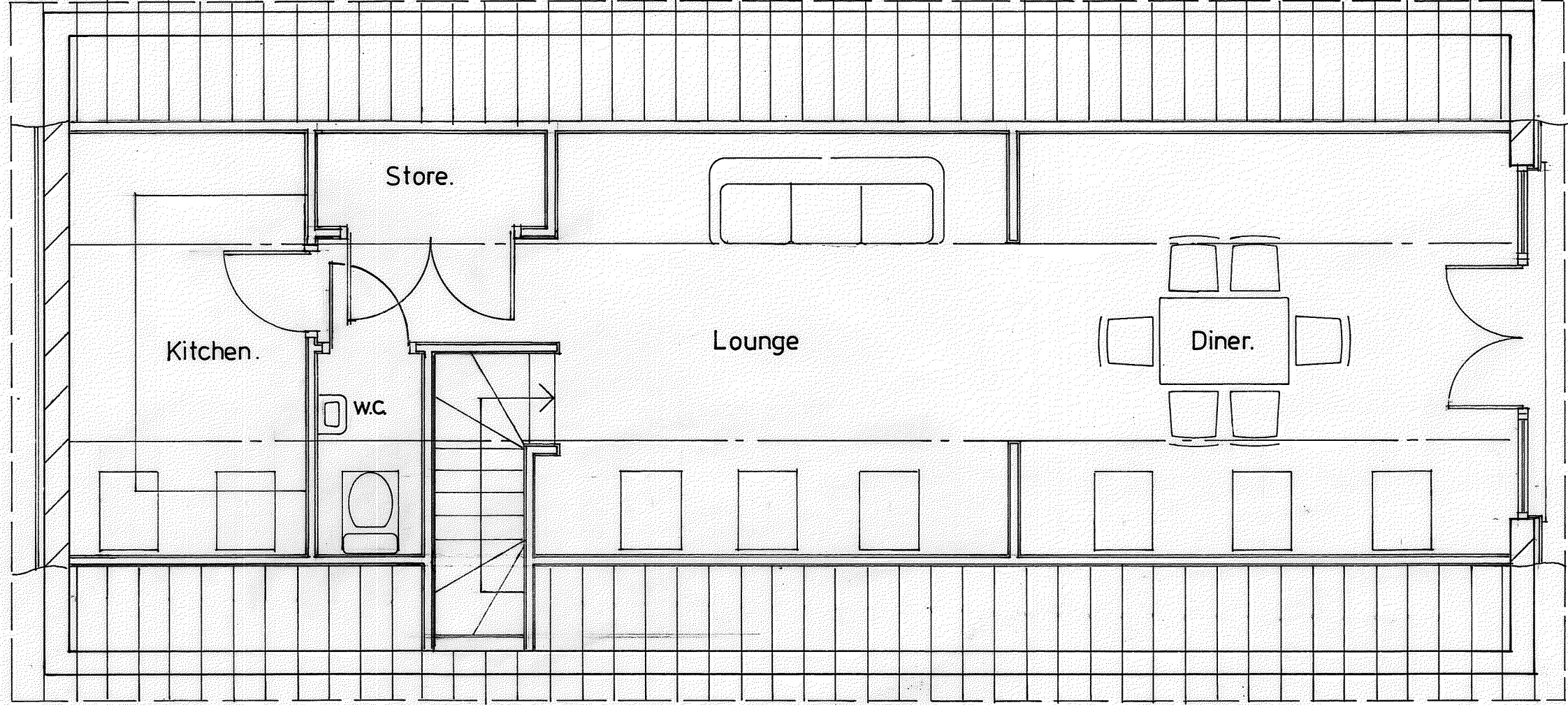
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- (b) evaluate those risks that cannot be avoided.
- (c) Put in place proportionate measures that control them at source.

ADDRESS	- 60 Ashwell Road Bygrave Nr Baldock Herts SG7 5EA
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DATE	- November 2021.
DRG. NO.	- P001.

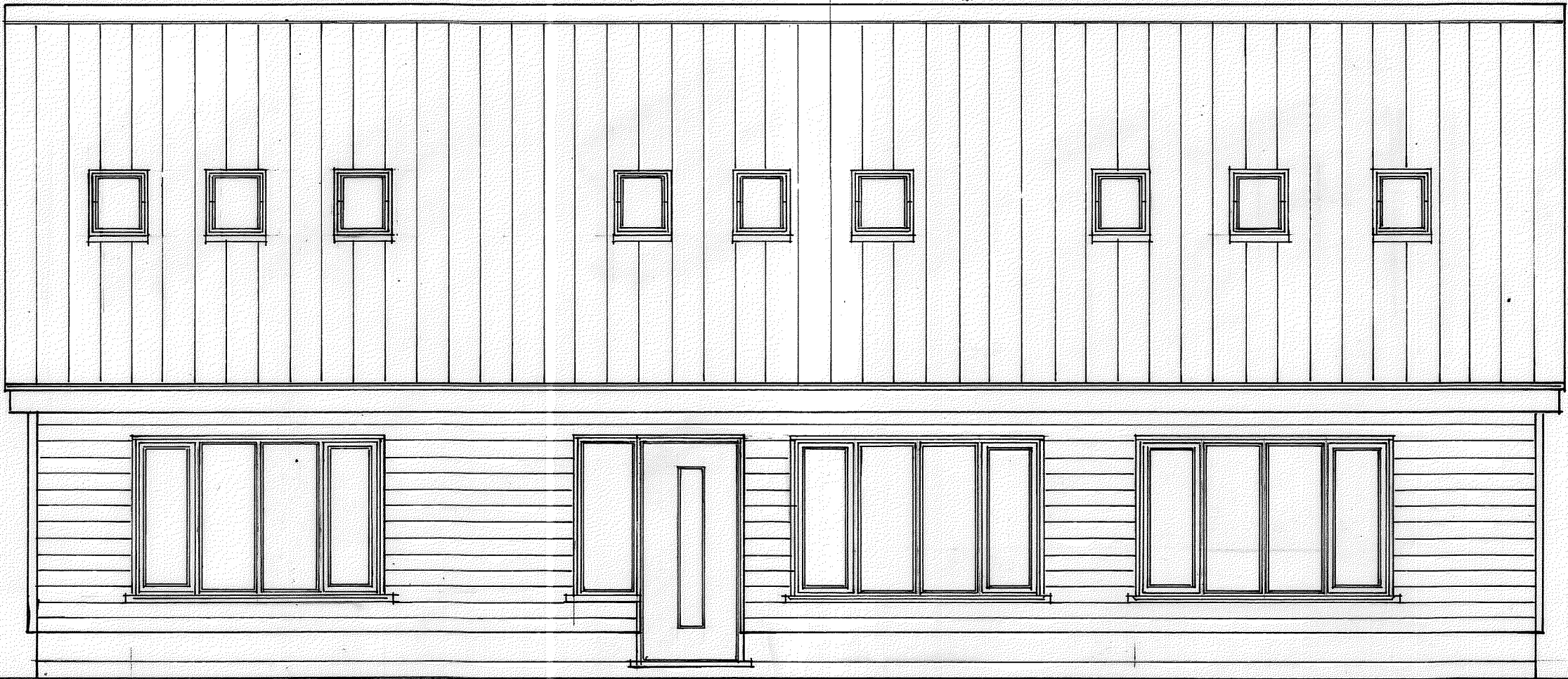
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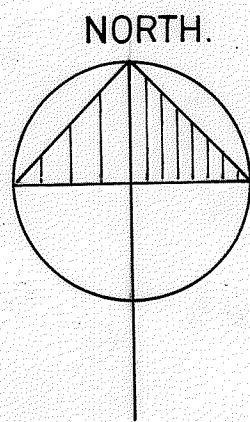
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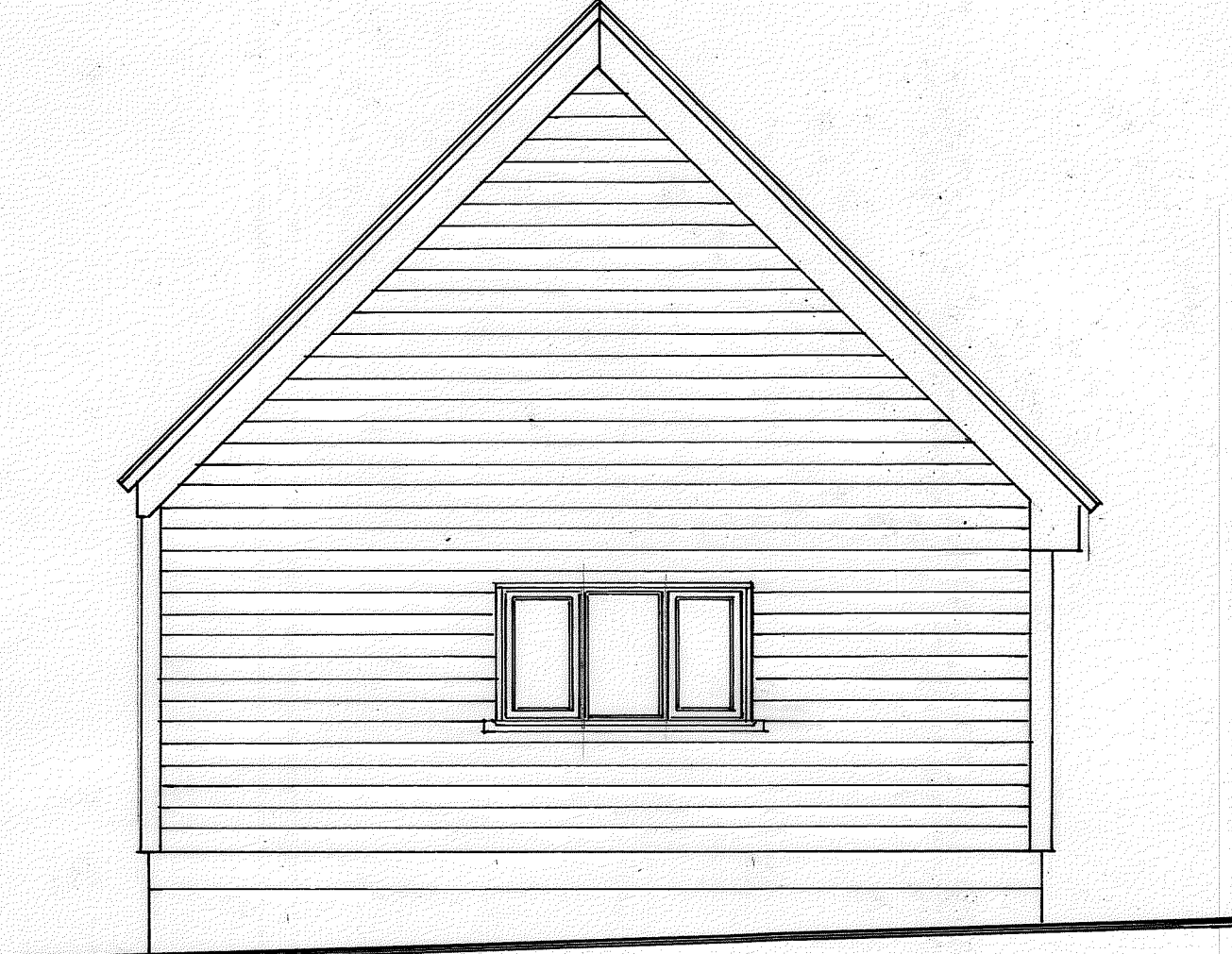
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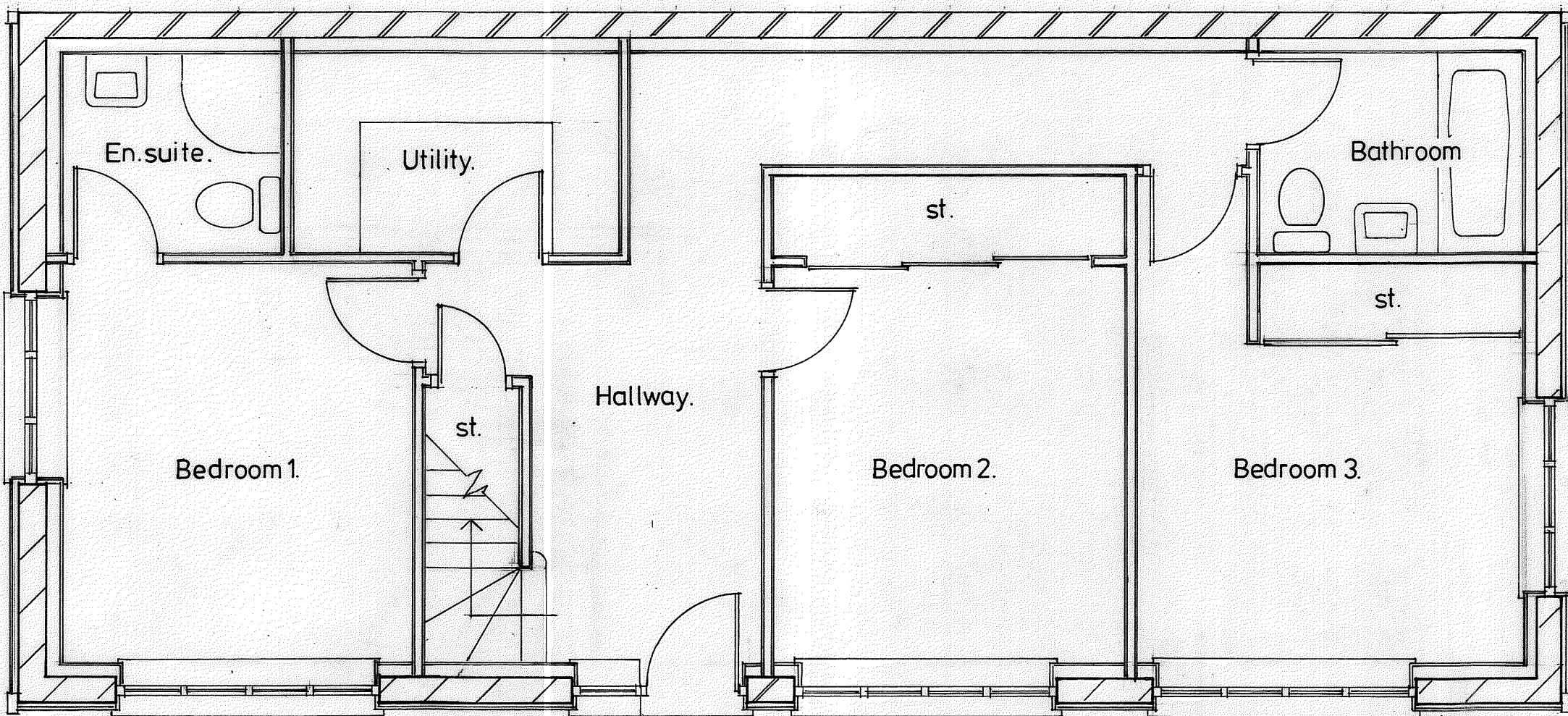
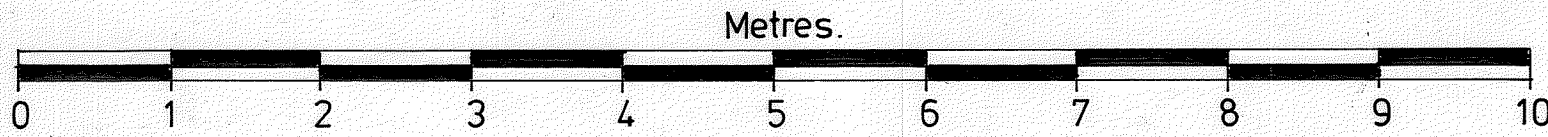
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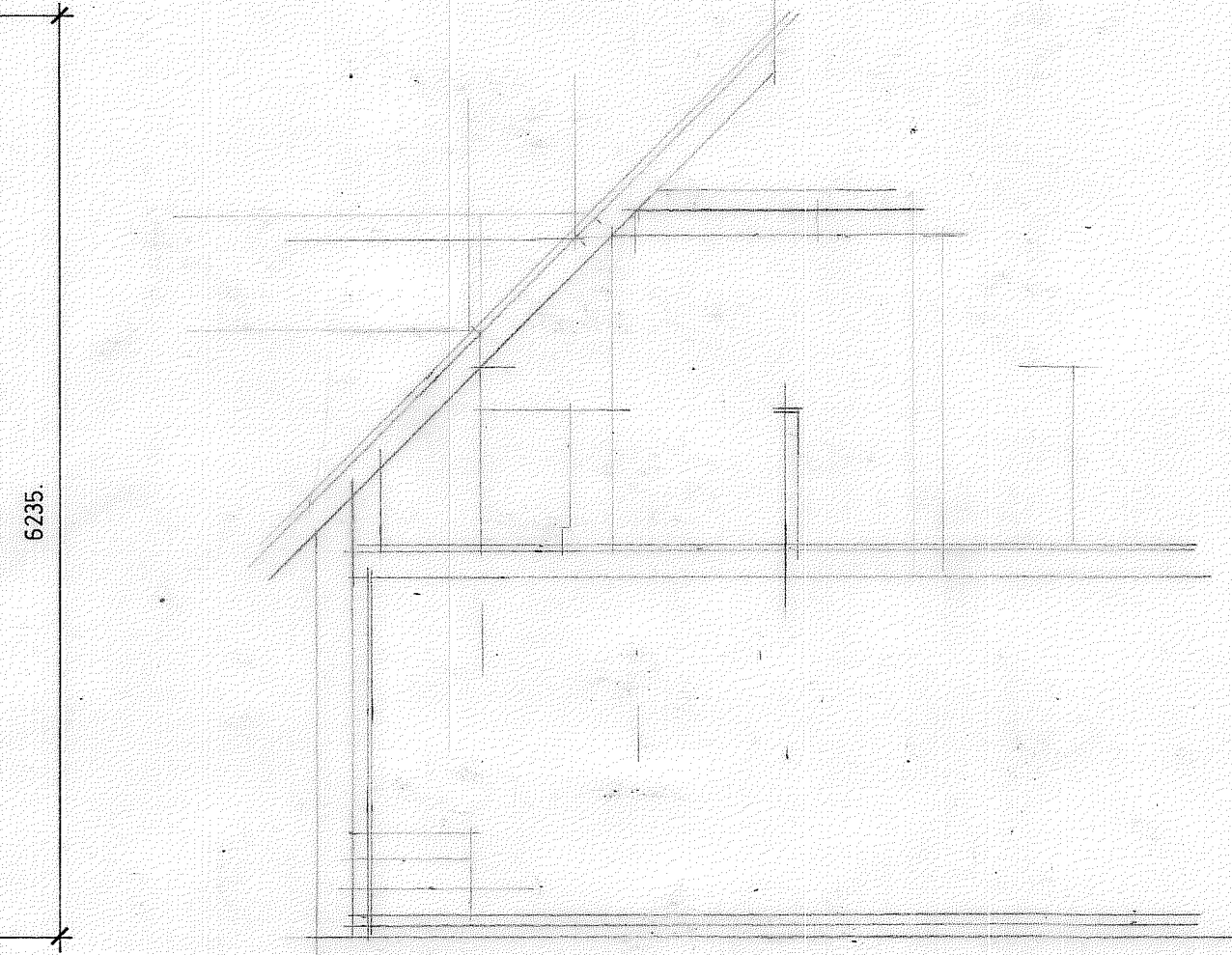
East Facing Elevation.



West Facing Elevation.



Proposed Ground Floor Plan.



ALL SETTING OUT TO BE CHECKED ON SITE & AGREED WITH CLIENT PRIOR TO COMMENCEMENT OF WORKS

ALL STRUCTURAL DESIGN TO BE CARRIED OUT BY A QUALIFIED STRUCTURAL ENGINEER

ALL BUILDING WORK TO CONFORM TO THE CURRENT BUILDING REGULATIONS, BRITISH STANDARDS & CODES OF PRACTICE.

MANAGING HEALTH & SAFETY (CDM REGULATIONS 2015)

The client is responsible for the appointment of a Competent builder who shall :-

















- (a) avoid risks where possible;
- (b) evaluate those risks that cannot be avoided.
- (c) Put in place proportionate measures that control them at source.

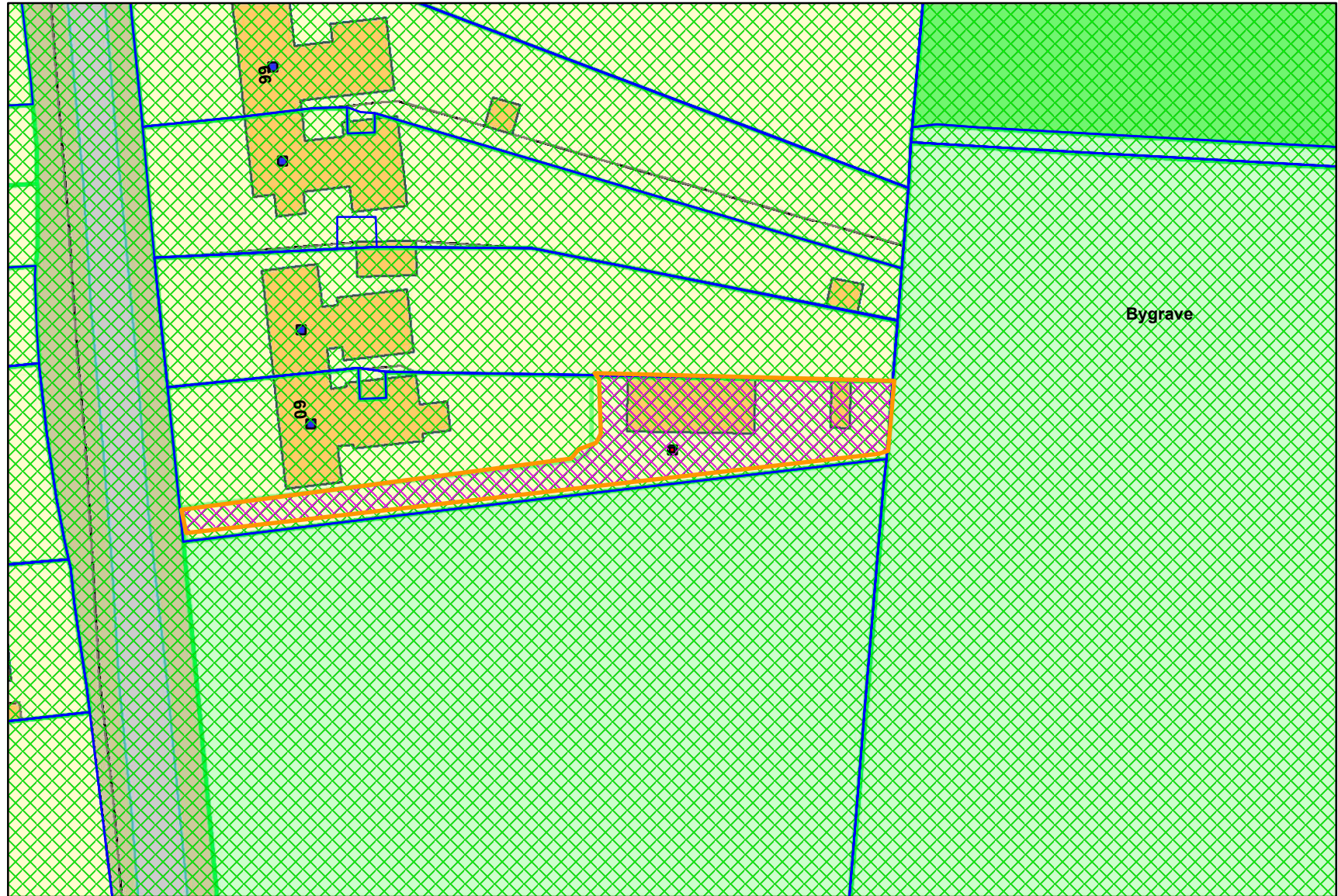
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DATE	- November 2021.
DRG. NO.	- P002.

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Application Validation Sheet

21/03527/FP Land Rear and Adjacent to 60 Ashwell Rd, Bygrave, Herts

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



Scale 1:625

Date: 16/03/2022

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PLANNING CONTROL COMMITTEE**DATE: 31 March 2022****PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Hertfordshire County Council (Property)	Erection of four dwellings following demolition of existing farmhouse and associated farm buildings (all matters reserved except access)	Wrights Farm Shillington Road Pirton SG5 3QJ	19/01275/OP	Appeal Dismissed On 22 February 2022	Delegated	The Inspector concluded that while there would be numerous public benefits associated with the proposal to which the Inspector afforded various weight, the harm that would be caused by allowing development, to the setting of the Grade II listed building and the Pirton Conservation Area, would be of greater significance.

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Appeal Decision

Site visit made on 1 February 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2022

Appeal Ref: APP/X1925/W/21/3274765

Wrights Farm, Shillington Road, Pirton SG5 3QJ

- 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 Hertfordshire County Council (Property) against the decision of North Hertfordshire District Council.
 - The application Ref 19/01275/OP, dated 20 May 2019, was refused by notice dated 11 January 2021.
 - The development proposed is erection of four dwellings following demolition of existing farmhouse and associated farm buildings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading is taken from the Decision Notice and the Appeal Form, but I have omitted any superfluous information. This better reflects the scheme that is before me and that which the Council considered.
3. The planning application was submitted in outline with all matters reserved except for access. I have had regard to the illustrative masterplan but have treated each element of the drawing as indicative, apart from the details of the access, when considering the likely impact of the proposal on the matters set out in the main issues below.
4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework, where relevant to my decision, and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.
5. The Council has referred to the emerging North Hertfordshire Local Plan 2011-2031 (ELP). I understand that this is currently progressing through examination, Main Modifications have undergone consultation and the responses received have been reported to the Inspector. However, the extent of any unresolved objections to Policies SP1, SP2, SP5, SP9, SP13, CGB1, CGB4, D1 and HE1 of the ELP, referred to in this appeal, is unclear. The Council expect the ELP to be adopted later this year but, in accordance with the requirements of paragraph 48 of the Framework, these policies currently still attract limited weight in my consideration of the merits of this appeal.
6. The 2021 Housing Delivery Test (HDT) results were published on 14 January 2022. The latest results do not alter the Council's position, as the presumption in favour of sustainable development contained within paragraph 11 d) of the

Framework remains applicable. I have therefore not engaged further with the main parties in respect of this matter.

Main Issues

7. The main issues are whether the proposed development would preserve the setting of the listed building, known as 'Barn at Wright's Farm', its effect on the character and appearance of the area, including the Pirton Conservation Area and its setting, and its consistency with policies relating to housing in rural areas, with regard to the protection of the countryside.

Reasons

Setting, Significance and Site and Surroundings

8. North of the appeal site is the Barn at Wright's Farm, a tall barn of late 18th Century origin with a timber frame, dark coloured weather boarded exterior and plain tile roof. The barn was relatively recently designated a Grade II listed building and the listing description is extensive in its identification of its significance in the context of its architectural and historic interest. Moreover, it survives as a little-altered and substantially intact example of the region's vernacular building traditions and the only remaining building from an earlier significantly more extensive parallel range of buildings with the farmstead.
9. Historic OS Maps show that much of the farmstead survived until the 1920s but it was comprehensively remodelled thereafter and the farmhouse was likely moved from the south-west corner of the steading to its current location, closer to Shillington Road. As far as it is relevant to the appeal before me, I find the significance of the listed building to be found in its architectural and historic interest, as a 17th Century timber-framed barn of vernacular construction.
10. The setting of the listed barn has changed over time, with little of its original form and layout of the farmstead remaining. Modern agricultural buildings of contrasting form and appearance have been constructed within the farmstead. The setting also includes the appeal buildings, given their proximity to the access to the barn, and the surrounding rural landscape predominantly formed of pasture and enclosed fields. A public footpath from Shillington Road crosses the appeal site and leads to Burge End Lane. While this affords views of the barn in the surrounding landscape, these are filtered by mature planting at field boundaries. Nevertheless, the farmstead remains prominent in its immediate surroundings, particularly from the public footpaths to the east and west.
11. The farm building to the north of the site is of a simple form and relatively low in the landscape, it is therefore reminiscent of many agricultural buildings found within the countryside. The farmhouse is also spaciouly arranged within its curtilage and partially enclosed by mature planting. While both buildings do not exhibit architectural qualities that make a positive contribution to the setting of the Pirton Conservation Area (PCA), the listed barn or the openness and character of the countryside, they are not harmful to them and have a neutral effect.
12. The initial part of the access drive to the site, to the rear of the gardens of the houses either side, is situated within the PCA. This is primarily focused on the High Street and the scheduled Toot Hill Motte and Bailey, but Shillington Road, Burge End Lane and the farms situated at the edge of the village are also included. Although there is variety in the architecture of buildings within the

PCA, they are generally of a high quality. Houses are arranged behind the street frontages, but there are fewer examples in Shillington Road, particularly to its northern side.

13. As far as is relevant to this appeal, the significance of the PCA today is principally derived from the considerably positive contribution made to its character and appearance by the arrangement of high-quality buildings set within mature landscaped plots. The open and undeveloped backdrop also contributes to the character and appearance of the PCA and the overall rural setting of the village. While the existing farmhouse is an outlier from the established linear form of development, it is set within a spacious and verdant plot, which provides a transition from the more densely arranged dwellings at the road frontage to the countryside beyond.

Effect on setting and character and appearance

14. The proposed dwelling closest to the listed barn could be designed to have the appearance of a rural building, which could also be smaller than the existing farm building. It could therefore maintain the existing long-established cluster of built form projecting into the countryside. However, domestic paraphernalia and the inevitable noticeable presence of permanent residential occupation would be visually intrusive and reduce the positive contribution made by the openness of the site to the surrounding countryside. This would therefore be harmful to the rural setting of the barn and the PCA.
15. The indicative layout of the dwellings within the curtilage of the farmhouse would share similarities with the spacing of houses in Shillington Road, but their layout behind the linear frontage would not be akin to the established grain of development. They would also erode the spacious qualities of the plot, which contributes positively to the transition to the open and undeveloped backdrop of the houses within the PCA and the rural setting of the village. Conversely, the effect on the setting of the barn is likely to be limited given the grouping of the dwellings close to the existing houses in the village.
16. While the use of the access into the site and any alterations to it would not have a discernible impact on the character and appearance of the PCA, the form of development immediately beyond its boundary on the site of the farmhouse would be harmful to its setting. Overall, the proposal would therefore have a harmful effect on the setting and, thereby, the significance of both designated heritage assets.
17. The appeal scheme is indicative, so any implications of the scale and appearance of the proposed dwellings are currently unknown. Although a scheme of landscaping could be designed with the intention to mitigate against any visual harm associated with the proposal, clear views of the site and its relationship with the listed barn are available from the public footpath which passes between them. Therefore, in general terms, a scheme of landscaping would be unlikely to have matured enough in its initial years of development to mitigate the visual effect of the physical presence of new dwellings within the site. It would also take a significant amount of time for planting to reflect the established verdant field boundary planting in the vicinity.
18. I do not doubt that there will have been infill developments in the village, over time, but I have considered the individual merits of the appeal scheme before me in relation to the characteristics of the site and its surroundings.

Location of the development

19. The part of the appeal site encompassing the existing farm building to its northern end is situated outside the development boundary for Pirton, within one of the *Rural Areas Beyond the Green Belt* identified by Policy 6 of the NHDLP¹ and Policy CGB1 of the ELP. These policies require that development in such locations should be limited to rural workers' and affordable housing, rural economic development or diversification and community facilities or services. Policy CGB1 also suggests that development in relation to existing rural buildings will be granted, which links it to Policy CGB4. This requires that the resultant building does not have a materially greater impact on openness of the area. Given my findings above, the appeal scheme is not for any of the types of development in the countryside beyond the Green Belt that are considered acceptable by development plan and ELP policies in such locations.
20. The portion of the site encompassing the farmhouse and its curtilage is within the development boundary of Pirton, to which NHDLP Policy 7 and PNP² Policy PNP1 apply. The former is supportive of development where it maintains or enhances the character or visual quality of the village or the surrounding area. Meanwhile, the latter supports residential development within the development boundary of the village, subject to several criteria including the size and nature of housing. Given my findings in relation to the visual impact of the proposal, it would not meet the aims of these policies in respect of such matters.

Public benefits

21. The statutory duty in Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance and weight in respect of the setting of the listed building. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
22. The proposal would be harmful to the setting of the Grade II listed building and the PCA, which would have a harmful effect on their significance as designated heritage assets. The harm that I have identified would equate to less than substantial harm to their significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
23. The appeal scheme would boost the supply of homes in the district and help to address the issues identified through the HDT Results. Despite the proposal being only for a relatively small number of homes, it could be built out relatively quickly, so I afford this benefit moderate weight.
24. The appellants also suggest the proposal would meet an identified local demand, as the need identified in the PNP could be factored into the scheme for Reserved Matters. However, as these details of the scheme are not certain, I am only able to assign limited weight to this benefit.

¹ District Local Plan No.2 with Alterations, originally adopted in 1996 (September 2007).

² Pirton Neighbourhood Plan 2011-2031.

25. Together with consideration of solar gain, heating, cooling and insulation, minimisation of waste during construction would reduce energy consumption within the development. Net gains for biodiversity through the provision of sustainable urban drainage ponds and other green infrastructure can also be secured through a Landscape and Ecological Management Plan. These would all amount to environmental benefits of moderate weight.
26. There would be short-term benefits to the local and wider economy from direct and indirect employment associated with the construction phase and future occupants would be likely to support local shops, services, and facilities. These would all constitute benefits in social and economic terms, but the magnitude of the proposal means these would be limited in scale and kind, so could only be afforded limited weight.
27. The facilities and services in Pirton can be reached by walking and Hitchin is accessible by bus, but I ascribe negligible additional benefit in respect of this matter, as I consider it to be an absence of harm.
28. The Framework is clear that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. Part of the appeal relates to previously developed land and this would help to reduce the pressure on the countryside and the adjacent PCA, whilst also supporting growth within the district. Nevertheless, given my findings above, the proposal would not safeguard and improve its particular environment, a key component of the Framework's objective of making effective use of land. Similarly, addressing the potential impacts of decline associated with the absence of a current use of the site, should not be at all costs, as this should come in the form of a development that is of high quality and responsive to its context.
29. The retention of the listed barn is undoubtedly a key consideration, but the appeal scheme does not directly relate to it. While the proposal includes widening of the access track serving the barn, this is principally to serve the development and there is no substantive evidence that it would be required to sustain the listed building, as the existing farm access does not appear to differ from many others in terms of its width or its state of repair. Furthermore, there is no indication that the proposal would be enabling development in connection with works to the listed building. The fact that the appeal site and the listed barn are within the same ownership also does not provide any certainty that the barn would be safeguarded from harm associated with the proposal.
30. Taking the above together, while there would be numerous public benefits associated with the proposal to which I have afforded various weight, the harm that would be caused by allowing development, to the setting of the Grade II listed building and the PCA, would be of greater significance. Moreover, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm I have identified.

Conclusions on the main issues

31. Despite my findings in relation to the effect of development within the PCA and the effect of the dwellings proposed within the settlement to the setting of the listed building, the part of the development situated in the countryside would have a considerably harmful effect on the setting of the listed building and, overall, the proposal would have a harmful effect on the character and

appearance of the area, including the setting of the PCA. This would bring the proposal into conflict with the locational aims in respect of housing in rural areas. Hence, while the part of the proposal within the development boundary for Pirton would accord with ELP Policy SP2, overall, the proposal would fail to accord with the aims regarding the impact of the location and design of development and its effects on heritage assets, as expressed by NHDLP Policies 6, 7 and 57, PNP Policies PNP1, PNP2 and PNP8, ELP Policies SP1, SP5, SP9, SP13 CGB1, CGB4, D1 and HE1, and sections 12 and 16 of the Framework.

32. While I accept that the location of the site beyond the development boundary would be close to services and facilities in Pirton, the purpose of development plan policies relevant to the location of development is to protect the character of the countryside and I have found harm in this respect. With all of the above in mind, I afford these conflicts with the development plan considerable weight.

Other Matters

33. The Framework stresses the benefits of early engagement and of good quality pre-application discussion and the appellants submitted the proposal following advice received from the Council. However, I have considered the entirety of the proposal, as determined by the Council, afresh in light of the evidence before me.

Planning Balance

34. As I outlined in Procedural Matters, the HDT Results indicate that the so-called tilted balance approach to decision making should be engaged but, given my findings on the main issue, the conventional untilted planning balance applies.
35. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets.
36. There is agreement between the main parties in respect of accordance with relevant development plan policies, subject to relevant planning conditions, regarding highways, traffic, access, and parking; trees and landscape; ecology and archaeology. Furthermore, the layout and scale of the development are not yet known, so the potential effect on the living conditions of nearby occupiers are matters for future consideration. These matters would therefore neither weigh in favour nor against the appeal scheme.
37. In terms of harm, the proposed development would not comply with development plan policy in respect of the location of the development and its effect on the setting of the listed barn, the PCA and the overall character and appearance of the area.
38. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of considerable weight against the grant of planning permission that outweigh the claimed benefits.

Conclusion

39. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework,

which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR

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Enforcement Notice List									
Case Reference Number	Address	Breach of Planning Control	Action Authorised	Notice issued	Compliance required by	Notes	Appeal	Appeal Decision	Compliance Achieved
18/00149/1ENF	Lot 3, Land Off London Road, Barkway, SG8 8EY	Siting of Mobile home for residential purposes.	06/03/19	04/04/19	31/10/19		Yes	Appeal not proceeded with; appeal lodged too late.	Yes
17/00412/1ENF	Hitchin Caravan Centre, Harkness Roses, Cambridge Road, Hitchin.	Extension of site into green belt without planning permission. LDC refused for existing use.	16/10/19	27/02/20	27/06/2020 New date following appeal being dismissed 21/07/2022		YES	Appeal Appeal dismissed.	
20/00110/1ENF	50A Stevenage Road, Hitchin	Installation of two air conditioning units on a first floor flat roof.	06/01/22	To be issued on 17/03/22	18/08/2022				
20/00005/1BOC	10 Stormont Road, Hitchin.	Extensions to a residential dwelling	06/01/22	To be issued on 17/03/22	17/03/2023	.			

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By virtue of paragraph(s) 5, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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